GRAND COUNTY
CHANGE IN FORM OF GOVERNMENT
STUDY COMMITTEE
REGULAR MEETING

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

AGENDA
Friday, May 17, 2019

12:00 p.m.

☐ Call to Order (Chairperson Stocks)
☐ Pledge of Allegiance
☐ Approval of Minutes (Secretary Till)
   A. May 10, 2019 (Study Committee Special Meeting)

☐ General Reports
   B. Important election timeline information (Chris Baird, County Clerk/Auditor)
   C. Availability of additional potential trainers and target date(s) for informational sessions for
      Committee Members and the public on the four forms of government and on House Bill 224
      (2018), continued from March 15, 2019 (Committee Member Day)
   D. Report on additional fee information for engagement of outside counsel, continued from
      April 12, 2019 (Committee Member Day)
   E. Report on KZMU interview of May 13, 2019 (Committee Members Dabney and Day)

☐ Community Outreach and Possible Action
   F. Suggestions for public service announcement(s) (Committee Member Till)
   G. Suggestions for next newspaper editorial regarding the public engagement process
      (Chairperson Stocks)
   H. Further discussion on use of Facebook and/or other social media (Committee Member Day)
   I. Setting dates for public Open Houses (Committee Member Carmichael)
   J. Report on compiled list of organizations who have been sent the flyer (County Council
      Administrator Dillon)

☐ Citizens to Be Heard
☐ Presentations (none)

☐ General Business- Action Items- Discussion and Consideration of:
   K. Approving proposed adjusted timeline for bringing Study Committee responsibilities to
      fruition, postponed from May 10, 2019 (Committee Members Day and Greenberg)

☐ Consent Agenda- Action Items (none)

☐ Discussion and possible action on study strategy
   L. Adopting May 10, 2019 report on results from interviews of all current Grand County
      Department Heads and Elected Officials, including all current and a few past County Council
      Members, on their views of the pros & cons of current, past and potential forms of
      government for Grand County (Committee Members Carmichael and Greenberg)
   M. Approving proposed survey, postponed from May 10, 2019 (Committee Members
      Carmichael, Green and Till)
   N. Approving proposed contract award to outside counsel, with fee information for at least three
      firms and each under $10,000, for drafting the Optional Plan Ordinance (Committee
      Members Day and Green)
O. Report on available salary information of County Administrators for Commissions and Councils, County Manager(s), and Elected Executive(s) with veto power in Utah (County Council Administrator Dillon)

☐ Public Hearings- Possible Action Items (none)

☐ Future Considerations

P. Ideas for monthly progress report for presenting at the May 21, 2019 County Council meeting (Chairperson Stocks)

Q. Open and Public Meetings Act Training, May 23, 2019, 12:00 (with pizza), Grand Center (County Council Administrator Dillon)

☐ Closed Session(s) (if necessary)

☐ Adjournment

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS. In compliance with the Americans with Disabilities Act, individuals with special needs requests wishing to attend Change of Form of Government Study Committee 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 Change of Form of Government Study Committee 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 forty-eight (48) hours prior to a regular or special Change of Form of Government Study Committee Meeting, subject to the Chair’s authorization. Information relative to these meetings/hearings may be obtained at the Grand County Council’s Office, 125 East Center Street, Moab, Utah and at www.grandcountyutah.net; (435) 259-1346.

A Change of Form of Government Study Committee 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.
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 12:07 p.m. with a quorum present. Also in attendance at the call to order were Study Committee Members Judy Carmichael, Cricket Green, Bob Greenberg, and Marcy Till. Also in attendance was Ruth Dillon (County Council Administrator) to take minutes and, later, Christina Sloan (County Attorney). Absent were Committee Members Walt Dabney and Jeramy Day.

Pledge of Allegiance
The Pledge of Allegiance to the Flag of the United States of America was led by Chairperson Stocks.

Approval of Minutes
A. April 19, 2019
Chairperson Stocks requested any changes or corrections to the minutes. Secretary Till indicated a need for a correction.

MOTION: Chairperson Stocks requested a vote to approve the minutes as corrected to change "Marcy" to "Bob" in the Future Considerations section to read "Jeramy agreed to meet with Bob to develop a timeline for next meeting." Carried 5-0.

General Reports
B. Availability of additional potential trainers and target date(s) for informational sessions for Committee Members and the public on the four forms of government and on House Bill 224 (2018), continued from March 15, 2019

Bob reported that he still has not heard back from the State Office of Legislative Research and General Counsel, at this point is not expecting to hear back, and he expressed his opinion that this is no longer needed.

C. Report on fee information from a secondary source for possible future engagement of outside counsel, continued from April 12, 2019

Chairperson Stocks reported, on behalf of Jeramy, that Jeramy's email provided in the packet indicated that he has reached out to two other law firms and has meetings scheduled with each one next week. Bob clarified that he mistakenly believed that the County Attorney could draft the ordinance for the Optional Plan, but that this is not the case due to a conflict of interest in that the County Attorney must review the drafted Plan. Cricket suggested that this is the reason for reviewing bids. Chairperson Stocks suggested that local attorneys, such as Steve Russell, could potentially write the ordinance. Bob agreed to contact Mr. Russell while Cricket expressed her concern as to whether a local attorney would be considered a disinterested third party. She requested to have an action item to retain outside counsel once the additional bids (quotes) are provided, perhaps as early as next meeting.
D. Report on Morgan County’s study strategy

Chairperson Stocks tabled the report on Morgan County’s study strategy until County Attorney Sloan could arrive.

