

**GRAND COUNTY CHANGE IN FORM OF GOVERNMENT
STUDY COMMITTEE
REGULAR MEETING**

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

**MINUTES
August 2, 2019**

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, Jeramy Day, Cricket Green, Bob Greenberg (by phone), and Marcy Till; Committee Member Jeramy Day arrived at 12:06 p.m. Also in attendance were Attorney Gavin Anderson and Ruth Dillon (County Council Administrator) to take minutes.

Pledge of Allegiance

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

Chairperson Stocks requested a motion to move agenda item E forward.

MOTION:

Motion by Walt to move Item E, “Presentation and discussion on draft districting plans,” to the immediacy, seconded by Judy carried 6-0.

Presentations

E. Presentation and discussion on draft districting plans

Bill Cooper of Bristol, Virginia, districting consultant, attended by phone and led a second video conference showing and reviewing draft districting maps A, B, and C that were also provided in the packet. He explained that he stayed within +/- 5% for near-equal populations within the two draft districts—one urban and one rural—with such population figures being based on the U.S. 2010 Census. He stated that +/-5% is a rule of thumb for One Person One Vote. He noted that, with an expected county election in 2022, the final districting plan could perhaps be tweaked to come into line with One Person One Vote following the 2020 Census data. He further stated that he relied on the registered voter count found on the county website. He offered that he could provide other alternative maps for the two districts.

Jeramy requested a “what if” map of rural versus urban that would exclude the precincts, and to draft it by population. Attorney Gavin Anderson stated there is no legal reason for Council districts to be wedded to the voting precincts, and that the County Clerk can annually redraw voting precinct boundaries with the approval of the County Council; further, that it is likely more common than not for precincts to be split.

Attorney Anderson explained that voting precincts are currently required by state statute yet are fairly easy to change in terms of their boundaries. Bob pointed out that the governing body will have the opportunity to approve the redrawing of voting precinct boundaries if desired, following the updated 2020 Census data. Marcy suggested communicating a recommendation to the County Clerk to see about updating the voting precincts for County Council approval. Attorney Anderson responded that there is a defined timeline in state code for when boundaries can be redrawn. Walt suggested waiting for the Census data prior to making a recommendation regarding precinct boundary changes, and there seemed to be agreement by Study Committee Members. Mr. Cooper stated that 2020 Census data are expected to be officially released in February or March of 2021, after which states and counties can consider going through a redistricting process.

Bob suggested that the draft map C appears to be closest to what the Study Committee desires. He suggested to ask Mr. Cooper to return next meeting for the Study Committee to decide between draft map C and another new map created during today's meeting that ignores precinct lines. Mr. Cooper provided a new draft plan based solely on Moab City limits and agreed to provide it to the Study Committee. Attorney Anderson suggested that, with the new draft plan, a piece of Moab would have to be cut out in order to come in closer to +/-5%. Mr. Cooper stated that Census Bureau estimates indicate that half of the aggregate population growth has occurred within the city limits, but that this could be off as much as 20%. Study Committee members discussed using pure Census data rather than considering subjective analyses. Attorney Anderson stated that the Study Committee needs to stick as closely as possible to the objective figures; that if there is a wide divergence between 2010 and 2023 population data, such will be fixed via apportionment laws as a result of the 2020 Census data.

Approval of Minutes

- A. July 26, 2019 (Study Committee Regular Meeting)

Chairperson Stocks requested any changes or corrections to the minutes.

MOTION:

Motion by Judy to approve the minutes of July 26, 2019 seconded by Cricket carried 7-0.

General Reports

- B. Report on analysis in response to "Other" public surveys received in the courthouse by the July 5th deadline

County Council Administrator Dillon reported on the analysis of the "Other" category of 106 unmarked surveys that individuals had requested and that had been received by the Treasurer's Office or the Council Administrator's Office by the 5PM July 5th deadline. The analysis was also provided for the packet and did not change the cumulative synopsis provided by Walt on July 19th, although a difference was pointed out in the desire by the survey respondents in the "Other" category to have 7, rather than 5, members of the new governing body.

