Call to Order (Chairperson Stocks)
Pledge of Allegiance
Approval of Minutes (Secretary Till)
A. May 17, 2019 (Study Committee Regular Meeting)

General Reports
Community Outreach and Possible Action
B. Report on list of organizations to whom the flyer, including Open House dates, has been sent (County Council Administrator Dillon)
C. Report on June 5, 2019 Open House at the Grand Center and number of completed surveys received (Committee Members Carmichael, Dabney, and Stocks and County Council Administrator Dillon)
D. Report on June 13, 2019 Open House at the Water District (GWSSA) and number of completed surveys received (Committee Members Dabney, Day and Till and County Council Administrator Dillon)
E. Idea for sending enumerated surveys electronically and by U.S. mail (County Council Administrator Dillon)
F. Guidance on compiling completed surveys for ultimately reporting to the Study Committee (Committee Member Till)
G. Suggestions for content of post card mailers and approving budget for same (Committee Member Greenberg)
H. Approving use(s) of Facebook and/or other social media (Committee Member Day)
I. Suggestions for additional public service announcement(s) (Committee Member Till)
J. Suggestions for next newspaper editorial regarding the public engagement process (Chairperson Stocks)

Citizens to Be Heard
Presentations

General Business- Action Items- Discussion and Consideration of: (none)
Consent Agenda- Action Items (none)
Discussion Items (none)

Discussion and Possible Action on Study Strategy
K. Report on additional fee information for engagement of outside counsel, continued from April 12, 2019, and approving proposed contract award for drafting the Optional Plan Ordinance, postponed from May 17, 2019 (Committee Members Day and Greenberg)
L. Consideration of contracting for expert consultation on election districts (Committee Member Greenberg)

Public Hearings- Possible Action Items (none)

Future Considerations
M. Ideas for monthly progress report for presenting at the June 18, 2019 County Council meeting (Chairperson Stocks)
N. Review of timeline and scheduling of additional regular meetings (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. For more information: www.grandcountyutah.net/change. Email: studycommittee@grandcountyutah.net
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, Cricket Green, Bob Greenberg, Walt Dabney, Jeramy Day, and Marcy Till (by phone). Also in attendance was Ruth Dillon (County Council Administrator) to take minutes.

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

Approval of Minutes
A. May 10, 2019
Chairperson Stocks requested any changes or corrections to the minutes.

MOTION: Motion by Judy to approve the minutes of May 10, 2019 seconded by Cricket carried 7-0.

General Reports
B. Important election timeline information
Chris Baird, County Clerk/Auditor, reported his interpretation of relevant parts of State Code 17-52a Part 5 and 20a (election code) found at le.utah.gov. He stated that 17-52a does not give the ability to run a special election for the question of the form of government. He said that the question could be on this year's ballot, time permitting, with an onerous July deadline as provided in a spreadsheet last week by County Attorney Sloan. He further stated that if the question as to the recommended form of government with optional plan is not on this November's ballot, it could be on the ballot for the regular general election next year (November 2020) followed by election of officers in the regular general election of November 2022 who would then take office January 2023. He reported that he has posed questions to the Lieutenant Governor's Office as to the four seats that are up for election next year under the current form of government, but he has not yet heard back and anticipates that a referral to the County Attorney will be made. He further reported that State Code 17-52a Part 5 gives the Study Committee the ability to establish a transition plan that could include interim appointments, but it is unclear whether this is referring to interim appointments of staff or elected officials and that he is waiting on the Lieutenant Governor’s Office for a response. He noted that the ability to run a special election can only happen in June or November of any given year. He ended by stating that he and the County Attorney are working out differences in minor interpretations of State Code, and that he will be running the City's municipal election this year in any case.

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
After a point of order by Bob as to the agenda item being discussed, Jeramy reported that it will be difficult to have the Lieutenant Governor’s Office to come to Moab to provide training and/or informational sessions. He further stated his opinion that, with the training already provided by Gavin Anderson, Salt Lake County Deputy District Attorney, he sees no need for it. Cricket reminded Committee Members that Tooele County’s information is also available. Chairperson Stocks summarized that the Committee has received training from Mr. Anderson, and has reached out to the Lieutenant Governor’s Office as well as the State Office of
Legislative Research and General Counsel to no avail. With consensus Chairperson Stocks affirmed that there appears to be no need to continue this matter.

D. Report on additional fee information for engagement of outside counsel, continued from April 12, 2019

Jeramy reported that he is waiting on Clyde Snow's response. He referred to the email received and provided on the dais from Kirton McConkie who cannot do the work for $10,000, partly because the attorney (Shawn Gunnarson) states that he is not familiar with House Bill 224. Jeramy reminded Committee Members that Snell & Wilmer's quote was between $8,000 and $11,000, and that Snell & Wilmer attorneys are familiar with HB 224 as the attorney for the plaintiffs against Grand County. He clarified his understanding that $11,000 would be the fee if there was litigation.