E. Report on communications with Tooele County Study Committee Member(s) regarding their plan for voluntarily changing their form of government

Marcy reviewed aloud the highlights of the email exchange between herself and Erick Gumbrecht of Tooele County Study Committee, such email having been provided in the packet. Committee Members expressed their appreciation of the responses and appeared to align with the responses. Marcy suggested the need to engage youthful voters by youth-oriented means of communications, such as FaceBook. Cricket reported that Jeramy is looking into FaceBook as an option for Study Committee consideration, stating concerns about participants commenting to one another without the Study Committee’s ability to delete potential distasteful comments.

Community Outreach and possible action

F. Approving final modifications to the formally accepted flyer as an informational handout for engaging voters, continued from April 19, 2019

Bob provided a new version of the flyer on the dais for Study Committee consideration. He explained that it was based on responses received from Tooele County about the importance of learning what works well with our current system of government and what needs improving. Discussion ensued as follows with Committee Member agreement: Provide bullet points naming the four forms of government without the definitions but with direction for more information; delete the “know this” phrase about automatically becoming a three-person Commission if the Study Committee’s recommendation is voted down; and delete the section that describes the current Council composition.

Chairperson Stocks tabled the approval of final modifications of the flyer until such edits could be made during the meeting.

G. Approving initial newspaper editorial regarding the public engagement process

Chairperson Stocks provided a proposed write-up for an initial newspaper editorial, and Committee Members reviewed it silently. Bob suggested deleting “next year,” in the last paragraph since the timeline is not yet determined.

MOTION: Motion by Judy to approve the proposed editorial as discussed seconded by Bob carried 5-0.

Stephen agreed to publish the free editorial in the next available edition of The Times-Independent.

H. Report on possibility of regular public service announcements and/or an ad at both local radio stations, continued from April 19, 2019

Marcy suggested purchasing radio ads. Ruth clarified that ads are considered to be part of the Public Notice budget. Cricket suggested advertising the flyer, and Bob suggested advertising in The Advertiser. Marcy requested a standing agenda item for public service announcements.

I. Approving proposed public relations/advertising schedule and budget, continued from April 19, 2019

MOTION: Motion by Marcy to set aside $750.00 for advertising seconded by Cricket carried 5-0.
J. Review of Study Committee Member lists for creating a master distribution list, continued from April 19, 2019

Chairperson Stocks reported his appreciation of Marcy having reached out to the School District Coordinator who has agreed with him to see about gaining permission to allow Chairperson Stocks to send out certain lists. Cricket suggested to instead ask the School District to email the final Study Committee flyer in PDF form to their lists. Chairperson Stocks reported that the School District uses FaceBook for each school and for the District and has learned that they could post the flyer. Other Committee Members suggested asking the Rotary Club, Chamber of Commerce, and Multicultural Center, among others, to email the flyer to their distribution lists. Ruth offered to forward it to all County employees. Committee Members agreed that the intention is to send the final flyer “far and wide.” There was a request for an agenda item for a compiled report of organizations to whom the flyer has been sent. Committee Members agreed to include Ruth on a cc or bcc whenever Committee Members email the flyer to an organization. Ruth agreed to keep and report on the running list.

K. Approving proposed overall plan for public engagement

Chairperson Stocks stated that it appears that the Study Committee has the makings of an overall plan for public engagement. There was no further discussion.

County Attorney Sloan arrived.

Citizens to Be Heard

Citizen Carrie Dabney, representing the League of Women Voters, stated that the League wishes to offer their services to the Study Committee. She explained that the League provides citizen education. She stated that the Study Committee may make requests of the League, which will then be taken to the League board and membership. Further she reported that the League is planning for candidate debate and would like to know as soon as possible whether the Study Committee matter will be placed on the November 2020 ballot.

Chairperson Stocks removed from the table agenda Item D.

D. Report on Morgan County’s study strategy

Christina reported having again connected with Morgan County’s attorney regarding the mandated process to change their form of government, in a similarly sized population to Grand County. She learned that they are moving fast, having surveyed Department Heads and Elected Officials; they have held public hearings but with low participation due to an apparent lack of controversy; they are expecting to recommend the Expanded Commission (five person) form of government with a mix of district and at-large seats for ballot in November 2019; and that Study Committee Members are exhausted and also overwhelmed by Tooele County’s work. Christina further stated that the County Attorney may not draft the Optional Plan due to a conflict of interest, affirming Bob’s earlier statement since the County Attorney, by law, must review the draft of the Optional Plan.

