



# GRAND COUNTY CHANGE OF FORM OF GOVERNMENT STUDY COMMITTEE SPECIAL MEETING

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

## AGENDA Friday, March 8, 2019

12:00 p.m.

- Convening**
  - A. Nominations and election of Study Committee Chair (any Study Committee Member)
- Call to Order** (Chair)
  - B. Discussion, nominations and election of other officers as desired (Chair)
- Citizens to Be Heard**
- Presentations** (none)
- General Business- Action Items- Discussion and Consideration of:**
  - C. Establishing and approving a schedule of meetings for publication (Chair)
- Consent Agenda- Action Items** (none)
- Discussion Items**
  - D. Review of first meeting mandates for the Study Committee (Utah Code § 17-52a-402) (Chair)
  - E. Review of general mandates for the Study Committee (Utah Code § 17-52a-403(3)(a)) (Chair)
  - F. Discussion and possible action on study strategy (Committee Member Greenburg)
  - G. Discussion on scheduling a training on the four forms of county government and on the Open and Public Meetings Act (Chair)
  - H. Discussion on establishing committee bylaws if desired (Chair)
- Public Hearings- Possible Action Items** (none)
- Future Considerations**
  - I. Review by County Attorney of State Code Title 17, Chapter 52a, Part 4 (le.utah.gov)
- Closed Session(s)** (if necessary)
- Adjourn**

**NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS.** In compliance with the Americans with Disabilities Act, individuals with special needs requests wishing to attend County Council meetings are encouraged to contact the County two (2) business days in advance of these events. Specific accommodations necessary to allow participation of disabled persons will be provided to the maximum extent possible. T.D.D. (Telecommunication Device for the Deaf) calls can be answered at: (435) 259-1346. Individuals with speech and/or hearing impairments may also call the Relay Utah by dialing 711. Spanish Relay Utah: 1 (888) 346-3162

It is hereby the policy of Grand County that elected and appointed representatives, staff and members of Grand County Council may participate in meetings through electronic means. Any form of telecommunication may be used, as long as it allows for real time interaction in the way of discussions, questions and answers, and voting.

At the Grand County Council meetings/hearings any citizen, property owner, or public official may be heard on any agenda subject. The number of persons heard and the time allowed for each individual may be limited at the sole discretion of the Chair. On matters set for public hearings there is a three-minute time limit per person to allow maximum public participation. Upon being recognized by the Chair, please advance to the microphone, state your full name and address, whom you represent, and the subject matter. No person shall interrupt legislative proceedings.

Requests for inclusion on an agenda and supporting documentation must be received by 5:00 PM on the Wednesday prior to a regular Council Meeting and forty-eight (48) hours prior to any Special Council Meeting. Information relative to these meetings/hearings may be obtained at the Grand County Council's Office, 125 East Center Street, Moab, Utah; (435) 259-1346.

A Council agenda packet is available at the local Library, 257 East Center St., Moab, Utah, (435) 259-1111 at least 24 hours in advance of the meeting.

***Effective 3/15/2018***

**17-52a-402 Convening of first meeting of study committee.**

- (1) The county executive shall convene the first meeting of the study committee within 10 days after the county executive receives the notification described in Subsection 17-52a-401(3)(a) of the study committee members' appointment.
- (2)
  - (a) At the study committee's first meeting, the study committee shall select a chair from among the members of the study committee.
  - (b) The chair of the study committee is responsible for convening each future meeting of the study committee.

