GRAND COUNTY CHANGE OF FORM OF GOVERNMENT
STUDY COMMITTEE
SPECIAL MEETING

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

MINUTES
May 10, 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 12:07 p.m. with a quorum present. Also in attendance at the call to order were Study Committee Members Judy Carmichael, Cricket Green, Bob Greenberg, and Marcy Till. Also in attendance was Ruth Dillon (County Council Administrator) to take minutes and, later, Christina Sloan (County Attorney). Absent were Committee Members Walt Dabney and Jeramy Day.

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

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

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

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

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

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

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

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

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

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

Community Outreach and possible action

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

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

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

G. Approving initial newspaper editorial regarding the public engagement process

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

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

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

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

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

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

**MOTION:** Motion by Marcy to set aside $750.00 for advertising seconded by Cricket carried 5-0.

J. Review of Study Committee Member lists for creating a master distribution list, continued from April 19, 2019
Chairperson Stocks reported his appreciation of Marcy having reached out to the School District Coordinator who has agreed with him to see about gaining permission to allow Chairperson Stocks to send out certain lists. Cricket suggested to instead ask the School District to email the final Study Committee flyer in PDF form to their lists. Chairperson Stocks reported that the School District uses FaceBook for each school and for the District and has learned that they could post the flyer. Other Committee Members suggested asking the Rotary Club, Chamber of Commerce, and Multicultural Center, among others, to email the flyer to their distribution lists. Ruth offered to forward it to all County employees. Committee Members agreed that the intention is to send the final flyer “far and wide.” There was a request for an agenda item for a compiled report of organizations to whom the flyer has been sent. Committee Members agreed to include Ruth on a cc or bcc whenever Committee Members email the flyer to an organization. Ruth agreed to keep and report on the running list.

K. Approving proposed overall plan for public engagement

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

County Attorney Sloan arrived.

Citizens to Be Heard

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

Chairperson Stocks removed from the table agenda Item D.

D. Report on Morgan County’s study strategy

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

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

“Accordingly, it is expected that the council will implement this plan by using its power under Title 17, Utah Statutes, and other applicable general laws, to maintain and fully utilize an adequate, competent professional county staff to perform, administer and have day-to-day oversight over the county’s operations and functions, pursuant to general policies and directives promulgated by the council.”

Presentations- none

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

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

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

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

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

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

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

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

Chairperson Stocks removed from the table agenda Item F.

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

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

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

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

Chairperson Stocks announced that he must leave early.

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

Consent Agenda- Action Items (none)

Discussion Items
Review of State Code Title 17, Chapter 52a, Part 5 Adoption and Implementation of Optional Plan (le.utah.gov)

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

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

**Discussion and possible action on study strategy**

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

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

O. Approving proposed survey

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

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

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

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

**Public Hearings- Possible Action Items** - none

**Future Considerations**

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

Ruth agreed to attempt to gather salary information for next meeting. This would be salary information for the eight or so County Administrators/Manager/Executive, stating that the salary information will likely be at least one year old.

Marcy reported that Jeramy and Walt will be interviewed on KZMU on Monday, May 13, 2019 under the Public Affairs segment. She indicated that one of the first questions asked by the host is “What is this going to cost the county?” Committee Member Greenberg reported, from sentiments expressed in interviews, that the Study Committee should consider that the overall administrative budget of the county should not be increased with the actual form of government ultimately chosen.
Closed Session(s) (if necessary) - none

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

[Signature]
Stephan Stocks
Chairperson

[Signature]
Marcy Till
Secretary