Judy reported that she and Bob had spoken with Gavin Anderson, Salt Lake County Deputy District Attorney, about whether the electorate could vote for an Expanded Commission with an Administrator. She and Bob reported that Mr. Anderson stated it would be breaking new ground for an Expanded Commission to have a mandated Administrator; further, that the County Commission and Expanded County Commission retain executive authority per State Code, and that an Optional Plan Ordinance specifying utilization of an Administrator would not bind the Commission. Ruth stated that Grand County’s Optional Plan Ordinance was forwarded to Study Committee Members at their request, and that it makes no reference for utilization of an Administrator per se; instead it states expectations regarding utilization of professional staff as follows:

“Accordingly, it is expected that the council will implement this plan by using its power under Title 17, Utah Statutes, and other applicable general laws, to maintain and fully utilize an adequate, competent professional county staff to perform, administer and have day-to-day oversight over the county’s operations and functions, pursuant to general policies and directives promulgated by the council.”
Presentations- none

General Business- Action Items- Discussion and Consideration of:
Approving proposed timeline for bringing Study Committee responsibilities to fruition

Christina reviewed aloud the timeline spreadsheet she had prepared (provided in the packet). She pointed out that the Study Committee's recommendation for a form of government and Optional Plan are due July 8, 2019 in order to have this matter on the November 2019 ballot. Discussion ensued. Ruth reviewed the County's Purchasing Policy requirement for a 30-day notice if the procurement is in excess of $10,000.00 in total or, if less than $10,000.00 in total (yet more than $2,000.00) the requirement for three phone bids. Christina stated that, once the study committee made its recommendations, an attorney could quickly draft an Optional Plan integrating the recommendations. Committee Members expressed the desire to "do this right rather than fast."

Christina stated that the Committee has a full year, if needed, from their first meeting to make the recommendation of the form of government and to provide the proposed Optional Plan; such date is March 7, 2020.

Chairperson Stocks suggested adding two months from optional deadlines to the timeline provided. Cricket expressed her concern that the public will lose interest if this matter is not on this year's ballot. Judy and others expressed concerns about rushing and associated negative public perceptions.

Christina stated that she has received questions from County staff and citizens as to whether a special election for this matter may be held. She remarked that it appears that a special election may be held, and that it appears that the Study Committee could potentially move forward with the transition plan at the General Election following the Special Election; however additional research may be needed.

Christina informed Study Committee Members that she had received a request from the Clerk/Auditor to prepare the timeline, thus the reason that it came from her rather than Study Committee members.

Judy reminded Study Committee Members that Mr. Anderson had encouraged having the recommended form of government on the November 2019 ballot if possible, prior to the 2020 State Legislative Session.

Chairperson Stocks postponed approving the proposed timeline for bringing Study Committee responsibilities to fruition until next meeting to allow Bob and Jeramy time to provide an adjusted timeline that is based on the timeline provided by Christina.

Chairperson Stocks removed from the table agenda Item F.
F. Approving final modifications to the formally accepted flyer as an informational handout for engaging voters, continued from April 19, 2019

Bob provided an updated flyer, edited during the meeting as per Committee Member agreement. Among other discussion, Cricket provided a suggested edit for inside the top box to add, "We would greatly appreciate your input." Stephen questioned whether there was enough information on the four forms; it was determined to change "For more information" to read "For more information on our options" and to enlarge the font for this phrase.

MOTION: Motion by Bob to approve version 4 (as most recently provided) subject to formatting by Council Administrator staff and including the edits as discussed today seconded by Cricket carried 5-0.

Ruth agreed to send the final approved version to Study Committee Members as soon as it is ready.

Chairperson Stocks announced that he must leave early.

MOTION: Motion by Judy to nominate Bob as Chair Protem seconded by Cricket carried 5-0. Chair Protem Greenberg chaired the remaining meeting.

Consent Agenda- Action Items (none)

Discussion Items
Review of State Code Title 17, Chapter 52a, Part 5 Adoption and Implementation of Optional Plan (le.utah.gov)
Christina began reviewing State Code Title 17, Chapter 52a, Part 5 on Adoption and Implementation of Optional Plan as provided in the packet. She declared that Section 501 (1) (2) and (3) do not apply to Grand County, that Section 501 (4), (5), and (6) are the responsibilities of the Clerk/Auditor; and that Section 501 (4) is the code for the ballot question and stipulations for an up or down vote by the electorate on the Optional Plan, which will include the new recommended form of government and plan implementation requirements.

Christina continued, explaining that Section 503 states that all elected officials who remain elected under the new Form of Government will have to be re-elected. She indicated, however, that the optional plan may allow incumbents to serve out their existing terms. There was discussion regarding Section 503 (1) (a) with the term, “specified in the Plan.” Cricket expressed a desire to request private counsel confirm this information, and Christina agreed that was a good idea. Judy expressed the need to know the counsel's response prior to adopting a timeline.

Discussion and possible action on study strategy

N. Report on results from interviews of all current Grand County Department Heads and Elected Officials, including all current and a few past County Council Members, on their views of the pros & cons of current, past and potential forms of government for Grand County.

Chair Protem Greenberg and Judy had provided a written report to Study Committee on interviews that have occurred, which was reported to be 25 or so including the former Clerk/Auditor and three of four invited former Council Members who were able to meet the schedule. A request was made to have this matter on the next agenda for adoption when more Study Committee Members are expected to attend.

O. Approving proposed survey

Judy, Cricket, and Marcy provided proposed survey questions. Cricket stated that the survey is intended to be used in face-to-face settings, open houses, as well as a mailer, with the primary target audience being the registered voters to include County employees. She stated that it could be made into a trifold with a return address that could potentially include the registered voter address with an easy way, such as in the typical ballot format, for voluntarily cutting off their address for anonymity. Marcy stated that the survey should request proof of residency and should not be emailed.

MOTION: Motion by Judy to postpone approval of the proposed survey to next meeting seconded by Cricket carried 4-0 after a lengthy discussion on the survey as follows: Marcy suggested having one or two open houses for members of the public to meet with Study Committee Members in a more informal setting to solicit concerns, with the bottomline question of what number of elected officials and what form will best serve Grand County. Cricket emphasized the need for the survey to be provided to registered voters and not sent by email. Bob provided estimated costs for placing the survey on a postcard at 33 cents each, with a return envelope at 50 cents each: $3,500 to every household with a registered voter, or $4,000 for each registered voter.

