

**GRAND COUNTY CHANGE IN FORM OF GOVERNMENT
STUDY COMMITTEE
REGULAR MEETING**

**Grand County Council Chambers
125 East Center Street, Moab, Utah**

**MINUTES
November 15, 2019**

Call to Order

The Grand County Change in Form of Government Study Committee (“Study Committee”) met in Regular Session on the above date in the County Council Chambers. The meeting was called to order by Chairperson Stocks at 12:01 p.m. with a quorum present. In attendance at the call to order were Study Committee Members Judy Carmichael, Walt Dabney, Jeramy Day, Cricket Green, Bob Greenberg (by phone), and Marcy Till. Also in attendance was County Council Administrator Ruth Dillon to take minutes and Attorney Gavin Anderson.

Pledge of Allegiance

The Pledge of Allegiance to the Flag was led by Jeramy.

Approval of Minutes

- A. November 8, 2019 (Study Committee Regular Meeting)

Chairperson Stocks requested any changes or corrections to the minutes; there were none.

MOTION:

Motion by Judy to approve the minutes of the November 8, 2019 meeting was seconded by Marcy and carried 7-0.

Citizens to Be Heard – there were none.

MOTION:

Motion by Walt to table Item B for the County Attorney’s arrival was seconded by Judy and carried 7-0.

General Business- Action Items- Discussion and Consideration of:

- C. Reviewing and revising the transition plan section of the Optional Plan titled “Part Five – Transition Plan and Effective Date”
 - 1) to address reassignment of the then-current County Council Administrator’s support staff to the County Manager’s office with an effective date;

After some discussion, Bob suggested that the existing (predecessor) County Council could appoint the newly elected County Council as a hiring committee prior to their being sworn into office; committee members appeared to like the idea. Attorney Anderson suggested that this could be made as a recommendation in the transition plan section of the Optional Plan.

Committee Members discussed whether any existing support staff of the Administrator’s office should be moved to the County Council, or whether support staff should be reassigned to the County Manager’s Office with a recommendation that County Council consider hiring their own support staff.

MOTION:

Motion by Walt to have Attorney Anderson insert the language from agenda item C1 (to address reassignment of the then-current County Council Administrator’s support staff to the County Manager’s office) into Part 5 of the Optional Plan. The motion was seconded by Jeramy and carried 7-0.

Discussion ensued about the effective date.

MOTION:

Amended motion by Judy to have Attorney Anderson insert the language from agenda Item C1 (to address reassignment of the then-current County Council Administrator’s support staff to the County Manager’s office) into Part 5 of the Optional Plan and follow the direction of Attorney Anderson to have the effective date be January 3, 2023 at noon. The amended motion was seconded by Cricket and carried 7-0.

- C. Reviewing and revising the transition plan section of the Optional Plan titled “Part Five – Transition Plan and Effective Date”
 - 2) to address removal of the County Council Administrator position and simultaneous addition of the County Manager position with an effective date; and
 - 3) to address the making of any interim and temporary appointments, such as the predecessor County Council Administrator serving as an interim and temporary County Manager until such time as the newly elected County Council appoints a County Manager

Attorney Anderson suggested potentially merging language from agenda Item C1), C2), and C3 into one paragraph for the Optional Plan.

MOTION:

Motion by Jeramy to adopt the following language: The County Council Administrator position shall be dissolved on January 3, 2023 at 12 o’clock noon; the previous County Council Administrator will serve as interim and temporary County Manager until such time as the newly elected County Council appoints a County Manager. The motion was seconded by Cricket.

Attorney Anderson agreed to wordsmith the language for the Optional Plan.

The motion carried 7-0.

MOTION:

Motion by Walt to take off the table Item B was seconded by Jeramy and carried 7-0.

- B. Reviewing the County Attorney’s supplemental report dated November 11, 2019, and reviewing and revising the “Council District boundaries” sections of the submitted Optional Plan titled:
 - 1) “Section 2.02 – Council Members Elected at Large;”
 - 2) “Section 2.03 – Council Members Elected by District;” and
 - 3) “Section 2.04 – Reapportionment and Adjustment of Council Districts”

Attorney Anderson deferred to County Attorney Christina Sloan who had just arrived. She provided an overview of her supplemental report dated November 11, 2019. County Attorney Sloan reviewed the five questions which were included in her report, and each related to districting. She noted that a Study Committee cannot include an elected official or an employee, and would not therefore be given the power to district. She reported that she has been involved in the working draft of the legislative bill to amend the changing forms of government law, stating that it should make more clear going forward the legislative body’s power and authority to district. She stated that counties already involved in changing their form of government will likely be grandfathered. She further stated that the precincts must also be updated since Grand County will be partisan with the change in form of government.

