GRAND COUNTY
CHANGE IN FORM OF GOVERNMENT
STUDY COMMITTEE
REGULAR MEETING

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

AGENDA
Friday, July 19, 2019

12:00 p.m.

☐ Call to Order (Chairperson Stocks)
☐ Pledge of Allegiance
☐ Approval of Minutes (Secretary Till)
  A. June 21, 2019 (Study Committee Regular Meeting)

☐ General Reports
☐ Community Outreach and Possible Action
  B. Report on 4th of July booth event similar to Open Houses (Committee Members Carmichael and Dabney)
  C. Review and adoption of subcommittee narrative report in response to public surveys and emails received and discussions held at Open Houses (Subcommittee Chair Dabney and subcommittee members Carmichael and Stocks)
  D. Suggestions for additional public service announcement(s) (Committee Member Till)
  E. Suggestions for next newspaper editorial regarding the public engagement process (Chairperson Stocks)

☐ Citizens to Be Heard
☐ Presentations
  F. Educational presentation on election district scenarios for Grand County (William Cooper, consultant on election districts) (allow one hour)

☐ General Business- Action Items- Discussion and Consideration of:
  G. Approving proposed schedule for additional regular Study Committee meetings beyond August 9, 2019 and updating the flyer accordingly (County Council Administrator Dillon)

☐ Consent Agenda- Action Items (none)
☐ Discussion Items (none)
☐ Discussion and Possible Action on Study Strategy
  H. 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, Greenberg, and Till)
  I. Discussion on recommending number of representatives for the future form of government (Chairperson Stocks)
  J. Discussion on recommending one of the four forms of county government (Committee Member Till)
  K. Discussion on recommending voting by district or at-large or a combination of both (Chairperson Stocks)

☐ Public Hearings- Possible Action Items (none)
☐ Future Considerations
☐ Closed Session(s) (if necessary)
☐ Adjournment
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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 12:03 p.m. with a quorum present. In attendance at the call to order were Study Committee Members Judy Carmichael, Walt Dabney, Jeramy Day, Bob Greenberg, and Marcy Till; Cricket Green arrived shortly after the call to order. 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 Walt.

Approval of Minutes
A. June 13, 2019 (Study Committee Special Meeting: “Spanish Valley” Open House)
   Chairperson Stocks requested any changes or corrections to the minutes.
   MOTION: Motion by Judy to approve the minutes of June 13, 2019 Open House seconded by Bob carried 7-0.

B. June 14, 2019 (Study Committee Regular Meeting)
   Chairperson Stocks requested any changes or corrections to the minutes. Bob provided suggested changes as follows: Page 3, Item F to be changed from “poignant” to “pertinent” to read “Marcy agreed to draft a list of pertinent questions presented by citizens.” Page 3, Item I to be changed from “PSA at no charge” to “no-charge PSA” to read “Marcy agreed to submit another no-charge PSA to KZMU to advertise the 4th of July booth if the booth is deemed available.” Walt suggested a change on page 4 Item K to be changed from “reported” to “repeated,” yet Judy stated that it is fine the way it is.
   MOTION: Motion by Bob to approve the minutes of June 14, 2019 as modified seconded by Marcy carried 7-0.

C. June 17, 2019 (Study Committee Special Meeting: “Castle Valley” Open House)
   Chairperson Stocks requested any changes or corrections to the minutes. Bob provided suggested changes as follows: Page 1 to be changed from “Grand Water & Sewer Service District building in Moab, Utah” to “Castle Valley Town Hall in Castle Valley, Utah” to read “The Grand County Change in Form of Government Study Committee (“Study Committee”) met in Special Session for an Open House on the above date at the Castle Valley Town Hall in Castle Valley, Utah.” Next sentence to be changed from “at by 4:00 p.m.” (typo) to “at 4:00 p.m.” to read “The Open House began at 4:00 p.m. with a quorum of four present.”
   MOTION: Motion by Jeramy to approve the minutes of June 17, 2019 Open House seconded by Cricket carried 7-0.
General Reports

D. Update on information regarding the possibility of holding a county special election of officers during the municipal election year of 2021

Marcy read an excerpt from an email dated June 18, 2019 received from Gavin Anderson, Salt Lake County Deputy District Attorney, as follows: “It does appear pretty clear that the election of county officials has to be conducted in a general election year – that is, in November of an even-numbered year: ....”

Marcy further reported that the County Clerk had also weighed in with a similar response.

Jeramy expressed his opinion of the importance of having outside legal counsel to review House Bill 224 (HB 224) which became law, stating that legal analysis is needed to confirm timetables per HB 224 as to when the Study Committee can or cannot hold the elections, and that legal review should include an interpretation of timetables and deadlines. He expressed concern about the contradictions and gray areas in the new law.