Ruth asked to provide her input on the survey. She stated that the term “Administrator” should not be used since “Administrator” does not appear in State Code as to the four forms of government. Ruth further stated that there is no option for 9 members in an Expanded Commission, yet there are options for 3 members in a Council form. Ruth agreed to provide suggested edits for next meeting.

Marcy and others suggested holding open houses at different locations, such as the Old Spanish Trail Arena, the County Council Chambers, Grand Water & Sewer Service Agency, and a location in the Town of Castle Valley.

Public Hearings- Possible Action Items - none

Future Considerations

Review of available salary information of County Administrators for Commissions and Councils, County Manager(s), and Elected Executive(s) with veto power in Utah.

Ruth agreed to attempt to gather salary information for next meeting. This would be salary information for the eight or so County Administrators/Manager/Executive, stating that the salary information will likely be at least one year old.
Marcy reported that Jeramy and Walt will be interviewed on KZMU on Monday, May 13, 2019 under the Public Affairs segment. She indicated that one of the first questions asked by the host is “What is this going to cost the county?” Committee Member Greenberg reported, from sentiments expressed in interviews, that the Study Committee should consider that the overall administrative budget of the county should not be increased with the actual form of government ultimately chosen.

Closed Session(s) (if necessary)- none

Adjournment
The meeting was adjourned at 1:43 p.m. by acclamation.

__________________________
Stephen Stocks
Chairperson

__________________________
Marcy Till
Secretary
Can you print this out for our next meeting? Thank you.

From: R. Shawn Gunnarson [sgunnarson@kmclaw.com]
Sent: Thursday, May 16, 2019 9:23 AM
To: Jeramy Day
Subject: Request for Bid

Jeramy,

Thank you for inviting me to bid on this important project. I very much enjoyed talking with you and, as I said, helping Grand County select a new form of government and draw up the necessary documentation sounds exciting. Unfortunately, I’m afraid I have to decline the opportunity to bid on this project. In thinking about similar projects I’ve tackled in the past, it strikes me that a budget of $10,000 is significantly less than what the work will reasonably take. And although you assured me that the law would require the county to compensate for work actually done on the project, I get the sense that there are some political undercurrents that could make expanding that budget difficult for everyone. I prefer to be straight with you up-front, as I hope you understand.

It truly was a privilege to be asked, however, and I hope you’ll keep me in mind if the county has other legal needs in the future. Please let me know if you have any questions.

Kind regards,
Shawn
I have consulted with both the County Attorney and County Clerk and reviewed the relevant sections of UCA.

1. Is it possible to take the form of government recommendation to the voters this November?
   a. While there is some question as to whether or not the law allows the form of government to be considered by the voters at a municipal general election, the County Clerk is fairly confident that we could do so in terms of the law.
   b. In order for the question to appear on this November’s ballot, it appears as if the Committee would have to finish its work by July 8th although there is some possibility that that date could be pushed to July 22nd. That would allow 8 possible meeting dates (not including July 5th) if the Committee met every week.
   c. In order to encourage the level of public involvement that the Committee believes is appropriate, and allow time for the ordinance and transition plan to be drafted and reviewed by the Committee, it seems unlikely that this is possible. To do so would require that the Committee hold any public input workshops in early June and draft the plan and transition plan in the first weeks of July.

2. If the question is not on this November’s ballot what are our options?
   a. Failing to place the plan on the November 2019 ballot, it appears that the requirement that the question be considered at a general election would place it on the November 2020 ballot.
      i. This allows us some flexibility in scheduling.
         1. Four public workshop meetings could be held so as to allow different locations that straddle the summer vacation period, finishing by mid-September:
            1. Spanish Valley Water and Sewer
            2. Court House
            3. Grand Center
            4. Castle Valley Town Hall
         2. The Committee could then spend the second half of September and all of October crafting a plan.
         3. The draft plan could be submitted to outside council by November 1st, 2019 and assuming a 30-day window for drafting, approved by the Committee and submitted to the Council before the end of 2019.
ii. This would place the election of county officers on the 2022 ballot and require that the transition plan address the issue of officers whose terms expire before that.

b. Study Committee meetings and public input workshops need to be scheduled to meet this timeline.
   i. Study Committee members send Ruth their calendars so that she can schedule meetings through November 2019.
   ii. Ruth to research facility availability and schedule public input workshops to allow up to 3 committee members\(^1\) to attend each one unless the Study Committee decides to make these workshops Committee meetings.

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\(^1\) The Open and Public Meetings Act, UCA 52-4-103, (3)(a) and (6)(a), requires that meetings at which a quorum is present and are for the purpose of "... receiving comments from the public about... a matter over which the public body or specific body has jurisdiction or advisory power." be considered public meetings and subject to all of the requirements of the law.
Report to Study Committee
May 10, 2019
Submitted by: Judy Carmichael
Bob Greenberg

As per the Committee’s discussion of April 12, we interviewed all county department heads, elected officials, county council members, plus three former council members and a former county clerk auditor, 29 people in all (Appendix A). We reached out to Gavin Anderson for advice concerning whether or not the ordinance to adopt a new form of government could require a commission to employ a professional administrator and specify the administrator’s scope of authority.¹

30-minute interviews were scheduled on April 16, 17 and 19 and May 2, 3 and 9. Interviewees were assured that their responses would be confidential.