Attorney Anderson reported that, although he has been involved with the proposed bill amendments, he has not had any involvement with Utah Association of Counties (UAC) with respect to the proposed bill amendments.

With no further questions, County Attorney Sloan left the meeting.

Bob inquired as to whether the Study Committee is allowed to make changes from the current districting proposal.

Attorney Anderson responded that he sees no issue because the prohibition is regarding changing the optional form of government from the original recommendation. He elaborated that the law refers to a situation in which the Optional Plan is filed and then the Study Committee holds public hearings after that date. He explained that the Study Committee has not held public hearings, but that the Study Committee could hold public hearings and modify the Optional Plan based on public input from the public hearings except that the Study Committee cannot change to a different optional form of government than what has already been submitted. He stated that the law in question does not apply to the County Attorney's legal review of the submitted Optional Plan. He clarified that "optional form" refers to the four forms of county government, and does not apply to changing the Optional Plan from, for example, electing County Council Members by a combination of district and at-large seats to electing County Council Members by all at-large seats.

MOTION:

Motion by Bob to move the relevant section(s) of the Optional Plan concerning district boundaries—for a rural district and an urban district—and the district maps to the Recommendation and Report. The motion was seconded by Marcy.

Discussion ensued. Marcy expressed her opinion that districts are valuable and viable.

Walt expressed that the Open House feedback clearly showed interest in having a combination of election by districts and at-large.

Jeramy expressed concern that Study Committee districting recommendations may not be followed by the current County Council.

Marcy expressed a desire to implore the County Clerk/Auditor and County Council that districts be drawn in time for filing for 2020 candidacy and election.

Cricket expressed concern about selling the new proposed form of government if districting is not part of the plan.

Walt expressed that any district boundaries can be changed by any legislative body, not necessarily the current County Council.

Attorney Anderson clarified that districting is a major public policy decision. He discussed amending boundaries and the process. He also clarified that the new bill may not affect Grand County if grandfathering is honored.

Bob expressed that the public would like to have some districts. Bob recommended having faith in the elected County Council to draw the districts. He stated that it would be difficult to gerrymander two districts.

Attorney Anderson expressed that the issue is that the State Statute gives no guidance as to timing or standards for when the County Council draws the districts; further, that if there is a dispute, the only resolution is mediation.

Attorney Anderson stated that the 2020 Census will be available for some time before the new County Council is elected to begin in 2023. He stated that reapportionment based on the Census would theoretically have nothing to do with the newly elected County Council.

Attorney Anderson stated that whether districts are set by the current County Council, or the 2021 Council, or the 2023 Council is not addressed by State Statute.

Chairperson Stocks inquired as to whether districts can be drawn prior to the election on the Optional Plan. Attorney Anderson responded affirmatively, stating that the voters need to know, and that there is no provision prohibiting the current County Council from drawing the district boundaries. He stated that there is no rule that says the current County Council cannot set the boundaries or that they must set the boundaries, or when.

Chairperson Stocks inquired as to whether the current County Council could draw the district boundaries for the Optional Plan and attach it to the Optional Plan for the electorate's vote.

Judy suggested that it would be cleaner for the 2020 vote on the Optional Plan to essentially be between a five-person County Council with all at-large seats and a County Manager versus a three-person County Commission with all at-large seats.

Marcy expressed that districting will be hard to sell, given the complications expressed.

Bob expressed the desire to keep the districts, stating that to do otherwise may reduce the odds in voter turnout for the Optional Plan. Others remarked that the voter turnout will not be an issue since it is a Presidential election year.

Marcy expressed that a lack of a statutory timeline and the potential for litigation are concerning.

When Attorney Anderson was asked for his opinion, he first expressed that he is "extremely impressed by the quality of the discussion, very much so." Further, "very thorough, very thoughtful discussion." Attorney Anderson stated that the current County Council could make a decision on district boundaries whenever the Optional Plan and Recommendation & Report is finished; he stated, further, that the newly elected County Council could make a decision on the boundaries whenever they take office after the 2020 election. He expressed that it is a problem of gray areas without statutory guidelines.

Marcy reminded Study Committee members that the district boundary recommendation is based on the 2010 Census, and that the new Council may or may not amend the districts according to the new 2020 Census population figures.