Bob expressed that the County Clerk is the election official for Grand County; that the County Attorney has provided her legal opinion on this which agrees with the County Clerk’s opinion and agrees with Gavin Anderson’s legal opinion; and that Mr. Anderson is the expert on change of form of government law; and that the voters have indicated three separate times that they are fine with the current form of government.

Walt suggested having another reading of the law, to include the timetables, and he supported Jeramy’s suggestion to submit a legal question if Jeramy has a specific question; he stated that otherwise the Committee should accept the opinions of the County Clerk and County Attorney.

Judy noted that Mr. Anderson’s email included an option for lobbying, a “crapshoot.”

Community Outreach and Possible Action

E. Report on June 17, 2019 Open House and surveys received

Study Committee Members reported positive results from the Open House held in Castle Valley on June 17th: That approximately 30 attended, despite the rainstorm, representing almost 10% of Castle Valley and that citizens reported during the Open House that they found it refreshing to come to learn rather than to argue. Additionally, the attendees expressed that they were appreciative of the Study Committee coming to them.

Bob reported that at least one individual attended who was not from Castle Valley. County Council Administrator Dillon reported having received 11 surveys from the Open House, plus an additional 10 surveys that were turned in to the Treasurer’s Office from former Open Houses, as well as several written comments regarding pros and cons of voting at large versus voting by district. She stated that she allowed several from the Open House to take surveys home to others in the household.

Furthermore, County Council Administrator Dillon reported having sent a clarifying email to all county staff after a newspaper erroneously reported that County staff would be interviewed and/or surveyed. She reported that the Open House wall displays are now displayed on the courthouse wall just outside the Council Chambers, spread from the 100 East entrance to the foyer at the Clerk/Auditor’s Office.

F. Update on booth information for the Fourth of July Celebration in Swanny Park

Cricket reported that a carnival-type activity at the booth for the Fourth of July celebration is required by the Chamber of Commerce. She questioned as to whether Committee Members still want to pursue the booth, which is no cost since Grand County is a member of the Chamber of Commerce. Committee Members discussed such activity ideas as patriotic face-painting or properly folding an American flag. Chairperson Stocks volunteered to look into setting up a dunk tank or similar ideas. Judy and Walt volunteered to run the booth and Walt agreed to ensure that a table is provided. Cricket agreed to forward the Chamber of
Commerce application to County Council Administrator Dillon for processing and keeping booth volunteers apprised of expectations. Additionally, the Administrator's Office will provide surveys and Open House packets for use by Committee Members during booth discussions with citizens.

G. Approving use(s) of Facebook and/or other social media, postponed from June 14, 2019

Jeramy recommended erring on the side of caution, reporting that anything posted on social media becomes public record and must be accessible for public record, and further that comments could be used in a court of law. He encouraged instead making information accessible to citizens via the Study Committee webpage. Other Study Committee Members seemed to agree, stating that email is another avenue for communication.

The matter failed for lack of a motion.

H. Suggestions for public service announcement(s)

Marcy agreed to submit another no-charge public service announcement (PSA) to local media, including both radio stations, to advertise the 4th of July booth. It would read something along the lines of, "Missed the Open Houses? There's still time to complete the survey. Request a survey from the Administrator's or Treasurer's Office. Learn more about the change in form of government by visiting our booth at the Fourth of July celebration at Swanny Park. Return your survey by 5PM Friday, July 5th."

County Council Administrator Dillon announced that she took the liberty to update the Study Committee flyer by replacing the Open House dates with the Study Committee's Fourth of July Booth times from 10 to 2 and announcing the 4th of July celebration location of Swanny Park.

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

Chairperson Stocks stated that he will repeat the PSA information as determined in Item H being sure to mention the Fourth of July booth and the survey deadline of 5PM July 5th.

Citizens to Be Heard

Citizen Paul Frank inquired as to why the survey must be requested rather than having it printed in the newspaper(s). Study Committee Members explained reasons for maintaining the integrity of the survey response process. Mr. Frank confirmed that he received a survey made available at today's Study Committee meeting.

Presentations

J. Presentation on Grand County voting trends from 1960 to the present with implications for form-of-government issues

At approximately 12:53 p.m., County Council Administrator requested a five-minute recess for the purpose of locating the projector remote control, which request was accepted and a five-minute recess was declared by Chairperson Stocks.

At 12:58 p.m., Chairperson Stocks called the meeting back to order, with all Study Committee Members present.