General Summary
The interviews served to bring into focus the salient issues involved in choosing a form of government for the Study Committee to recommend to the voters. All those interviewed provided thoughtful, considered responses.

Both the council-manager and commission forms are perceived as having strengths and weaknesses. A commission is perceived, especially by elected officials, as providing a more engaged governing body and giving the voters more control. A council-manager is seen by department heads as providing more stability and continuity and a helpful buffer between those conducting the county’s day-to-day business and elected/political officials. Department heads were largely satisfied with how the current system works although the Council Administrator’s span-of-control and fuzzy authority were cited as problems. In general, the challenges would be to provide professional administration in the commission form and council member engagement in the council form.

- Department heads came to the interviews well prepared having read Gavin Anderson’s hand-out on forms of government.
- Virtually all those interviewed strongly believe that a 3-person commission or council (governing body) would be a bad idea. Reasons cited included a belief that a 3-person body was too easy to sway in one direction or another, lack of diversity and possible vulnerability to corruption.
- Almost all of those interviewed thought that more than 7-members on the governing body would be a bad idea as it would make decision-making more difficult and raise expenses.
- Most of those interviewed thought that a 5-member governing body would be the best compromise between efficiency and diversity.

¹ Mr. Anderson advised that such an attempt would be uncharted legal territory. He advised that in a commission form of government the governing body would retain executive authority and could not be required to delegate to or even hire an administrator.
County department heads were unanimous in the belief that an appointed professional administrator providing direct, day-to-day supervision of county departments was very important to the efficient functioning of the county. The administrator was seen as a buffer between county departments and elected officials who may change every 4 years, whose decisions may be swayed by political/re-election concerns and may have no special expertise in the department's field of operation.

Most elected officials and council members past and present think that a commission would better serve the county's needs as it is likely to produce more engagement and ownership on the part of commission members than would a council-manager form of government.

There was not agreement among elected officials on whether part-time or full-time commissioners would be best.

No respondents thought that an elected county manager was a good idea.

There were mixed views of the value of electing some or all of the governing body's members by district. A number of respondents saw no value in districts and some thought that due to the difficulty experienced in recruiting candidates, that districts encouraged candidates with low commitment to serving. We were told by several respondents that they would like to be able to vote for at least a majority of the governing body (i.e., 3 members of a 5-person body). A number of respondents said that districts helped insure diversity: that the interests of all county residents were attended to, especially those who live in the more rural parts of the county. Several respondents told us that they thought that 2 at-large and 3-district members might be a good compromise.

There was concern expressed that in the county's complex and rapidly changing environment the workload for governing body members was already too high for part-timers.

Many of the department heads reported that while the current form of government works well for them, the council administrator's span of control was too great.

There was general agreement that the council's current pay was appropriate for half-time members and would allow and encourage more people to run for office. The several respondents who believed that full-time commissioners would be the best form of government see $60,000/year as the bottom of a realistic salary range.

Most respondents who addressed the issue of budgeting thought that the (new) current system is working well.
Appendix A-List of those interviewed and years with the county

April 16
Judd Hill-Airport Manager (8 years with the county)

April 17
Bill Jackson-Roads (29 years)
Jeff Whitney-Building Department (30 years)
Verleen Striblen-Grand Center (27 years)
Fran Townsend-former Clerk Auditor
Matt Ceniceros-IT (9 years)
Shawn Fugit-Maintenance (4 months)
Andrea Brand-Sand Flats (21 years)

April 19
Tim Higgs-Weeds (29 years)
Carrie Valdes-Library (19 years)
Steve Swift-Arena (9 years)

May 2
Curtis Wells-Council
Jaylynn Hawks-Council
Rory Paxman-Council
Debbie Swasey-Assessor
Steve White-Sheriff
Ruth Dillon-Council Administrator
John Cortes-Recorder
Elaine Gizler-Travel Council
Terry Morse-Council

May 3
Evan Clapper-Council
Greg Halliday-Council
Christopher Kauffman-Treasurer
Christina Sloan-County Attorney
Zacharia Levine-Planning

May 9
Joette Langianese-former Council member
Mary McGann-Council
Gene Cairus-former Council member
Rex Tanner-former Council member
I have looked at Jeremy's proposed questions (all I have seen) and they raise some questions for me: the most obvious of which is are they inadvertently slanted toward a particular answer?

Question #1-
Choose one of the following on districts vs. at-large:
This is more complex than the scope of Jeremy's proposed questions. Of course everyone would prefer to vote for everyone. However, districts can have a role in insuring that no group in the county is marginalized. In the not too distant past I heard many complaints from liberals that they felt marginalized. More recently, I hear the same complaint from conservatives. In addition, we do have communities of interest in Grand County. Spanish Valley residents have issues that are important to them that downtowners and Castle Valley residents do not care about and vice-versa. We each only get to vote for one congressperson, and nobody argues that we should get to vote for all of Utah's delegation.

Question #2-Full vs. part-time
-We have had 3 elections on the matter, that is whether or not we should keep our current form of government which specifies part-time councilpersons. The voters have spoken repeatedly on this issue and we should respect their preference for part-time elected officials with professional (hired) staff.