Bob raised a question for Attorney Anderson: If the county had all at-large seats, could the next Council elected in 2020 change it to include districts if they submitted it to the voters? Attorney Anderson stated that current law prohibits anyone from tinkering with the final Optional Plan once it is submitted. He clarified that the current or 2021 Council would not be permitted to make any changes to the Optional Plan, under the current law. Further, he stated that the Council could adopt a resolution to approve the proposed district boundaries.

Chairperson Stocks requested a roll call vote on the motion: Walt-no; Cricket-no; Jeramy-no; Marcy-no; Judy-no; Chairperson Stocks-no; Bob-yes. **The motion failed 1-6 with Walt, Cricket, Jeramy, Marcy, Judy, and Chairperson Stocks opposed.**

MOTION:

Motion by Bob to postpone this matter of revising the "Council District boundaries" sections of the submitted Optional Plan until County Council adopts by resolution its intent to adopt the current map boundaries as in the original Optional Plan. Chairperson Stocks called for a second on the motion. The motion failed due to lack of a second.

MOTION:

Motion by Jeramy to change the recommendation in the Optional Plan from three at large and two district seats to all at large seats, and for this section to remain in the Optional Plan. The motion was seconded by Cricket.

Attorney Anderson remarked that several changes will need to be made to the Optional Plan, including changes to the staggered terms to track with five at large seats; the presidential versus the gubernatorial election years; and consistency in numbering of the seats. Attorney Anderson stated that typically seats 1, 3, and 5 would run in the first year (2022) for four-year terms; and seats 2 and 4 would run in the next following election (in 2024) for two-year terms, which practice automatically takes care of the staggering of terms. Bob pointed out that the governor is elected during presidential election years.

Chairperson Stocks requested a roll call vote on the motion: Judy-yes; Marcy-yes; Jeramy-yes; Cricket-yes; Walt-yes; Chairperson Stocks-yes; Bob-no. **The motion passed 6-1 with Bob opposed.**

MOTION:

Motion by Cricket to change, in the Optional Plan, the numbering and lettering for all at large to seat numbers 1 through 5 with odd numbered seats 1, 3, and 5 serving initial four-year terms and even numbered seats 2 and 4 serving initial two-year terms and thereafter four-year terms. Bob seconded the motion which carried 7-0.

Attorney Anderson agreed to wordsmith.

D. Reviewing a rough draft of the Optional Plan

Attorney Anderson agreed to make the various changes agreed to by the Study Commission and get them back to the Study Committee as an agenda item. County Council Administrator Dillon pointed out that the current packet included a redlined draft of the changes made on November 8th regarding compensation.

MOTION:

Motion by Walt to postpone reviewing a rough draft of the Optional Plan to December 13, 2019, was seconded by Jeramy and carried 7-0.

Future Considerations

Chairperson Stocks requested ideas for future considerations. Walt reported that he was in contact with a former County Commissioner from Summit County in a form of government that changed, in 1994, from a three-person Commission to a five-person Council-Manager form. Walt said that the former commissioner expressed to him that the government functions so much better with a County Manager, and that it is really working well.

County Council Administrator Dillon reviewed draft agenda items for the two scheduled meetings of December 13 and December 20, 2019 and suggested that additional meeting dates may need to be scheduled for 2020. Cricket suggested a discussion on the possibility of having a five-member Expanded Commission form of government. Attorney Anderson stated that this is allowed to be discussed. Bob suggested that, if the matter is to be discussed, that Robert's Rules should be considered to bring back an agenda item that has already passed the body. Chairperson Stocks inquired as to interest in the discussion item; there was a clear lack of interest in changing from the recommended Council-Manager form to the Expanded Commission form, thus no discussion item will be scheduled. Chairperson Stocks inquired for any other changes to the Optional Plan for future discussion; there were none reported at this time.

Attorney Anderson questioned whether the County Attorney, rather than himself, should be involved in writing the final draft of the Optional Plan. Chairperson Stocks recommended that Attorney Anderson draft it, that the Study Committee submit the draft, following approval, to the County Attorney for her legal review, and to then meet again in the first quarter of 2020 in time to approve any additional required changes as a result of the second legal review.

Adjournment

The meeting was adjourned at 2:18 p.m. on a motion by Bob that was seconded by Cricket and that carried 7-0.



Stephen Stocks
Chairperson

Marcy Till
Secretary