GRAND COUNTY
CHANGE IN FORM OF GOVERNMENT
STUDY COMMITTEE
SPECIAL MEETING
Grand County Council Chambers
125 East Center Street, Moab, Utah

AGENDA
Monday, August 12, 2019

Approved by Chairperson Stephen Stocks: ________________________________

12:00 p.m.

☐ Call to Order (Chairperson Stocks)
☐ Pledge of Allegiance
☐ Approval of Minutes (Secretary Till)
   A. August 9, 2019 (Study Committee Regular Meeting)
☐ Citizens to Be Heard
☐ Discussion and Possible Action on Study Strategy
   B. Approving proposed Recommendation Report and Optional Plan for Grand County
government to forward to the County Council for adoption by resolution prior to County
Attorney review (Attorney Gavin Anderson)
☐ Future Considerations
☐ 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 in 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 in 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 in
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 in 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
GRAND COUNTY
CHANGE IN FORM OF GOVERNMENT
STUDY COMMITTEE
SPECIAL MEETING
Grand County Council Chambers
125 East Center Street, Moab, Utah

AGENDA
Monday, August 12, 2019

12:00 p.m.

☐ Call to Order (Chairperson Stocks)
☐ Pledge of Allegiance
☐ Approval of Minutes (Secretary Till)
  A. August 9, 2019 (Study Committee Regular Meeting)
☐ Citizens to Be Heard
☐ Discussion and Possible Action on Study Strategy
  B. Approving proposed Recommendation Report and Optional Plan for Grand County
government to forward to the County Council for adoption by resolution prior to County
  Attorney review (Attorney Gavin Anderson)
☐ Future Considerations
☐ 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 in 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 in 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 in
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 in 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 12:02 p.m. with a quorum present. In attendance at the call to order were Study Committee Members Judy Carmichael, Walt Dabney, Cricket Green, Bob Greenberg, and Marcy Till. Absent was Committee Member Jeramy Day due to a medical emergency. Also in attendance were Ruth Dillon (County Council Administrator) to take minutes, Attorney Gavin Anderson, and County Clerk/Auditor Chris Baird.

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

Approval of Minutes
A. August 2, 2019 (Study Committee Regular Meeting)
   Chairperson Stocks requested any changes or corrections to the minutes. Marcy requested clarification for the meaning in a sentence at the top of page 3, and County Council Administrator Dillon stated that the sentence should read, "County Council Administrator Dillon suggested that full-time could potentially require the payment of full-time benefits, as is the case currently with county employees" rather than "as is the case currently in the County."

   MOTION:
   Motion by Walt to approve the minutes of August 2, 2019 as corrected seconded by Marcy carried 6-0.

General Reports - none
Community Outreach and Possible Action
   B. Suggestions for additional public service announcement(s) and/or flyer update
      Marcy reported that she ran a blurb in the Ad-Vertiser thanking citizens for input, stating that the Study Committee is continuing to work on the Optional Plan, and that the meeting schedule is posted, welcoming citizen attendance.

   C. Suggestions for next newspaper editorial regarding the public engagement process
      Chairperson Stocks stated that he had no updates.

Citizens to Be Heard - none
Presentations
   D. Presentation and continued discussion on draft districting plans
      Bill Cooper of Bristol, Virginia, districting consultant, attended by phone and led a third video conference reviewing draft districting map C, at the request of Study Committee Members. He stated that map C currently has an 11% overall deviation. He interacted with Study Committee Members for over an hour to redraw the map to arrive at 99.85% Moab City residents—as existed in 2010 within District 1 (urban).
Discussion and Possible Action on Study Strategy

E. Discussion and possible action on recommending a districting plan, either with or without relying on voting precinct boundaries, for the Optional Plan

MOTION:
Motion by Bob to adopt the August 9, 2019 Districting Plan seconded by Walt carried 6-0.

It was clarified that any immaterial items of clean-up around the boundary edges is permitted as long as the numbers don’t change. There was a request of Mr. Cooper to export the map as a .shp file and, when possible, provide a Google Earth link and .pdf of the map along with the statistics for forwarding to the Study Committee. Clerk/Auditor Baird stated that he desires to check with the Lieutenant Governor’s Office to avoid unintended consequences when accounting for permutations.

Mr. Cooper summarized that Moab District 1 is overpopulated by 176 persons or 3.82% above ideal, and that Rural District 2 is underpopulated by 177 persons or 3.84% above ideal. He further explained that there are 7 residents in District 1 who are not part of Moab City, and that 264 Moab City residents will be placed in Rural District 2 along with a few others.

MOTION:
At 1:16 p.m., Bob moved and Walt seconded for a five-minute recess which carried 6-0.

At 1:21 p.m. Chairperson Stocks called the meeting back to order and introduced Item F.

F. Continued discussion and possible action on elements to include in the Optional Plan for Grand County government

Attorney Anderson introduced the draft Optional Plan and stated that Clerk/Auditor Baird had provided his written comments in-line; such comments were provided in the packet. Attorney Anderson reviewed elements of the Plan, particularly those requiring Study Committee determinations on options.

Preamble
Clerk/Auditor Baird suggested a more common now than “locus of residuary powers” to which a consensus of Study Committee Members and Attorney Anderson agreed.

Part Two – The Legislative Body
Section 2.01 – Composition of the Council
Subsection 1.
Study Committee Members stated that a quorum of three had already passed by motion in a previous meeting.

Subsection 2. Attorney Anderson stated that traditionally a simple majority means three for a body of five, and that a super majority means four for a body of five.

Attorney Anderson agreed to wordsmith the first sentence in this subsection to include Clerk/Auditor Baird’s suggested verbiage on the Council being able to elect a Chair and Vice-Chair annually yet without requiring a new Chair each year. Committee Members had consensus to allow the Chair and Vice-Chair full right to debate and vote in the Council and discussed, but without consensus, whether to allow the Chair to make motions.

MOTION:
Motion by Judy for a quorum requirement of three and for any affirmative vote to pass must have three votes, seconded by Bob carried 4-2 with Chairperson Stocks and Cricket opposed.
Part Two – The Legislative Body continued
Section 2.01 – Composition of the Council continued
Subsection 1. continued
Attorney Anderson explained that a change in the Optional Plan may be made by the new governing body except in the following instances which require a vote of the electorate: changing Council Member employment status from part-time; changing the distribution of executive or legislative powers; and/or changing the number of Council Members on the governing body.

Part Two – The Legislative Body continued
Section 2.02 – Council Members Elected At-Large
Subsection 3.

Section 2.03 – Council Members Elected by District
Subsection 1.
There was consensus among Study Committee Members for Attorney Anderson to indicate that the districts will be split between urban and rural as much as at all possible, with District 1 being primarily urban/city limits and District 2 being primarily rural/unincorporated county.

MOTION:
Motion by Cricket to have four-year terms for both at-large and district seats seconded by Bob carried 6-0.

MOTION:
Motion by Bob to designate at-large seats as Seat A, Seat B, and Seat C seconded by Judy carried 6-0.

MOTION:
Motion by Judy for at-large seats A, B, and C to be set on the Presidential election years and district seats 1 & 2 to be set on the Gubernatorial election years meaning the first district terms will be two-year terms if on the 2020 ballot, seconded by Marcy carried 6-0.

Section 2.06 – Compensation of the Council
MOTION:
Motion by Bob to keep the compensation level the same as it is currently (at $36,425 annually for the Chair and $31,000 annually for each Council Member) and add a Cost of Living Adjustment (COLA) whenever all county employees receive it, seconded by Walt failed 1-5 with Cricket, Judy, Marcy, Stephen, and Walt opposed.

There was discussion regarding whether Council Members will continue to participate on County and District boards (referring to boards, commissions, and committee). County Council Administrator Dillon reported that there are approximately two dozen boards in which Council Members participate. Clerk/Auditor Baird clarified that the enabling documents that established these boards indicate that a Council Member must have a seat on the board.

MOTION:
Motion by Cricket to set Council Member annual salaries at $24,000, with $27,000 for the Chair, and COLA to coincide with COLA receipt by county employees, seconded by Bob carried 6-0.
Part Two – The Legislative Body continued
Section 2.06 – Compensation of the Council continued
MOTION:
Motion by Judy that any Council Member salary adjustment, excluding COLA, must pass by a majority vote, and not go into effect until the next term, seconded by Walt carried 6-0.

MOTION:
Motion by Bob to accept Grand County’s current travel and per diem policy for Council Members, seconded by Walt carried 6-0.

There was Committee consensus that Council Members, as part-timers, will not receive benefits.

Section 2.07 – Staff to the Council

MOTION:
Motion by Bob to adopt the language that Council Members may appoint a Council Administrator and other staff as may be necessary to discharge the duties of the Council and motion to recess after the vote on this matter, seconded by Walt carried 6-0.

At approximately 3:05 Cricket announced that Jeramy has a medical illness and sends his sorrow that he cannot be here.

At 3:10 p.m. Chairperson Stocks called the meeting back to order.

Section 2.08 – Voting on the Council
Subsection 1.
MOTION:
Motion by Bob to adopt the language that a Council Member may abstain from any vote, seconded by Marcy carried 6-0.

Section 2.09 – Meetings of the Council
Subsection 1.
MOTION:
Motion by Walt to set a minimum of two Council meetings per month, seconded by Judy. Walt amended his motion, and Judy accepted, to add language to include “emergency” meetings called in the manner provided by “law.” Amended motion carried 5-1 with Bob opposed.

There was Committee consensus to add language to Subsection 1 to signify, “unless the meeting is cancelled under subsection 4.”

Subsection 2.
There was Committee consensus to change “Council Board Room” to “Council Chambers of the Grand County Courthouse or other designated County Offices.”

Subsection 3.
There was consensus to replace “Robert’s Rules of Order” with “County policy.”

Section 2.10 – Powers and Duties of the Council
Attorney Anderson stated that he would add a section regarding the process for budget.
Part Two – The Legislative Body continued
Section 2.10 – Powers and Duties of the Council continued
Subsection 8.
Committee Members discussed and then agreed to come back later in the session to discuss this matter further regarding advice and consent to appointments in the Executive Branch.

Attorney Anderson explained that statute requires the Council to choose one of three “levels of intrusion” with respect to hiring: 1) involvement in hiring of all county employees; 2) approving personnel allocations and budget; or 3) approving personnel budget without specifying the number of people.

Subsection 9.
Attorney Anderson explained as an example that the Council may tell the Sheriff what to do on seatbelt policy but, as written, “may not supervise the statutory and professional duties and authority of the elected Officers, except as provided by state law.”

Subsection 11.
There was discussion as to whether dividing the County into precincts is an obsolete practice. No change was made to the language, thus the term “precinct” remains in the paragraph.

Subsection 12.
Attorney Anderson stated that most boards are an executive branch function rather than legislative branch function yet this subsection refers to filling “vacancies on County boards whose membership is, pursuant to state law, composed of Council appointees.”

Subsection 13
Attorney Anderson explained the term “franchises.”

Section 2.11 – Appointment of County Manager
Subsection 1
MOTION:
Motion by Walt for the hiring of the County Manager to require a vote of four Council Members seconded by Bob carried 6-0.

MOTION:
Motion by Judy for the firing of the County Manager to require a vote of four Council Members seconded by Cricket carried 6-0.

MOTION:
Motion by Bob to add language “without cause” seconded by Judy carried 6-0.

Subsection 2.
MOTION:
Motion by Judy to strike Section 2.11 Subsection 2 and replace with language such as, “The County Human Resources Department may consult with the newly elected Council Members to begin the process of searching for a County Manager immediately after Election Day for a County Manager to be appointed by the new County Council.”

SUBSTITUTE MOTION:
Motion by Marcy to strike Section 2.11 Subsection 2 and replace with language such as, “The County Human Resources Department, in consultation with the newly elected Council Members, shall initiate the process of searching for the County Manager,” seconded by Cricket carried 6-0.
Part Two – The Legislative Body continued
Section 2.12 – Prohibitions
Subsection 2.
MOTION
Motion by Bob to modify Section 2.12 Subsection 2 to delete the language, “except that a Council Member may contract with the County” seconded by Walt failed 1-5 with Cricket, Judy, Marcy, Stephen, and Walt opposed.

Subsection 3. There was Committee consensus to leave this paragraph regarding Council Member recusals as written. Attorney Anderson had stated that recusals are not required in state law.

Subsection 5. This section clarifies separation of legislative and executive powers with respect to attempts to influence employees
MOTION:
Motion by Bob to include Section 2.12 Subsection 5 as it reads in full with no changes, seconded by Marcy carried 6-0.

MOTION:
Motion by Bob (at 4:36 p.m.) to recess for ten minutes seconded by Marcy carried 6-0.

At 4:54 p.m. Chairperson Stocks called the meeting back to order.

Part Three – County Manager
Section 3.01 – The County Manager
Subsection 1.
MOTION:
Motion by Cricket to adopt the minimum qualifications of education and experience as written in the current County Council Administrator job description (as provided in the packet) requiring a master’s degree and four years of management experience or an equivalent combination of education and experience, was seconded by Bob. Cricket amended her motion, with Bob’s approval, to add language “and is compliant with Grand County policies.” Motion carried 6-0.

MOTION:
Motion by Bob for the County Manager to reside or relocate to within one hour of response time to the Grand County Courthouse Office seconded by Walt carried 5-1 with Bob against.

There was Committee consensus to change “term of office” to “term of employment”. There was Committee consensus to strike the last sentence, “The Manager shall be an at-will employee” and to replace with “At the discretion of the County Council, the position may be contracted.”

Subsection 2.
There was Committee consensus to clarify that the County Manager position is an “FSLA exempt” full-time position.

Subsection 3.
There was Committee consensus to require a vote of four of the County Council to select the County Manager, as previously motioned and approved.

Section 3.02 – Vacancy and Removal
Subsection 1.
Subsection 1.
There was Committee consensus to require a vote of four of the County Council to remove the County Manager for any reason (rather than “cause”), as previously motioned and approved.

Subsection 4.
There was Committee consensus to correct “elective” to “elected” public office and to add “or other employment or contracts with Grand County other than the County contract for employment.” Attorney Anderson agreed to wordsmith this section.

Attorney Anderson explained that an elected official vacancy is determined by one of four occurrences: 1) death; 2) disqualification/moving out of voting area; and one undetermined other.

Section 3.03 – Compensation
MOTION:
Motion by Marcy that the Compensation section is to read, “The County Manager compensation package shall be determined by the County Council in conjunction with the Human Resources Department based on qualifications and experience of the candidates seconded by Walt. Marcy amended her motion, and Walt agreed, to have this language replace the current language. Motion carried 6-0.