In general, given the voters repeated expression of their preference for our current form of government, I believe that we should attempt to devise a system that makes the minimum number of changes in order to come into compliance with state law. It is clear that we will have to clarify who has legislative and who has executive powers in the ordinance. A council form reserves legislative powers to the council and executive powers to the manager either elected or hired. A commission form vests all powers with the commission. I think that we should attempt to save a bit of money with whatever we come up with. That probably means 5 councilpersons or commissioners and one more employee in the manager's office.

I am not sure that a survey aimed at the general public will be useful. I do favor asking county employees some questions not only to get their ideas, but to let them know that we are listening to them:

A possible question:
In thinking about the form of government, please rank each of the following as to their importance based on your experience as a county employee with 1 being Not At All Important and 5 being Very Important:

#1 Insuring diversity on the governing body

Not important 1 2 3 4 5 Very important

#2 Insulating department heads from elected officials

Not important 1 2 3 4 5 Very important

#3 Insuring stability and continuity in county management

Not important 1 2 3 4 5 Very important

When you try to come up with questions that are both useful and non-biased, it turns out to be quite difficult.
I'm not sure if my suggestions are the right ones...
SURVEY FOR CHANGE IN FORM OF GRAND COUNTY’S GOVERNMENT

For more information on the 4 forms, see “Change in Form of County Government: Four Optional Forms” provided by Gavin Anderson, Salt Lake County Deputy District Attorney, www.grandcountyutah/change.

#1 Which of the 4 forms of Utah government would be the best option for Grand County? Rank in order of preference, 1 being best and 4 is worst.

_______ Commission, 3 people with legislative and executive power
_______ Expanded Commission of 5 or 7 with legislative and executive power
_______ Council of 3, 5, 7, or 9 with legislative power, and an Elected Executive who has executive power including veto power
_______ Council of 3, 5, 7, or 9 with legislative power, and a hired County Manager who has executive power

#2 Circle the ideal number of members on a Commission/Council.* Circle only one:

3 5 7 9

*Commission forms of government are limited to 3, 5, or 7 members.
Council forms of government are limited to 3, 5, 7, or 9 members.

#3 Are you in favor of Commissioners/Council Members being full time, part time or a mixture of both? Circle your preference.

Full time
Part time
Mixture of both

#4 Prioritize how you would prefer to vote for Commissioners/Council Members. Rank in order of preference, 1 being best and 3 is worst.

_____ All by district
_____ All at-large
_____ A combination of districts and at-large

Comments: ____________________________

Thank you for participating in county government! Please drop off your completed survey by (date) to the County Treasurer’s Office at the courthouse main entrance, 125 East Center Street in Moab.
CHANGE IN FORM OF COUNTY GOVERNMENT
FOUR 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 branch powers (enact ordinances and set tax levels, adopt fees and adopt a budget). All powers are exercised by one joint body.
   b. Officials: Three County Commissioners. Commissioners have staggered four-year terms and are elected at-large, unless the optional plan states otherwise.

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 branch powers (enact ordinances and set tax levels, adopt fees and adopt a budget). All powers are exercised by one joint body.
   b. Officials: Five or seven County Commissioners. Commissioners have staggered four-year terms and are elected at-large, unless the optional plan states otherwise.

3. Form of Government: Elected Executive and Council
   a. Structure and powers: An elected county executive or mayor exercises all executive branch powers (administration and management of county activities), including veto of council legislative acts. A separate, elected county council exercises all legislative branch powers (enact ordinances and set tax levels, adopt fees and adopt a budget).
   b. Officials: A mayor or executive is elected; the term of office, qualifications and compensation are set in the optional plan of government. He or she exercises executive branch powers. Elected county council members are set out—an odd number from 3 to 9, with terms, qualifications and either at-large or by district as established in the optional plan. The council exercises all legislative powers.

4. Form of Government: Appointed Manager and Council
   a. Structure and powers: An appointed county executive or manager exercises all executive branch powers (administration and management of county activities), but not including veto of council legislative acts. A separate, elected county
council exercises all legislative branch powers (enact ordinances and set tax levels, adopt fees and adopt a budget).

b. Officials: A manager or executive is appointed by vote of the county council, to serve at the council’s discretion, with qualifications and compensation set in the optional plan of government. He or she exercises executive branch powers. Elected county council members are set out – an odd number from 3 to 9, with terms, qualifications and either at-large or by district as established in the optional plan. The council exercises all legislative powers.

5. Other considerations and options:
   a. Other county elected officials exercise executive branch powers as established by state law (such as the county sheriff manages police activities and the jail) and the elected or appointed manager does not hold those executive branch powers which are vested by statute in the other elected officials.
   
   b. The offices of the other county elected officials may be consolidated in one person, such as a clerk/auditor, in a process set out in state law or as consolidated in the optional plan. If consolidated, the statutory duties of the two officers must still be performed by some other elected official, as provided in the optional plan.
   
   c. There is an option for the plan to provide for city/county consolidation, though this may not be viable in small or rural counties, or counties that do not provide municipal services in unincorporated areas. Doing so would merge the county with the largest city in the county and vest in the new entity all the statutory powers of both cities and counties.
**Typical Powers and Duties of a County Legislative Body**

The Council is the legislative body of _________ County, and is vested with all legislative powers of the County. The specific enumeration of legislative powers herein shall not be construed to limit the legislative powers of the Council. Within the scope and subject to the limits of its lawful powers and duties, the Council shall have the power to:

1. Consider and adopt ordinances, rules, regulations and resolutions, not repugnant to general law, which are necessary and proper to the discharge of the Council's duties and in accordance with state statute.