Following the recess, Kevin Walker, Grand County Democratic Party Chair and research mathematician, provided a PowerPoint presentation on voting trends from 1960 to the present. His presentation posed the question, "Did the change of government in 1993 give one side an advantage?" He indicated that the answer is "no," that nothing dramatic happened in 1993 and that there was no apparent advantage for either political party since 1993. He stated there was a dramatic decrease in Republican voting between 1984 and 1988, to which Cricket stated that this was the time of the uranium mining bust when many people moved out. He
further stated that control has bounced back and forth between liberals/Democrats and conservatives/Republicans many times, both before and after 1993. Mr. Walker reviewed “other lessons” revealed by the data, stating that over the past 30 years Grand County has become gradually more progressive, as also indicated currently by the elected Moab City Council. He reported that the State of Utah shortly before 1992 had moved away from the commissioner staggered terms of 2-4-4 to the current staggering of terms for elections every two years.

Following the main presentation, Mr. Walker invited Committee Members for questions. Questions were given, and Mr. Walker indicated that Grand County has been 8 to 10 years behind Moab City and Salt Lake City in political progressiveness; that until recently over one-half of Grand County registered voters were registered as Unaffiliated; and that, in his opinion, there is great chance for political diversity with voting by districts rather than voting at large.

Afterwards, Mr. Walker offered to forward the PowerPoint documents to Study Committee Members.

K. Presentation on statistics of Grand County elections showing the history of opposed and unopposed candidates for County Council

Cricket reported her interpretation of the statistics provided in the packet that there were only 5 (of 13) races since 1993 (beginning in 1994) in which there was opposition within a given district. Bob reported his interpretation of the statistics that almost exactly 25% of the races (6 out of 22) had unopposed candidates. He stated that districting size is not accounted for in the statistics provided, stating that some districts have 800 voters compared to other districts with 1500. He expressed the need to re-design the districts to be equal.

Judy expressed that it will be easier to recruit good candidates along party lines.

Walt expressed his agreement that the existing districts are skewed. He pointed out that nearly half of Grand County’s registered voters are Unaffiliated. He then inquired about funding for Unaffiliated candidates.

Bob explained that the local Democratic Party has supported candidates who are not registered Democrats as long as they believe in Democratic ideals. Jeramy explained that the local Republican Party bylaws restrict funding to Republican candidates yet candidates may themselves raise funding.

Stephen brought up the fact that there are other parties as well, including Libertarian, Green, and Independent.

Discussion and possible action on study strategy

L. Forming a subcommittee to review the completed surveys following the deadline of 5PM Friday, July 5, 2019 in order to develop a narrative report for Study Committee review and adoption

Marcy suggested having several subcommittees to collate and interpret information from the Open Houses. Bob suggested the understandings from the conversations also need to be included.

Judy requested a spreadsheet.

MOTION: Motion by Bob for the Chair to appoint committees of two to analyze the surveys on each location and provide a narrative, and for the Administrator’s Office to tabulate the surveys by location and the discussions and forward them confidentially. The motion was seconded by Judy. There was discussion to request a grand total.
Bob amended the main motion to include that draft reports be circulated to the individual members who were not part of the subcommittee but who attended those meetings. Judy accepted the amendment to the main motion.

Bob reported that Tooele County Study Committee Members advised using trend language such as “vast majority, slight majority, dead even, general agreement, no agreement, and points mentioned” instead of numbers which give the impression of a vote.

Walt reported that he attended all three Open Houses and will attend the Fourth of July booth. He stated that thus far there has been no difference in tone by the participants at the various locations but each event illuminated general confusion on nomenclature: “council” versus “commission” and “appointed manager” versus “administrator.”

Bob suggested having one committee to write a narrative report collectively, with Walt spearheading since Walt will have attended all events. There was discussion to request Jeramy’s input for clarifications since Jeramy was not able to attend the events thus far. Walt offered to chair a committee to collate all the information; Stephen and Judy agreed to participate on the committee, and Walt agreed to then share the draft narrative with all remaining Study Committee Members.

The amended motion failed 0-7.

MOTION: Bob made a substitute motion to appoint a committee to be headed by Walt, with members Stephen and Judy, to analyze the results of the surveys and compile a narrative, and circulate that narrative to all members who attended the Open House meetings – for edits. The motion was seconded by Cricket and carried 7-0.

County Council Administrator Dillon clarified that, as discussed, her office will tabulate the responses following the 5PM July 5th deadline; the tabulation will be of each of the four questions by Open House location, including a separate location for surveys received from the Fourth of July booth, as well as a separate location for individual (unmarked) surveys received by the Treasurer’s Office and Council Administrator’s Office by the deadline, together with a grand total of all locations; and that such numerical tabulations and source documents will be treated confidentially and internally for the purpose of informing general trends to be communicated in the form of a narrative report. She agreed to do her best to have the tabulations done in time for the committee to meet to draft a narrative report for forwarding to remaining Study Committee members prior to potential adoption at the next Study Committee meeting.