There was Committee understanding that the Human Resources Department could recruit prior to the seating of the newly elected Council using the term “salary commensurate with experience” in lieu of a salary range.

Section 3.04 – Powers and Duties
Subsection 6. There was Committee consensus to clarify “assigning” work in the Executive Office. Attorney Anderson agreed to wordsmith.

Subsection 7.
Attorney Anderson stated an option that Committee established by the County Manager do not require Council advice and consent. He stated that Council advice and consent is for the purpose of checks and balance between the legislative and executive branch.

MOTION:
Motion by Bob to adopt Section 3.04 Subsection 7 with language such as, “The Council may elect to require advice and consent for such appointments except as prescribed by law” seconded by Walt carried 6-0.

Subsection 8.
Gavin explained that the Council, not the County Manager, appoints the Budget Officer. There was consensus to add “if so appointed by the Council” to the phrase “to include serving as the County Budget Officer.”

Subsection 9.
There was Committee consensus to delete this Subsection regarding acting in the capacity of County Budget Officer.
Subsection 10.
Attorney Anderson explained that, per state code, the Council “may” delegate accounting to the county executive or to offices or department directors. He further stated that payroll responsibility is not designated in state code.

There was Committee consensus to move this Section 3.04 Subsection 10 to Part Three, The County Manager, Section 3.16.

MOTION:
Motion by Bob to add language from statute regarding County Council ability to delegate finance responsibility to the county executive or to Offices, seconded by Walt carried 6-0.

MOTION:
Motion by Judy to strike the language in Section 3.04 Subsection 10 beginning with “The Manager’s capacity” and ending with “County Auditor” seconded by Bob carried 6-0.

MOTION:
Motion by Bob to adjourn the meeting at 6:30 p.m. until Monday (August 12, 2019) at noon. Motion failed for lack of a second.

Subsection 12.
There was Committee consensus to change “long range planning…” to “long range strategic plans…”

Part Two – The Legislative Body
Section 2.12 - Prohibitions
Subsection 2.
MOTION:
Motion by Bob to add language in Section 2.12 Subsection 2 regarding the Council Member contracting, either personally or through a business, subject to the requirements and prohibitions of state law and county ordinance regarding contracting and conflicts of interest, “to require specific approval of the Council” seconded by March carried 4-2 with Cricket and Stephen opposed.

Clerk/Auditor Baird reported to Study Committee Members that, due to time constraints outline in state code, once submitted, the Optional Plan cannot be altered for this year’s ballot.

Part Four – Administrative Offices, Departments and Agencies
Section 4.03 – Department Directors
Bob suggested requiring Council advice and consent on hiring and removal of Department directors and to require Council approval of the allocation and budget of positions. There was no opposition. After discussion led by Clerk/Auditor Baird, Attorney Anderson agreed to work on the language to avoid using “division” wording.

It was noted that Section 4.05 needs to be corrected to 4.04 to be in chronological order.
MOTION:
At 6:44 p.m. Judy moved and Cricket seconded to recess for fifteen minutes, carried 6-0. Bob had announced that he had a prior commitment and left at the recess.

At 7:04 p.m. Chairperson Stocks called the meeting back to order.

Part Three – County Manager continued
Section 3.04 – Powers and Duties continued
Subsection 12.
MOTION:
Motion by Judy to add “strategic plans” seconded by Marcy carried 5-0.

Subsection 14.
After briefly discussing the Clerk/Auditor’s comment that the County Attorney also has this power, there was Committee consensus to leave Section 3.04 Subsection 14 as is regarding the County Manager’s power to control and direct litigation in which the County is a party.

Subsection 15.
Attorney Anderson read a dictionary.com definition of deputy, “a person appointed or authorized to act as a substitute for the manager.”

MOTION:
Motion by Walt to change the term “deputy” throughout the Optional Plan to “assistant manager” related to County Manager, and to define assistant manager to mean “to assume the duties of the Manager in the event the County Manager is unable to do so,” seconded by Cricket carried 5-0.

Section 3.05 – County Manager Deputy (Assistant Manager) and Staff
Subsection 1.
MOTION:
Motion by Marcy to change the language in Section 3.05 Subsection 1 to “The County Manager may appoint an Assistant Manager who shall assist the Manager and have such power and authority as may be delegated and assigned by the Manager. The Assistant Manager shall reside within sixty minutes of the Courthouse office and will serve as acting Manager in the temporary absence or short-term incapacity of the Manager. As acting Manager, the Assistant Manager shall exercise all of the powers of the office of the Manager, except as may be limited in writing by the Manager.” The motion was seconded by Cricket and carried 5-0.

Part Four – Administrative Offices, Departments and Agencies
Section 4.01 – General Provisions
Subsection 1.
MOTION:
Motion by Cricket to adopt Section 4.01 Subsection 1 language as is, seconded by Marcy carried 5-0.

Gavin stated that he will create a definition in the Preamble section for the word “Division” to mean a division of a Department.

Subsection 2.
There was Committee consensus to keep the language as is.
Part Four – Administrative Offices, Departments and Agencies continued

Section 4.01 – General Provisions continued

Subsection 3.
There was Committee consensus to keep the language as is.

Subsection 4.
There was Committee consensus to keep the language as is.

Section 4.02 – County Officers
Attorney Anderson stated that he will add a statement that all current elected officials shall be retained.

Part Five – Transition Plan and Effective Date

Section 5.01 – Transition

Subsection 2.
MOTION:
Motion by Judy to have language that the term is up for the Council Member and that there is no compensation going forward. Motion failed for lack of a second.

MOTION:
Motion by Cricket to adopt the Section 5.01 Subsection 2 language as edited as follows: “Any former council member whose office is dissolved upon transition to this Plan will not receive compensation but will maintain his/her office of regular salary until the first Monday of January 2021.” Walt seconded the motion which carried 5-0.

Section 5.02 – Adoption Vote

Subsection 2.
There was Committee consensus to keep the language of Section 5.02 Subsection 2 as is, which is regarding when the Plan is to be considered adopted.

Section 5.03 – Effective Date

Subsection 1.
There was Committee consensus to keep the language of Section 5.03 Subsection 1 as is, which Attorney Anderson stated is language from statute and is regarding the effective date of the Plan being the date on which the Clerk/Auditor provides a certified copy of the Plan to the Lieutenant Governor’s Office. Attorney Anderson agreed to wordsmith “take effect.”

Subsection 3.
There was Committee consensus to correct the date of January 1, 2021 to January 6, 2021.

Section 5.04 – Prior Optional Plan

Subsection 1.
There was Committee consensus to correct the date of January 1, 2021 to January 6, 2021.

Subsection 2.
There was Committee consensus to keep the language of Section 5.04 Subsection 2, which is regarding partisan elections for Council and Officers, not subject to term limitations, and may not be recalled or removed from office except by the judicial removal process set out in state law.
Section 5.05 – Continuity of Government

Subsection 1.
There was Committee consensus to keep the language of Section 5.05 Subsection 1 as is, which is regarding retention of rights, powers, etc. in addition to liabilities prior to the adoption of this Plan.

Subsection 2.
There was Committee consensus to keep the language of Section 5.05 Subsection 2 as is, which is regarding no interruption in continuity, etc. or jurisdiction of government by adoption of this Plan, including all executive, legislative, judicial, enforcement, or administrative proceedings pending during the transition to this Plan.

Subsection 3.
There was Committee consensus to slightly modify the language of Section 5.05 Subsection 3 to add “and policies,” which subsection is regarding in general the continuity of all ordinances, rules and regulations “and policies” previously in full force and effect.

Subsection 5.
There was Committee consensus to keep the language of Section 5.05 Subsection 5 regarding all debts, obligations, and liabilities remaining unaffected by the adoption of this Plan.

Subsection 6.
There was Committee consensus to keep the language of Section 5.05 Subsection 6 regarding contractual rights remaining unaffected by the adoption of this Plan.

Section 5.06 – Cooperation by all Public Officials
There was Committee consensus to keep the language of Section 5.06 requiring all County Officers and employees to cooperate fully with the terms of this Plan.

Section 5.08 – Separability and Inconsistency
Subsection 1.
There was Committee consensus to keep the language of Section 5.08 Subsection 1 regarding the effect of any provision of this Plan to be held invalid having no effect on the other provisions of the Plan.

Subsection 2.
There was Committee consensus to keep the language of Section 5.05 Subsection 2 regarding any inconsistency or contradiction with any existing ordinance, rule, regular or other source of the law, that adoption of this Plan is considered to repeal such with no further effect after January 6, 2021 (rather than January 1, 2021).

Part Two – The Legislative Body continued
Section 2.10 – Powers and Duties of the Council continued
Subsection 8
There was Committee consensus to clarify the language of Section 2.10 Subsection 8 regarding advice (corrected from advise) and consent to appointments in the Executive Branch, to add “as set out in Part Three,” where such advice (corrected from advise) and consent is “required” (in place of “authorized”) by this Plan or by state law. It was further clarified that the Manager appoints and removes the Assistant Manager, and the Council provides advice and consent to the Manager in hiring and removing the Department directors.
Part Two – The Legislative Body continued
Section 2.04 – Reapportionment and Adjustment of Council Districts continued
Subsection 1.
There was Committee consensus to keep the language of Section 2.04 Subsection 1 which requires that populations be reapportioned by the Council within one year after each decennial census report is available and to, as much as practical, remain consistent with the original geographical configuration. Attorney Anderson agreed to add language to reflect the intention of One Person One Vote

Subsection 2.
There was Committee consensus to keep the language of Section 2.04 Subsection 2 to require that the map of the initial Council district, with respective voting precincts, be attached as Exhibit A to this Plan.

Future Considerations
Attorney Anderson impressed upon the Study Committee the importance of receiving the adopted map from Mr. Cooper in order to attach it as part of adopting the draft Optional Plan with draft districting maps, such adoption for consideration at a special Study Committee meeting scheduled for Monday, August 12, 2019 at noon in the Council Chambers. He recommended having it reproducible in black and white, letter size, for distributing all around the community. Further he reported that he will be attending by phone.

Chairperson Stocks brought up a request by Bob for an agenda item for August 12th to consider consulting with county Elected Officials on the draft Optional Plan. There was discussion for a need to explain the draft Plan to Elected Officials who have had opportunities to participate in the Plan development via the Open Houses, the survey, and the open meeting and other means. The consensus of the participating Study Committee Members was to deny the request for the August 12th agenda and to develop a public relations plan to help elected officials and the general public understand the Plan contents.

Attorney Anderson reiterated that, once submitted, no changes can be made to the draft Plan within 120 days of the November election, which date was July 8, 2019. He stated that any necessary changes would be related to a 2020 election rather than 2019.

Attorney Anderson provided an overview of the necessary Recommendation and Report slated for Study Committee adoption August 12th. Attorney Anderson that the Study Committee may hold public hearings but are not required to do so. Walt suggested holding events at the same three places as the June open houses. It was also suggested to use the Open House materials again, with the possibility of adding a visual aid showing important aspects of “Current Form of Government” compared alongside the proposed “New Form of Government.”

Attorney Anderson stated that the Study Committee may soon, in timely advance of the November 2019 election, publish a “pro” statement and/or “anti” (“con”) statement for a Voter Information Pamphlet (VIP), and that such VIP could potentially also have a citizen rebuttal to the pro statement as well as a citizen rebuttal to the anti (con) statement.

Closed Session(s) (if necessary) - none

Adjournment
The meeting was adjourned at 8:44 p.m. by a motion that carried unanimously as made by Judy and seconded by Walt.

______________________________
Stephen Stocks, Chairperson

______________________________
Marcy Till, Secretary
RECOMMENDATION AND REPORT
Grand County Change in Form of Government Study Committee
Submitted to the Grand County Council and Grand County Clerk

Background:

In 1992, Grand County changed its form of government from a 3-member County Commission to a 7-member County Council. The new form of government did not include an express delegation of executive branch functions and powers. It served the citizens of the County well and survived several votes or other attempts to have the form changed.

In 2018 the Utah State Legislature enacted House Bill 224 which made substantial amendments to the laws governing the methods by which county governments may be changed and further required county governments to meet specific criteria. Several aspects of the Grand County 1992 form of government are not allowed under the new statute, namely:

1. Non-partisan elections,
2. Term limits for council persons,
3. Recall elections, and
4. Lack of express delegation of executive branch powers.

In addition, the new legislation specifically required that any county whose government included those four elements must change its form to a structure specifically permitted in statute. The process to make that change is set out in state law and includes the appointment of a study committee to review Grand County’s form of government and make recommendations regarding alterations to that form.

The Study Committee:

The Grand County Change in Form of Government Study Committee is a group of politically diverse individuals appointed by a statutory process to make a recommendation to the citizens of the County as to which legal form of government would best replace the current form of government. The members of the Committee are registered voters, residents of Grand County, and are not employees or officials of the County. The Study Committee consists of Chairperson Stephen Stocks, Secretary Marcy Till, and members Judy Carmichael, Walt Dabney, Jeremy Day, Cricket Green, and Bob Greenberg. Of these 7, there are 3 Republicans, 1 Democrat, and 3 unaffiliated registered voters.

The Study Committee’s express instructions are set out in state law, Utah Code Section 17-52a-403, including the following:

- the Study Committee shall study the current form of government and compare it with other forms available.
- the Study Committee shall determine whether the administration of local government could be strengthened, made more responsive or accountable to the
Spanish Valley Open House:
Council with appointed Manager was 3 times more of interest than the next, Expanded Commission.

5 members was twice as popular as 7; 3 and 9 members had virtually no support.

Part time was 5 times more popular than full time.

Combination of voting by districts and at-large was about 1.5 times over the next, all at-large.

Castle Valley Open House:
Council with appointed Manager was 6 times more of interest than the next.

5 & 7 members virtually tied.

Part time was 9 times more of interest than full time.

Combination of voting by districts and at-large was 3 for every 2 over at-large. Walt reported that Castle Valley participants appeared very interested in being their own district, but stated that the population is only 300.

Fourth of July booth event:
Council with appointed Manager was first, Expanded Commission was seconded, and Council with Elected Executive, which he reported had some interest, was third.

5 members was twice as popular as the next, which was 7, with little interest in 3 or 9.

Part time was twice as popular as full time.

Voting all at-large was slightly more popular than a combination of voting by districts and at-large, an anomaly from among the other events.