Renumbered and Amended by Chapter 68, 2018 General Session

**Effective 3/15/2018**

**17-52a-403 Study committee -- Members -- Powers and duties -- Report -- Services provided by county.**

- (1)
  - (a) A study committee consists of seven members.
  - (b) A member of a study committee may not receive compensation for service on the committee.
  - (c) The county legislative body shall reimburse each member of a study committee for necessary expenses incurred in performing the member's duties on the study committee.
- (2) A study committee may:
  - (a) adopt rules for the study committee's own organization and procedure and to fill a vacancy in its membership;
  - (b) establish advisory boards or committees and include on the advisory boards or committees persons who are not members of the study committee; and
  - (c) request the assistance and advice of any officers or employees of any agency of state or local government.
- (3)
  - (a) A study committee shall:
    - (i) study the form of government within the county and compare it with other forms available under this chapter;
    - (ii) determine whether the administration of local government in the county could be strengthened, made more clearly responsive or accountable to the people, or significantly improved in the interest of economy and efficiency by a change in the form of county government;
    - (iii) hold public hearings and community forums and other means the committee considers appropriate to disseminate information and stimulate public discussion of the committee's purposes, progress, and conclusions; and
    - (iv) file a written report of the study committee's findings and recommendations with the county executive, the county legislative body, and the county clerk no later than one year after the convening of the study committee's first meeting under Section 17-52a-402.
  - (b) Within 10 days after the day on which the study committee submits the study committee's report under Subsection (3)(a)(iv) to the county legislative body, if the report recommends a change in the form of county government, the county clerk shall send to the county attorney or, if the county does not have a county attorney, to the district attorney, a copy of each optional plan recommended in the report for review in accordance with Section 17-52a-406.
- (4) Each study committee report under Subsection (3)(d) shall include:
  - (a) the study committee's recommendation as to whether the form of county government should be changed to another form authorized under this chapter;
  - (b) if the study committee recommends changing the form of government, a complete detailed draft of a proposed plan to change the form of county government, including all necessary implementing provisions; and
  - (c) any additional recommendations the study committee considers appropriate to improve the efficiency and economy of the administration of local government within the county.
- (5)
  - (a) If the study committee's report recommends a change in the form of county government, the study committee may conduct additional public hearings after filing the report under Subsection (3)(d) and, following the hearings and subject to Subsection (5)(b), alter the report.

- (b) Notwithstanding Subsection (5)(a), the study committee may not make an alteration to the report:
  - (i) that would recommend the adoption of an optional form different from that recommended in the original report; or
  - (ii) within the 120-day period before the election under Section 17-52a-501.
- (6) Each meeting that the study committee holds shall be open to the public.
- (7) If the study committee's report does not recommend a change in the form of county government, the report is final, the study committee is dissolved, and the process to change the county's form of government is concluded.
- (8) The county legislative body shall provide for the study committee:
  - (a) suitable meeting facilities;
  - (b) necessary secretarial services;
  - (c) necessary printing and photocopying services;
  - (d) necessary clerical and staff assistance; and
  - (e) adequate funds for the employment of independent legal counsel and professional consultants that the study committee reasonably determines to be necessary to help the study committee fulfill its duties.

Renumbered and Amended by Chapter 68, 2018 General Session

**CHANGE IN FORM OF COUNTY GOVERNMENT**  
**OPTIONAL FORMS**

1. **Form of government:** County Commission.
  - a. **Structure and Powers:** The county commission exercises both executive branch powers (administration and management of county activities) and legislative powers (enact ordinances and set taxes, budgets and fees) - - all powers exercised by one joint body.
  - b. **Officers:** Three county commissioners. Commissioners have staggered four year terms and are elected at-large (unless the optional plan states otherwise).
  - c. **Other elected officials:** Other elected county officials are elected as provided in the optional plan and offices can be consolidated in accordance with state statute. If consolidated, that officer's statutory duties and responsibilities must still be performed by some other office or person, as provided in the optional plan.
  
2. **Form of government:** Expanded County Commission.
  - a. **Structure and powers:** The county commission exercises both executive branch powers (administration and management of county activities) and legislative powers (enact ordinances and set taxes, budgets and fees) - - all powers exercised by one joint body.
  - b. **Officers:** Five or seven county commissioners. Commissioners have staggered four year terms and are elected at-large (unless the optional plan states otherwise).
  - c. **Other elected officials:** Other elected county officials are elected as provided in the optional plan and offices can be consolidated in accordance with state statute. If consolidated, that officer's statutory duties and responsibilities must still be performed by some other office or person, as provided in the optional plan.
  
3. **Form of government:** Elected executive/council.
  - a. **Structure and powers:** An elected executive or mayor exercises all executive branch powers (administration and management of county government) including veto power over council legislative acts. A separate elected council exercises all legislative branch powers (enact ordinances and set taxes, budgets and fees).
  - b. **Officers:** A mayor or executive is elected, with term, qualifications and compensation as established in the optional plan; he or she exercises executive branch powers. Elected council members - - number, terms, qualifications, and at-large or district status are all as provided in the optional plan; the council exercises all legislative powers.

- c. **Other elected officials:** Other elected county officials are elected as provided in the optional plan and offices can be consolidated in accordance with state statute. If consolidated, that officer's statutory duties and responsibilities must still be performed by some other office or person, as provided in the optional plan.

4. **Form of government:** Council/manager.