Bob reported that he spoke with local attorney Steve Russell who was concerned about the timeline but could have a draft Optional Plan created by October of this year. Mr. Russell reportedly quoted $150 per hour, with a remark that his fee would be nowhere near a $10,000 figure.

County Council Administrator Dillon provided discussion about the County's purchasing policy, reporting that she had spoken with County Attorney Sloan and County Clerk/Auditor Baird together this morning about whether or not the Study Committee falls outside of the County's purchasing policy. She reported that the County Attorney said it would be a conservative approach to use the County's purchasing policy; the Clerk/Auditor, however, had opined that the Study Committee is outside of the County's purchasing policy since the Committee was formed by a State Code process rather than a County process.

Chairperson Stocks requested that Bob secure an official (quote) from Steve Russell based on an estimated number of hours, and that Jeramy reach out to Grand County's attorney in the lawsuit on this matter, which is Parr Brown Gee & Loveless. Both agreed to do so.

E. Report on KZMU interview of May 13, 2019

Jeramy reported that he was unable to attend. Walt reported that Marcy attended in Jeramy's absence and that Howard Trenholme had interviewed Marcy and Walt. Chairperson Stocks reported that he listened in and felt that their message came across. Marcy reported that she had mentioned the concept of a special election, which may be false information, although she said she read over the radio waves from State Statute about the Study Committee's charge. Walt reported that he had announced two elements which may have clarified the issue: 1) voting on the proposal and 2) voting on council or commissioners, which have to be voted in a general election.

Community Outreach and Possible Action

F. Suggestions for public service announcement(s)

Upon request, Chairperson Stocks tabled Item F, suggestions for public service announcement(s), for later in the meeting after additional topics are discussed.

G. Suggestions for next newspaper editorial regarding the public engagement process

Chairperson Stocks tabled Item G, suggestions for next newspaper editorial, for later in the meeting.

H. Further discussion on use of Facebook and/or other social media

Jeramy reported that he spoke with the County IT Director and learned that Facebook comments are considered public record, and that Study Committee Members could be Facebook administrators along with the IT Director. He further reported that posts to Facebook cannot be legally deleted as public records and that blocking comments would be difficult.

Bob suggested purchasing Facebook ads as one-way communication. Cricket suggested the possibility of
Chairperson Stocks stated that once someone posts, if the post generated engagement yet without civil discourse, then that would be a problem. Bob suggested bringing up questions about this at the approaching Open and Public Meetings Act training. Cricket agreed to check with the County’s Planning Department (Community & Economic Development) to determine whether they are benefitting from one-way Facebook communications. Chairperson Stocks requested that Jeramy find out if it is possible to make a skeleton page in order to have advertising on Facebook, to which Jeramy agreed to do.

County Council Administrator Dillon brought up the question as to whether other social media is desired. Jeramy stated his opinion that Instagram is not an avenue that would be effective. Committee Members agreed to have an action item on the topic of Facebook and other social media for next regular meeting.

I. Setting dates for public Open Houses

Judy and Marcy provided a brief report to suggest having Open Houses sooner than later to keep people engaged. Possible venues are: Grand Center, County Council Chambers, Water Conservancy District (Grand Water and Sewer Service Agency/GWSSA), and Castle Valley Town. The suggestion was to possibly hold several in one week with at least a quorum present to understand and report on the direction of the public.

Chairperson Stocks tabled Item I, setting dates for public Open Houses, for later in the meeting.

J. Report on compiled list of organizations who have been sent the flyer

County Council Administrator Dillon reported that the flyer, updated from last week’s meeting, has been sent only to the Study Committee to her knowledge. She further reported that, upon learning yesterday about the action item for today’s agenda to schedule Open Houses, she decided to wait on sending it to the County employees so that she could have the Open House dates included in the flyer.

Chairperson Stocks reported that he has not yet heard back from the Coordinator at the School District.

Citizens to Be Heard

Citizen Merlene Dalton inquired as to whether the Committee has any ideas or eliminations regarding recommendations for one of the four forms of government. Chairperson Stocks stated that, speaking for himself, he has not yet decided on a recommended form. Committee Members indicated the need for Open Houses and survey input from the community prior to making a determination as a body. Ms. Dalton inquired for clarification as to what would be required to have it on the ballot this year; Chairperson Stocks indicated that timeline requirements of State Code must be followed.

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

Bob stated that the timeline report he had provided in the packet reiterates County Clerk/Auditor Baird’s verbal report. He stated that Committee Members could meet every week between now and the July 8th deadline, excluding the week of the Fourth of July. He further suggested that Open Houses could be held in early June of this year.