Other Surveys:
Council with appointed Manager received twice as much support as the next popular form, the Expanded Commission.

Commission form voted the worst form had dramatically more votes than all the other 3 forms.

7 members had 1.4 times more support than 5 members, which was second in line. There was little support for 3 or 9 members.
Part time was 6.2 times more popular than full time. A mixture came in second place, with less
than half the support for part time.

Combination of voting by districts and at-large, and All at-large, virtually tied in support (one tick
mark difference). They both had nearly 4 times more support than voting all by district.

Cumulative/synopsis from subcommittee review of the written surveys submitted and reading
the comments:

Form. 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.

Submitted by subcommittee members: Judy Carmichael, Walt Dabney (Subcommittee Chair), and
Stephen Stocks and adopted by the Study Committee

As a general summary of public opinion on the best form of government, we found a strong
preference for an elected part-time council, either elected at-large or a combination of at-large and by
district, and a county manager, appointed by the council of either 5 or 7 members.

In May, the committee began looking for independent legal counsel and after soliciting bids and
qualifications, we selected Gavin Anderson. He is employed as a deputy District Attorney in Salt Lake
County and the County entered into an interlocal agreement between Grand County and Salt Lake
County for his services. He has attended Committee meetings and prepared both a discussion outline
and a draft optional plan.

Study Committee Recommendation:

At the Study Committee meetings on July 26, August 2, and August 9, 2019, we considered and
debated our recommendation for a new Optional Plan. After a vigorous and thoughtful discussion the
Committee determined to recommend the following:

1. Adopt a Council-Manager form of government by a vote of 4 to 3; there was
   support by 3 Study Committee members for an Expanded Commission form of
government.
2. Elect a 5-member part-time County Council.
3. The Council members would consist of 3 members elected at-large and 2 members elected from Districts. One District would consist of most of Moab and the other District would include all the rest of Grand County, including a small portion of Moab.

4. A County Manager would oversee all executive branch functions, serve at-will, and be appointed and removed by the County Council by a vote of 4 whether appointed or removed.

A draft Optional Plan for Grand County Government has been prepared and approved by the Committee. It is attached hereto and the Committee recommends that the draft be reviewed as required by law, adopted by resolution and submitted to the Grand County voters for approval and adoption.

Based on information the Committee has received from Grand County Attorney Christina Sloan and Grand County Clerk Chris Baird, we understand that Utah law would permit the election for the new government to lawfully be held this year, on November 5, 2019. We have included that date in the draft Optional Plan and the Committee very strongly recommends that the election be held on that day.

Conclusion:

The Study Committee expresses its appreciation for the opportunity to be involved and serve in this exciting time in Grand County and for your trust in our deliberations. We have enjoyed immensely the time we have spent together in this endeavor. We also express our gratitude for the support provided by Ruth Dillon, Tara Collins, and Bryony Chamberlain-Hill of the County Council Staff, and others, without whom this project would have never been realized.

We sincerely feel that Grand County will be served and its government structure improved by the adoption of a Council-Manager form of county government, as explained in this Recommendation and Report and the attached draft Optional Plan for Grand County Government and we urge the county electorate to vote in favor of adopting the new Plan.

In accordance with our statutory duties, we respectfully submit this Report and Recommendation to the Grand County Council and to the Grand County Clerk. Attached are Exhibits: the Draft Optional Plan, the District map, and copies of informational materials provided to the public.

DATED: this 12th day of August, 2019.

GRAND COUNTY CHANGE IN FORM OF GOVERNMENT STUDY COMMITTEE:

______________________________
Stephen Stocks, Chair
Marcy Till, Secretary
Judy Carmichael
Walt Dabney
Jeramy Day
Cricket Green
Bob Greenberg
Commonly asked QUESTIONS and ANSWERS regarding Grand County’s change in form of government:

Q: Why must Grand County make a change in its form of government?
A: In January 2018 the Utah State Legislature passed House Bill 224 requiring all Utah County governments to meet specific criteria.

Q: How is Grand County’s current form of government not in compliance with state law?
A: Utah law does not allow for these components that are currently written into Grand County’s form of government:
   1. Non-partisan elections
   2. Term limits for commissioners or council persons
   3. Recall elections
   4. No express delegation of executive branch powers

Q: What is the Study Committee?
A: The Study Committee is a group of politically diverse individuals appointed to make a recommendation to the citizens of Grand County as to which legal form of government would best replace the current form of government.

Q: Who is on the Study Committee?
A: Chairperson Stephen Stocks, Secretary Marcy Till, Members Judy Carmichael, Walt Dabney, Jeramy Day, Cricket Green, and Bob Greenberg. Of these 7, there are 3 Republicans, 1 Democrat, and 3 Unaffiliated registered voters.

Q: What are the Study Committee’s instructions?
A: Utah Code 17-52a-403 states
   -the Study Committee shall study the current form of government and compare it with other forms available.
   - the Study Committee shall determine whether the administration of local government could be strengthened, made more responsive or accountable to the people, or significantly improved in the interest of economy and efficiency by a change in the form of government.
   -the Study Committee shall hold public meetings, community forums and other means to disseminate information and stimulate public discussion of its purposes, progress, and conclusions.
   -the Study Committee shall file a written report of its findings and recommendations no later than one year after its first convening. If a change in the form of government is recommended (in Grand County’s and Morgan County’s case, the change is required) then the voters will have a chance to approve or deny the recommendation at the next county election. The voters chose November 2018 to form a Study Committee.

Q: How long will the Study Committee’s process take?
A: The Study Committee may take no longer than one year to complete its work which began March 8, 2019.

Q: Is this process costing the citizens of Grand County any money now?
A: Yes. There is a little more than $10,000 in the 2019 Grand County budget dedicated for use by the Study Committee, in addition to staff time and supplies. Because the County Attorney is limited by statute from representing the Study Committee, this budget will be used primarily for
Q: What are the acceptable forms of county government in the state of Utah?
A: There are four options for forms of county government:
   1. County Commission
   2. Expanded County Commission
   3. County Council with elected County Executive
   4. County Council with hired County Manager
   Each of these is described in detail in this information packet on the page titled CHANGE IN FORM OF COUNTY GOVERNMENT: FOUR OPTIONAL FORMS.

Q: What guarantees a smooth transition from one form of government to the next?
A: The Study Committee must write up an Optional Plan that includes all the details of the recommended form of government, including a Transition Plan from the old form to the new form.

Q: Will the recommended new form of government cost more than our current form?
A: To be determined. The Study Committee is working from the current county budget of salaries & benefits for 7 part-time County Council Members and a Council Administrator in order to formulate its budget recommendation as part of the Optional Plan.

Q: When will the voters approve or deny the Study Committee’s recommendation for a form of government?
A: November 2020 General Election

Q: If approved by the voters, when would the new form of government officially go into effect?
A: To be determined under the Optional Plan, but on or before January 2023.

Q: When are the new officials voted upon for the new form of government?
A: To be determined under the Optional Plan, but on or before November 2022.

Q: What happens if the voters do NOT approve the Study Committee’s recommended form of government November 2020?
A: By law, the new form of government automatically defaults to a 3-person County Commission form of government pursuant to a statutory transitional process.

Q: With four Council Members (Clapper, Halliday, Paxman and Wells) terming out 12/31/2020, what happens to the Council Members’ terms who run for election (or re-election) in 2020 under our current form of government?
A: To be determined by the Optional Plan; they will not automatically become the new Commissioners or new Council Members in the new form of government.

This information was compiled by members of the Grand County Change in Form of Government Study Committee and the Grand County Council Administrator for the convenience of the public. It has been edited and approved by the Grand County Attorney.
The Four Options for a New Form of County Government

- **County Commission form** – 3 elected Commissioners, exercising both *legislative* & *executive* powers

- **Expanded County Commission form** – 5 or 7 elected Commissioners, exercising both *legislative* & *executive* powers

- **County Executive-Council form** – an elected County Council, composed of 3, 5, 7, or 9 members, exercising all *legislative* powers. Plus an elected County Executive or County Mayor as Chief Executive Officer exercising all *executive* powers including veto power.

- **Council-Manager form** – an elected County Council, composed of 3, 5, 7, or 9 members, exercising all *legislative* powers. Plus a County Manager (differentiated from a County Administrator), appointed by the new County Council, as administrative head of county government exercising all *executive* branch powers except veto power.
LEGISLATIVE VS. EXECUTIVE POWERS

Commission & Council Forms: As units, County Commissioners and County Council Members hold all legislative (law-making) powers by state law.

Commissions: As units, County Commissioners (3-persons or expanded to 5 or 7 persons) hold all executive (law-executing) powers by state law.

Councils: As units, current law states that County Council Members hold no executive (law-executing) powers; instead all executive powers are instead held by the elected County Executive/County Mayor or their appointed County Manager.

This can be confusing since Grand County has an appointed Administrator (yet with no statutory executive powers).

This can also be confusing since Grand County Council Members currently hold executive (law-executing) powers (no longer allowed by Councils) except for those which have been delegated.

Where do you want Grand County’s executive (law-executing) powers to be placed?

With a Commission form through Commissioners or
With a Council form either through an elected Executive/County Mayor or through an appointed County Manager?

Legislative power is making the law: Enacting laws by adopting ordinances & resolutions, budgets, plans & policies, and setting tax levels

Executive power is carrying out (executing) the governing body’s adopted laws and policies: The administration and management of county affairs
that chooses to utilize an appointed Administrator (Grand’s current form)

A unit of seven persons
with a quorum of four
holding BOTH legislative & executive power
when voting in open, public meetings

Executive Power: Executing the adopted laws and policies; the administration and management of county affairs.

Executive Power is held by the elected Grand County Council who has chosen since 1995 (with inception in 1992) to delegate a limited amount to an appointed Administrator.

An Administrator position is entirely optional (and differentiated from a mandated Manager in the “Council-Manager” form—which Manager holds all executive power).
Depending on the job description, optional plan and/or contract, the appointed Administrator has typically supervised the non-elected Department Heads and executed the laws & policies adopted by the (as is currently the case).

An Administrator position, currently utilized by choice by the part-time Council (in a form of government that is not in compliance with state law), does not have statutory status or executive power.

Thus the Administrator position can be removed by the Council at any time; Grand County’s Optional Plan since 1992 does not specifically require an Administrator per se, thus it does not state the removal process. Grand County’s Optional Plan, however, does require the Council “to maintain and fully utilize an adequate, competent professional county staff” for oversight over the county’s operations.
As per the Committee’s discussion of April 12, we interviewed all county department heads, elected officials, county council members, plus three former council members and a former county clerk auditor, 29 people in all (Appendix A). We reached out to Gavin Anderson for advice concerning whether or not the ordinance to adopt a new form of government could require a commission to employ a professional administrator and specify the administrator’s scope of authority.¹

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

General Summary
The interviews served to bring into focus the salient issues involved in choosing a form of government for the Study Committee to recommend to the voters. All those interviewed provided thoughtful, considered responses. Both the council-manager and commission forms are perceived as having strengths and weaknesses. A commission is perceived, especially by elected officials, as providing a more engaged governing body and giving the voters more control. A council-manager is seen by department heads as providing more stability and continuity and a helpful buffer between those conducting the county’s day-to-day business and elected/political officials. Department heads were largely satisfied with how the current system works although the Council Administrator’s span-of-control and fuzzy authority were cited as problems. In general, the challenges would be to provide professional administration in the commission form and council member engagement in the council form.

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

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

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

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

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

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

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

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

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

• Most respondents who addressed the issue of budgeting thought that the (new) current system is working well.
Effective 3/15/2018
17-52a-403 Study committee -- Members -- Powers and duties -- Report -- Services provided by county.

(1)
(a) A study committee consists of seven members.
(b) A member of a study committee may not receive compensation for service on the committee.
(c) The county legislative body shall reimburse each member of a study committee for necessary expenses incurred in performing the member's duties on the study committee.

(2) A study committee may:
(a) adopt rules for the study committee's own organization and procedure and to fill a vacancy in its membership;
(b) establish advisory boards or committees and include on the advisory boards or committees persons who are not members of the study committee; and
(c) request the assistance and advice of any officers or employees of any agency of state or local government.

(3)
(a) A study committee shall:
(i) study the form of government within the county and compare it with other forms available under this chapter;
(ii) determine whether the administration of local government in the county could be strengthened, made more clearly responsive or accountable to the people, or significantly improved in the interest of economy and efficiency by a change in the form of county government;
(iii) hold public hearings and community forums and other means the committee considers appropriate to disseminate information and stimulate public discussion of the committee's purposes, progress, and conclusions; and
(iv) file a written report of the study committee's findings and recommendations with the county executive, the county legislative body, and the county clerk no later than one year after the convening of the study committee's first meeting under Section 17-52a-402.
(b) Within 10 days after the day on which the study committee submits the study committee's report under Subsection (3)(a)(iv) to the county legislative body, if the report recommends a change in the form of county government, the county clerk shall send to the county attorney or, if the county does not have a county attorney, to the district attorney, a copy of each optional plan recommended in the report for review in accordance with Section 17-52a-406.

(4) Each study committee report under Subsection (3)(d) shall include:
(a) the study committee's recommendation as to whether the form of county government should be changed to another form authorized under this chapter;
(b) if the study committee recommends changing the form of government, a complete detailed draft of a proposed plan to change the form of county government, including all necessary implementing provisions; and
(c) any additional recommendations the study committee considers appropriate to improve the efficiency and economy of the administration of local government within the county.

(5)
(a) If the study committee's report recommends a change in the form of county government, the study committee may conduct additional public hearings after filing the report under Subsection (3)(d) and, following the hearings and subject to Subsection (5)(b), alter the report.
(b) Notwithstanding Subsection (5)(a), the study committee may not make an alteration to the report:
   (i) that would recommend the adoption of an optional form different from that recommended in the original report; or
   (ii) within the 120-day period before the election under Section 17-52a-501.

(6) Each meeting that the study committee holds shall be open to the public.

(7) If the study committee's report does not recommend a change in the form of county government, the report is final, the study committee is dissolved, and the process to change the county's form of government is concluded.

(8) The county legislative body shall provide for the study committee:
   (a) suitable meeting facilities;
   (b) necessary secretarial services;
   (c) necessary printing and photocopying services;
   (d) necessary clerical and staff assistance; and
   (e) adequate funds for the employment of independent legal counsel and professional consultants that the study committee reasonably determines to be necessary to help the study committee fulfill its duties.