- a. **Structure and Powers:** An appointed manager exercises all executive branch powers (administration and management of county government) but the manager has no veto power over legislative enactments. A separate elected council exercises all legislative branch powers (enact ordinances and set taxes, budgets and fees).
- b. **Officers:** Council members number, terms, qualifications, and at-large or district status are all as provided in the optional plan. A county manager is appointed by the county council, to serve at the council's pleasure, having such qualifications and compensation as established in the optional plan and exercising county management and administrative powers (except veto).
- c. **Other elected officials:** Other elected county officials are elected as provided in the optional plan and offices can be consolidated in accordance with state statute. If consolidated, that officer's statutory duties and responsibilities must still be performed by some other office or person, as provided in the optional plan.

**Effective 3/15/2018**

**Part 4**  
**Study Committee and Optional Plan**

**17-52a-401 Procedure for appointing members to study committee.**

- (1) If a majority of voters voting in an election described in Section 17-52a-304 vote in favor of appointing a study committee, an appointment council shall appoint the members of a study committee as provided in this section.
- (2)
  - (a) The county executive shall, within 10 days after the canvass of an election conducted under Section 17-52a-304, convene the first meeting of the appointment council members described in:
    - (i) for a council-initiated appointment council, Subsections 17-52a-102(2)(a), (b), and, if applicable, (c)(i)(A); or
    - (ii) for a petition-initiated appointment council, Subsection 17-52a-102(4).
  - (b) Within 10 days of the convening of the first meeting under Subsection (2)(a)(i), the members of the appointment council described in Subsection (2)(a) shall designate the remaining members of the appointment council.
- (3)
  - (a) Within 30 days after the day on which the appointment council meets under Subsection (2)(a)(ii), or the last appointment council member is appointed under Subsection (2)(b), the appointment council shall:
    - (i) appoint the members to the study committee; and
    - (ii) notify in writing the appointees, the county executive, and the county legislative body of the appointments.
  - (b) In making appointments to the study committee, the appointment council shall work to achieve a broadly representative membership.
  - (c) The appointment council may not appoint an individual to the study committee unless that individual:
    - (i) is a registered voter in the county whose form of government will be studied by the study committee; and
    - (ii) does not hold any public office or employment other than membership on the appointment council.

Renumbered and Amended by Chapter 68, 2018 General Session

**17-52a-402 Convening of first meeting of study committee.**

- (1) The county executive shall convene the first meeting of the study committee within 10 days after the county executive receives the notification described in Subsection 17-52a-401(3)(a) of the study committee members' appointment.
- (2)
  - (a) At the study committee's first meeting, the study committee shall select a chair from among the members of the study committee.
  - (b) The chair of the study committee is responsible for convening each future meeting of the study committee.

Renumbered and Amended by Chapter 68, 2018 General Session

**17-52a-403 Study committee -- Members -- Powers and duties -- Report -- Services provided by county.**

- (1)
  - (a) A study committee consists of seven members.
  - (b) A member of a study committee may not receive compensation for service on the committee.
  - (c) The county legislative body shall reimburse each member of a study committee for necessary expenses incurred in performing the member's duties on the study committee.
- (2) A study committee may:
  - (a) adopt rules for the study committee's own organization and procedure and to fill a vacancy in its membership;
  - (b) establish advisory boards or committees and include on the advisory boards or committees persons who are not members of the study committee; and
  - (c) request the assistance and advice of any officers or employees of any agency of state or local government.
- (3)
  - (a) A study committee shall:
    - (i) study the form of government within the county and compare it with other forms available under this chapter;
    - (ii) determine whether the administration of local government in the county could be strengthened, made more clearly responsive or accountable to the people, or significantly improved in the interest of economy and efficiency by a change in the form of county government;
    - (iii) hold public hearings and community forums and other means the committee considers appropriate to disseminate information and stimulate public discussion of the committee's purposes, progress, and conclusions; and
    - (iv) file a written report of the study committee's findings and recommendations with the county executive, the county legislative body, and the county clerk no later than one year after the convening of the study committee's first meeting under Section 17-52a-402.
  - (b) Within 10 days after the day on which the study committee submits the study committee's report under Subsection (3)(a)(iv) to the county legislative body, if the report recommends a change in the form of county government, the county clerk shall send to the county attorney or, if the county does not have a county attorney, to the district attorney, a copy of each optional plan recommended in the report for review in accordance with Section 17-52a-406.
- (4) Each study committee report under Subsection (3)(d) shall include:
  - (a) the study committee's recommendation as to whether the form of county government should be changed to another form authorized under this chapter;
  - (b) if the study committee recommends changing the form of government, a complete detailed draft of a proposed plan to change the form of county government, including all necessary implementing provisions; and
  - (c) any additional recommendations the study committee considers appropriate to improve the efficiency and economy of the administration of local government within the county.
- (5)
  - (a) If the study committee's report recommends a change in the form of county government, the study committee may conduct additional public hearings after filing the report under Subsection (3)(d) and, following the hearings and subject to Subsection (5)(b), alter the report.