M. 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

Jeramy reported having contacted over six law firms in Utah, including Snell & Wilmer; Parr Brown Gee & Loveless; David Church; Lisa Tatton (Jeramy reported being unsure of name); Todd Weiler (State Senator and attorney who reportedly knows HB 224); and Kirton McKonkie. He reported that many cannot represent Grand County due to conflicts of interest, while Kirton McKonkie has been unwilling to represent for the fee proposed.

Bob reported that interested attorneys thus far (Steve Russell, Snell & Wilmer, and Leigh Singleton) have estimated 20 to 30 hours of work, stating that the difference in cost is due to differences in hourly rates.

Several Committee Members expressed interest in having Gavin Anderson as attorney, if he is allowed to provide a proposal.

Committee Members discussed pros and cons of each of the three proposals received thus far.
MOTION: Motion by Bob to postpone Item M until next meeting, seconded by Walt.

Bob suggested he could amend his motion to postpone until the Committee receives a proposal from Gavin Anderson. There was discussion about possibly calling a special meeting. Following discussion, the vote was called, as above, for postponing until the next regular meeting.

Chairperson Stocks expressed concern about continuing to push back the matter of engaging outside counsel.

Jeramy stated that he has indicated to law firms he has solicited that they must, as part of the Scope of Work, familiarize themselves with and provide legal analysis of HB 224, provide expertise in writing and drafting the governing documents and Optional Plan on the change in form of government, and answer any questions the Study Committee Members have during the process.

Committee Members discussed the need to have a separate cost to analyze and answer legal questions that may come up during the process. In order to better ensure comparative legal proposals, Jeramy agreed to provide the email questions he asked of Snell & Wilmer to Marcy for purposes of her forwarding on to attorney Gavin Anderson in the event that he is allowed to provide a quote. Jeramy also agreed to provide same to Bob for purposes of Bob’s forwarding on to attorneys Steve Russell and Leigh Singleton to request their revisions to their proposals/quotes. If needed for “apples-to-apples” comparisons, Jeramy will also seek a revision to proposal/quote from Snell & Wilmer.

County Council Administrator Dillon agreed to inquire with the County Attorney as to whether a letter of agreement/engagement along with a Scope of Work is acceptable, versus the County’s Independent Contractor’s Agreement.

Motion carried 6-1 with Stephen opposed.

N. Approving amended motion of June 14, 2019 to contract with Mr. William Cooper of Bristol, Virginia for expert consultation on election districts in a not-to-exceed amount of $1,000 for initial draft plans for 3 and 5 voting districts

Bob expressed that Mr. Cooper is an expert on drawing election districts and has drawn up over 750 plans, that Mr. Cooper is expected to be in Utah in September 2019 and can run scenarios live with software. Bob expressed the opportunity to look at possibilities for districts, explaining that small districts may have been problematical for recruiting candidates. Cricket suggested that the Study Committee should first determine whether to recommend having districts. Walt stated that citizens from the Open Houses expressed a lot of questions and concerns about districts, and he noticed a lot of interest in a combination of at-large seats with district seats. He suggested that the live scenarios could help reassure citizens.

The Morgan County Optional Plan report was briefly discussed which indicated that they will be recommending the combination of at-large and districts and further will be recommending that the next governing body determine the districts. Study Committee Members agreed that Morgan County’s having the next governing body determine the districts could invite gerrymandering. Bob explained that, with 2020 Census data, the new local governing body would have the opportunity to adjust the districts.

Committee Members suggested having a phone conference or video conference with Mr. Cooper, limited to an educational session such as providing the “nuts and bolts” of districting and providing current trends. Bob expressed that Mr. Cooper’s career has been largely consulting on redistricting to un-do discriminatory gerrymandering.
Kevin Walker, as Chairman of the Grand County Democratic Party spoke on ideas for redistricting. It was stated that there are many, many ways to divide the population and further that some states require independent redistricting commissions.

MOTION: Motion by Jeramy to approve a visit from Mr. Cooper via video conference, or if he appears in person, to give a presentation regarding districting for educational purposes only, with a budget not to exceed $500. The motion was seconded by Bob and carried 6-1 with Cricket opposed.

Bob agreed to email Mr. Cooper for a possible presentation as early as next regular meeting.

Future Considerations

O. Determining a fall meeting schedule

County Council Administrator Dillon reported having received no schedules from Committee Members. The request was made to provide her with blocks of time that will not work; in this way she can arrive at a schedule to include additional Fridays until Thanksgiving 2019 that will work for the majority of Study Committee Members. Several Committee Members immediately indicated their general availability on Fridays.