Renumbered and Amended by Chapter 68, 2018 General Session
Effective 3/15/2018
17-52a-404 Contents of proposed optional plan.
(1) The study committee, a county legislative body that adopts a resolution described in Subsection 17-52a-302(1)(b), or the sponsors of a petition described in Subsection 17-52a-303(1)(a)
(ii) shall ensure that each optional plan the committee, legislative body, or registered voters propose under this chapter, respectively:
(a) proposes the adoption of one of the forms of county government listed in Subsection 17-52a-405(1)(a);
(b) contains detailed provisions relating to the transition from the existing form of county government to the form proposed in the optional plan, including provisions relating to the:
(i) election or appointment of officers specified in the optional plan for the new form of county government;
(ii) retention, elimination, or combining of existing offices and, if an office is eliminated, the division or department of county government responsible for performing the duties of the eliminated office;
(iii) continuity of existing ordinances and regulations;
(iv) continuation of pending legislative, administrative, or judicial proceedings;
(v) making of interim and temporary appointments; and
(vi) preparation, approval, and adjustment of necessary budget appropriations;
(c) specifies the date the optional plan becomes effective if adopted, which may not be earlier than the first day of January next following the election of officers under the new plan; and
(d) notwithstanding any other provision of this title and except with respect to an optional plan that proposes the adoption of the county commission or expanded county commission form of government, with respect to the county budget provides that:
(i) the county executive's role is to prepare and present a proposed budget to the county legislative body; and
(ii) the county legislative body's role is to adopt a final budget.
(2) Subject to Subsection (3), an optional plan may include provisions that are considered necessary or advisable to the effective operation of the proposed optional plan.
(3) An optional plan may not include any provision that is inconsistent with or prohibited by the Utah Constitution or any statute.
(4) The optional plan proponent described in Subsection (1) shall ensure that each optional plan proposing to change the form of government to the county executive-council form under Section 17-52a-203 or the council-manager form under Section 17-52a-204:
(a) provides for the same executive and legislative officers as are specified in the applicable section for the form of government that the optional plan proposes;
(b) provides for the election of the county council;
(c) specifies the number of county council members, which shall be an odd number from three to nine;
(d) specifies whether the members of the county council are to be elected from districts, at large, or by a combination of at large and by district;
(e) specifies county council members' qualifications and terms and whether the terms are to be staggered;
(f) contains procedures for filling vacancies on the county council, consistent with the provisions of Section 20A-1-508; and
(g) states the initial compensation, if any, of county council members and procedures for prescribing and changing compensation.
(5) The optional plan proponent described in Subsection (1) shall ensure that each optional plan proposing to change the form of government to the county commission form under Section 17-52a-201 or the expanded county commission form under Section 17-52a-202 specifies:

(a) 
   (i) for the county commission form of government, that the county commission shall have three members; or 
   (ii) for the expanded county commission form of government, whether the county commission shall have five or seven members; 

(b) the terms of office for county commission members and whether the terms are to be staggered; 

(c) whether members of the county commission are to be elected from districts, at large, or by a combination of at large and from districts; 

(d) if any members of the county commission are to be elected from districts, the district residency requirements for those commission members; and 

(e) if any members of the county commission are to be elected at large, whether the election of county commission members is subject to the provisions of Subsection 17-52a-201(6) or Subsection 17-52a-202(6).

Renumbered and Amended by Chapter 68, 2018 General Session
CHANGE IN FORM OF COUNTY GOVERNMENT
FOUR OPTIONAL FORMS

1. Form of Government: County Commission
   a. Structure and powers: The county commission exercises both executive branch powers (administration and management of county activities) and legislative branch powers (enact ordinances and set tax levels, adopt fees and adopt a budget). All powers are exercised by one joint body.
   b. Officials: Three County Commissioners. Commissioners have staggered four-year terms and are elected at-large, unless the optional plan states otherwise.

2. Form of Government: Expanded County Commission
   a. Structure and powers: The county commission exercises both executive branch powers (administration and management of county activities) and legislative branch powers (enact ordinances and set tax levels, adopt fees and adopt a budget). All powers are exercised by one joint body.
   b. Officials: Five or seven County Commissioners. Commissioners have staggered four-year terms and are elected at-large, unless the optional plan states otherwise.

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

4. Form of Government: Appointed Manager and Council
   a. Structure and powers: An appointed county executive or manager exercises all executive branch powers (administration and management of county activities), but not including veto of council legislative acts. A separate, elected county
b. Officials: A manager or executive is appointed by vote of the county council, to serve at the council’s discretion, with qualifications and compensation set in the optional plan of government. He or she exercises executive branch powers. Elected county council members are set out—an odd number from 3 to 9, with terms, qualifications and either at-large or by district as established in the optional plan. The council exercises all legislative powers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Typical Powers and Duties of a County Executive

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

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

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

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

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

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

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

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

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

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

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

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

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

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

State Statutes of Interest

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

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

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

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

(2)
(a) A county legislative body and a county executive each:
(i) may generally direct and supervise all elected county officers and
employees to ensure compliance with general county administrative
ordinances, rules, or policies;
(ii) may not direct or supervise other elected county officers or their sworn
deputies with respect to the performance of the professional duties of the
officers or deputies;
(iii) may examine and audit the accounts of all county officers having the care,
management, collection, or distribution of money belonging to the county,
appropriated to the county, or otherwise available for the county's use and
benefit; and
(iv) may investigate any matter pertaining to a county officer or to the county
or its business or affairs, and may require the attendance of witnesses and take
evidence in any such investigation.
(b) In an investigation under Subsection (2)(a)(iv):
(i) the county executive or any member of the county legislative body may
issue subpoenas and administer oaths to witnesses; and
(ii) if the county legislative body appoints members of the legislative body as a
committee and confers on the committee power to hear or take evidence, the
committee shall have the same power as the full county legislative body.

(3) Nothing in this section may be construed to prohibit the county executive or
county legislative body from initiating an action for removal or prosecution of an
elected county officer as provided by statute.
<table>
<thead>
<tr>
<th>County Council Form: Out of Compliance with Current State Code</th>
<th>County Commission</th>
<th>Expanded County Commission</th>
<th>County Council with Elected Executive/County Mayor with Veto Power</th>
<th>County Council with Appointed Manager (not Administrator)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utah counties currently using the form of government</td>
<td>Grand &amp; Morgan</td>
<td>None</td>
<td>Salt Lake &amp; Cache</td>
<td>Summit &amp; Wasatch</td>
</tr>
<tr>
<td>Partisan or non-partisan election</td>
<td>Non-partisan</td>
<td>Partisan</td>
<td>Partisan</td>
<td>Partisan</td>
</tr>
<tr>
<td>Term limits</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Recall election</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Number of Commissioners/Council Members</td>
<td>7</td>
<td>3</td>
<td>5 or 7</td>
<td>5, 7 or 9</td>
</tr>
<tr>
<td>Number of counties utilizing appointed Administrators (with limited executive authority) by Commission/Council choice</td>
<td>1 (Grand)</td>
<td>3 FT Commissions have Administrators (Beaver, Juab &amp; Washington); 2 PT Commissions have Administrators (San Juan &amp; Sevier)</td>
<td>N/A</td>
<td>Summit &amp; Wasatch: Instead of Administrators there are 2 appointed Managers with full executive authority per State Code (one each)</td>
</tr>
<tr>
<td>Optional Plan requirements per State Code for Elected Executive/County Mayor or Appointed Manager</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Optional Plan shall provide qualifications, time, and manner of election, term of office and compensation of the County Executive</td>
</tr>
<tr>
<td>Size of counties using each form based on population (6th class of 4,000 or fewer to 1st class of 700,000+ pop.)</td>
<td>5th class</td>
<td>2nd through 6th classes</td>
<td>N/A</td>
<td>Summit 3rd class; Cache 3rd class Wasatch 4th class</td>
</tr>
<tr>
<td>Counties currently changing to a new form of government</td>
<td>Grand &amp; Morgan, recommended form to be determined</td>
<td>Toole voluntarily recommending a change to Council with Appointed Manager form; Utah County voluntarily making a recommendation to change</td>
<td>N/A</td>
<td>None No</td>
</tr>
<tr>
<td>Full time or part time Commissioners/Council Members</td>
<td>PT, no benefits (same for Morgan)</td>
<td>FT (14 counties); PT (9 counties)</td>
<td>N/A</td>
<td>2 counties PT 2 counties PT</td>
</tr>
<tr>
<td>Average 2019 salary of each Commissioner/Council Member, excluding benefits</td>
<td>$35,000 Grand Chairperson; $31,000 Council Members</td>
<td>$73,970 FT (14 counties); $35,903 PT (9 counties)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Average 2019 salary of the group of Commissioners/Council Members,* excluding benefits</td>
<td>$221,000 Grand with 7 PT</td>
<td>$221,010 FT; $107,703 PT</td>
<td>N/A</td>
<td>$87,843 Cache with 7 PT</td>
</tr>
<tr>
<td>Average 2018 salary of Administrator/Elected Executive/County Manager,* excluding benefits</td>
<td>$85,195 Grand Administrator</td>
<td>$80,666 (Average of salaries of 5 Utah Administrators)</td>
<td>N/A</td>
<td>$102,264 Cache Elected Executive</td>
</tr>
<tr>
<td>Average 2018 salary of Administrator/Elected Executive/County Manager,* excluding benefits</td>
<td>$85,195 Grand Administrator</td>
<td>$80,666 (Average of salaries of 5 Utah Administrators)</td>
<td>N/A</td>
<td>$102,264 Cache Elected Executive</td>
</tr>
</tbody>
</table>

*See notes and additional details provided in the document.
**COUNTY GOVERNING BODY**

<table>
<thead>
<tr>
<th>County Council Form: Out of Compliance with Current State Code</th>
<th>County Commission</th>
<th>Expanded County Commission</th>
<th>County Council with Elected Executive/County Mayor with Veto Power</th>
<th>County Council with Appointed Manager (not Administrator)</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRAND TOTAL: Average 2019 salary of the group of Commissioners/Council Members (excluding benefits) PLUS average 2018 salary of Administrator/Elected Executive/County Manager, * (excluding benefits). Excludes all other Commission/Council Office support staff.</td>
<td>$302,576 with 3 FT (3 of 14 of which have Administrators); $188,369 with 3 PT (2 of 9 of which have Administrators)</td>
<td>N/A</td>
<td>$190,107 Cache with 7 PT and elected Executive</td>
<td>$309,569 Wasatch with 7 PT and appointed County Manager</td>
</tr>
</tbody>
</table>

Commissioners/Council Members elected from districts, at large, or by a combination of at large and from districts

<table>
<thead>
<tr>
<th>Commissioners/Council Members elected from districts, at large, or by a combination of at large and from districts</th>
<th>Districts, At Large, or Combination</th>
<th>Districts, At Large, or Combination</th>
<th>Districts, At Large, or Combination</th>
<th>Districts, At Large, or Combination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Power: Power and duty to enact ordinances, levy taxes, and establish budgets and fees; adopt administrative code including policies, procedures &amp; regulations; conduct hearings on matters of public concern; fix salaries &amp; benefits of county officers &amp; employees; and more</td>
<td>Held by Grand County Council</td>
<td>Held by Commission</td>
<td>Held by Commission</td>
<td>Held by Council</td>
</tr>
<tr>
<td>Executive Power: Power and duty to carry laws &amp; ordinances into effect and secure their due observance; manage &amp; direct the activities of the county; supervisory management &amp; direction of departments including appointing, suspending and removing county department heads, yet not directing or supervising elected county officials or their sworn deputies with respect to the performance of the professional duties of the officials or deputies; and more</td>
<td>Held by Grand County Council except must delegate day-to-day operations so as to be &quot;primarily&quot; legislative, per the 1992 Optional Plan</td>
<td>Held by Commission</td>
<td>Held by Commission</td>
<td>Held by Appointed Manager</td>
</tr>
</tbody>
</table>

Executive power is expressly delegated in State Code for the specific form

<table>
<thead>
<tr>
<th>Executive power is expressly delegated in State Code for the specific form</th>
<th>No</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
</tr>
</thead>
</table>

This information was compiled by the Grand County Council Administrator on behalf of the Grand County Change in Form of Government Study Committee for the convenience of the public and to the best of the Study Committee's knowledge.

*excluding 10 Salt Lake County Administrators' salaries (data would skew averages)*
OPTIONAL PLAN FOR GRAND COUNTY GOVERNMENT

Preamble

Grand County is authorized by legislative enactment, in the Changing Forms of County Government Act, 2018, HB 224 (the “Act”), to change its form of county government. Based thereon, the County hereby sets forth an Optional Plan for Grand County Government (hereinafter referred to as the "Plan"). This Plan adopts the county council-manager structural form of government as provided by the Act.

The structural form retains without change all existing incorporated municipalities, special and local districts, public authorities, county service areas, school districts, and other local government entities. The management arrangement vests the County’s legislative powers in the County Council and the County’s executive powers in the County Manager.

The purpose of this Plan is to provide a separation of executive and legislative powers. Where the Plan is silent on the distribution or location of a particular power, it hereby authorizes the allocation of powers according to a traditional executive-legislative distinction. The location of any powers not expressly vested in the Manager or the Council should be determined by function. Where helpful, state and federal separation-of-power models should be used to determine whether a particular power or activity is executive or legislative.

As used in this Plan the following words are defined as follows:

The word "Department” shall refer to the major County organizational units under the immediate direction and supervision of the County Manager.

The word “Division” shall refer to subordinate County organizational units, under the Departments, within the Executive Branch of County government.

The words "Executive" or "Executive Branch" shall refer to those powers granted to, or those Departments and agencies under the direction and supervision of, the County Manager and shall not be construed to refer to any other elected Office, unless specifically stated in this Plan or in state law.

The words “Legislative” or “Legislative Branch” shall refer to those powers granted to, or the staff or agencies under the direction and supervision of, the County Council.

The words "Office" or “Officer” shall refer to the respective Offices, Officers, deputies, and organizations of County Treasurer, Sheriff, Clerk, Auditor, Recorder, Attorney, Surveyor, and Assessor, as those Offices are currently constituted or as they may be altered in the future.

The words “Predecessor County Council” shall refer to that County Council and its council members holding office in Grand County before the adoption and effective date of this Plan.
Part One - General Powers

Section 1.01. - Powers of Grand County

Grand County is continued as a body corporate and politic and a political subdivision of the State of Utah. It has all county powers pursuant to the authority of the Constitution of the State of Utah and the general laws of the State of Utah, including common law, either now or hereafter expressly or impliedly granted to any county.

