



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

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

AGENDA

Friday, January 31, 2020


Stephen Stocks, Chair

12:00 p.m.

- Call to Order**
- Pledge of Allegiance**
- Approval of Minutes** (Secretary Till)
 - A. December 13, 2019 (Study Committee Regular Meeting)
- General Reports**
- Citizens to Be Heard**
- Presentations** (none)
- General Business- Action Items- Discussion and Consideration of:**
 - B. Review of Grand County Attorney report as to compliancy with the State Constitution and State Code of the corrected "Recommendation and Report with Optional Plan for Grand County Government" that was filed with each County Council Member and the County Clerk/Auditor on December 17, 2019
 - 1) Approving additional revisions and/or corrections to the filed Recommendation & Report and/or Optional Plan (Chairperson Stocks)
- Consent Agenda- Action Items** (none)
- Discussion Items** (none)
- Discussion and Possible Action on Study Strategy** (none)
- Public Hearings- Possible Action Items** (none)
- Community Outreach and Possible Action**
 - C. Discussion on scheduling public hearing(s) to solicit public input for purposes of potentially further altering the filed Optional Plan—without altering the recommended form of government—and resubmitting it to the County Clerk prior to the 120-day period before the General Election [**resubmitting prior to July 6, 2020**]
 - and/or
 - Scheduling Open Houses for public education purposes, matter postponed from December 13, 2019, as a way to disseminate information in the updated, filed Optional Plan and to explain the committee's final conclusions (Committee Member Till)
- D. Approving suggestions for additional public service announcement(s) and/or flyer update (Committee Member Till)
- E. Approving, for recommendation to and consideration by the County Clerk/Auditor, the proposed updated "Argument in Favor" statement for a Voter Information Pamphlet to inform the public of the proposed optional plan (Subcommittee Members Dabney, Greenberg, and Stocks)

Future Considerations

F. Understanding pertinent time-sensitive matters for the 2020 General Election per le.utah.gov

State Code 17-52a-501:

(5) "The county clerk shall:

- (a) publish the complete text of the proposed optional plan in a newspaper of general circulation within the county at least once during two different calendar weeks within the 30-day period immediately before the date of the election...[beginning **October 4, 2020**];
- (b) post the complete text of the proposed optional plan in a conspicuous place on the county's website during the 45-day period that immediately precedes the election on the optional plan [**beginning September 19, 2020**]; and
- (c) make a complete copy of the optional plan and the study committee report available free of charge to any member of the public who requests a copy."

State Code 17-52a-502:

- (1) "In anticipation of an election..., the county clerk may prepare a voter information pamphlet to inform the public of the proposed optional plan.
- (2) In preparing a voter information pamphlet... the county clerk may:
 - (a) Allow proponents and opponents of the proposed optional plan to provide written statements to be included in the pamphlet; and
 - (b) Use as a guideline the provisions of Title 20A, Chapter 7, Part 7, Voter Information Pamphlet. (Guide for distribution: "No earlier than 75 days [**August 6, 2020**], and no later than 15 days [**October 5, 2020**], before the day on which voting commences" [**October 20, 2020**])
- (3) A county clerk who prepares a voter information pamphlet... shall cause the publication and distribution of the pamphlet in a manner that the county clerk determines is adequate."

Closed Session(s) (if necessary)

Adjournment

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS. In compliance with the Americans with Disabilities Act, individuals with special needs requests wishing to attend Change of Form of Government Study Committee meetings are encouraged to contact the County two (2) business days in advance of these events. Specific accommodations necessary to allow participation of disabled persons will be provided to the maximum extent possible. T.D.D. (Telecommunication Device for the Deaf) calls can be answered at: (435) 259-1346. Individuals with speech and/or hearing impairments may also call the Relay Utah by dialing 711. Spanish Relay Utah: 1 (888) 346-3162

It is hereby the policy of Grand County that elected and appointed representatives, staff and members of Grand County Council may participate in meetings through electronic means. Any form of telecommunication may be used, as long as it allows for real time interaction in the way of discussions, questions and answers, and voting.

At the Change of Form of Government Study Committee meetings/hearings any citizen, property owner, or public official may be heard on any agenda subject. The number of persons heard and the time allowed for each individual may be limited at the sole discretion of the Chair. On matters set for public hearings there is a three-minute time limit per person to allow maximum public participation. Upon being recognized by the Chair, please advance to the microphone, state your full name and address, whom you represent, and the subject matter. No person shall interrupt legislative proceedings.

Requests for inclusion on an agenda and supporting documentation must be received forty-eight (48) hours prior to a regular or special Change of Form of Government Study Committee Meeting, subject to the Chair's authorization. Information relative to these meetings/hearings may be obtained at the Grand County Council's Office, 125 East Center Street, Moab, Utah and at www.grandcountyutah.net; (435) 259-1346.