He continued that if the Study Committee determines that it is not feasible to have the question on the November 2019 ballot, then, if a general election is required, that it would be placed on the November 2020 ballot allowing flexibility in scheduling. He suggested that this September/October the Study Committee could potentially agree on a plan that could be submitted to outside counsel by November 1st and potentially allow 30 days for drafting prior to forwarding to the County Council by year-end. He reported that this would likely
place the election of Commissioners/Council Members on the November 2022 ballot.

Committee Members expressed concern that this process not be rushed for citizen participation.

Judy expressed the need to do something this summer so that citizens know what is going on, and that the Study Committee learns what the citizens want, regardless whether the matter is on the ballot in 2019 or 2020.

Bob expressed that during election season, whether this year or next, there will be attempts to persuade the public on what the Study Committee is proposing, or conversely against what the Study Committee is proposing.

Jeramy stated that some decisions the Study Committee will need to make will take more time than others, such as determining district, at-large, or combination seats.

Marcy expressed her opinion that it is not responsible to rush, that there will likely be a high voter rate of turnout, and public interest and understanding the issues will remain. She stated the need to collate information received from Open Houses that should occur soon, regardless of the election year.

Cricket expressed that dragging this out is unfair for those who are going to run for election, and that it is more timely and efficient to have the matter ready in time for the 2019 election.

Bob stated that higher voter turnout would be expected in 2020, a county election year rather than a municipal election year, and that there is no need to rush to change the form of government as expressed by voter sentiment during three different elections over the decades.

Jeramy expressed that once the one-year Study Committee deadline is met in March 2020, the Study Committee cannot make a decision and that if the Study Committee has not completed their duties, then the form of government defaults to a three-person Commission which he stated he realizes is not popular in our community. He expressed that the transition plan must be ready by March 2020. County Council Administrator Dillon expressed her understanding that the Study Committee must have the optional plan and recommended form of government done by March 2020 but perhaps not the transition plan; she recommended legal review on this matter. Jeramy reiterated that the Study Committee has one year from the first Study Committee meeting for the form of government recommendation and the optional and transition plan, and then their job is done according to a legal opinion he has received from an outside attorney. County Council Administrator Dillon clarifying her understanding that election of County Commissioners/Council Members could not take place in the same election as the vote on the recommended form of government; that the election of these officials would be held during the normal county election cycle in 2022.

Walt suggested proceeding and then check the status closer to July 8th, that if the Study Committee is not ready, nor the public, to then proceed for the 2020 election, a major election year.

Bob reminded Study Committee Members that, for a July 8, 2019 deadline, the Study Committee will have to vote on elements to recommend in order to provide something for an outside attorney to draft for a plan. He gave an example of Friday, June 21st, to give an attorney only two weeks, which could still have a public perception of rushing. He indicated that the Study Committee would have to discuss the plan elements and approve an outside attorney at the next (June 14th) regular meeting, less than a month away, in order to potentially have something on the November 2019 election.

MOTION: Motion by Bob to adopt a proposed schedule to attempt to complete the Study Committee work by November 28, 2019, seconded by Marcy carried 4 to 3 with Judy, Cricket, and Jeramy opposed. Prior to the vote, Bob expressed that the intent of the motion is to reflect that it would be “crazy” to get the matter on this year’s ballot.
Chairperson Stocks removed from the table agenda Item I.

I. Setting dates for public Open Houses

Committee Members discussed possibilities for Open House dates and venues.

County Council Administrator Dillon brought up her understanding that it is not necessary to have a quorum in order to hold Open Houses; however, a quorum would constitute a meeting and thus would have to have a posted notice (typically an agenda) at the meeting location and on the State’s Public Meeting Notice website at least 24 hours in advance. Study Committee Members agreed to have the agenda posted whether or not a quorum is expected, as yet another means of announcement. County Council Administrator Dillon agreed to post each of the Open House agendas with the required 24 hours’ notice in case there is a quorum at any one of the Open Houses.

Based on availability of Study Committee Members and of venues, Chairperson Stocks assigned Marcy & Jeramy to run the Spanish Valley Open House; Walt & Bob to run the Castle Valley Open House; and Cricket, Judy & Stephen to run the Grand Center Open House.

MOTION: Motion by Jeramy to vote on the tentative Open House dates and venues as discussed, seconded by Walt carried 7-0, with the tentative schedule as follows:

- Wednesday, June 5th, Grand Center, 4-7pm (to accommodate city residents) (Cricket, Judy & Stephen)
- Thursday, June 13th, 4-7 pm, Water District (GWSSA) conference room (to accommodate Spanish Valley residents) (Jeramy & Marcy); and
- Monday, June 17th, 4-7pm at Castle Valley Town Hall (to accommodate Castle Valley residents) (Bob & Walt).