Section 1.02. - Interpretation of Powers

The powers of Grand County shall be construed liberally in favor of the exercise of authority by the government of Grand County. The specific enumeration of powers in this Plan shall not be construed to limit the scope of the authority conferred by the general laws of the State of Utah.

Section 1.03. - Levels of Services and Functions

Grand County, consistent with the general laws of the State of Utah, may provide differing levels of services and functions to areas outside or within incorporated municipalities, as allowed by state law. Nothing in this Plan shall be construed to prevent the County from creating local or service districts, service areas, interlocal cooperative agreement entities or other entities or agencies to provide services, as allowed by state law.

Part Two - The Legislative Body

Section 2.01. - Composition of the Council

1. The legislative body of Grand County shall be a Council composed of five (5) members, consisting of three (3) Council members elected at-large and two (2) Council members elected by geographical district. A quorum of the Council consists of three (3) Council members.

2. By a vote of four (4) members at its first meeting, the Council shall elect one member to serve as Chair and one member to serve as Vice-Chair. The Chair and Vice-Chair shall serve terms of one year. During the absence or disability of the Chair, the Vice-Chair shall assume all of the duties of the Chair. The Chair and Vice-Chair shall have full right to debate and vote in the Council.

3. The Chair shall set the Council's agenda, preside at its meetings and sign all legislative acts. Upon the request of a Council member or the County Manager, additional items shall be included in the agenda with or without the approval of the Chair.


Section 2.02. - Council Members Elected At-Large

1. Three Council members shall be elected at-large by the voters of Grand County through partisan elections. They shall meet the qualifications of office of county elected officials as
established by state law, and they shall remain residents of Grand County throughout their terms of office.

2. For the purpose of electing at-large Council members, there shall be individual seats known as Council Seats A, B and C. The lettered designation of at-large seats shall be maintained throughout the Council members’ terms and at-large council seats shall be so designated during future council election procedures.

3. The initial term of office for at-large Council Seats shall be four years. After the initial terms of office, the regular term of office of each at-large seat shall be four years. At-large Council members shall thereafter be elected in presidential general election years. Each term begins at noon on the first Monday of January following each Council member’s election.

Section 2.03. - Council Members Elected by District

1. Two Council members shall be elected by district by the voters of their districts, through partisan elections. They shall meet the qualifications of county elected officials as established by state law and be residents of their districts and they shall remain residents of their district and of the County throughout their terms of office.

2. For the purpose of electing district Council members, the County shall be divided into two (2) geographical districts designated Districts 1 and 2. The numbered designation of district seats shall be maintained throughout the Council members’ terms and district Council seats shall be so designated during future council election procedures. District 1 shall be composed primarily of the City of Moab and District 2 shall be composed of rural portions of Grand County, primarily outside the City of Moab.

3. The initial term of office for District 1 shall be two (2) years. The initial term of office for District 2 shall be two (2) years. After the initial terms of office, the regular term of office of each district Council member shall be four (4) years. District Council members shall thereafter be elected in gubernatorial general election years. Each term begins at noon on the first Monday of January following each Council member’s election.

Section 2.04. - Reapportionment and Adjustment of Council Districts

1. Council districts shall have substantially equal populations and shall be reapportioned by the Council within one year after each decennial census report is available.

2. Upon reapportionment, the Council districts shall, to the extent practical, remain consistent with their original geographical configuration and representation, allowing for continuity and facilitating contact between residents and district Council members and also maintaining “one person, one vote” ideals.

3. The map of the initial Council districts, with their respective voting precincts, is attached as Exhibit A.

Section 2.05. - Vacancies

1. Members of the Council may be removed from office in accordance with state law.
2. The office of County Council member shall be deemed vacant if a member is removed, dies, resigns or fails to maintain his or her residency as required by this Part. Upon a vacancy of a member's office, it shall be filled as prescribed by state law.

3. Any member wishing to resign from the Council must submit to the Council a written resignation, with the date and time the resignation is effective.

4. Upon a vacancy in the office of the Chair, the Vice-Chair shall serve as Interim Chair until the remaining Council members elect a new Chair. Upon a vacancy in the office of the Vice-Chair, the remaining Council members shall elect a new Vice-Chair.

Section 2.06. - Compensation of the Council

1. The initial base salary for members of the Council shall be $24,000 per year, except that the Council Chair's initial base salary shall be $27,000 per year. Council members receive no County benefits other than FICA and Workers' Compensation insurance. Council members shall receive the same periodic cost of living adjustments provided to County employees generally. Council members shall receive compensation for their expenses, such as travel costs, based on policies applicable to all County employees.

2. Salaries may be modified by a simple majority vote of three of the Council, but a voted salary increase shall not become effective until the beginning of the Council member’s next elected term. At no time may a member's compensation be diminished during his or her term of office.

Section 2.07. - Staff to the Council

The County Council may appoint a council administrator and other staff as may be necessary to discharge the duties of the Council.

Section 2.08. - Voting on the Council

1. Four-Three Council votes are required for the passage of any proposal, motion or other matter.

2. Voting shall be by roll call if requested by a member of the Council and may be by electronic tabulation if available. The ayes and nays shall be recorded in the Council minutes as a matter of public record. A member may abstain from any vote. Members abstaining from a vote shall be considered present for the purposes of a quorum.

3. Except for matters on which a greater or lesser vote is expressly provided by law or by this Plan, no action of the Council shall be valid and binding unless approved by at least four-three affirmative votes of those Council members present.

Section 2.09. - Meetings of the Council

1. The Council shall meet in regular session twice a month, unless special meetings are called or meetings are cancelled as provided herein. Meetings shall be held at stated times, or set periodically by ordinance or Council policies. The Council may hold special meetings or emergency meetings called and noticed in the manner provided by law.
2. Meetings shall be held at the Council Chambers in the Grand County Courthouse, in the City of Moab, the County Seat or in other offices located in Moab. Occasional meetings may be held at other locations upon vote of the Council and with at least 24 hours’ written notice.

3. Proceedings and meetings of the Council shall be conducted in accordance with the Utah Open and Public Meetings Act, Council policies, and other applicable state laws and county ordinances. Electronic meetings may be held as provided by state law.

4. A regularly scheduled meeting of the Council may be canceled by a vote of four Council members and notice thereof shall be provided by the best means practical.

Section 2.10. - Powers and Duties of the Council

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

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

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

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

4. Appoint a County Budget Officer who will prepare a proposed budget and perform other Budget Officer duties as established by law.

5. Adopt the County budget, set and levy taxes, and establish fees as may be necessary and proper to perform County duties and functions and in accordance with state law.

6. Fix salaries and benefits of County Officers and employees in accordance with state law; county ordinances, policies and procedures; and this Plan.

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

8. Conduct quasi-judicial or administrative hearings, including serving as the board of equalization and acting as a final board of review for hearing appeals regarding planning and zoning, license revocation, and similar matters as may be provided by statute, ordinance or other law.
9. Advise and consent to appointments in the Executive Branch, as set out in Part Three of this Optional Plan and where such advice and consent is authorized by this Plan or by state law.

10. Supervise the conduct of all County Officers, in accordance with state law, regarding general county administrative ordinances or rules, and see that Officers and employees perform their duties, except that the Council may not supervise the statutory and professional duties and authority of the elected Officers, except as provided by state law.

11. Delegate County accounting services to the County Manager or to an Officer or Department director, or retain the County Auditor’s authority over accounting services.

12. Within one year after each decennial census report, modify Council district boundaries in accordance with state law and this Plan.

13. Divide the County into precincts and other districts required or permitted by law and change and create them as convenience and the public benefit requires and as provided by state law.

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

15. Grant franchisees over and along County roads for all lawful purposes and according to such terms and conditions as the Council determines appropriate, in accordance with state law.

16. Provide for the development of County resources as shall appear appropriate to the Council, and in accordance with state law.

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

Section 2.11. – Appointment of County Manager

1. The County Manager is appointed by vote of four members of the County Council and may be removed by vote of four members of the Council. The County Manager may be removed without cause.

2. Beginning after November 3, 2020, the County Human Resources Director shall begin the process of searching for and recruiting a County Manager, in consultation with the Council Members-elect, in anticipation of the Council appointing a Manager on January 14, 2021 or as soon thereafter as possible.

Section 2.12. - Prohibitions

1. No member of the Council shall occupy any other elective public office during his or her membership on the Council.

2. Council members may not be employed by Grand County in any other capacity during membership on the Council. A Council member may be a contractor with the County, either personally or through a business, with the approval of three County Council members and subject to the requirements and prohibitions of state law and county ordinance regarding contracting, conflicts of interest and recusal.
3. The Council may, by ordinance, adopt a rule of procedure which requires a Council member to recuse himself or herself from Council deliberation or vote, based on a conflict of interest as specifically defined in County ordinance.

4. Members of the Council are subject to all limitations and prohibitions applicable under state law or County Ordinance, together with any sanctions or penalties associated therewith.

5. Neither the Council, nor any member thereof, shall appoint, dismiss, or give directions to any employee of the Executive Branch or of any of the Officers of the County nor influence or attempt to influence work assignments, individual personnel actions or the purchase of goods or services. Nothing in this Section shall be construed, however, to prohibit the Council, while in open or closed session, from engaging in any of its responsibilities as set out in this Plan or from fully and freely discussing with or suggesting or recommending to the County Manager or any other appointed or elected County Officer or employee, anything pertaining to County affairs or the interests of the County.

Part Three - County Manager

Section 3.01. - The County Manager

1. The chief executive officer of Grand County shall be the County Manager, who shall meet the following qualifications for office of Manager: 1) graduation from college with a master's degree in public administration, political science, business administration, finance, law, or a closely related field; and 2) four years of managerial experience performing duties related to the above fields of study; or 3) an equivalent combination of education and experience.

2. The Manager shall reside in the County or shall live within one hour's in-person response time of the County Courthouse throughout his or her employment.

3. The Manager is an at-will employee.

4. The Manager is a full-time position.

5. The Manager shall be selected by a vote of four members of the County Council.

Section 3.02. - Vacancy, Removal and Prohibitions

1. The County Manager may be removed from office, without cause, by a vote of four members of the County Council.

2. If the County Manager position becomes vacant for any reason, the Council may replace the Manager as provided herein.

3. The Manager is subject to all limitations and prohibitions applicable under the laws of the State of Utah or under County ordinance, together with any sanctions or penalties associated therewith.

4. The Manager shall not occupy any elected public office during his or her term.
5. The Manager may not be employed by Grand County in any other capacity during membership on the Council or be a County contractor, except for an employment contract as Manager.

6. A County Manager wishing to resign from the office shall submit to the Council a written resignation, with the date and time the resignation is effective.

Section 3.03. - Compensation

The compensation package, including salary and any benefits, shall be established by the Council and may be set out in an employment contract.

Section 3.04. - Powers and Duties

The County Manager shall be the chief executive officer of Grand County and is vested with all executive and administrative powers and duties except those executive and administrative responsibilities vested by state law in the County Officers. The specific enumeration of executive powers herein shall not be construed to limit the executive powers of the County Manager. The County Manager's powers include, without limitation, the power to:

1. Manage and direct the activities of the County in a manner consistent with ordinance and this Plan, including the management and direction of Departments, Divisions, sections, activities, functions or agencies as now constituted or as may be created in the future, but not including the statutory and professional activities of the Officers.

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

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

4. Faithfully execute the laws and ordinances of the County.

5. Enforce the terms of County franchises, contracts and other undertakings.

6. Assign employees in and direct the work of the Executive Branch, excepting the Officers.

7. Appoint, suspend and remove the members of County commissions and boards, except where the appointment authority is vested in the Council. In the exercise of this power, the Manager shall have the power to establish standards, qualifications, criteria and procedures to govern these appointments, in accordance with state law and County policy or ordinance.

8. Exercise control over County assets, funds, and property, except as that authority is delegated by state law to an elected County Officer, to include serving as the County Budget Officer if the Council appoints the Manager as Budget Officer.

9. Provide accounting services to the County, if that responsibility is delegated to the Manager by the Council.
10. Access and review County books, accounts and funds necessary to perform the executive function under the Plan, County ordinance and state law. In the exercise of this power, the Manager may maintain a continuing review of expenditures and effectiveness of budgetary control in the several Departments and agencies of the Executive Branch and may supervise and conduct audits for budget and management purposes.

11. Negotiate and execute contracts for the purchase of goods and services. In the exercise of this power, the Manager shall sign all documents or instruments on behalf of Grand County, including contracts and bonding documents, but excluding legislative acts of the Council or documents which are to be signed by the County Clerk or other Officer. The Manager shall follow all ordinances and state law regarding the processing of County contracts and similar undertakings. Contracts relating to the sale or purchase of real property are subject to County Council approval, as provided by law.

12. Consider, adopt and implement County strategic long range planning, programs and improvements.

13. Act as intergovernmental relations liaison.

14. Control and direct litigation in which the County is a party.

15. Attend and participate in Council meetings and discussions, with automatic standing on every agenda, personally or through an Assistant Manager, but without the right to vote and without such attendance counting towards a quorum of the Council.

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

Section 3.05. - County Assistant Manager and Manager Staff

1. The County Manager may appoint an Assistant Manager, who shall assist the Manager and have such power and authority as may be delegated and assigned by the Manager. The Assistant Manager shall serve as acting Manager in the temporary absence or short-term incapacity of the Manager. As acting Manager, the Assistant Manager shall exercise all of the powers of the office of the Manager, except as may be limited in writing by the Manager.

2. The Assistant Manager shall reside in the County or shall live within one hour's in-person response time of the County Courthouse throughout his or her employment.

3. The Assistant Manager is an at-will employee.

4. In the case of the removal of the Manager pursuant to a vote of four of the Council, the Council may direct the removal of the Assistant Manager as well, or may direct that the Assistant Manager perform the duties of Manager until a replacement Manager is appointed by Council vote.

5. The County Manager may appoint such staff as may be necessary to discharge the duties of the office of Manager and as may be approved pursuant to state law or County ordinance.
Part Four - Administrative Offices, Departments and Agencies

Section 4.01. - General Provisions

1. All activities of the Executive Branch of Grand County under the direction and supervision of the County Manager shall be distributed among such Executive Branch Departments and agencies as are established by this Plan or may be established by the County Manager or by ordinance of the Council. County Departments are organized and established by County ordinance. Subsections and Divisions within Departments are organized and established by the Manager.

2. Unless otherwise indicated in this Plan, each Department, Division or agency of the County shall be administered by a qualified director appointed as provided in this Plan or by an Officer elected in accordance with state law.