A Change of Form of Government Study Committee agenda packet is available at the local Library, 257 East Center St., Moab, Utah, (435) 259-1111 at least 24 hours in advance of the meeting. For more information: www.grandcountyutah.net/change.
Email: studycommittee@grandcountyutah.net

CERTIFICATE OF POSTING

The undersigned does hereby certify that the above agenda notice was posted on Jan 30, 2020 (date) at 10:53 (a.m./p.m.).

Signature _____

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

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

**MINUTES
December 13, 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. Also in attendance at the call to order were Study Committee Members Walt Dabney, Cricket Green, and Marcy Till. Also in attendance were Attorney Gavin Anderson by phone (beginning at 12:09 p.m.) and County Council Administrator Ruth Dillon to take minutes. Jeremy Day and Bob Greenberg arrived late as reflected in the body of the minutes. Judy Carmichael attended part of the meeting by phone as reflected in the body of the minutes.

Pledge of Allegiance

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

Approval of Minutes

- A. November 15, 2019 (Study Committee Regular Meeting)

Chairperson Stocks requested any changes or corrections to the minutes; there were none.

MOTION:

Motion by Walt to approve the minutes of the November 15, 2019 meeting was seconded by Cricket. Council Administrator Dillon inquired whether or not the motion referenced Bob's suggested redlined edits in the packet.

Motion by Walt to amend the motion to approve the minutes with Bob's suggested edits. The amended motion was seconded by Cricket. Motion carried 4-0.

Jeremy arrived at 12:07 p.m.

Citizens to Be Heard – there were none.

General Business- Action Items- Discussion and Consideration of:

- B. Reviewing a rough draft of the Optional Plan, postponed from November 15, 2019
 - 1. Including discussion on the Study Committee's role, if any, for a transition plan, if the Optional Plan is voted down November 2020, thus defaulting by law to a three-member Commission form of government, such matter continued from September 6, 2019

Attorney Anderson explained that House Bill 224 (2018) which became law is not clear as to the Study Committee's role for developing a transition plan in the event of a failed vote by the electorate on the Optional Plan. He suggested that the County Council could adopt a resolution that includes transitional elements. Marcy clarified that the Study Committee could provide a suggested framework for such a transition in the event of a default to a three-person Commission. Jeremy reminded the Committee that it is a State mandate to transition. Walt suggested that the new legislative body would determine the transition. Cricket suggested that the County Attorney could reject the Optional Plan if it is not in the Study Committee's purview to craft a backup transition plan. Jeremy suggested erring on the side of the

caution. Marcy suggested that the Committee's energy should instead be focused on championing the Study Committee's proposed Optional Plan.

Chairperson Stocks inquired of Attorney Anderson as to a timeline that the County would have to follow. Attorney Anderson referred to the election cycle remarking that officials are elected in even-numbered years and that the State deadline for the transition is December 31, 2020. He explained that the next election cycle for filling the seats in the new form of government is November 2022. He stated that a three-person County Commission, if in place due to a failed vote on the Optional Plan in 2020, would take effect January 2023. Walt suggested that a second transition plan would indicate a lack of confidence in the transition plan that is being proposed within the Optional Plan. Jeremy suggested that it could be stated in the Optional Plan to refer to the Study Committee's transition plan in the event of a three-person Commission form of government. Attorney Anderson reminded Committee Members that the biggest difference between the two forms of government is in the separation of powers, which separation of powers would be void with a County Commission.

MOTION:

Motion by Walt to leave out of the Optional Plan any backup transition plan for a three-person Commission form of government in the event that the Optional Plan is voted down. The motion was seconded by Marcy and carried 5-0.

Committee Members discussed the 45-day timeline for the County Attorney's review of the Optional Plan, prior to the March 8, 2020 deadline for the Committee's work to be finalized. Committee Members specifically discussed the need to adopt the Optional Plan soon, along with the Recommendation & Report, in order to submit it prior to the holidays.

MOTION:

Motion by Jeremy to table Item B, "Reviewing a rough draft of the Optional Plan" for later consideration in the meeting. The motion was seconded by Cricket and carried 5-0.

- C. Reviewing and adopting the "Recommendation and Report" for re-submission to the Grand County Council and County Clerk/Auditor for forwarding to the County Attorney

County Council Administrator Dillon referred to the redlined document on the dais noted as Bob's suggested edits in red, and stated that the document includes Attorney Anderson's suggested edits in black, which edited the approved August 12, 2019 Optional Plan. Attorney Anderson clarified that the suggested edits, whether red or black, are shown as underlines— meaning additions—and strike-throughs—meaning deletions. Attorney Anderson read aloud each suggested edit of the Recommendation and Report with Study Committee Members. Discussion ensued and all suggested edits were contemplated, one by one, prior to verbal agreement of the changes to be made. When warranted, Attorney Anderson read from State Statute for purposes of clarification.