Chairperson Stocks requested confirmation of dates no later than next Friday, May 24th, and to let County Council Administrator Dillon know so that her office can add the confirmed dates to the flyer to be emailed out by Study Committee Members, as well as to the Study Committee webpage, and to inform the radio stations and newspapers.

Marcy agreed to check on availability of the Water District conference room and work on format of the Open Houses. Stephen and Judy agreed to assist Marcy with the Open House format.

County Council Administrator Dillon agreed to update the flyer with the new dates and venues, once confirmed, and email the updated flyer to County employees, the radio stations, newspapers, and Study Committee Members, as well as post on the Study Committee webpage (plus have the flyer posted around town). Jeramy agreed to send it to the local Republican Party, and Bob agreed to send it to the local Democratic Party.

Consent Agenda- Action Items- none

Chairperson Stocks removed from the table agenda Item G.

G. Suggestions for next newspaper editorial regarding the public engagement process

Chairperson Stocks agreed to provide the meeting dates and venues of Open Houses for The Times-Independent newspaper editorial explaining the who, what, when, where, why, and how.

MOTION: Motion by Jeramy to provide the editorial to both newspapers based on tentative dates for Open Houses seconded by Bob carried 7-0.
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

MOTION: Motion by Bob to adopt the report submitted by Judy Carmichael and Bob Greenberg dated May 10, 2019, seconded by Judy carried 7-0 following lengthy discussion.

Bob reviewed the report stating that the 29 interviewees were thoughtful, prepared, and most provided clear ideas, which helped to clarify what the issues are. He reported that no interviewee was in favor of a three-person Commission, and that most interviewees thought five would be a decent compromise.

Judy reported that County Department Heads unanimously appreciated having some kind of executive due to their need for a single contact person. Bob added that Department Heads reported liking the idea of having a hired manager, in preference to an elected manager. He further stated that Department Heads were universally negative about working under an Elected Official who may make decisions based on politics rather than management, and who may change every four years due to elections.

Judy added that the interviewed Elected Officials felt differently in that they wanted the governing body to have executive and legislative authority yet were interested in maintaining an Administrator; Judy continued that an “administrator” would only be an option if the new legislative body agreed to it, and that this could option could change at any time in the future since there is no express executive authority for an “administrator” in State Code. Note: This is compared to a County Manager in the Council-Manager form in which the executive powers of the County Manager are expressly provided in State Code and held only by the appointed County Manager.

Bob added that Gavin Anderson, Salt Lake County Deputy District Attorney, had told Bob and Judy that the issue is this: “How do you keep daily (government) business protected from politics, and how do you get Council engaged?”

Bob continued reporting that no interviewee thought that an elected county manager/mayor would be a good idea. He stated that there was agreement that current Council salaries were seen as appropriate for part-time, with hope for attracting more candidates via the recently increased salary. He said that there was reported concern that full-time Commissioners would need to be paid a minimum of $60,000 per year, and that there seemed to be a lean toward part-time. He added that the “fuzzy” definition of “Administrator” (not found in the four forms of government) was seen by some as a problem. He continued reporting that there was a divide on district versus at-large seats (or combination) in that several interviewees wanted to be able to vote for all or at least a majority of the governing body members, and others thought that having districts is helpful. He continued that all thought the new current budgeting system (presumably through the Budget Advisory Board) is working well.

Bob stated that he and Judy interviewed 29 individuals, who were “pretty solidly” in favor of a part-time governing body. He stated that they want to send a thank-you note along with the report to each interviewee, with clerical support from the County Council Administrator’s Office. Walt expressed his gratitude to Bob and Judy for their time and service.

M. Approving proposed survey, postponed from May 10, 2019

Marcy and Judy suggested having people take the survey during the Open Houses and turn it in at that point. The survey would be provided along with the “Four Forms of Government” document.

Bob reviewed an April survey placed on the dais that he had sent to studycommittee@grandcountyutah.net which inadvertently did not get forwarded to Study Committee Members in a timely manner. He suggested three other questions with a scale from “not important to very important” that he wanted to be considered.
The three other questions suggested are: “Insuring diversity on the governing body;” “Insulating department heads from elected officials;” and “Insuring stability and continuity in County management.” Brief discussion ensued.

MOTION: Motion by Bob to adopt the proposed survey as provided in the packet for use at the Open Houses, seconded by Jeramy carried 7-0.