3. Whenever the official name of an Officer or a director of a Department, Division or agency is used in ordinance, rule or regulation which conveys powers or imposes duties and liabilities, it shall be construed to include the Office’s, Department’s or Division’s Officers, assistants, deputies and staff serving under the director or Officer, to the extent that such subordinates act within their authority.

4. The County Council by ordinance shall provide for the placement in county government of those functions required by state law, including without limitation, personnel management, purchasing and the purchasing agent, and records management. Assignment of those or other functions to an Officer shall be with the Officer’s agreement.

Section 4.02. - County Officers

1. The Offices of County Assessor, Attorney, Auditor, Clerk, Recorder, Sheriff, Surveyor, Treasurer, and such other Officers as may be authorized by state law or County ordinance, shall be elected in partisan elections as authorized by state law, this Plan, or County ordinances.

2. All current County Offices are retained. Nothing herein shall prohibit the Council in the future from consolidating, dividing or appointing any such Office in a manner consistent with state law.

3. The election, appointment, replacement, qualifications and duties of each County Officer shall be as established by state law.

Section 4.03. - Department Directors

Except as otherwise specified by this Plan, Department directors shall be appointed by the County Manager with the advice and consent of the County Council. The appointment of Division directors and other supervisors subordinate to Department directors is made by the Manager, without Council advice and consent. Division directors, supervisors and other employees within each Office, Department, Division or agency shall be employed subject to the provisions of this Plan, state law, County ordinance, and personnel policies and regulations.
Section 4.04. - Personnel

The Council shall adopt ordinances, policies and regulations necessary for the effective operation of the county personnel system.

Part Five - Transition Plan and Effective Date

Section 5.01. - Transition

1. The Predecessor County Council may adopt ordinances and resolutions to bring about an orderly transition to the Plan, including, without limitation, any transfers of powers, records, documents, properties, assets, funds, liabilities or personnel which are consistent with this Plan and state law and which are necessary or convenient to bring this Plan into full effect.

2. The Predecessor County Council of Grand County shall be dissolved upon the effective date of this Plan. Predecessor County Council members shall not receive extra compensation beyond their regular salary and benefits up to January 64, 2021.

Section 5.02. - Adoption Vote

This Plan shall be considered adopted when approved by the affirmative vote of a majority of those voting on the question of its approval at an election to be held in Grand County on November 5, 2019.

Section 5.03. - Effective Date

1. Subject to Paragraph 2 of this Section, this Plan shall become the organic act for the government of Grand County on the date provided by law on which a certified copy of the Plan, as approved by the voters, is filed with the Utah Lieutenant Governor's Office by the Grand County Clerk.

2. The first general election of officials provided for in this Plan shall be held on November 3, 2020, in accordance with state law governing the election of county officers.

3. The provisions of this Plan shall become fully effective at 12:00 noon local time on January 64, 2021.

Section 5.04. – Prior Optional Plan

1. Upon this Plan becoming effective on January 64, 2021, the former optional plan of Grand County government, adopted in 1992, is repealed and has no further legal force or effect.

2. The election of members of the Council and Officers shall be by partisan elections and in accordance with state law regarding the election of county officials. Officers and members of the Council are not subject to term limitations and may not be recalled or removed from office except by the judicial removal process set out in state law.
Section 5.05. - Continuity of Government

1. Through the adoption process and effective date of this Plan, Grand County shall retain and possess all of the rights, capacities, privileges, powers, franchises and immunities and shall retain all of the liabilities to which it was subject prior to the adoption of this Plan.

2. There shall be no interruption in the continuity, powers, obligations or jurisdiction of government within Grand County by the adoption of this Plan. All executive, legislative, judicial, enforcement, or administrative proceedings pending during the transition to this Plan shall continue in process and be preserved and deemed unaffected by the adoption process and effective date of this Plan.

3. Until changed pursuant to law, all ordinances, rules, regulations and policies previously in full force and effect under the legal authority of Grand County shall continue in full force and effect after the Plan’s effective date, except to the extent they may be expressly modified by the adoption of this Plan.

4. After the effective date of this Plan, Grand County shall retain, own, and possess all of the properties, rights, privileges, franchises, contracts, and other assets of whatever nature, whether tangible or intangible, it owned prior to the adoption of this Plan.

5. All debts, obligations, and liabilities of Grand County shall remain unaffected by adoption of this Plan.

6. The contractual rights of any contractor, bondholder, creditor or franchisee or of any of their assigns and the pension rights and other employment rights of County officials and employees shall not be affected by adoption of this Plan nor impaired by any provision of this Plan.

Section 5.06. - Cooperation by all Public Officials

Upon adoption of this Plan by the voters, all County Officers and employees shall cooperate fully with the terms of this Plan.

Section 5.07. - Amendments to the Plan

This Plan may be amended in accordance with state law.

Section 5.08. – Separability and Inconsistency

1. If any provision of this Plan is held invalid, the other provisions shall not be affected thereby. If the application of this Plan or any of its provisions to any person or circumstance is held invalid, the application of this Plan and its provisions to other persons or circumstances shall not be affected thereby.

2. If any provision of this Plan is inconsistent with or contradicts any existing Grand County ordinance, rule, regulation or other source of the law, adoption of this Plan is considered to repeal such ordinance or other law, which shall be of no further effect after January 64, 2021.
Exhibit A
## Population Summary Report
Grand County, UT – August 9 Draft

<table>
<thead>
<tr>
<th>District</th>
<th>Population</th>
<th>Deviation from ideal district size</th>
<th>% Deviation from ideal district size</th>
<th>18+ Pop</th>
<th>Moab Pop.</th>
<th>% Moab Pop</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4789</td>
<td>176</td>
<td>3.82%</td>
<td>3645</td>
<td>4782</td>
<td>99.85%</td>
</tr>
<tr>
<td>2</td>
<td>4436</td>
<td>-177</td>
<td>-3.84%</td>
<td>3462</td>
<td>264</td>
<td>5.95%</td>
</tr>
</tbody>
</table>

**Total** 9225

<table>
<thead>
<tr>
<th>District</th>
<th>Population</th>
<th>Deviation from ideal district size</th>
<th>% Deviation from ideal district size</th>
<th>18+ Pop</th>
<th>Moab Pop.</th>
<th>% Moab Pop</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4789</td>
<td>176</td>
<td>3.82%</td>
<td>3645</td>
<td>4782</td>
<td>99.85%</td>
</tr>
<tr>
<td>2</td>
<td>4436</td>
<td>-177</td>
<td>-3.84%</td>
<td>3462</td>
<td>264</td>
<td>5.95%</td>
</tr>
</tbody>
</table>

**Ideal District size = 4,612**

**Total Deviation** 7.66%

**Note:** Population data based on 2010 Census
RECOMMENDATION AND REPORT
Grand County Change in Form of Government Study Committee
Submitted to the Grand County Council and Grand County Clerk

Background:

In 1992, Grand County changed its form of government from a 3-member County Commission to a 7-member County Council. The new form of government did not include an express delegation of executive branch functions and powers. It served the citizens of the County well and survived several votes to study having the form changed.

In 2018 the Utah State Legislature enacted House Bill 224 which made substantial amendments to the laws governing the methods by which county governments may be changed and further required county governments to meet specific criteria. Several aspects of the Grand County 1992 form of government may not be included in the new form of government recommendation, namely:

1. Non-partisan elections,
2. Term limits for council persons,
3. Recall elections, and
4. General County Modified Structural form of government.

In addition, the new legislation specifically required that any county whose government included those four elements must change its form to a structure specifically permitted in statute. The process to make that change is set out in state law and includes the appointment of a study committee to review Grand County’s form of government and make recommendations regarding alterations to that form.

The Study Committee:

The Grand County Change in Form of Government Study Committee, as authorized by the voters in a 60.9% affirmative vote in 2018, is a group of politically diverse individuals appointed by a statutory process to make a recommendation to the citizens of the County as to which legal form of government would best replace the current form of government. The members of the Committee are registered voters, residents of Grand County, and are not employees or officials of the County. The Study Committee consists of Chairperson Stephen Stocks, Secretary Marcy Till, and members Judy Carmichael, Walt Dabney, Jeramy Day, Cricket Green, and Bob Greenberg. Of these 7, there are 3 Republicans, 1 Democrat, and 3 unaffiliated registered voters.

The Study Committee’s express instructions are set out in state law, Utah Code Section 17-52a-403, including the following:

-the Study Committee shall study the current form of government and compare it with other forms available.

-the Study Committee shall determine whether the administration of local government could be strengthened, made more responsive or accountable to the
people, or significantly improved in the interest of economy and efficiency by a change in the form of government.

-the Study Committee shall hold public meetings, community forums and other means to disseminate information and stimulate public discussion of its purposes, progress, and conclusions.

-the Study Committee shall file a written report of its findings and recommendations no later than one year after its first convening. If a change in the form of government is recommended (and the change is mandatory in Grand County) then the voters will have a chance to approve or deny the recommendation at the next county election.

-if Grand County voters, in an election to be held in November 2019, reject the recommended form of government, Utah law requires that the County automatically change to a 3-member county commission form.

The Study Committee’s activities and duration are limited in that it may take no longer than one year to complete its work, following its appointment and first meeting convened on March 8, 2019. The Grand County Council has budgeted approximately $10,000 for use by the Committee, in addition to a legal requirement that the County provide staff time and supplies to the Committee. The County Attorney is limited from providing legal assistance to the Committee, so the budget is being used primarily for hiring outside legal counsel to draw up the necessary documents outlining the recommendation and its implementation.

Optional Forms of County Government:

The new law limits the Committee’s choice regarding what new form of government to recommend. The four options set out in statute are:

1. **County Commission**, consisting of 3 members who are vested with both legislative and executive powers.
2. **Expanded County Commission**, consisting of 5 or 7 members who are vested with both legislative and executive powers.
3. **County Council with an elected County Executive**, consisting of a council vested with legislative powers and a separately elected executive who is vested with executive powers to include veto power.
4. **County Council with an appointed County Manager**, consisting of a council vested with legislative powers and a manager, appointed by the council, who is vested with executive powers.

Committee Methodology and Public Outreach:

We as a Committee took very seriously our statutory charge to study Grand County’s form of government and decide if the government could be strengthened, made more responsive, or improved in economy or efficiency. All Committee meetings were advertised in advance as well as posted as
legally required. Meetings were open to the public, carried live over the internet, and public comment was welcome at the podium at every meeting. We also determined early on that public involvement and education were essential, both to inform citizens about this process and to gain as much information as we could to determine the desires of the public and incorporate those desires into a committee recommendation.

To this end, we undertook an educational event at Star Hall, three open house public forum events: at the Grand Center in Moab, at the Grand Water & Sewer Service Agency district offices in Spanish Valley, and at the Castle Valley Town Building in Castle Valley, as well as providing an educational booth at a 4th of July event held at Swanny Park. We conducted valuable individual in-person interviews of current Grand County department heads and the County Council Administrator as well as individual in-person interviews of elected officials and one former elected official, including current and some former County Council Members. Last, we prepared and circulated at the public events a public opinion survey, soliciting information from the public at large. As well, we used local media (radio and newspaper) and posted flyers to communicate the request for citizen input. All told, we received survey responses from 249 people plus 10 late responses. We found the results of these interactions, including email communications and in-person communications made at our public meetings, together with the survey responses and comments to be both valuable and remarkably consistent in the form of government preferred by Grand County citizens.

Survey results:

<table>
<thead>
<tr>
<th>Event Location</th>
<th>No. of Surveys</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grand Center Open House, June 5, 2019</td>
<td>39</td>
</tr>
<tr>
<td>Spanish Valley Open House, June 13, 2019</td>
<td>40</td>
</tr>
<tr>
<td>Castle Valley Open House, June 17, 2019</td>
<td>27</td>
</tr>
<tr>
<td>4th of July educational booth, July 4, 2019</td>
<td>37</td>
</tr>
<tr>
<td>Other: surveys requested and turned in at the Courthouse by the written deadline</td>
<td>106</td>
</tr>
</tbody>
</table>

Total surveys returned on time 249

In addition, there were 10 surveys turned in after the deadline, which were reviewed by a subcommittee of 3 of the Study Committee but not tallied.

Grand Center Open House:
Council with appointed Manager recommended form of government had 3 times more support than the nearest other form of government, the Expanded Commission.

A governing body with 5 or 7 members was virtually a tie. There was little or no support for a governing body with 3 or 9 members.
Part time status was preferred 3.5 times more than full time status.

A combination of voting by districts and at-large was preferred 1.7 times more than voting by all at-large, which came in second. Voting by all districts had virtually no support.

**Spanish Valley Open House:**

Council with appointed Manager was preferred 3 times more than the next choice, Expanded Commission.

A governing body with 5 members was twice as popular as one with 7; a governing body with 3 or 9 members had virtually no support.

Part-time status was 5 times more popular than full-time status.

A combination of voting by districts and at-large was preferred approximately 1.5 times over all at-large.

**Castle Valley Open House:**

Council with appointed Manager was preferred 6 times more than the next choice.

A governing body with 5 or 7 members virtually tied.

Part-time status was preferred 9 times more than full-time status.

A combination of voting by districts and at-large was 1.5 times preferred over at-large.

**Fourth of July booth event:**

Council with appointed Manager was first, Expanded Commission was second, and Council with Elected Executive was third.

A governing body with 5 members was twice as popular as the next, with 7 members, with little interest in 3 or 9 members.

Part-time status was twice as popular as full-time status.

Voting all at-large was slightly more popular than a combination of voting by districts and at-large.
Other Surveys: surveys requested and turned in at the Courthouse by the written deadline:

Council with appointed Manager received twice as much support as the next most popular form, the Expanded Commission.

A governing body with 7 members had 1.4 times more support than a governing body with 5 members, which was second. There was little support for 3 or 9 members.

Part-time status was 6.2 times more popular than full-time status. A mixture came in second place, with less than half the support for part time.

A combination of voting by districts and at-large, versus all at-large, virtually tied in support. They both had nearly 4 times more support than voting all by district.

Cumulative synopsis from subcommittee review of the written surveys submitted and reading the comments:

Form of Government. A Council with appointed County Manager form of government had significant support; the three-person commission was ranked lowest among all forms;

Number of Governing Body Members. Either 5 or 7 members had major support, while 3 or 9 members had little support;

Full v. Part-Time Status. Part-time status had significantly more support than full-time status; and,

Voting by Districts v. At Large. Governing body members elected at large or by a combination of both district and at large had major support while there was little support for all elected by district.