2. Consider and adopt an administrative code including policies, procedures and regulations governing the affairs and management organization of the County.

3. Adopt, by ordinance, rules governing the activities, meetings and organization of the Council, such rules to be in accordance with this Plan and with general law and state statute.

4. Establish and adopt a budget, set and levy taxes, and establish fees as may be necessary and proper to the discharge of the Council's duties and in accordance with state statute.

5. Fix salaries and benefits of county officers and employees in accordance with state statute; county ordinances, policies and procedures; and this Plan.

6. Require information from the Executive, other elected County officials, and County employees and conduct hearings on matters of public concern to assist in the performance of its legislative responsibilities and for the purpose of investigating any matter pertaining to the County, its business
affairs, or any officer thereof. In connection with such hearings, the Council may by subpoena require the attendance of witnesses or the production of documents and other evidence, may administer oaths, and may take testimony.

7. Conduct quasi-judicial hearings, including serving as the board of equalization and acting as a final board of review for hearing appeals regarding planning and zoning, license revocation, and similar matters as may be provided by statute, ordinance or other law.

8. Advise and consent to appointments in the Executive Branch, where such advice and consent is authorized by this Plan or by state statute.

9. Override vetoes of the Executive, by two-thirds vote of all the members of the Council, within fifteen days after the Council Chair has received written notice of the veto by the Executive.

10. In accordance with state statute, supervise the conduct of all county officers, and the officers of subdivisions of the County, and see that they perform their duties.

11. Within one year after each decennial census report, modify council districts in accordance with state statute and this Plan.

12. Divide the County into precincts and other districts required by law and change and create them as convenience requires and as provided by state statute.

13. Fill vacancies on county boards whose membership is, pursuant to state law, composed of Council appointees.

14. Grant franchisees over and along county roads for all lawful purposes and according to such terms and conditions as the Council determines appropriate, in accordance with state statute.
15. Provide for the development of County resources as shall appear appropriate to the Council, and in accordance with state statute.

16. Do and perform every other act of a legislative nature, which is necessary and proper to the Council's powers and functions and which is not prohibited by this Plan, state statute or general law.

**Typical Powers and Duties of a County Executive**

The Chief Executive Officer of ____ County is vested with all executive and administrative powers and duties except those executive and administrative responsibilities vested, by state statute, in independent elected officials. The specific enumeration of executive powers herein shall not be construed to limit the executive powers of the Executive. The Executive's powers include, without limitation, the power to:

1. Manage and direct the activities of the county in a manner consistent with ordinance and this Plan, including the supervisory management and direction of departments, divisions, sections, activities or agencies as now constituted or as may be created in the future, but not including the executive activities of the independent elected officials.

2. Carry out and enforce the programs and policies of the County Council.

3. Carry out and enforce the internal operating regulations, policies and procedures of the County.

4. Faithfully execute and ensure compliance with the laws and ordinances of the County and enforce the terms of county franchises, contracts and other undertakings.
5. Assign employees and work in the Executive Branch.

6. Appoint, suspend and remove county department directors and the members of County commissions and boards, with Council advice and consent. In the exercise of this power, the Mayor shall have the power to establish standards, qualifications, criteria and procedures to govern these appointments, in accordance with state statute and County ordinance.

7. Exercise control over county assets, funds, and property, except as that authority is delegated by state statute to some other elected County officer.

8. Prepare and present a budget to the Council. [The preparation of a county budget may be a duty of the executive or the auditor.]

9. Have access to and review county books, accounts and funds necessary to perform the executive function under the Plan, county ordinance and state statute. In the exercise of this power, the Mayor may maintain a continuing review of expenditures and effectiveness of budgetary control in the several departments and agencies of the Executive Branch, and may supervise and conduct audits for budget and management purposes.

10. Negotiate and execute contracts for the purchase of goods and services. In the exercise of this power, the Mayor shall sign all documents or instruments on behalf of Salt Lake County, including contracts and real estate or bonding documents, but excluding legislative acts of the Council or documents which are to be signed by the County Clerk or other County Officer. The Mayor shall follow all ordinances regarding the processing of county contracts and similar undertakings.

11. Consider, adopt and implement long range planning, programs and improvements.

12. Act as intergovernmental relations liaison.
13. Exercise the power of veto and line item budget veto within 15 days of any legislative enactment, provided that such veto or line item budget veto, as provided by law, shall be made in writing and directed to the Council Chair. [The veto power is not granted to an appointed county executive.]

14. Shall attend and participate in Council meetings and discussions, with automatic standing, on every agenda, personally or through a deputy, but without the right to vote and without such attendance counting towards a quorum.

15. Do and perform every other act of an executive nature, which is necessary and proper to the Council's powers and functions and which is not prohibited by this Plan, state statute or general law.

State Statutes of Interest

17-50-101 Definitions.
As used in this title:
(1) "County" means a unit of local government that is a body corporate and politic and a legal subdivision of the state, with geographic boundaries as described in Section 17-50-104, and powers as provided in Part 3, County Powers.
(2) "Executive," when used to describe the powers, duties, or functions of a person or body elected as the county executive or a person appointed as the county manager or administrative officer, refers to:
   (a) the power and duty to carry laws and ordinances into effect and secure their due observance; and
   (b) those powers, duties, and functions that, under constitutional and statutory provisions and through long usage and accepted practice and custom at the federal and state level, have come to be regarded as belonging to the executive branch of government.
(3) "Legislative," when used to describe the powers, duties, or functions of a county commission or council, refers to:
   (a) the power and duty to enact ordinances, levy taxes, and establish budgets; and
(b) those powers, duties, and functions that, under constitutional and statutory provisions and through long usage and accepted practice and custom at the federal and state level, have come to be regarded as belonging to the legislative branch of government.