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

MOTION: Motion by Jeramy to postpone contract award to outside counsel to June 14, 2019, pending responses from Parr Brown for competing bids (quotes) seconded by Cricket carried 7-0. Jeramy agreed to follow up with the law firm of Parr Brown Gee and Loveless for “apples to apples” quotes. Prior to the vote Bob stated that the Committee needs to also know projected lead time. Bob agreed to ask local attorney Steve Russell for a “not to exceed” figure.

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 reported on administrator salary research provided by her office based on the Utah Public Finance Website (www.utah.gov/transparency), formerly Utah’s Right to Know website. She reviewed the spreadsheet provided in the packet and summarized that the average 2018 “administrator” annual salary (before benefits), without Summit County (since Summit County information was not provided), and excluding Salt Lake County Elected Mayor’s salary, was $90,670, ranging from a low of $62,879 (Commission Assistant) to a high of $134,569 (County Manager with statutorily defined executive authorities).

She indicated that some counties report benefits, as provided in an additional column of the spreadsheet.

She further reported for Utah:

• One county has an “Elected Executive” with veto power (Cache County) and one county as an “Elected Mayor,” each with a part-time Council under the Council-Elected Executive form of government;
• Two “County Managers” under the Council-Manager form of government, each with part-time Councils (Summit and Wasatch Counties);
• Five counties have either “Commission Administrators,” a “Chief Administrative Officer,” an “Executive Administrator/Economic Development,” or a “Commission Assistant,” each under the three-person Commission form of government, either full- or part-time (Washington, Beaver and Juab Counties have full-time Commissions with an “administrator;” San Juan and Sevier Counties have part-time Commissions with an “administrator”). These “administrator” positions are not outlined in any of the four forms of government, yet may be allowed or taken away at any time via the legislative body; and
• One “Council Administrator” with a part-time Council (Grand County)

County Council Administrator Dillon further stated that her 2019 salary received a significant increase following the professional compensation study that the County outsourced in 2017, and that she has been participating in the County’s merit program for many years.

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 agreed to have a monthly progress report to present to County Council on Tuesday, May 21st.

Chairperson Stocks removed from the table agenda Item F.
F. Suggestions for public service announcement(s)

Marcy suggested that a public service announcement (PSA) can be created as soon as the Open House dates and venues are confirmed, as well as publication of same into newspaper calendars. She agreed to draft a PSA that would strictly include the information approved at the Study Committee meetings.

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

County Council Administrator Dillon announced the referenced training and learned that three Study Committee Members plan to attend who have provided their RSVP to her office.

Closed Session(s) (if necessary) - none

Adjournment
The meeting was adjourned at approximately 2:15 p.m. by approved motion.

______________________________
Stephen Stocks
Chairperson

______________________________
Marcy Till
Secretary
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<th>Study Committee flyer with June Open House dates sent to:</th>
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<tr>
<td>County Staff &amp; Officials including Study Committee Members</td>
<td>Ruth</td>
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<tr>
<td>Moab City Communications Director, City Manager &amp; Mayor</td>
<td>Ruth</td>
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<tr>
<td>Castle Valley Town Clerk &amp; Mayor</td>
<td>Ruth</td>
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<tr>
<td>Grand Water &amp; Sewer Service Agency (GWSSA) District Manager</td>
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<td>Thompson Springs Fire Chief</td>
<td>Ruth</td>
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<td>All applicants for Appointment Council and/or Study Committee</td>
<td>Ruth</td>
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<td>Posted around town (35 locations)</td>
<td>Tara</td>
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<tr>
<td>Posted on Study Committee Webpage</td>
<td>Tara</td>
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<tr>
<td>Posted on &quot;County News&quot; section of Grand County Website (home page)</td>
<td>Tara</td>
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<td>County Department Heads</td>
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<td>County Elected Officials</td>
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<td>Chamber of Commerce</td>
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<td>Times-Independent</td>
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<td>Moab Sun News</td>
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<td>Churches (15)</td>
<td>Tara/Judy</td>
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<td>County Boards, Commissions &amp; Committee Chairs</td>
<td>Bryony</td>
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<td>CIB List (local govt &amp; nonprofit entities eligible for CIB infrastructure</td>
<td>Bryony</td>
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<td>funding)</td>
<td>League of Women Voters</td>
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<td>Moab Dinosaur Bikers</td>
<td>Walt</td>
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<td>Various individuals</td>
<td>Walt</td>
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<td>MAPN (Moab Area Progressive Network)</td>
<td>Walt</td>
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<tr>
<td>Association of Ministries</td>
<td>Marcy</td>
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<tr>
<td>GC Democratic Party</td>
<td>Chair</td>
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Please be sure that the budget includes at least $3500 for 2 rounds of direct mailings (post cards). Additionally, we will possibly be spending some consulting money on help drawing districts if we decide to examine that alternative or actually go that way.