Report on in-person interviews:

As per the Committee’s discussion of April 12, 2019, we interviewed all county department heads, elected officials, county council members, plus three former council members and a former county clerk auditor, 29 people in all. One elected official was inadvertently not interviewed.

We reached out to Gavin Anderson, Salt Lake County Deputy District Attorney, for advice concerning whether or not the ordinance to adopt a new form of government could require a commission to employ a professional administrator and specify the administrator’s scope of authority.¹

30-minute interviews were scheduled on April 16, 17 and 19 and May 2, 3 and 9, 2019. Interviewees were assured that their responses would be confidential.

¹ Mr. Anderson advised that such an attempt would be uncharted legal territory. He advised that in a commission form of government the governing body would retain executive authority and could not be required to delegate to or even hire an administrator.
General Summary of In-Person Interviews

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

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

- Department heads came to the interviews well prepared having read Gavin Anderson’s hand-out on forms of government.
- Virtually all those interviewed strongly believe that a 3-person commission or council (governing body) would be a bad idea. Reasons cited included a belief that a 3-person body was too easy to sway in one direction or another, lack of diversity and possible vulnerability to corruption.
- Almost all of those interviewed thought that more than 7 members on the governing body would be a bad idea as it would make decision-making more difficult and raise expenses.
- Most of those interviewed thought that a 5-member governing body would be the best compromise between efficiency and diversity.
- County department heads were unanimous in the belief that an appointed professional administrator providing direct, day-to-day supervision of county departments was very important to the efficient functioning of the county. The administrator was seen as a buffer between county departments and elected governing body officials who may change every 4 years, whose decisions may be swayed by political/re-election concerns and may have no special expertise in the department’s field of operation.
- Most elected officials and council members past and present think that a commission would better serve the county’s needs as it is likely to produce more engagement and ownership on the part of commission members than would a council-manager form of government.
- There was not agreement among elected officials on whether part-time or full-time commissioners would be best.
- No respondents thought that an elected county manager was a good idea.
- There were mixed views of the value of electing some or all of the governing body’s members by district. A number of respondents saw no value in districts and some thought that due to the difficulty experienced in recruiting candidates, that districts encouraged candidates with low commitment to serving. We were told by several respondents that they would like to be able to vote for at least a majority of the governing body (i.e., 3 members of a 5-person body). A number of respondents said
that districts helped insure diversity: that the interests of all county residents were attended to, especially those who live in the more rural parts of the county. Several respondents told us that they thought that 2 at-large and 3-district members might be a good compromise.

- There was concern expressed that in the county's complex and rapidly changing environment the workload for governing body members was already too high for part-timers.
- Many of the department heads reported that while the current form of government works well for them, the council administrator's span of control was too great.
- There was general agreement that the council's current pay was appropriate for half-time members and would allow and encourage more people to run for office. The several respondents who believed that full-time commissioners would be the best form of government see $60,000/year as the bottom of a realistic salary range.
- Most respondents who addressed the issue of budgeting thought that the current system is working well.

As a general summary of public opinion on the best form of government, we found a strong preference for an elected part-time council, either elected at-large or a combination of at-large and by district, and a county manager, appointed by the council of either 5 or 7 members.

In May 2019, the committee began looking for independent legal counsel and after soliciting bids and qualifications, selected Gavin Anderson. He is employed as a Deputy District Attorney in Salt Lake County and the County entered into an interlocal agreement between Grand County and Salt Lake County for his services. He attended Committee meetings and prepared both a discussion outline and a draft optional plan as well as advised the Committee on points of law.

Findings:

1. The current form of government consists of a county council acting as a legislative body, with no express delegation of executive branch management authority.

2. The lack of delegation of executive branch powers and duties has led to uncertainty and inconsistency in county government decisions and operations.

3. State statute, at Utah Code Section 17-52a-103, requires that Grand County change its form of government.

4. The Study Committee has studied the current form of county government and compared it to other forms available and determined that it can be improved.

5. The administration of local government in Grand County could be strengthened, made more responsive or accountable to the people, or significantly improved in the interest of economy and efficiency by a change in the form of government.
6. State statute provides that if Grand County does not change its form of government by vote of the people, the County will be required to adopt a three-member county commission form of government. This form is not preferred by the public, the Study Committee, or the current elected officials, council members, Council Administrator or department heads.

Study Committee Recommendation:

At the Study Committee meetings on July 26, August 2, August 9 and August 12, 2019, we considered and debated our recommendation for a new Optional Plan. After a vigorous and thoughtful discussion the Committee determined to recommend the following:

1. Adopt a Council-Manager form of government in which an appointed County Manager would oversee all executive branch functions;
2. Adopt a 5-member part-time County Council; and
3. The Council members would consist of 3 members elected at-large to Council Seats A, B, and C, and 2 members elected from Districts. District 1 would consist of most of the City of Moab and District 2 would include all the rest of Grand County, including a small portion of the City of Moab.

A draft Optional Plan for Grand County Government has been prepared and approved by the Committee. It is attached hereto.

Based on information the Committee has received from Grand County Attorney Christina Sloan and Grand County Clerk Chris Baird, we understand that Utah law would permit the election for the new government to lawfully be held this year, on November 5, 2019. We have included that date in the draft Optional Plan and the Committee recommends that the Optional Plan be voted on that day.

Conclusion:

The Study Committee appreciates the opportunity to be involved and serve in this exciting time in Grand County and for your trust in our deliberations. We have enjoyed the time we have spent together in this endeavor. We also express our gratitude for the support provided by Chris Baird, Ruth Dillon, Tara Collins, and Bryony Hill of the County Council staff, and others, without whom this project would not have been realized.

We believe that Grand County will be served and its government structure improved by the adoption of a Council-Manager form of county government, as explained in this Recommendation and Report, and the attached draft Optional Plan for Grand County Government. We urge the county electorate to vote in favor of adopting the new Optional Plan.

In accordance with our statutory duties, we respectfully submit this Report and Recommendation including findings. Attached are: the Draft Optional Plan, the District maps and statistics, and copies of informational materials provided to the public.
RECOMMENDATION AND REPORT
Grand County Change in Form of Government Study Committee
Submitted to the Grand County Council and Grand County Clerk

DATED: this 12th day of August, 2019.

GRAND COUNTY CHANGE IN FORM OF GOVERNMENT STUDY COMMITTEE:

[Signatures of committee members]
OPTIONAL PLAN FOR GRAND COUNTY GOVERNMENT

Preamble

Grand County is authorized by legislative enactment, in the Changing Forms of County Government Act, 2018, HB 224 (the “Act”), to change its form of county government. Based thereon, the County hereby sets forth an Optional Plan for Grand County Government (hereinafter referred to as the "Plan"). This Plan adopts the county council-manager structural form of government as provided by the Act.

The structural form retains without change all existing incorporated municipalities, special and local districts, public authorities, county service areas, school districts, and other local government entities. The management arrangement vests the County’s legislative powers in the County Council and the County’s executive powers in the County Manager.

The purpose of this Plan is to provide a separation of executive and legislative powers. Where the Plan is silent on the distribution or location of a particular power, it hereby authorizes the allocation of powers according to a traditional executive-legislative distinction. The location of any powers not expressly vested in the Manager or the Council should be determined by function. Where helpful, state and federal separation-of-power models should be used to determine whether a particular power or activity is executive or legislative.

As used in this Plan the following words are defined as follows:

The word "Department" shall refer to the major County organizational units under the immediate direction and supervision of the County Manager.

The word “Division” shall refer to subordinate County organizational units, under the Departments, within the Executive Branch of County government.

The words "Executive" or "Executive Branch" shall refer to those powers granted to, or those Departments and agencies under the direction and supervision of, the County Manager and shall not be construed to refer to any other elected Office, unless specifically stated in this Plan or in state law.

The words “Legislative” or “Legislative Branch” shall refer to those powers granted to, or the staff or agencies under the direction and supervision of, the County Council.

The words "Office" or “Officer” shall refer to the respective Offices, Officers, deputies, and organizations of County Treasurer, Sheriff, Clerk, Auditor, Recorder, Attorney, Surveyor, and Assessor, as those Offices are currently constituted or as they may be altered in the future.

The words “Predecessor County Council” shall refer to that County Council and its council members holding office in Grand County before the adoption and effective date of this Plan.
Part One - General Powers

Section 1.01. - Powers of Grand County

Grand County is continued as a body corporate and politic and a political subdivision of the State of Utah. It has all county powers pursuant to the authority of the Constitution of the State of Utah and the general laws of the State of Utah, including common law, either now or hereafter expressly or impliedly granted to any county.

Section 1.02. - Interpretation of Powers

The powers of Grand County shall be construed liberally in favor of the exercise of authority by the government of Grand County. The specific enumeration of powers in this Plan shall not be construed to limit the scope of the authority conferred by the general laws of the State of Utah.

Section 1.03. - Levels of Services and Functions

Grand County, consistent with the general laws of the State of Utah, may provide differing levels of services and functions to areas outside or within incorporated municipalities, as allowed by state law. Nothing in this Plan shall be construed to prevent the County from creating local or service districts, service areas, interlocal cooperative agreement entities or other entities or agencies to provide services, as allowed by state law.

Part Two - The Legislative Body

Section 2.01. - Composition of the Council

1. The legislative body of Grand County shall be a Council composed of five (5) members, consisting of three (3) Council members elected at-large and two (2) Council members elected by geographical district. A quorum of the Council consists of three (3) Council members.

2. By a vote of three members at its first meeting annually, the Council shall elect one member to serve as Chair and one member to serve as Vice-Chair. The Chair and Vice-Chair shall serve terms of one year. During the absence or disability of the Chair, the Vice-Chair shall assume all of the duties of the Chair. The Chair and Vice-Chair shall have full right to debate and vote in the Council. However, the Chair may not make or second motions.

3. The Chair shall set the Council's agenda, preside at its meetings and sign all legislative acts. Upon the request of a Council member or the County Manager, additional items shall be included in the agenda with or without the approval of the Chair.


Section 2.02. - Council Members Elected At-Large

1. Three Council members shall be elected at-large by the voters of Grand County through partisan elections. They shall meet the qualifications of office of county elected officials as
established by state law, and they shall remain residents of Grand County throughout their terms of office.

2. For the purpose of electing at-large Council members, there shall be individual seats known as Council Seats A, B and C. The lettered designation of at-large seats shall be maintained throughout the Council members’ terms and at-large council seats shall be so designated during future council election procedures.

3. The initial term of office for at-large Council Seats shall be four years. After the initial terms of office, the regular term of office of each at-large seat shall be four years. At-large Council members shall thereafter be elected in presidential general election years. Each term begins at noon on the first Monday of January following each Council member’s election.

Section 2.03. - Council Members Elected by District

1. Two Council members shall be elected by district by the voters of their districts, through partisan elections. They shall meet the qualifications of county elected officials as established by state law and be residents of their districts and they shall remain residents of their district and of the County throughout their terms of office.

2. For the purpose of electing district Council members, the County shall be divided into two (2) geographical districts designated Districts 1 and 2. The numbered designation of district seats shall be maintained throughout the Council members’ terms and district Council seats shall be so designated during future council election procedures. District 1 shall be composed primarily of the City of Moab and District 2 shall be composed of rural portions of Grand County, primarily outside the City of Moab.

3. The initial term of office for District 1 shall be two (2) years. The initial term of office for District 2 shall be two (2) years. After the initial terms of office, the regular term of office of each district Council member shall be four (4) years. District Council members shall thereafter be elected in gubernatorial general election years. Each term begins at noon on the first Monday of January following each Council member’s election.

Section 2.04. - Reapportionment and Adjustment of Council Districts

1. Council districts shall have substantially equal populations and shall be reapportioned by the Council within one year after each decennial census report is available.

2. Upon reapportionment, the Council districts shall, to the extent practical, remain consistent with their original geographical configuration and representation, allowing for continuity and facilitating contact between residents and district Council members and also maintaining “one person, one vote” ideals.

3. The map of the initial Council districts is attached as Exhibit A.

Section 2.05. - Vacancies

1. Members of the Council may be removed from office in accordance with state law.
2. The office of County Council member shall be deemed vacant if a member is removed, dies, resigns or fails to maintain his or her residency as required by this Part. Upon a vacancy of a member's office, it shall be filled as prescribed by state law.

3. Any member wishing to resign from the Council must submit to the Council a written resignation, with the date and time the resignation is effective.

4. Upon a vacancy in the office of the Chair, the Vice-Chair shall serve as Interim Chair until the remaining Council members elect a new Chair. Upon a vacancy in the office of the Vice-Chair, the remaining Council members shall elect a new Vice-Chair.

Section 2.06. - Compensation of the Council

1. The base salary for members of the Council shall be $24,000 per year, except that the Council Chair’s base salary shall be $27,000 per year. Council members receive no County benefits other than those required by law. Council members shall receive the same periodic cost of living adjustments provided to County employees generally. Council members shall receive compensation for their expenses, such as travel costs, based on policies applicable to all County employees.

2. Salaries may be modified by a vote of three of the Council, but a voted salary increase shall not become effective mid-term for any Council seat. Salary increases shall become effective at the beginning of a new term for each designated seat. At no time may a member’s compensation be diminished during his or her term of office.

Section 2.07. - Staff to the Council

The County Council may appoint a council administrator and other staff as may be necessary to discharge the duties of the Council.

Section 2.08. - Voting on the Council

1. Three Council votes are required for the passage of any proposal, motion or other matter.

2. Voting shall be by roll call if requested by a member of the Council and may be by electronic tabulation if available. The ayes and nays shall be recorded in the Council minutes as a matter of public record. A member may abstain from any vote. Members abstaining from a vote shall be considered present for the purposes of a quorum.

3. Except for matters on which a greater or lesser vote is expressly provided by law or by this Plan, no action of the Council shall be valid and binding unless approved by at least three affirmative votes of those Council members present.

Section 2.09. - Meetings of the Council

1. The Council shall meet in regular session twice a month, unless special meetings are called or meetings are cancelled as provided herein. Meetings shall be held at stated times, or set periodically by ordinance or Council policies. The Council may hold special meetings or emergency meetings called and noticed in the manner provided by law.
2. Meetings shall be held at the Council Chambers in the Grand County Courthouse, in the City of Moab, the County Seat, or in other offices located in Moab. Occasional meetings may be held at other locations upon vote of the Council and with at least 24 hours’ written notice.

3. Proceedings and meetings of the Council shall be conducted in accordance with the Utah Open and Public Meetings Act, Council policies, and other applicable state laws and county ordinances. Electronic meetings may be held as provided by state law.