- (b) Notwithstanding Subsection (5)(a), the study committee may not make an alteration to the report:
  - (i) that would recommend the adoption of an optional form different from that recommended in the original report; or
  - (ii) within the 120-day period before the election under Section 17-52a-501.
- (6) Each meeting that the study committee holds shall be open to the public.
- (7) If the study committee's report does not recommend a change in the form of county government, the report is final, the study committee is dissolved, and the process to change the county's form of government is concluded.
- (8) The county legislative body shall provide for the study committee:
  - (a) suitable meeting facilities;
  - (b) necessary secretarial services;
  - (c) necessary printing and photocopying services;
  - (d) necessary clerical and staff assistance; and
  - (e) adequate funds for the employment of independent legal counsel and professional consultants that the study committee reasonably determines to be necessary to help the study committee fulfill its duties.

Renumbered and Amended by Chapter 68, 2018 General Session

**17-52a-404 Contents of proposed optional plan.**

- (1) The study committee, a county legislative body that adopts a resolution described in Subsection 17-52a-302(1)(b), or the sponsors of a petition described in Subsection 17-52a-303(1)(a)
  - (ii) shall ensure that each optional plan the committee, legislative body, or registered voters propose under this chapter, respectively:
    - (a) proposes the adoption of one of the forms of county government listed in Subsection 17-52a-405(1)(a);
    - (b) contains detailed provisions relating to the transition from the existing form of county government to the form proposed in the optional plan, including provisions relating to the:
      - (i) election or appointment of officers specified in the optional plan for the new form of county government;
      - (ii) retention, elimination, or combining of existing offices and, if an office is eliminated, the division or department of county government responsible for performing the duties of the eliminated office;
      - (iii) continuity of existing ordinances and regulations;
      - (iv) continuation of pending legislative, administrative, or judicial proceedings;
      - (v) making of interim and temporary appointments; and
      - (vi) preparation, approval, and adjustment of necessary budget appropriations;
    - (c) specifies the date the optional plan becomes effective if adopted, which may not be earlier than the first day of January next following the election of officers under the new plan; and
    - (d) notwithstanding any other provision of this title and except with respect to an optional plan that proposes the adoption of the county commission or expanded county commission form of government, with respect to the county budget provides that:
      - (i) the county executive's role is to prepare and present a proposed budget to the county legislative body; and
      - (ii) the county legislative body's role is to adopt a final budget.
- (2) Subject to Subsection (3), an optional plan may include provisions that are considered necessary or advisable to the effective operation of the proposed optional plan.

- (3) An optional plan may not include any provision that is inconsistent with or prohibited by the Utah Constitution or any statute.
- (4) The optional plan proponent described in Subsection (1) shall ensure that each optional plan proposing to change the form of government to the county executive-council form under Section 17-52a-203 or the council-manager form under Section 17-52a-204:
  - (a) provides for the same executive and legislative officers as are specified in the applicable section for the form of government that the optional plan proposes;
  - (b) provides for the election of the county council;
  - (c) specifies the number of county council members, which shall be an odd number from three to nine;
  - (d) specifies whether the members of the county council are to be elected from districts, at large, or by a combination of at large and by district;
  - (e) specifies county council members' qualifications and terms and whether the terms are to be staggered;
  - (f) contains procedures for filling vacancies on the county council, consistent with the provisions of Section 20A-1-508; and
  - (g) states the initial compensation, if any, of county council members and procedures for prescribing and changing compensation.
- (5) The optional plan proponent described in Subsection (1) shall ensure that each optional plan proposing to change the form of government to the county commission form under Section 17-52a-201 or the expanded county commission form under Section 17-52a-202 specifies:
  - (a)
    - (i) for the county commission form of government, that the county commission shall have three members; or
    - (ii) for the expanded county commission form of government, whether the county commission shall have five or seven members;
  - (b) the terms of office for county commission members and whether the terms are to be staggered;
  - (c) whether members of the county commission are to be elected from districts, at large, or by a combination of at large and from districts;
  - (d) if any members of the county commission are to be elected from districts, the district residency requirements for those commission members; and
  - (e) if any members of the county commission are to be elected at large, whether the election of county commission members is subject to the provisions of Subsection 17-52a-201(6) or Subsection 17-52a-202(6).