Sent from my iPhone

Sent from my iPhone
On Mar 29, 2019, at 1:57 AM, Ruth Dillon <rdillon@grandcountyutah.net> wrote:

Study Committee,
I've had a couple requests for the County Council and Administrator budgets. 2019 budgets are attached. The Study Committee budget is included within the County Council budget as follows:

0-4111-310 Professional Services $10,000 (for professional consultants including outside counsel and travel)

Additionally, there is some money budgeted for the Study Committee for:
Public Notices
Office Supplies & Expenses
Special Dept. Supplies

Ruth

Ruth Dillon
Council Administrator
Grand County Council
125 E. Center St.
Moab, UT 84532
(435) 259-1347 work
(303) 949-6006 cell
New email: rdillon@grandcountyutah.net

The smallest act of kindness is worth more than the grandest intention.
Transform intentions into acts. -Oscar Wilde
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 me 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
Yes, perfect.

On Jun 7, 2019, at 9:09 PM, Ruth Dillon <rdillon@grandcountyutah.net> wrote:

Christina,
With Bob’s concurrence may I add your email below to the next SC packet? This would be supporting materials for a related action item.

Sent from my brain

On Jun 7, 2019, at 1:51 PM, Christina Sloan <csloan@grandcountyutah.net> wrote:

Ruth,

Since Bob is out of town, he asked me to confirm Steve Russell’s offer to draft the Optional Plan for the Study Committee for their consideration.

Steve is willing to draft the Optional Plan for $150/hour not to exceed $3,000 (estimated for 20 hours); provided, however, that he reserves the right to revisit the project maximum as necessary if the Study Committee requests numerous edits, proposes complicated provisions, etc. The scope of work is for drafting the Optional Plan only; it does not include general consultation or counsel.

FYI, I am comfortable with this proposal. Steve is very fair with his billing with the County; I think 20 hours is enough time; and the not to exceed maximum is low enough that even if we have to revisit it, the SC will have sufficient budget to increase it.

Thanks -

Christina Sloan
Grand County Attorney
125 East Center Street
Moab, Utah 84532
435.259.1324
Ruth Dillon

From: Jeramy Day
Sent: Friday, April 12, 2019 9:59 AM
To: Ruth Dillon
Subject: FW: Grand County Study Committee

Ruth,

Here is the quote from Snell and Willmer.

From: Peay, Stewart [speay@swlaw.com]
Sent: Friday, March 29, 2019 6:01 PM
To: Jeramy Day
Subject: RE: Grand County Study Committee

Jeramy,

With respect to the questions below we would like to propose the following:

1. With respect to questions about HB 224 and Utah Code Ann. § 17-52a et seq. and other elements of Utah State Law, we would propose the use of a three lawyer team. Those three lawyers are Stewart Peay ($425/hr), Graham Gilbert ($340/hr), and Olivia Curley ($215/hr). We would use the most efficient model possible to respect the Committee’s need for efficient and effective work. For instance, research and initial drafting would be done by Ms. Curley and any review and substantive analysis would be done by either Mr. Graham or Mr. Peay. We do not believe that fees would exceed $3000 for this work.

2. With respect to drafting the governing documents, we would use the same team. Ms. Curley would do the initial drafting while Mr. Gilbert or Mr. Peay would do analysis and final review. We believe that we could complete this work for $6500.

I would suggest an hourly engagement for the above because I don’t see number 1 reaching $3,000 and I see drafting the new documents to likely be about $6,500. We will establish a not to exceed level that combines the numbers identified above. In part, because I think the two items are likely to bleed into each other and it may be difficult to differentiate them for billing purposes.

Our retention would be limited to these issues. If other issues arose, we would want to price and discuss representation at the appropriate time.

Thanks,
Stewart

From: Jeramy Day <jday@grandcountyutah.net>
Sent: Wednesday, March 27, 2019 2:09 PM
To: Peay, Stewart <speay@swlaw.com>
Subject: Grand County Study Committee

[EXTERNAL]
Stewart Peay,
I, on behalf of the Grand County Change of Government Study Committee would like to request a budget proposal for the following legal inquiries.

1) A attorney who would be able to answer questions pertaining to HB224 and the change of government processes and any legal issues that may arise.

2) Help Draft the new Grand County governing documents and insure they are in good standing with state law.