Bob arrived at 1:00 p.m. Committee Members continued the discussions with Attorney Anderson of the suggested edits to the Recommendation and Report.

MOTION:

Motion by Jeremy to recess for ten minutes until 1:36 p.m. to update Mr. Greenberg on agreed upon changes. The motion was seconded by Cricket and carried 6-0.

At 1:38 p.m., Chairperson Stocks called the meeting back to order and reported that Bob has now been informed of the agreed upon changes.

MOTION:

Motion by Cricket to accept the Recommendation and Report with amendments from today's session.

Motion was seconded by Walt. Bob recommended voting upon view of the clean version of the document.

Attorney Anderson agreed to make the changes for a clean draft, requesting review by County Council Administrator Dillon which was accepted. **Cricket withdrew her motion.**

MOTION:

Motion by Cricket to table action for Item C, "Reviewing and adopting the 'Recommendation and Report.'" The motion was seconded by Bob and carried 6-0.

MOTION:

Motion by Cricket to remove from the table Item B, "Reviewing a rough draft of the Optional Plan." The motion was seconded by Jeramy and carried 6-0.

B. Reviewing a rough draft of the Optional Plan, postponed from November 19, 2019

County Council Administrator Dillon referred to the second redlined document on the dais noted as "Item B - Bob's suggested edits in red," which included Attorney Anderson's suggested edits in black, which edited the approved August 12, 2019 Optional Plan. Attorney Anderson read aloud each suggested edit of the Optional Plan with Study Committee Members. Discussion ensued and all suggested edits were contemplated, one by one, prior to verbal agreement on the changes to be made.

MOTION:

At 2:25 p.m., motion by Cricket to recess and return at 4:00 p.m. to approve a clean copy of the Recommendation and Report was seconded by Walt and carried 6-0.

Judy arrived to the meeting by telephone conference prior to the meeting reconvening.

At 4:20 p.m. Chairperson Stocks, upon having received word of the readiness of a clean Recommendation and Report document, called the meeting back to order with all present, including Judy and Attorney Anderson on the phone.

Judy was briefed on agreed upon changes in the Recommendation and Report. After Marcy gained clarification from Study Committee Members on the missing descriptive word of "public" (referring to public support) in the Recommendation and Report, County Council Administrator Dillon printed the final draft, including the word "public," stating that she and Marcy had worked together to integrate all the agreed upon edits into a clean version of the document. Study Committee Members reviewed the printed clean version of the Recommendation and Report. Discussion ensued to again revisit how best to describe in simple terms all four of the County Attorney's findings and recommendations. Language was agreed upon for the final document.

MOTION:

Motion by Jeramy to approve the clean version of the Recommendation and Report including the changes just made. The motion was seconded by Cricket and carried 7-0 by roll call vote, with no further discussion.

Judy left the call at 4:55 p.m. when the call by her cell phone dropped. County Council Administrator made the final agreed upon edits to the Recommendation and Report in order to create the final document for signature.

With Item C, "Reviewing and adopting the "Recommendation and Report," disposed of, Committee Members returned to Item B, "Reviewing a rough draft of the Optional Plan," under the leadership of Chairperson Stocks.

B. Reviewing a rough draft of the Optional Plan, postponed from November 19, 2019

After Marcy gained clarification from Study Committee Members on including the date of noon, January 3, 2023 as the effective date of the Optional Plan, County Council Administrator Dillon printed the final draft, including the missing date.

Study Committee Members reviewed the printed clean version of the Optional Plan. Other than a missing period at the end of a sentence, which was added for the final document, there were no other changes.

MOTION:

Motion by Bob to approve the Optional Plan for the Grand County Change of Form of Government was seconded by Marcy and carried 6-0 by roll call vote, with no further discussion.

Committee Members chose to hold an immediate signing of both documents. County Council Administrator Dillon provided two printed sets of each final document, which were signed by the six Committee Members present. County Council Administrator Dillon agreed to work with Judy to secure her signature as early as Monday, December 16th prior to proceeding with proper submissions to the County Council and to the Clerk/Auditor – whose duty it is for him to provide final submission to the County Attorney.

Future Considerations

D. Scheduling additional regular meeting date(s) in the first quarter of 2020

Chairperson Stocks referred to the draft agendas in the packet to discuss approaching meeting topics. He reviewed the timeline and suggested canceling the regularly scheduled December 20, 2019 meeting, and instead holding the next meeting on January 31, 2020, allowing a 45-day period between now and then for County Attorney review of the documents. He stated that this date would also allow the Study Committee some time in February and early March for any final work to be done as a Committee. County Council Administrator Dillon requested to know if there would be regularly scheduled meetings during 2020 for purposes of noticing the local newspaper(s). Committee Members suggested that the January 31st meeting could be considered a non-regular meeting, and that there appears to be no need to schedule regular meetings before March 8, 2020, the one-year anniversary of the Study Committee's initial meeting date.