Closed Session(s) (if necessary) - none

Adjournment

The meeting was adjourned at approximately 3:05 p.m. by acclamation.

________________________________________
Stephen Stocks
Chairperson

________________________________________
Marcy Till
Secretary
Here is what went out yesterday. Should have copied you. All members have it and I have phone checked with those not on the sub committee.

Walt

___

Grand County Study Committee Members,

Today, July 17, 2019, Judy Carmichael, Stephen Stocks and I met to discuss the conversations we had at the three Open House events and the 4th of July booth at Swanney Park conducted to solicit feedback from Grand County citizens on the required change of county government. The consensus of our group was that these opportunities to provide input were valuable to the citizens and to us as Study Committee members to have had a chance to discuss and answer questions related to the four approved forms of government. After reviewing the written surveys submitted and reading the comments this sub-committee reports the following:

- **Forum.** A council with appointed county manager form of government had significant support;
- **Number of Representatives.** Either 5 or 7 members had major support; while, 3 or 9 members had a lack of support;
- **Full v. Part-Time.** 'Part-time' positions had significantly more support; and,
- **Elections At Large v. Districts.** All elected at large or a combination of both had major support; while, there was a lack of support for all elected by districts.

If you have any comments or additions to this communication, please let me know. See you at the meeting on Friday.

Walt Dabney

Sub-committee chair

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Proposed additional Study Committee Meetings

Change in Form of Government

Calendar for Year 2019 (United States)

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**Holidays and Observances:**

- Jan 1: New Year's Day
- Jan 21: Martin Luther King Jr. Day
- Feb 14: Valentine's Day
- Feb 18: Presidents' Day (Most regions)
- Mar 17: St. Patrick's Day
- Apr 15: Tax Day
- Apr 21: Easter Sunday
- Apr 22: Easter Monday
- May 5: Cinco de Mayo
- May 12: Mother's Day
- May 27: Memorial Day
- Jun 16: Father's Day
- Jul 4: Independence Day
- Sep 2: Labor Day
- Oct 14: Columbus Day (Most regions)
- Oct 31: Halloween
- Nov 11: Veterans Day
- Nov 28: Thanksgiving Day
- Nov 29: Black Friday
- Dec 24: Christmas Eve
- Dec 25: Christmas Day
- Dec 31: New Year's Eve
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
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
Bob and the Study Committee,
My firm has been asked to consider drafting the Optional Plan for the Study Committee regarding Grand County’s new form of government. It is difficult to foresee the specific amount of billable hours that will be required to adequately complete the project. My hourly rate is $295.00 and I estimate that it would require a minimum of 30 hours of work, or approximately $8,850.00.

This estimate assumes that requested edits by the Committee would be limited and not require complicated provisions. The scope of work would be limited to drafting the plan based on the Committee’s direction. My firm would not provide legal counsel as to the merits of either form, but would instead draft the documents to reflect the Committee’s recommendation in accordance with Utah law. Once drafted, it would be sent to the Grand County Attorney for review and revision and my portion of the project would be complete. The anticipated timeline for the project is:

1) The Study Committee would advise me of their recommended form of government [either county commission, expanded county commission, elected executive and council or appointed manager and council] prior to or around late September 2019;
2) This recommendation would include the number of commissioners or council members, whether they are full time or part-time, and whether they are voted for at large/ by district/ or a combination and other pertinent details;
3) Upon receipt of this complete recommendation, my firm would have 30 days to provide the Optional Plan documents. The documents would be provided to The SC and revised based on any comments that are received within a reasonable time (recommend 2 week comment period);
4) Revisions would be made after the comment period if necessary to ensure the SC’s recommendation is carried out; and
5) Then, The Optional Plan will be presented to the Grand County Attorney who will revise as she deems necessary or beneficial.

My firm’s representation would be limited as set forth above and a Fee Agreement would be presented and signed. It is understood that all legal fees are billed hourly and this is a good faith estimate. Ideally, the project will not require 30 hours but it may take longer. If retained, I will certainly strive to provide an efficient, economical service to the Study Committee.

Thank you for considering my firm in this important task and please let me know if you need additional information.

Leigh

Law Office of Leigh H. Singleton, Esq.
600 17th Street, Suite 2800 South
Denver, Colorado 80202
By appointment in Moab, Utah
LEIGH H. SINGLETON
Law Office of Leigh H. Singleton, LLC
600 17th Street, Suite 2800 South
Denver, Colorado 80202
by appointment in Moab, Utah
720-904-9189
leighsingleton@q.com

EXPERIENCE

LAW OFFICE OF LEIGH H. SINGLETON, LLC
Denver, Colorado (2006- Present)

Lending expertise and guidance to clients in the areas of commercial litigation, real estate, landlord/tenant and employment. Providing aggressive and cost effective case management, including early analysis of needs and objectives, effective use of information technology in discovery and at trial. Resolving commercial disputes using private mediation and arbitration. Advising clients on how to avoid litigation by proactively auditing and actively strategizing commercial disputes. Scope of commercial disputes including, defamation, protection of proprietary information, shareholder disputes, employee disputes, landlord tenant disputes, leases, premises liability, real estate, construction and design cases and breach of contract issues.