Sincerely,

Jeramy Day
Grand County Change of Government Study Committee Member
For June 14th, 2019 Meeting
Expert Consultation Concerning Possible Voting Districts
Bob Greenberg

It appears that most experts on drawing voting districts have been involved in either efforts to create safe districts for either Republicans or Democrats, or as a result of voting rights litigation. Since early May, I have been in touch with Bill Cooper (abbreviated vita attached), a nationally recognized expert in redistricting, to explore his interest in working with the Study Committee to examine the possibility of drawing voting districts for the Study Committee’s recommendation to the voters. He has expressed enthusiasm about working with the Study Committee and reports that an initial draft plan would likely take him less than a half a day as unlike most redistricting projects ours does not include a voting rights angle. These draft plans will enable the Committee to understand and carefully study forms of government with a mixture of members elected at-large and by district, as well as forms of government with all members elected by district.

His fee is $125/hour. Mr. Cooper will be travelling to SLC in September for a conference and could possibly come to Moab to meet with the Committee in-person at that time.

I propose that the Committee budget an amount not to exceed $1,000.00 for initial draft plans for 3 and 5 voting districts. Mr. Cooper is to be directed to attempt, in so far as possible, to promote diversity on the governing body, ensure that there are equal numbers of registered voters in each district and keep together communities of interest: for example rural portions of the county, the older, downtown neighborhoods and the newer outlying neighborhoods.
William S. Cooper  
P.O. Box 16066  
Bristol, VA 24209  
276-669-8567  
bcooper@msn.com

Summary of Redistricting Work

I have a B.A. in Economics from Davidson College in Davidson, North Carolina. Since 1986, I have prepared proposed redistricting maps of approximately 750 jurisdictions. I have analyzed and prepared election plans in over 100 of these jurisdictions for two or more of the decennial censuses — either as part of concurrent legislative reapportionments or, retrospectively, in relation to litigation.

Post-2010 Redistricting Experience

Since the release of the 2010 Census in February 2011, I have developed statewide legislative plans on behalf of clients in eight states (Alabama, Connecticut, Florida, Georgia, Kentucky, South Carolina, Texas, and Virginia), as well as over 150 local redistricting plans in approximately 30 states.

In March 2011, I was retained by the Sussex County, Virginia Board of Supervisors and the Bolivar County, Mississippi Board of Supervisors to draft new district plans based on the 2010 Census.

Also in 2011, I was retained by way of a subcontract with Olmedillo X5 LLC to assist with redistricting for the Miami-Dade County, Florida Board of Commissioners and the Miami-Dade, Florida School Board. Final plans were adopted in late 2011 following public hearings.

In the fall of 2011, I was retained by the City of Grenada, Mississippi to provide redistricting services.
In 2012 and 2013, I served as a redistricting consultant to the Tunica County, Mississippi Board of Supervisors and the Claiborne County, Mississippi Board of Supervisors.

In August 2018, the Wenatchee City Council adopted a hybrid election plan that I developed – five single-member districts with two members at-large.

I currently serve as a redistricting consultant and expert to the City of Decatur, Alabama.

**Historical Redistricting Experience**

In the 1980s and 1990s, I developed voting plans in about 400 state and local jurisdictions – primarily in the South and Rocky Mountain West. During the 2000s, I prepared draft election plans involving about 300 state and local jurisdictions in 25 states. Most of these plans were prepared at the request of local citizens’ groups, or national organizations for Section 2 or Section 5 voting rights litigation.

Election plans I developed for governments in two counties – Sussex County, Virginia and Webster County, Mississippi – were adopted in 2002.

In August 2005, the State of South Dakota adopted a state legislative plan I developed to remedy a Section 2 voting rights violation.

A county council plan I developed was adopted by Charles Mix County, South Dakota in November 2005. A plan I drafted in Bethlehem, Pennsylvania was adopted in March 2009. Plans I developed in Columbus County, North Carolina and Cortez-Montezuma School District in Colorado were adopted in 2009.

Since 1986, I have testified at trial as an expert witness on redistricting and demographics in federal courts in numerous voting rights cases.
Hi Christina –

When I was down last week I learned that the current council districts in the county council are not equal in population (someone in fact hinted that the population totals are not even close). That could be a problem if that practice prevails in the new form of government. I’ve done some research over the years on this issue – typically referred to as the “one person, one vote” concept. I’ve attached a brief summary I prepared a few years ago when SLCo helped the metro townships set up council districts. In brief summary, if the study committee wants to create council districts, they will need to do all possible to make the sure districts are equal to each other in population.

When SLCo went through this for the metro townships, our Surveyor’s office trotted out a computer program that made that whole process very simple. They could set up an approximation of the districts and push a button and the boundaries were adjusted here and there to make the district populations equal to each other. The program permitted shifting just one residence from district A to district B and the program would tell us how that affected population totals. If the study committee goes in that direction, perhaps our surveyor could help out.

One of the points I tried to make is – with one big central population point, in the form of Moab City – equalizing the populations would almost certainly require cutting up Moab like slicing a pizza, so portions of the city would end up in all the districts. In my experience, this tends to make everyone mad – the city folks say that you’ve split them up in such a way that community cohesion is lost. The people away from the city complain that city voters will overwhelm those in the unincorporated areas and ensure that only city residents get elected to the council seats. Can’t win.