E. Scheduling Open Houses in 2020 for public education purposes

Chairperson Stocks suggested moving this matter of scheduling Open Houses to the January 31, 2020 meeting, along with the publicity campaign topic. Committee Members determined that the Committee would also review County Attorney comments and approve any additional necessary revisions during this meeting. Additionally, Committee Members agreed that revisiting and approving the Voter Information Pamphlet could be handled on January 31st.

Attorney Anderson reported that the full substance of the Optional Plan will need to be printed in the local newspaper of record closer to Election Day in 2020; he agreed to provide additional information on this requirement to the County Clerk/Auditor and County Council Administrator.

Adjournment

The meeting was adjourned at 5:18 p.m. on a motion by Marcy that was seconded by Jeramy and that carried 6-0.

Stephen Stocks
Chairperson

Marcy Till
Secretary



Item: B

Ruth Dillon <rdillon@grandcountyutah.net>

Re: GCAO Written Report re. Optional Plan Review

1 message

Christina Sloan <csloan@grandcountyutah.net>

Thu, Jan 30, 2020 at 1:02 PM

To: Ruth Dillon <rdillon@grandcountyutah.net>, Chris Baird <cbaird@grandcountyutah.net>

Cc: Tara Collins <tcollins@grandcountyutah.net>, Gavin Anderson <GAnderson@slco.org>, Stephen Stocks <sstocks@grandcountyutah.net>

All,

Ruth caught one error I did not (in Title Five - the insertion of Optional was a replace all error). So I revised both docs to capture this change in the interest of the Study Committee being able to move forward tomorrow with a final/approved Optional Plan.

See attached for my final Written Report and Redlined Changes. Please also forward my email below and/or include it in the meeting packet.

Thank you -

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

On Thu, Jan 30, 2020 at 12:50 PM Christina Sloan <csloan@grandcountyutah.net> wrote:

Chris,

Attached, please find my Written Report re. Review of the Optional Plan for Grand County Government dated December 17, 2019 together with my redlined edits to the Optional Plan. For convenience, I have also attached a Word version of my redlined edits.

As stated in my report, due to the straightforward nature of my concerns, I made direct redlined edits to the Optional Plan for the Study Committee's review and potential adoption. If the Study Committee adopts my redlined changes without further edits, I deem the revised Plan approved without further review. If the Study Committee makes additional changes, I must re-review it again under law.

As I stated in an earlier email, my 4th Grader is in her first school play tomorrow at noon, so I cannot attend the Study Committee meeting. But please extend my gratitude to the Study Committee members and Gavin Anderson, who has done a fine job with a hard task.

Thank you -

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

2 attachments



COMPARISON- OPTIONAL PLAN 08-2019 VS 12-2019, CRS Edits 1.30.20.docx

63K



Christina Sloan
Grand County Attorney
Matthew Brooks—Chief Deputy County Attorney
125 East Center Street
Moab, Utah 84532
(435) 259-1326
(435) 259-3926 FAX

January 30, 2020

Chris Baird
Grand County Clerk/Auditor
125 E. Center Street
Moab, Utah 84532
VIA EMAIL ONLY

Re. Review of Optional Plan for Grand County Government, dated December 17, 2019

Dear Chris,

As required by Utah law, I have reviewed the Recommendation and Report with Optional Plan for Grand County Government, dated December 17, 2019, which document is a revision of the version submitted on August 13, 2019.

Utah Statute § 17-52a-404(3) prohibits any optional plan which is inconsistent with or prohibited by the Utah Constitution or any statute. And, pursuant to Utah Statute § 17-52a-406, I am required to provide you with a written report containing my opinion as to whether implementation of the Optional Plan would result in a violation of any applicable statutory or constitutional provisions. In the event a violation would occur, I am obligated to identify each statutory or constitutional provision that the implementation of the Optional Plan would violate, identify each provision or feature of the proposed optional plan that causes such violation, and recommend modifications to cure the violation.

Accordingly, upon a careful review of the Optional Plan, the Utah Constitution, and Utah law, I find that the following seven provisions of the Optional Plan are inconsistent with or prohibited by Utah law. Note there are also errors in Sections 3.02(5) (reference to Council membership is a cut/paste error), 3.04(12) (the insertion of Optional Plan is a “replace all” error), Title Five (the insertion of Optional Plan is a “replace all” error), and 5.03(3) and 5.04(1) (January 3, 2023 is a Tuesday).

Due to the straightforward nature of these particular violations and errors, I have provided my recommended changes in the form of redline edits to the Optional Plan for the Study Committee’s review and potential approval. See attached. If the Study Committee approves my revisions without further changes, I hereby deem the “Optional Plan, as revised” approved as of the date of approval by the Study Committee. In such an instance, my further review will not be

necessary. If the Study Committee makes further changes, the revised Optional Plan must be resubmitted to my office for re-review immediately to meet our March deadline under law.