MINOR & BROWN PC
Denver, Colorado (2003-2006)

Litigation Associate responsible for taking cases from their inception to their resolution and/or trial. Specialty area: commercial litigation.

STEWART, SHORTRIDGE AND FITZKE, PC

Litigation Associate. Meet with clients to assess case, prepare discovery, research issues, draft and file appropriate Motions, conduct depositions, prepare expert witnesses and conduct trials.

DISTRICT ATTORNEY'S OFFICE, DEPUTY DISTRICT ATTORNEY
13th Judicial District, Fort Morgan, Colorado (1998-1999)

BACKGROUND


Education: University of Texas at Dallas (B.A., Magna Cum Laude, 1992); Texas Tech University (J.D. 1996). Member: 1st JD Bar, Denver, Women's Bar Associations and Utah Bar Association.
June 27, 2019

Grand County Study Committee
Change in Form of County Government
Attn: Marcy Till, Chair
125 East Center Street
Moab, Utah 84532

Subject: Proposal for legal services – Form of Government Project

Dear Committee Members:

I'm writing to respond to your request for proposals related to document drafting and legal services to assist in preparing an optional plan of government for Grand County. I'll start with my qualifications and also include some suggestions regarding services and how I would recommend we begin drafting a plan.

Qualifications:

I have served as a deputy Salt Lake County attorney for forty years, working in the Civil Division and with a practice focusing on county government structure and powers. I have been involved in optional plans of county government since the early 1980s, when Salt Lake County went to a vote on a change of structure which would have included a city-county merger; that proposition failed at election. In the 1990s I worked extensively on both legislation and county ordinances to pave the way for a Salt Lake County optional plan which would separate executive and legislative powers. Working with the Utah Association of Counties and Cache County (which had already adopted a separation of powers government in 1984), I was one of the drafters of the legislation which ultimately divided county powers and functions along executive-legislative lines of authority and I also helped draft the bill that eventually created the optional plan of county government chapter in state code (chapter 17-52, initially enacted in 1998).

With the new laws in place, I worked extensively on the process for Salt Lake County changing its form of government – this began with an election in 1998 and an effective date for the new form of government in 2001. That change created a council-executive form of county government, with an elected mayor and 9 council members.
Although I had no involvement in the legislative process that resulted in the enactment of HB 224, 2018 Session, I have studied the resulting law extensively and have given presentations to Grand and Tooele counties about how the new legal provisions work and have consulted with Utah and Morgan counties about their own change of government proposals – all of which involved the application of the new law.

I am a member in good standing of the Utah State Bar.

Proposed Methodology:

My recommendation for moving forward with the Committee is as follows: I would like to meet with the study committee as soon as possible in July to get directions on how you would like to proceed over the summer. In preparation for that meeting, I will prepare a rough outline of elements to include in an optional plan – at this early stage, the outline would not focus on any of the four potential forms of government, but would make general reference to the differences between the forms and suggest provisions pertinent to each.

When the Committee begins to focus on a particular form, I will expand the outline to a rough draft of an optional plan for that form of government. We can then work on refining the draft as the committee finds appropriate, until the rough draft becomes a polished product. Following community involvement and public hearings, I will prepare a final version for the Committee's approval and presentation to the County Council and County Attorney.

In addition to the actual plan, I will be able to assist the Committee with other matters related to processing the proposal and election, such as helping with notices to the State or a voter information pamphlet, if the County decides to go that direction.

My proposal includes any support staff services I need related to drafting, typing and mailing. I assume Grand County staff will assist with copying and distributing the documents I provide to you, as well as setting up meetings, providing notices, and the like.

Travel:

I am willing to personally attend any meetings in Moab as requested by the Committee; I will attend telephonically all Committee meetings. I recommend that I come down to an initial meeting in July and to any meeting where we would discuss a draft plan. As the committee requests, I will also attend public hearings or other events where I can help with answering questions, including the Committee’s presentation to the County Council.

I would prefer that reimbursement for my travel be paid to me directly and should consist of mileage and per diem according to one-half of the usual Grand County allowance. I will not receive travel reimbursement from Salt Lake. I do not intend to include an hourly charge for my
travel time (frankly because I enjoy the drive and will consider it vacation time). I will charge only for actual meeting time in Moab. If you accept my proposal, please let me know your expectations for travel. I have commitments precluding my attending meetings on Saturday afternoons or Sunday mornings.