Renumbered and Amended by Chapter 68, 2018 General Session

**17-52a-405 Plan may propose changing forms of county government -- Plan may propose change of structural form -- Partisan elections.**

- (1)
  - (a) The optional plan proponent described in Subsection 17-52a-404(1) shall ensure that each optional plan proposes changing the form of county government to:
    - (i) the county commission form under Section 17-52a-201;
    - (ii) the expanded county commission form under Section 17-52a-202;
    - (iii) the county executive and council form under Section 17-52a-203; or
    - (iv) the council-manager form under Section 17-52a-204.

- (b) The optional plan proponent described in Subsection 17-52a-404(1) may not recommend an optional plan that:
  - (i) proposes changing the form of government to a form not included in Subsection (1)(a);
  - (ii) provides for the nonpartisan election of elected officers;
  - (iii) imposes a limit on the number of terms or years that an elected officer may serve;
  - (iv) provides for elected officers to be subject to a recall election; or
  - (v) provides, in a county with a population of 225,000 or more, for a full-time county commission in an expanded county commission form of government under Section 17-52a-202.
- (2) In addition to proposing the adoption of any one of the optional forms of county government under Subsection (1)(a), an optional plan may also propose the adoption of any one of the structural forms of county government provided under Chapter 35b, Part 3, Structural Forms of County Government.
- (3) A county that provides for the election of the county's elected officers through a partisan election may not change to a process that provides for the election of the county's elected officers through a nonpartisan election.

Renumbered and Amended by Chapter 68, 2018 General Session

**17-52a-406 County or district attorney review of proposed optional plan -- Conflict with statutory or constitutional provisions -- Processing of optional plan after attorney review.**

- (1) Within 45 days after the day on which the county or district attorney receives the recommended optional plan from the county clerk under Subsection (3)(d), 17-52a-303(3)(c), or 17-52a-403(3)(b) or from the county legislative body under Subsection (3)(c) or 17-52a-302(3), the county or district attorney shall send a written report to the county clerk containing the information described in Subsection (2).
- (2) A report from the county or district attorney under Subsection (1) shall:
  - (a) state the attorney's opinion as to whether implementation of the optional plan described in Subsection (1) would result in a violation of any applicable statutory or constitutional provision;
  - (b) if the attorney concludes that a violation would result:
    - (i) identify specifically each statutory or constitutional provision that implementation of the optional plan would violate;
    - (ii) identify specifically each provision or feature of the proposed optional plan that would result in a statutory or constitutional violation if the plan is implemented; and
    - (iii) recommend how the proposed optional plan may be modified to avoid the statutory or constitutional violation.
- (3)
  - (a) Except as provided in Subsection (3)(b), if the attorney determines under Subsection (2) that a violation would occur, the proposed optional plan may not be the subject of an election under Section 17-52a-501.
  - (b) The study committee may:
    - (i) modify an optional plan that the study committee recommends in accordance with Section 17-52a-403 to avoid a violation that a county or district attorney's report describes under Subsection (2); and
    - (ii) file a new report under Subsection 17-52a-403(3)(d).
  - (c) A county legislative body may:

- (i) modify an optional plan that the county legislative body proposes in accordance with Subsection 17-52a-302(1)(b) to avoid a violation that a county or district attorney's report describes under Subsection (2); and
  - (ii) within 10 days of modifying the optional plan, send the modified optional plan to:
    - (A) the county clerk; and
    - (B) the county or district attorney for review in accordance with this section.
- (d)
- (i) The petition sponsors may:
    - (A) modify an optional plan that the petition proposes in accordance with Subsection 17-52a-303(1)(a)(ii) to avoid a violation that a county or district attorney's report describes under Subsection (2); and
    - (B) submit the modified optional plan to the county clerk.
  - (ii) Upon receipt of a modified optional plan described in Subsection (3)(d)(i), the county clerk shall send the modified optional plan to the county or district attorney for review in accordance with this section.
- (4) The county executive, county legislative body, county or district attorney, and county clerk shall treat the following as an original:
- (a) a new report that a study committee files under Subsection 17-52a-403(3)(d);
  - (b) a modified optional plan that a county legislative body sends under Subsection (3)(c); and
  - (c) a modified optional plan that petition sponsors submit to the county clerk and that the county clerk sends under Subsection (3)(d).
- (5) If the attorney's report under Subsection (2) does not identify any provisions or features of the proposed optional plan that, if implemented, would violate a statutory or constitutional provision, the proposed optional plan is subject to the provisions described in Section 17-52a-501.

Renumbered and Amended by Chapter 68, 2018 General Session