1. Council Salary Adjustments:

a. Utah Law:

Utah Statute § 17-16-14 states that “no changes shall be made in existing salaries of county officers until the county legislative body in a county desiring to change existing salaries of county officers shall first hold a public hearing at which all interested person shall be given an opportunity to be heard.”

Utah Statute § 17-16-16 prohibits the members of the legislative body from receiving any “compensation in addition to that provided in Section 17-16-14 . . . but each member shall receive travel expenses for attending the regular and special sessions of the board and in the discharge of necessary duties.”

b. Optional Plan: Section 2.04(1) states: “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.”

Section 2.04(2) states: “Salaries may be modified by a vote of three of the Council, but a salary increase shall not become effective mid-term for any Council seat.”

c. Violation: State law requires that all salary adjustments, including a periodic cost of living adjustment (referred to as COLA in County budget documents), go through a public hearing process and open vote before the legislative body. However, as drafted, the Optional Plan mandates the COLA for Council, which violates Utah Statute § 17-16-14.

Regarding additional compensation, state law prohibits all additional compensation other than proper travel expenses. However, per the current broad language, the Optional Plan permits compensation for other potential expenses, which violates Utah Statute § 17-16-16.

Finally, while the mid-term salary adjustment limitation is legal, the language would also prohibit the COLA from being effective during a sitting member’s term, which arguably defeats the purpose of the COLA. Thus, in the interest of clarity, I have made additional edits to except the periodic cost of living adjustment from the mid-term salary adjustment limitation.

d. Recommendation: See redlined edits (highlighted for convenience) to Sections 2.04(1) and (2).

2. County Manager Appointment Timing:

- a. State Law: Utah Statute § 17-52a-204(6)(a) defines an “interim vacancy period” as the period of time that begins on the day on which a general election is held to elect a council member and ends on the day on which the council member-elect begins the council member’s term.

Utah Statute § 17-52a-204(6)(b) prohibits the Council from appointing a County Manager during an Interim Vacancy Period (with one narrow exception set forth in 204(6)(c)) but expressly allows the appointment of an Interim County Manager.

Going even further, Utah Statute § 17-53-317(2)(d) prohibits a county executive in a county executive-council form of government

- b. Optional Plan: Section 2.09 states that: “Beginning after the first election of the new council members, the County Human Resources Director shall begin the process of searching for and recruiting a County Manager, in consultation with the new Council Members-elect, in anticipation of the Council appointing a Manager as soon as possible.”
- c. Inconsistency: Because Section 2.09 refers to the Interim Vacancy Period (but not by name), consultation with Council Members-elect (who have no authority during the Interim Vacancy Period), and an expedited appointment process without any express prohibition against an appointment by the predecessor Council, the language appears inconsistent with Utah Statute § 17-52a-204(6)(b) or may support an illegal appointment unwittingly.
- d. Recommendation: See redlined edits provided in the interest of legal clarity (highlighted for convenience) to Section 2.09(2).

3. Council Interference with Executive Branch:

- a. Continued Objection: Please see Section 2 of my Written Report of Optional Plan Review dated September 5, 2019. The language, as revised, does not address my concerns as stated therein as the exception of the Manager is misplaced in my opinion and the limitations apply to the Council as a whole.
- b. Recommendation: As referenced in my Written Report of Optional Plan Review dated September 5, 2019 and stated to the Study Committee in person during my presentation of my Written Report, I prefer this language be replaced in its entirety to mirror Utah Statute § 17-52a-204(3)(a). Accordingly, see redlined edits (highlighted for convenience) to Section 2.10(5).

4. Executive Control of County Litigation:

- a. Utah Law: Utah Statute § 17-53-315(1) states: “A county executive may control and direct the prosecution, defense, and settlement of all lawsuits and other actions to which the county is a party”

However, Utah Statute § 17-53-315(2) qualifies this power by stating that “if a lawsuit or other action is brought or prosecuted by another elected official or a board or other entity of the county under a statutory duty, the other elected official, board, or other entity may control and direct the lawsuit or other action, consistent with applicable law.”

Further, Utah Statute § 17-53-301 limits the general powers, duties, and functions of the County Manager by those delegated to the various County officers, including the County Attorney.

- b. Optional Plan: Section 3.04(14) states that the County Manager’s powers include the power to control and direct litigation in which the County is a party.
- c. Violation: As drafted, Section 3.04(14) does not integrate limitations on the County Manager’s power to control and direct litigation in violation of statute.
- d. Recommendation: See redlined edits provided in the interest of legal clarity (highlighted for convenience) to Section 3.04(14).