Community Outreach and Possible Action

- C. Suggestions for additional public service announcement(s)

Marcy stated that the Study Committee flyer could be updated now that the Council-Manager form of government recommendation has been made, with 5 members and a combination of at-large and district seats. Marcy agreed to work with County Council Administrator Dillon to update the flyer.

- D. Suggestions for next newspaper editorial regarding the public engagement process

Chairperson Stocks stated that there is no need for a newspaper editorial at this point, and that newspapers have covered the progress made as to recommendations for the Optional Plan. He stated that he will provide an update to the County Council on Tuesday.

Citizens to Be Heard - none

Discussion and Possible Action on Study Strategy

- F. Discussion and possible action on recommending either part-time or full-time status of the future governing body

Bob requested to understand from Attorney Anderson whether it is necessary to determine part-time versus full-time status rather than simply budgeting accordingly. Attorney Anderson mentioned that there is no Council designated as full-time in Utah, including Utah County. He stated that it is not necessary to state full-

time versus part-time in the Optional Plan but that many Optional Plans do so. Bob suggested adopting language that is similar to our current plan. 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. Bob suggested that compensation, including benefits, could be discussed at the next meeting.

MOTION:

At 1:25 p.m., Walt moved for a 10-minute recess for snacks and a restroom break which was seconded and passed 7-0.

At 1:37 p.m., Chairperson Stocks returned the meeting to order with all present.

MOTION:

Motion by Bob that the new form of government Plan recommend that Council Members be considered part-time positions was seconded by Jeramy and carried 7-0.

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

Attorney Anderson complimented the committee for their work last week in determining recommendations, and in being careful, thoughtful, and productive, even when they do not agree. He remarked that the Study Committee is doing an excellent job.

Attorney Anderson reviewed each section of the second draft of the initial proposed outline for the Optional Plan. He stated that the second draft eliminates the options related to all other forms of government.

Attorney Anderson stated that the "Purpose and Preamble" section (Section I) is sometimes relied upon in legal cases, that this section is not "fluff." He indicated that sometimes arguments over legislative versus executive functions occur, and that the Grand County Preamble section could state that if there is any doubt, federal and state models could be considered.

Under "Legislative Powers and Responsibilities" (Section III), Bob suggested that the Optional Plan needs to indicate an affirmative vote of three for an action to pass rather than a simple majority based on attending County Council Members. It was determined that this will be an action item next meeting.

County Council Administrator brought up the possibility of six-year terms for some of the Council Member positions as an option for maintaining staggered terms. Other options included two- and four-year terms. Attorney Anderson stated that terms should be staggered between the two districts, with naming nomenclature of District A & B (or District 1 and 2).

Attorney Anderson suggested that a change in district boundaries based on the 2020 Census data could occur prior to swearing in of the Council Members expected in January 2023, that either the then-current Council could handle reapportionment or that this could be a first order of business for the new County Council.

Jeramy suggested that the County's Community and Economic Development Department may have numbers on development and growth and thus could possibly provide a closer idea of what the 2020 Census will look like.

Bob suggested that it would be appropriate for the governing body in office in the Spring of 2021 to reapportion if necessary. Attorney Anderson stated that the Optional Plan could reserve the power to reapportion once the new form of government is in place. Attorney Anderson suggested that, whatever the case, reapportionment needs to be spelled out in the Optional Plan. It was determined that this will be an action item next meeting.

Marcy inquired about the transition plan of moving from 7 members currently to 5 in the new form of government. Attorney Anderson stated that the current County Council will have a lot of input into various aspects of the transition plan, which is part of the Optional Plan, and that this is a discussion under Section VI of the initial proposed outline being reviewed.

Study Committee Members suggested having the at-large seats designated and elected independently, such as Seats 1, 2 and 3 (or A, B and C), versus running as a pool of candidates. It was determined that this will be an action item next meeting.