4. A regularly scheduled meeting of the Council may be canceled by a vote of four Council members and notice thereof shall be provided by the best means practical.

Section 2.10. - Powers and Duties of the Council

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

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

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

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

4. Appoint a County Budget Officer who will prepare a proposed budget and perform other Budget Officer duties as established by law.

5. Adopt the County budget, set and levy taxes, and establish fees as may be necessary and proper to perform County duties and functions and in accordance with state law.

6. Fix salaries and benefits of County Officers and employees in accordance with state law; county ordinances, policies and procedures; and this Plan.

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

8. Conduct quasi-judicial or administrative hearings, including serving as the board of equalization and acting as a final board of review for hearing appeals regarding planning and zoning, license revocation, and similar matters as may be provided by statute, ordinance or other law.
9. Advise and consent to appointments in the Executive Branch, as set out in Part Three of this Optional Plan and where such advice and consent is authorized by this Plan or by state law.

10. Supervise the conduct of all County Officers, in accordance with state law, regarding general county administrative ordinances or rules, and see that Officers and employees perform their duties, except that the Council may not supervise the statutory and professional duties and authority of the elected Officers, except as provided by state law.

11. Delegate County accounting services to the County Manager or to an Officer or Department director, or retain the County Auditor’s authority over accounting services.

12. Within one year after each decennial census report, modify Council district boundaries in accordance with state law and this Plan.

13. Divide the County into precincts and other districts required or permitted by law and change and create them as convenience and the public benefit requires and as provided by state law.

14. Fill vacancies on County boards whose membership is, pursuant to state law, composed either in whole or in part of Council appointees.

15. Grant franchisees over and along County roads for all lawful purposes and according to such terms and conditions as the Council determines appropriate, in accordance with state law.

16. Provide for the development of County resources as shall appear appropriate to the Council, and in accordance with state law.

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

Section 2.11. - Appointment of County Manager

1. The County Manager is appointed by vote of four members of the County Council and may be removed by vote of three members of the Council at a meeting at which all sitting members are present. The County Manager may be removed without cause.

2. Beginning after November 3, 2020, the County Human Resources Director shall begin the process of searching for and recruiting a County Manager, in consultation with the Council Members-elect, in anticipation of the Council appointing a Manager on January 4, 2021 or as soon thereafter as possible.

Section 2.12. - Prohibitions

1. No member of the Council shall occupy any other elected public office during his or her membership on the Council.

2. Council members may not be employed by Grand County in any other capacity during membership on the Council. A Council member may be a contractor with the County, either personally or through a business, with the vote of three County Council members and subject to the requirements and prohibitions of state law and county ordinance regarding contracting, conflicts of interest and recusal.
3. The Council may, by ordinance, adopt a rule of procedure which requires a Council member to recuse himself or herself from Council deliberation or vote, based on a conflict of interest as specifically defined in County ordinance.

4. Members of the Council are subject to all limitations and prohibitions applicable under state law or County Ordinance, together with any sanctions or penalties associated therewith.

5. Neither the Council, nor any member thereof, shall appoint, dismiss, or give directions to any employee of the Executive Branch or of any of the Officers of the County nor influence or attempt to influence work assignments, individual personnel actions or the purchase of goods or services. Nothing in this Section shall be construed, however, to prohibit the Council, while in open or closed session, from engaging in any of its responsibilities as set out in this Plan or from fully and freely discussing with or suggesting or recommending to the County Manager or any other appointed or elected County Officer or employee, anything pertaining to County affairs or the interests of the County.

Part Three - County Manager

Section 3.01. - The County Manager

1. The chief executive officer of Grand County shall be the County Manager, who shall meet the following qualifications for office of Manager: 1) graduation from college with a master’s degree in public administration, political science, business administration, finance, law, or a closely related field; and 2) four years of managerial experience performing duties related to the above fields of study; or 3) an equivalent combination of education and experience.

2. The Manager shall reside in the County or shall live within one hour’s in-person response time of the County Courthouse throughout his or her employment.

3. The Manager is an at-will employee.

4. The Manager is a full-time position.

5. The Manager shall be selected by a vote of four members of the County Council.

Section 3.02. - Vacancy, Removal and Prohibitions

1. The County Manager may be removed from office, without cause, by a vote of three members of the County Council at a meeting at which all sitting members are present.

2. If the County Manager position becomes vacant for any reason, the Council may replace the Manager as provided herein.

3. The Manager is subject to all limitations and prohibitions applicable under the laws of the State of Utah or under County ordinance, together with any sanctions or penalties associated therewith.

4. The Manager shall not occupy any elected public office during his or her term.
5. The Manager may not be employed by Grand County in any other capacity during membership on the Council or be a County contractor, except for an employment contract as Manager.

6. A County Manager wishing to resign from the office shall submit to the Council a written resignation, with the date and time the resignation is effective.

Section 3.03. - Compensation

The compensation package, including salary and any benefits, shall be established by the Council and may be set out in an employment contract.

Section 3.04. - Powers and Duties

The County Manager shall be the chief executive officer of Grand County and is vested with all executive and administrative powers and duties except those executive and administrative responsibilities vested by state law in the County Officers. The specific enumeration of executive powers herein shall not be construed to limit the executive powers of the County Manager. The County Manager's powers include, without limitation, the power to:

1. Manage and direct the activities of the County in a manner consistent with ordinance and this Plan, including the management and direction of Departments, Divisions, sections, activities, functions or agencies as now constituted or as may be created in the future, but not including the statutory and professional activities of the Officers.

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

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

4. Faithfully execute the laws and ordinances of the County.

5. Enforce the terms of County franchises, contracts and other undertakings.

6. Assign employees in and direct the work of the Executive Branch, excepting the Officers.

7. Appoint, suspend and remove the members of County’s boards, committees, and commissions, except where the appointment authority is vested in the Council. In the exercise of this power, the Manager shall have the power to establish standards, qualifications, criteria and procedures to govern these appointments, in accordance with state law and County policy or ordinance.

8. Exercise control over County assets, funds, and property, except as that authority is delegated by state law to an elected County Officer, to include serving as the County Budget Officer if the Council appoints the Manager as Budget Officer.

9. Provide accounting services to the County, if that responsibility is delegated to the Manager by the Council.
10. Access and review County books, accounts and funds necessary to perform the executive function under the Plan, County ordinance and state law. In the exercise of this power, the Manager may maintain a continuing review of expenditures and effectiveness of budgetary control in the several Departments and agencies of the Executive Branch and may supervise and conduct audits for budget and management purposes.

11. Negotiate and execute contracts for the purchase of goods and services. In the exercise of this power, the Manager shall sign all documents or instruments on behalf of Grand County, including contracts and bonding documents, but excluding legislative acts of the Council or documents which are to be signed by the County Clerk or other Officer. The Manager shall follow all ordinances and state law regarding the processing of County contracts and similar undertakings. Contracts relating to the sale or purchase of real property are subject to County Council approval, as provided by law.

12. Consider and implement County strategic long range planning, programs and improvements as approved by County Council.

13. Act as intergovernmental relations liaison.

14. Control and direct litigation in which the County is a party.

15. Attend and participate in Council meetings and discussions, with automatic standing on every agenda, personally or through an Assistant Manager, but without the right to vote and without such attendance counting towards a quorum of the Council.

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

Section 3.05. - County Assistant Manager and Manager Staff

1. The County Manager may appoint an Assistant Manager, who shall assist the Manager and have such power and authority as may be delegated and assigned by the Manager. The Assistant Manager shall serve as acting Manager in the temporary absence or short-term incapacity of the Manager. As acting Manager, the Assistant Manager shall exercise all of the powers of the office of the Manager, except as may be limited in writing by the Manager.

2. The Assistant Manager shall reside in the County or shall live within one hour's in-person response time of the County Courthouse throughout his or her employment.

3. The Assistant Manager is an at-will employee.

4. In the case of the removal of the Manager pursuant to a vote of three of the Council, the Council may direct the removal of the Assistant Manager as well, or may direct that the Assistant Manager perform the duties of Manager until a replacement Manager is appointed by Council vote.

5. The County Manager may appoint such staff as may be necessary to discharge the duties of the office of Manager and as may be approved pursuant to state law or County ordinance.
Part Four - Administrative Offices, Departments and Agencies

Section 4.01. - General Provisions

1. All activities of the Executive Branch of Grand County under the direction and supervision of the County Manager shall be distributed among such Executive Branch Departments and agencies as are established by this Plan or may be established by the County Manager or by ordinance of the Council. County Departments are organized and established by County ordinance. Subsections and Divisions within Departments are organized and established by the Manager.

2. Unless otherwise indicated in this Plan, each Department, Division or agency of the County shall be administered by a qualified director appointed as provided in this Plan or by an Officer elected in accordance with state law.

3. Whenever the official name of an Officer or a director of a Department, Division or agency is used in ordinance, rule or regulation which conveys powers or imposes duties and liabilities, it shall be construed to include the Office’s, Department’s or Division’s Officers, assistants, deputies and staff serving under the director or Officer, to the extent that such subordinates act within their authority.

4. The County Council by ordinance shall provide for the placement in county government of those functions required by state law, including without limitation, personnel management, purchasing and the purchasing agent, and records management. Assignment of those or other functions to an Officer shall be with the Officer’s agreement.

Section 4.02. - County Officers

1. The Offices of County Assessor, Attorney, Auditor, Clerk, Recorder, Sheriff, Surveyor, Treasurer, and such other Officers as may be authorized by state law or County ordinance, shall be elected in partisan elections as authorized by state law, this Plan, or County ordinances.

2. All current County Offices are retained. Nothing herein shall prohibit the Council in the future from consolidating, dividing or appointing any such Office in a manner consistent with state law.

3. The election, appointment, replacement, qualifications and duties of each County Officer shall be as established by state law.

Section 4.03. - Department Directors

Except as otherwise specified by this Plan, Department directors shall be appointed by the County Manager with the advice and consent of the County Council. The appointment of Division directors and other supervisors subordinate to Department directors is made by the Manager, without Council advice and consent. Division directors, supervisors and other employees within each Office, Department, Division or agency shall be employed subject to the provisions of this Plan, state law, County ordinance, and personnel policies and regulations.
Section 4.04 - Personnel

The Council shall adopt ordinances, policies and regulations necessary for the effective operation of the county personnel system.

Part Five - Transition Plan and Effective Date

Section 5.01 - Transition

1. The Predecessor County Council may adopt ordinances and resolutions to bring about an orderly transition to the Plan, including, without limitation, any transfers of powers, records, documents, properties, assets, funds, liabilities or personnel which are consistent with this Plan and state law and which are necessary or convenient to bring this Plan into full effect.

2. The Predecessor County Council of Grand County shall be considered the acting members of the County Council from January 1, 2021 until January 4, 2021 at noon, and shall be dissolved at that time. Predecessor County Council members shall not receive extra compensation beyond their regular salary and benefits up to January 4, 2021.

Section 5.02 - Adoption Vote

This Plan shall be considered adopted when approved by the affirmative vote of a majority of those voting on the question of its approval at an election to be held in Grand County on November 5, 2019.

Section 5.03 - Effective Date

1. Subject to Paragraph 2 of this Section, this Plan shall become the organic act for the government of Grand County on the date provided by law on which a certified copy of the Plan, as approved by the voters, is filed with the Utah Lieutenant Governor's Office by the Grand County Clerk.

2. The first general election of officials provided for in this Plan shall be held on November 3, 2020, in accordance with state law governing the election of county officers.

3. The provisions of this Plan shall become effective January 1, 2021.

Section 5.04 - Prior Optional Plan

1. Upon this Plan becoming effective on January 1, 2021, the former optional plan of Grand County government, adopted in 1992, is repealed and has no further legal force or effect.

2. The election of members of the Council and Officers shall be by partisan elections and in accordance with state law regarding the election of county officials. Officers and members of the Council are not subject to term limitations and may not be recalled or removed from office except by the judicial removal process set out in state law.
Section 5.05. - Continuity of Government

1. Through the adoption process and effective date of this Plan, Grand County shall retain and possess all of the rights, capacities, privileges, powers, franchises and immunities and shall retain all of the liabilities to which it was subject prior to the adoption of this Plan.

2. There shall be no interruption in the continuity, powers, obligations or jurisdiction of government within Grand County by the adoption of this Plan. All executive, legislative, judicial, enforcement, or administrative proceedings pending during the transition to this Plan shall continue in process and be preserved and deemed unaffected by the adoption process and effective date of this Plan.

3. Until changed pursuant to law, all ordinances, rules, regulations and policies previously in full force and effect under the legal authority of Grand County shall continue in full force and effect after the Plan’s effective date, except to the extent they may be expressly modified by the adoption of this Plan.

4. After the effective date of this Plan, Grand County shall retain, own, and possess all of the properties, rights, privileges, franchises, contracts, and other assets of whatever nature, whether tangible or intangible, it owned prior to the adoption of this Plan.

5. All debts, obligations, and liabilities of Grand County shall remain unaffected by adoption of this Plan.

6. The contractual rights of any contractor, bondholder, creditor or franchisee or of any of their assigns and the pension rights and other employment rights of County officials and employees shall not be affected by adoption of this Plan nor impaired by any provision of this Plan.

Section 5.06. - Cooperation by all Public Officials

Upon adoption of this Plan by the voters, all County Officers and employees shall cooperate fully with the terms of this Plan.

Section 5.07. - Amendments to the Plan

This Plan may be amended in accordance with state law.

Section 5.08. - Separability and Inconsistency

1. If any provision of this Plan is held invalid, the other provisions shall not be affected thereby. If the application of this Plan or any of its provisions to any person or circumstance is held invalid, the application of this Plan and its provisions to other persons or circumstances shall not be affected thereby.

2. If any provision of this Plan is inconsistent with or contradicts any existing Grand County ordinance, rule, regulation or other source of the law, adoption of this Plan is considered to repeal such ordinance or other law, which shall be of no further effect after January 1, 2021.
OPTIONAL PLAN FOR GRAND COUNTY GOVERNMENT
Grand County Change in Form of Government Study Committee
Submitted to the Grand County Council and Grand County Clerk

DATED: this 12th day of August, 2019.

GRAND COUNTY CHANGE IN FORM OF GOVERNMENT STUDY COMMITTEE:

Stephen Stocks, Chair
Marcy Till, Secretary
Judy Carmichael
Walt Dabney
Jeremy Day
Cricket Green
Bob Greenberg