5. Prior Optional Plan:

- a. State Law: Title 17, Chapter 52a sets forth the lengthy process of changing a form of government. Specifically, Utah Statute §17-52a-503 requires that until such time as the newly approved Optional Plan becomes effective, the prior Optional Plan controls.
- b. Optional Plan: Section 5.04(2) eliminates partisan elections, recall, and term limits.
- c. Inconsistency: As drafted, Section 5.04(2) is vague, appears inconsistent with Utah Statute §17-52a-503, and may support these new provisions being applied prior to the effectiveness of the new Optional Plan.
- d. Recommendation: See redlined edits provided in the interest of legal clarity (highlighted for convenience) to Section 5.04, which edits also capture the error referenced above.

6. Temporary Appointment of Council Administrator and Staff:

- a. State Law: Utah Statute §17-52a-503(1)(b) states that the proposed optional plan becomes effective according to the optional plan's terms.

Utah Statute §17-52a-503(3) states that "after the adoption of an optional plan, the county remains vested with all powers and duties vested generally in counties by statute."

Utah Statute § 17-52a-204(6)(b) prohibits the Council from appointing a County Manager during an Interim Vacancy Period (with one narrow exception set forth in 204(6)(c)) but expressly allows the appointment of an Interim County Manager.

- b. Optional Plan: Section 5.06(1) and (2) references the "new form of government" instead of the Optional Plan and Section 5.06(1) also requires the conversion of the Administrator position to the County Manager position, albeit on a temporary and interim basis.
- c. Inconsistency: While this is a nuanced concern, the language used in Section 5.06 is not consistent with terms used in statute.
- d. Recommendation: See redlined edits provided in the interest of legal clarity (highlighted for convenience) to Section 5.06, which edits also capture the error referenced above.

7. Compensation:

- a. State Law: Title 17, Chapter 36 governs the county budgeting process. Specifically, Utah Statute § 17-36-19 prohibits county expenditures "unless there is a sufficient unencumbered balance in the appropriation and available funds."

Utah Statute § 17-36-21 also prohibits any officer or employee of a county from making "any expenditure or encumbrance in excess of the total appropriation for any department."

- b. Optional Plan: The Optional Plan mandates particular salaries for the members of Council and the County Manager without conditioning such salary (or salary process) on the county budget.
- c. Violation: As drafted, various sections of the Optional Plan including Sections 2.04 and 5.07 violate or are inconsistent with Title 17, Chapter 36.
- d. Recommendation: See new Section 5.07(3) in redline (highlighted for convenience).

Again, I appreciate the hard work of the Study Committee and its counsel. As explained above, if the Study Committee approves my revisions without further changes, then I hereby deem the "Optional Plan, as revised" approved as of the date of approval by the Study Committee. If the Study Committee makes further changes, the revised Optional Plan must be resubmitted to my office for additional review under law.

Sincerely,

A handwritten signature in black ink, appearing to read "Christina Sloan". The signature is fluid and cursive, with the first name being more prominent.

Christina Sloan

cc: Gavin Anderson, Salt Lake County Deputy County Attorney
Ruth Dillon, Grand County Council Administrator
Stephen Stocks, Chair, Grand County Study Committee

Item B:
(County Attorney
redlined
changes to
Dec. 2019
Optional Plan)

OPTIONAL PLAN FOR GRAND COUNTY GOVERNMENT

Preamble

Grand County is authorized and required by legislative enactment, in the Changing Forms of County Government Act, 2018, HB 224, Utah Code Annotated Chapter 17-52a, (the "Act"), and by a Resolution of the Grand County Council, 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 "Optional Plan"). This Optional 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 Optional Plan is to provide a separation of executive and legislative powers. Where the Optional 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 Optional 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 Optional 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 Optional 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 Optional 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 Optional 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 elected at-large. 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.
4. Council members shall serve part-time.

Section 2.02. - Council Members' Election and Staggered Terms

1. 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 Council members, there shall be individual seats known as Council Seats 1, 2, 3, 4, and 5. The numbered designation of council seats shall be maintained throughout the Council members' terms and council seats shall be so designated during future council election procedures.
3. The initial term of office for Council Seats 1, 3, and 5 shall be four years. The initial term of office for Council Seats 2 and 4 shall be two years. After the initial terms of office, the regular term of office of each council seat shall be four years. Each term begins at noon on the first Monday of January following each Council member's election.

Section 2.03. - 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 law. 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 shall 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 2.04. - Compensation of the Council

1. The base salary for members of the Council shall be \$19,200 per year, except that the Council Chair's base salary shall be \$22,200 per year. Council members receive no County benefits other than those required by law. Council members shall **be eligible to** receive the same periodic cost of living adjustments provided to County employees generally. Council members shall receive **compensation for their travel expenses, such as travel costs, based on policies applicable to all provided by law and County employees' policy.**
2. Salaries may be modified by a vote of three of the Council, but a ~~voted~~ salary increase **other than a periodic cost of living adjustment** 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.