Payment and Contract:

As we have already discussed, my office would prefer an arrangement in which Grand County and Salt Lake County enter into an interlocal agreement for my services. Under this idea, our two counties would agree that I provide to the Committee the services described and Grand Co would pay to Salt Lake County an amount based on a monthly invoice I prepare. I would continue to be a SLCo employee and would receive my usual salary and benefits – my work for the committee would be considered part of my normal job. We have used this arrangement before and I have attached an example of the interlocal contract we used. Please review the attachment and let me know if you need any changes. My hourly billable rate will be $189.59. As mentioned, travel reimbursement will not be part of the monthly billing and will be paid directly to me based on Grand County rates.

Conclusion:

I have a strong personal interest in being involved with Grand County on this exciting endeavor and in seeing it through to a good conclusion. I will do my best to provide a timely and valuable product to the Committee. At all times regarding my services, I will treat the Committee as my client for all purposes of the ethical rules governing an attorney-client relationship. Please let me know if I can provide further information.

Sincerely,

Gavin J. Anderson
Deputy Salt Lake County Attorney
INTERLOCAL COOPERATION AGREEMENT

between

SALT LAKE COUNTY
for its District Attorney's Office

and

GRAND COUNTY
for its Form of Government Study Committee

THIS INTERLOCAL COOPERATION AGREEMENT ("Agreement") is entered into by and between SALT LAKE COUNTY, a body corporate and politic of the State of Utah, for its District Attorney’s Office ("District Attorney") and GRAND COUNTY, a body corporate and politic of the State of Utah, for its Form of Government Study Committee (Grand County) The District Attorney and Grand County may each be referred to herein as a “Party” and collectively as the “Parties.”

RECITALS:

A. Salt Lake County and Grand County are “public agencies” as defined by the Utah Interlocal Cooperation Act, Utah Code Ann. §§ 11-13-101 et seq. (the “Cooperation Act”), and, as such, are authorized by the Cooperation Act to enter into this Agreement to act jointly and cooperatively in a manner that will enable them to make the most efficient use of their resources and powers.

B. Grand County seeks legal advice from the District Attorney to assist the Form of Government Study Committee (“Committee”) prepare and propose an Optional Plan of County Government for Grand County.

C. Pursuant to the authority granted by the Cooperation Act, and based on mutual advantage, the Parties desire to enter into this Agreement for legal services.

AGREEMENT:

NOW THEREFORE, in consideration of the mutual promises contained in this Agreement and in compliance with and pursuant to the provisions of the Cooperation Act, the Parties agree as follows:
1. **SCOPE OF WORK.**

   **Legal Services.** The District Attorney agrees to provide legal services to assist Grand County with regard to the Committee’s preparation, drafting and submitting an Optional Plan of County Government for Grand County. Services will be provided by Gavin Anderson, Deputy District Attorney. The specific work and deadlines are intended by the Parties to be flexible and shall be as agreed upon by the parties.

2. **CONSIDERATION & PAYMENT.**

   **Consideration.** Consistent with Salt Lake County Ordinance, the reimbursement to the District Attorney is required at a level of cost recovery set at the full cost of the service, including overhead. Grand County shall compensate the District Attorney for direct and indirect costs for legal services in an amount not to exceed $7,500 for services regarding the Scope of Work.

   A. Payment for direct and indirect costs shall be made on a reimbursement basis as outlined below.

   B. **Payment.**

      (i) **Invoices.** During performance of this Agreement, the District Attorney shall submit invoices to Grand County for each calendar month during which direct or indirect costs are incurred. Costs are set at an hourly rate for the District Attorney’s services at $189.59. Each invoice must be submitted no later than thirty (30) days following expiration of the month to which the invoice relates. Each invoice must detail the work performed, by whom, the date of such work, and billing rates for such work. Each invoice must also detail the indirect costs incurred by District Attorney during the performance of the work performed.

      (ii) **Disbursement.** Within thirty (30) days following receipt of an invoice from the District Attorney Grand County shall, subject to Paragraph 2B(iii) below, disburse payment to the District Attorney in the amount requested on the invoice.

      (iii) **Maximum Payable Amount.** In no event shall Grand County be required to pay the District Attorney more than the maximum amount specified in Paragraph 2 above.

3. **GENERAL PROVISIONS:**

   A. **Effective Date and Term of the Agreement.** This Agreement will be effective as of_______, 2019, and will continue through the conclusion of the Scope of Work, unless terminated earlier as provided below.

   B. **Interlocal Cooperation Act.** In satisfaction of the requirements of the Cooperation Act and in connection with this Agreement, the Parties agree as follows:
(i) This Agreement shall be authorized as provided in Section 11-13-202.5 of the Cooperation Act.