I hope this is helpful and not sticking my nose in your business. Let me know if you think SLCo can help – Gavin
ONE PERSON – ONE VOTE

Establishing Council Districts for Millcreek City and the Metro Townships

By Gavin Anderson

In two landmark decisions of the U.S. Supreme Court of the 1960s, the Federal judiciary entered into the field of setting the standards by which voting or representative districts are established, based on equal populations in those districts. *Baker v. Carr*, 369 U.S. 186 (1962), and *Reynolds v. Sims*, 377 U.S. 533 (1964). These and other decisions focused on the reapportionment of existing districts; the same principles will apply to the initial creation of council districts for the new metro townships and Millcreek City. These and following cases hold that council districts must be established with districts that are, as far as possible, equal in population – commonly referred to as “one person, one vote.”

The principle of one person, one vote is derived from the Equal Protection clause of the 14th Amendment. The case law sets up the “overriding objective” that there must be substantial equality of population between various election or representative districts, which must be “as nearly as practicable” equal in population. While mathematical exactness is not required, those establishing representative districts must strive for equality; deviations from exactness are tolerated by the courts only on a showing that a more equal population division is not possible.

The question comes up about whether there is a guideline or rule of thumb that justifies deviations of some certain percentage. Case law does give an idea of what percentage deviation is acceptable and what percentage is too much. The problem with coming up with a hard-and-fast acceptable deviation is that the courts have focused so closely on the “as nearly as practicable” standard, that any deviation could be overturned, based on the fact that those doing the apportionment could have done a better job. For example, various court decisions have invalidated plans with deviations of 6%, 10%, 16%, and 19%. Other decisions have upheld plans with deviations of 10%. In *Karcher v. Daggett*, 462 U.S. 725 (1983), the court invalidated a deviation of only 1%, based on the notion that it would have been possible to do a closer split; at the same time, the court in *Brown v. Thomson*, 462 U.S. 835 (1983) upheld a reapportionment with a 16% deviation, again based on the “as nearly as practicable” rule. The Karcher decision has been reaffirmed by the court in 2012, writing that the apportioning entity is required to make a good faith to achieve “absolute equality.”

Based on the foregoing, Salt Lake County’s goal in establishing council district boundaries in the metros and Millcreek should be to come as close as is possible to exactly equal populations. There are practical limits on achieving this end based on two factors: the extremely small populations at issue, especially in Copperton and Emigration Canyon, and the necessity to rely on 2010 census block data for an official population count. These two considerations might justify deviations in the five to ten percent range, as sometimes the movement of only 2 or 3 residences from one council district to another could result in wide swings in percentages. In the larger council districts, the County may not be legally justified in approving a district plan with a deviation in the neighborhood of five percent.

Based on these legal principles, Salt Lake County needs to be focused on achieving the most equal population split reasonably possible. While it is possible and desirable to give close consideration to traditional neighborhoods and subdivisions and to focus on boundaries that follow major thoroughfares, rather than
neighborhood streets, that consideration must give way to equality of population in the several council districts – otherwise the districting plan will be subject to challenge and being overturned.
### GRAND COUNTY VOTERS

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<th>COUNCIL DISTRICTS</th>
<th>VOTERS IN EACH DISTRICT</th>
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<td>District 1 Precincts 1, 9</td>
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**As of 3/28/2019**
Public engagement process
Summer 2019

Collate data from all surveys received
August

Determine recommendation for one single form of government
September

Determine recommendation on number of members and full-time vs. part-time status for Commissioners/Council Members (for proposed Optional Plan)
September

Determine recommendation on elections for Commissioners/Council Members from districts, at large, or by a combination (for proposed Optional Plan)
October

Determine recommendation for transition plan as to election vs. appointment of Commissioners/Council Members; retention of existing offices & ordinances; continuity of pending proceedings; interim appointments; and any adjustments in budget appropriations (visit le.utah.gov:1752a-404) (for proposed Optional Plan)
October
Approve all components for a draft Optional Plan for submission to outside legal counsel  
October 2019

Submit proposed Optional Plan Ordinance to County Council for adoption  
December

County Attorney review of the Council-adopted Optional Plan: For compliance with State Code  
February 2020

Election on one single recommended form for Grand County Government together with the Optional Plan (yes or no vote)  
November 2020

Election of candidates for the newly approved form of Grand County Government  
To be determined under the Optional Plan, but on or before November 2022

2020 Ballot Pass: Recommended form of government begins  
2020 Ballot Fail: Default 3-Member Commission begins  
January 2023