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Section 2.05. - 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 and in accordance with a county budget approved by the Council.

Section 2.06. - 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 Optional 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 2.07. - 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 2.08. - 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 Optional 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 Optional 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, as may be provided by statute, ordinance or other law.
9. Advise and consent to appointments in the Executive Branch, as set out in Parts Three and Four of this Optional Plan and where such advice and consent is authorized by this Optional 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. 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.
13. Fill vacancies on County boards whose membership is, pursuant to state law, composed either in whole or in part 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 law.
15. Provide for the development of County resources as shall appear appropriate to the Council, and in accordance with state law.
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 Optional Plan or state law.

Section 2.09. – 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 the first election of the new council members, the County Human Resources Director shall begin the process of searching for and recruiting a County Manager, in consultation with the new Council Members-elect, in anticipation of the Council appointing a Manager as soon as possible **after the effective date of this Optional Plan.**

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Section 2.10. - 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 members may not directly or indirectly, by suggestion or otherwise:
1) attempt to influence or coerce the County Manager in: a) making an appointment, b) removing any member thereof, shall appoint, dismiss, or give directions to any officer or employee of the Executive Branch or of , or c) purchasing supplies; 2) attempt to exact any promises relative to any of appointment from any candidate for mayor; or 3) discuss directly or indirectly with the Manager, the Officers of the County nor influence or attempt to influence work assignments, individual personnel actions or the purchase of goods or services. Nothing matter of specific appointments to any county office or employment; provided, however, that nothing in this Section shall be construed, however, to prohibit as prohibiting the Council, while in a lawfully convened open session, from engaging in any of its responsibilities as set out in state law or in this Optional Plan, including the removal of the County Manager using the process described in Section 2.09.1; providing advice and consent to the appointment of executive branch nominees; and from fully and freely discussing with or suggesting, requesting or recommending matters to the County Manager, or any other appointed or elected County Officer or employee, manager anything pertaining to County affairs or the interests of the County.

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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~~ his or her employment 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 Optional 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 Optional 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 ~~Optional Planning~~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, to the extent permissible under Utah Statutes §§ 17-53-301 and 315.

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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 Optional 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 and in accordance with a county budget approved by the Council.

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 Optional 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 Optional Plan, each Department, Division or agency of the County shall be administered by a qualified director appointed as provided in this Optional 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, employees, 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 Optional 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 Optional 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 Optional Plan, state law, County ordinance, and personnel policies and regulations and in accordance with a county budget approved by the Council.

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 ~~Optional~~ Plan and Effective Date

Section 5.01. - Transition

The Predecessor County Council may adopt ordinances and resolutions to bring about an orderly transition to the Optional Plan, including, without limitation, any transfers of powers, records, documents, properties, assets, funds, liabilities or personnel which are consistent with this

Optional Plan and state law and which are necessary or convenient to bring this Optional Plan into full effect.

Section 5.02. - Adoption Vote

This Optional 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 the election date established by law.

Section 5.03. - Effective Date

1. Subject to Paragraphs 2 and 3 of this Section, this Optional 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 Optional 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 Optional Plan shall be held on November 8, 2022, in accordance with state law governing the election of county officers.

3. The provisions of this Optional Plan shall become effective at noon, on the first Monday in January 3, 2023, as provided by law.

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Section 5.04. – Prior Optional Plan

~~1. Upon this Optional Plan becoming effective at noon, January 3, 2023, the former~~ Optional Plan of Grand County government, adopted in 1992, is repealed and has no further legal force or effect.

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~~2. The, at which time 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 as set out in state law.~~

Section 5.05. - Continuity of Government

1. Through the adoption process and effective date of this Optional 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 Optional Plan.

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

4. After the effective date of this Optional 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 Optional Plan.

5. All debts, obligations, and liabilities of Grand County shall remain unaffected by adoption of this Optional 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 Optional Plan nor impaired by any provision of this Optional Plan.

Section 5.06. – Temporary Appointment of Council Administrator and Staff

1. ~~On the~~ Upon this Optional Plan becoming effective date of the new form of government, the position of County Council Administrator is ~~dissolved and the then-current County Council Administrator shall take the temporary and interim position of~~ be reclassified as Interim County Manager until such time as a County Manager is appointed by the County Council.

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2. ~~On the~~ Upon this Optional Plan becoming effective date of the new form of government, the then-current County Council Administrator’s support staff shall be reassigned to the County Manager’s office until such time as the County Manager is appointed and establishes a support staff.

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Section 5.07. – Compensation

1. The initial compensation of County Council members is set in paragraph 2.04 of the Optional Plan.

2. The initial compensation of the County Manager shall be established by the County Council based on a salary comparison of the then-current salaries of county and city officials, in the State of Utah, with comparable duties in communities similar to Grand County. In comparing communities, the Council should give due consideration to similarities in population and population density, assessed value, business and economic factors, and other appropriate matters. The manager’s compensation and benefits may be set out in an employment contract.