(ii) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party pursuant to and in accordance with Section 11-13-202.5 of the Cooperation Act.

(iii) A duly executed original counterpart of this Agreement shall be filed immediately with the keeper of records of each Party pursuant to Section 11-13-209 of the Cooperation Act.

(iv) The term of this Agreement shall not exceed fifty (50) years pursuant to Section 11-13-216 of the Cooperation Act.

(v) Except for the reimbursement specifically provided herein, each Party shall be responsible for its own costs for any activity done pursuant to this Agreement, and for any financing of such costs.

(vi) No separate legal entity is created by the terms of this Agreement and no facility or improvement will be jointly acquired, jointly owned, or jointly operated by the Parties under this Agreement.

(vii) Pursuant to Section 11-13-207 of the Cooperation Act, Grand County’s Representative (designated below) and District Attorney’s Representative (designated below) are hereby designated as the joint administrative board for all purposes of the Cooperation Act.

C. Representatives.

(i) Grand County Representative. Grand County designates Marcy Till, Committee Chair, as the Grand County’s representative to assist in the administrative management of this Agreement and to coordinate performance of this Agreement. Said representative shall monitor and evaluate the performance of this Agreement by the District Attorney and shall enforce Grand County’s rights and responsibilities under this Agreement.

(ii) District Attorney Representative. The District Attorney designates Gavin Anderson as the District Attorney’s representatives in its performance of this Agreement. The District Attorney Representative shall have the responsibility of working with the Grand County through Marcy Till to coordinate the performance of its obligations under this Agreement and shall update Grand County’s representative on the status and progress of the legal services.

D. Notices. Any notice or other communication required or permitted to be given under this Agreement shall be deemed sufficient if given by a written communication and shall be deemed to have been received upon personal delivery, actual receipt, or within three (3)
business days after such notice is deposited in the United States mail, postage prepaid, and
certified and addressed to the Parties as set forth below:

<table>
<thead>
<tr>
<th>District Attorney</th>
<th>Grand County</th>
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<tbody>
<tr>
<td>Ralph Chamness</td>
<td>Ruth or Chris</td>
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<tr>
<td>Chief Civil Deputy District Attorney</td>
<td></td>
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<tr>
<td>2001 South State Street, S3-600</td>
<td></td>
</tr>
<tr>
<td>Salt Lake City, Utah  84190</td>
<td></td>
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</tbody>
</table>

E. **No Obligations to Third Parties.** The Parties agree that the District Attorney's
obligations under this Agreement are solely to Grand County and that Grand County's
obligations under this Agreement are solely to the District Attorney. This Agreement shall not
confer any rights to third parties unless otherwise expressly provided under this Agreement.

F. **Agency.** No agent, employee, or servant of the District Attorney or Grand County
is or shall be deemed to be an agent, employee, or servant of the other Party. None of the
benefits provided by each Party to its own employees including, but not limited to, workers’
compensation insurance, health insurance and unemployment insurance, are available to the
employees, agents, or servants of the other Party. District Attorney and Grand County shall each
be solely and entirely responsible for its acts and for the acts of its agents, employees, and
servants during the performance of this Agreement.

G. **Liability, Indemnification, and Governmental Immunity.** Both Parties are
governmental entities under the Governmental Immunity Act of Utah, §§ 63G-7-101 to -904
(2011), as amended (the "Immunity Act"). There are no indemnity obligations between the
Parties. Subject to and consistent with the terms of the Immunity Act, Grand County and the
District Attorney shall be liable for their own negligent acts or omissions, or those of their
authorized employees, officers, and agents while engaged in the performance of the obligations
under this Agreement, and neither Grand County nor the District Attorney shall have any
liability whatsoever for any negligent act or omission of the other Party, its employees, officers,
or agents. Neither Party waives any defenses or limits of liability available under the Immunity
Act and other applicable law. Both Parties maintain all privileges, immunities, and other rights
granted by the Immunity Act and all other applicable law.

H. **Ethical Standards.** The District Attorney represents that it has not: (a) provided an
illegal gift in connection with this Agreement to any Grand County officer or employee, or
former Grand County officer or employee, or to any relative or business entity of a Grand
County officer or employee, or relative or business entity of a former Grand County officer or
employee; (b) retained any person to solicit or secure this Agreement; (c) breached any of the
ethical standards in connection with this Agreement set forth in State statute or other applicable
county ordinance; or (d) knowingly influenced, and hereby promises that it will not knowingly
influence in connection with this Agreement, any Grand County officer or employee or former
Grand County officer or employee to breach any of the ethical standards set forth in State statute
or other applicable statute ordinance.