17-53-201 General powers, duties, and functions of county legislative body.
(1) Except as expressly provided otherwise in statute, each county legislative body shall exercise all legislative powers, have all legislative duties, and perform all legislative functions of the county, including those enumerated in this part.
(2) A county legislative body may take any action required by law and necessary to the full discharge of its duties, even though the action is not expressly authorized by statute.

17-53-301 General powers, duties, and functions of county executive.
(1) The elected county executive is the chief executive officer of the county.
(2) Each county executive shall exercise all executive powers, have all executive duties, and perform all executive functions of the county, including those enumerated in this part, except as expressly provided otherwise in statute and except as contrary to the powers, duties, and functions of other county officers expressly provided for in:
   (a)Chapter 16, County Officers;
   (b)Chapter 17, County Assessor;
   (c)Chapter 18a, Powers and Duties of County and District Attorney;
   (d)Chapter 19a, County Auditor;
   (e)Chapter 20, County Clerk;
   (f)Chapter 21, Recorder;
   (g)Chapter 22, Sheriff;
   (h)Chapter 23, County Surveyor; and
   (i)Chapter 24, County Treasurer.
(3) A county executive may take any action required by law and necessary to the full discharge of the executive’s duties, even though the action is not expressly authorized in statute.

17-53-106 Supervision of county elected officers -- Legislative body and executive may examine and audit accounts and conduct investigation.
(1) As used in this section, “professional duties” means a county elected officer’s functions, duties, and responsibilities specifically provided for by law and includes:
   (a) the exercise of professional judgment and discretion reasonably related to the
officer's required functions, duties, and responsibilities; and
(b) the management of deputies and other employees under the supervision of
the elected officer under statute or county ordinance, policy, or regulation.

(2)

(a) A county legislative body and a county executive each:
   (i) may generally direct and supervise all elected county officers and
   employees to ensure compliance with general county administrative
   ordinances, rules, or policies;
   (ii) may not direct or supervise other elected county officers or their sworn
   deputies with respect to the performance of the professional duties of the
   officers or deputies;
   (iii) may examine and audit the accounts of all county officers having the care,
management, collection, or distribution of money belonging to the county,
appropriated to the county, or otherwise available for the county's use and
benefit; and
   (iv) may investigate any matter pertaining to a county officer or to the county
or its business or affairs, and may require the attendance of witnesses and take
evidence in any such investigation.

(b) In an investigation under Subsection (2)(a)(iv):
   (i) the county executive or any member of the county legislative body may
issue subpoenas and administer oaths to witnesses; and
   (ii) if the county legislative body appoints members of the legislative body as a
committee and confers on the committee power to hear or take evidence, the
committee shall have the same power as the full county legislative body.

(3) Nothing in this section may be construed to prohibit the county executive or
county legislative body from initiating an action for removal or prosecution of an
elected county officer as provided by statute.
<table>
<thead>
<tr>
<th>County</th>
<th>Class of County (based on pop.)</th>
<th>Form of Government</th>
<th>Executive / Manager / Administrator</th>
<th>2018 Salary</th>
<th>2018 Benefits</th>
</tr>
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<tbody>
<tr>
<td>Washington</td>
<td>2nd</td>
<td>FT Commission</td>
<td>Nicholle Felshaw, Commission Administrator</td>
<td>$73,315</td>
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<tr>
<td>Cache</td>
<td>3rd</td>
<td>PT Council-Elected Executive</td>
<td>Craig Buttars, Executive</td>
<td>$102,264</td>
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<td>Summit</td>
<td>3rd</td>
<td>PT Council-Manager</td>
<td>No employee compensation listed for 2018 or earlier</td>
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<td>San Juan</td>
<td>4th</td>
<td>PT Commission</td>
<td>Kelly Pehrson, Chief Administrative Officer</td>
<td>Admin: $36,161 + Emergency Mgmt: $45,116 + $1,363 paid leave = $83,630</td>
<td>$10,975</td>
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<td>Sevier</td>
<td>4th</td>
<td>PT Commission</td>
<td>Malcolm Nash, County Executive Administrator / Economic Development</td>
<td>$82,195 + $40,634</td>
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<td>Wasatch</td>
<td>4th</td>
<td>PT Council-Manager</td>
<td>Michael Davis, County Manager</td>
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<td>$53,693</td>
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<td>Beaver</td>
<td>5th</td>
<td>FT Commission</td>
<td>Scott Albrecht, Commission Assistant</td>
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<td>Grand</td>
<td>5th</td>
<td>PT Council</td>
<td>No employee compensation listed for 2018; figures provided by Clerk/Auditor's Office</td>
<td>$75,151 + $10,044 paid leave = $85,195</td>
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<td>Juab</td>
<td>5th</td>
<td>FT Commission</td>
<td>Michael Seely, Commission Assistant</td>
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<td>$66,103</td>
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AVERAGE 2018 SALARY WITHOUT SUMMIT COUNTY, AND EXCLUDING SALT LAKE COUNTY $90,670