Regarding compensation and benefits, Study Committee Members discussed options for no reduction during mid-year; no reduction during term; and/or no increase during Council Member term. It was determined that these will be action items next meeting. County Council Administrator Dillon suggested that the Study Committee may wish to consider including Cost of Living Adjustments (COLA) in the Optional Plan. Chairperson Stocks suggested the possibility of requiring a super majority to approve compensation and benefits, along with the need to define "super majority" for purposes of the Optional Plan, typically defined as two-thirds.

There was Committee discussion regarding the County's recently adopted updated policy on conflict of interest and disclosures as well as a question as to whether recusals are required. It was determined that these will be action items next meeting.

Attorney Anderson indicated that the Optional Plan could include cancelled meetings.

Upon request by Jeramy, County Council Administrator Dillon spoke on the current process for County Council Members who request an agenda item, stating that a Council Member cannot be denied an agenda item based on the current Policies and Procedures of the Governing Body. There was Study Committee discussion of possibly requiring two Council Members to request an agenda item.

MOTION:

Motion by Jeramy that the Optional Plan state that any Council Member be able to place any item on the agenda, was seconded by Cricket. Discussion followed. **Jeramy amended his motion to include any Grand County Elected Official and then subsequently withdrew the amendment.**

SUBSTITUTE MOTION:

Substitute motion by Judy that the Optional Plan state that any Council Member or the County Manager can put anything on the agenda for any of the meetings, seconded by Cricket was approved 7-0.

Attorney Anderson indicated that a Council Member may be a contactor with the County, and that this could be outlined in the Optional Plan.

Regarding county special service districts and local districts, Marcy inquired as to whether the Optional Plan could require Council Members to participate on local districts. County Council Administrator Dillon stated that the enabling documents already require County Council Member participation with a seat on each of the local and special service districts, yet the Study Committee may need to determine a transition plan for the current enabling documents and other ordinances and resolutions.

Study Committee Members agreed to keep the option in the Plan to prohibit direct Council interference with executive branch activities and employees except in open meetings and as provided by law.

Under “Executive Branch Powers and Responsibilities” (Section IV), Committee Members discussed the possibility of requiring a super majority for hiring and removal of the County Manager/chief executive. It was determined that these will be action items next meeting.

Regarding the hiring process and County Manager qualifications, such as residence and educational requirements, it was determined that these will be action items next meeting.

Committee Members indicated a desire to have the County Manager as an at-will employee who is not part of the merit system.

Marcy suggested that the County Council Administrator would be most informed regarding what the job of the County Manager entails. Additionally Attorney Anderson reminded Study Committee Members that the County Manager position is very different from the Council Administrator position in that the County Manager is entirely responsible for the executive branch of government.

Marcy suggested that the Study Committee may wish to consider a Deputy Manager (or Assistant Manager) position to support the County Manager. County Council Administrator Dillon reported that the 2019 Needs Assessment indicates a current need for a Deputy Administrator or Assistant Administrator, given the current requirement to oversee 12 county departments.

Bob suggested that the section of the Optional Plan on duties of the executive needs to use state statute language regarding the fact that the executive has no duties or supervision over the independent elected officials.

Regarding the appointment and removal of board members, it was determined that it will be an action item next meeting to determine the Council level of advice and consent to be involved.

Walt suggested the need for a framework for a process on how the County Manager communicates with the County Council, and how the County Manager is supervised. Attorney Anderson explained that the position is much like a County Elected Mayor position except without veto power.

Cricket suggested adding that the County Manager must attend the Council meetings.

A question was raised regarding necessary changes in resolutions, etc. as a result of the expected change in form of government. County Council Administrator Dillon stated that at the very least the language of “Council Administrator” will need to be changed to “County Manager” in all the formal county documents, which includes policies, resolutions and ordinances.

Walt questioned whether communication to coordinate between the Council Chair and the County Manager can be mandated in the Optional Plan. Attorney Anderson stated that communications can be done in open meetings, and that this communication between legislative and executive branches of government is a significant issue for consideration. He stated that the County Council cannot tell the County Manager what to do except through the power of budget, hiring and firing (of the County Manager), and ordinances.

There was Study Committee discussion of the need for an emergency appointment due to a temporary absence or disability of the County Manager, as well as the need for an appointment of a Deputy (or Assistant) County Manager; there was also brief discussion surrounding who would do the hiring of same, and whether advice and consent of the County Council will be required. County Council Administrator Dillon stated that currently Council Members are invited to participate in interviews when the Administrator determines hiring of Department Heads, but that the Administrator has the final authority in these hiring decisions. It was determined that these will be action items next meeting.

Attorney Anderson stated that the Optional Plan could spell out who prepares the budget and how, whether it is the Clerk/Auditor or the County Manager. County Council Administrator Dillon, upon request, stated that the new Budget Advisory Board is high functioning and hears the requests of the Department Heads and Elected Officials prior to the Council hearing the final overarching budget requests. She continued that it is comprised of a mix of legislative and executive power with two current Council Members as well as Elected Officials and citizen representation, among others including an appointed Department Head. Attorney Anderson stated that budget power is a significant power of the County Council that could be considered for the Optional Plan to be retained in full.

County Council Administrator Dillon agreed to provide the list of questions to the Study Committee, with the aid of Attorney Anderson, to consider for next meeting.

Under Section V, "Administrative Organization – Offices, Departments and Agencies," Committee Members determined that the structure of departments will be set out only by ordinance. County Council Administrator Dillon suggested that Study Committee Members think about the placement of Human Resources (HR) in that HR sometimes gets in a bind due to the fact that the County Manager will have no power over the Elected Officials yet must carry out relevant executive responsibilities. Committee Members determined that HR will be placed under the executive branch, possibly under the Deputy/Assistant County Manager; and that purchasing responsibilities will stay with the Clerk/Auditor, as well as records and archives responsibilities as long as the Clerk/Auditor will agree to these assignments. Further, Study Committee Members agreed to leave out the option regarding elected offices may be consolidated and to scrap the section of the Optional Plan outline on personnel system.

Under Section VI, "Transition Plan," Study Committee Members agreed to leave intentions of the outline as is; discussed briefly an incumbent's transition to a new term with no additional compensations; and discussed how to handle a transition plan if the Optional Plan fails at the election, thereby becoming an automatic Commission form of government. It was stated that a new study committee may be needed if the ballot fails. It was determined that there will be an action item next meeting to determine extending or dissolving terms as part of the transition plan.

Committee Members inquired about the possibility of getting the Optional Plan onto the 2019 ballot; County Council Administrator Dillon read from the County Attorney's May 2019 conclusion indicating a 120-day requirement prior to the November 2019 election to have submitted the Optional Plan, and that July 8, 2019 is 120 days prior to the November general election. She reported that she had posed the question once again to the County Attorney who is traveling and who indicated an intention to prioritize a response to the Study Committee next week.

Attorney Anderson indicated that an Optional Plan can be simple, and that simpler may be better.

Future Considerations

Chairperson Stocks requested that Committee Members plan to hold an extended meeting next Friday in order to attempt to complete the Optional Plan.

Chairperson Stocks suggested that it may be necessary to schedule additional meetings and/or possibly extend currently scheduled meetings with the intention of getting the Optional Plan onto the 2019 ballot if it is deemed possibly by the County Attorney. County Council Administrator Dillon agreed to immediately forward to Study Committee Members, once received, the County Attorney's response to the question about whether a 2019 ballot for the Optional Plan is still possible.

Upon request by Marcy, County Council Administrator Dillon agreed to provide a sample job description for a County Manager to the Study Committee soon.

County Council Administrator Dillon informed the Study Committee that her office has researched the Utah transparency website for administrative support positions and corresponding salary and benefit costs. She agreed to soon provide such data for the two Council-Manager forms of government in the State of Utah.

Closed Session(s) (if necessary) - none

Adjournment

The meeting was adjourned at 4:14 p.m. by a motion that carried unanimously as made by Cricket and seconded by Jeramy.

Stephen Stocks
Chairperson

Marcy Till
Secretary