3. All compensation established herein is conditioned upon approval of a county budget including by the Council and in accordance with the same.

Section 5.08. - Cooperation by all Public Officials

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

Section 5.09. - Amendments to the Optional Plan

This Optional Plan may be amended in accordance with state law.

Section 5.10. – Separability and Inconsistency

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

2. If any provision of this Optional Plan is inconsistent with or contradicts any existing Grand County ordinance, rule, regulation or other source of the law, adoption of this Optional Plan is considered to repeal such ordinance or other law, which shall be of no further effect after the effective date of this Optional Plan as set out in paragraph 5.03.

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 ____ day of _____, 2019.

GRAND COUNTY CHANGE IN FORM OF
GOVERNMENT STUDY COMMITTEE:

Stephen Stocks, Chair

Marcy Till, Secretary

Judy Carmichael

Walt Dabney

Jeremy Day

Cricket Green

Robert (Bob) Greenberg

Section 2.09. – 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 the first election of the new council members, the County Human Resources Director shall begin the process of searching for and recruiting a County Manager, in consultation with the new Council Members-elect, in anticipation of the Council appointing a Manager as soon as possible after the effective date of this Optional Plan.

Section 2.10. - 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 members may not directly or indirectly, by suggestion or otherwise: 1) attempt to influence or coerce the County Manager in: a) making an appointment, b) removing any member thereof, shall appoint, dismiss, or give directions to any officer or employee of the Executive Branch or of, or c) purchasing supplies; 2) attempt to exact any promises relative to any of appointment from any candidate for mayor/Manager; or 3) discuss directly or indirectly with the Manager the Officers of the County, nor influence or attempt to influence work assignments, individual personnel actions or the purchase of goods or services. Nothing matter of specific appointments to any county office or employment; provided, however, that nothing in this Section shall be construed, however, to prohibit as prohibiting the Council, while in a lawfully convened open session, from engaging in any of its responsibilities as set out in state law or in this Optional Plan, including the removal of the County Manager using the process described in Section 2.09.1; providing advice and consent to the appointment of executive branch nominees; and from fully and freely discussing with or suggesting, requesting or recommending matters to the County Manager, or any other appointed or elected County Officer or employee, manager anything pertaining to County affairs or the interests of the County.

Part Three - County Manager

4. After the effective date of this Optional 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 Optional Plan.

5. All debts, obligations, and liabilities of Grand County shall remain unaffected by adoption of this Optional 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 Optional Plan nor impaired by any provision of this Optional Plan.

Section 5.06. – Temporary Appointment of Council Administrator and Staff

1. ~~On the~~ Upon this Optional Plan becoming effective date of the new form of government, the position of County Council Administrator ~~is dissolved and the then-current County Council Administrator shall take the temporary and interim position of~~ be reclassified as Interim County Manager until such time as a County Manager is appointed by the County Council. ←

2. ~~On the~~ Upon this Optional Plan becoming effective date of the new form of government, the then-current County Council Administrator’s support staff shall be reassigned to the County Manager’s office until such time as the County Manager is appointed and establishes a support staff.

Section 5.07. – Compensation

1. The initial compensation of County Council members is set in paragraph 2.04 of the Optional Plan.

2. The initial compensation of the County Manager shall be established by the County Council based on a salary comparison of the then-current salaries of county and city officials, in the State of Utah, with comparable duties in communities similar to Grand County. In comparing communities, the Council should give due consideration to similarities in population and population density, assessed value, business and economic factors, and other appropriate matters. The manager’s compensation and benefits may be set out in an employment contract.

3. All compensation established herein is conditioned upon approval of a county budget including by the Council and in accordance with the same.

Section 5.08. - Cooperation by all Public Officials

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

Section 5.09. - Amendments to the Optional Plan

This Optional Plan may be amended in accordance with state law.

Section 5.10. – Separability and Inconsistency

Item: E
(suggested changes
from Sep 2019 to
Jan 2020 versions)
-redline

GRAND COUNTY VOTER INFORMATION PAMPHLET

PROPOSITION 9

The Grand County Election Ballot for the November ~~5, 2019~~ 3, 2020 General Election will include a Proposition. The ballot title for the Proposition, which is designated as **Proposition #9, #**, will read as follows:

Proposition #9#

Shall Grand County adopt the alternate form of government known as the Council-Manager Form pursuant to the Optional Plan for Grand County Government that the study committee has recommended?

For _____ Against _____

The arguments for or against a ballot proposition are the opinions of the authors.

Argument in Favor

The passage of House Bill 224 in 2018 required that Grand County change its form of government to one of four allowed by statute. The Grand County Change in Form of Government Study Committee was tasked with studying the current form of government to determine if it could be strengthened, made more responsive and accountable to the people, or improved in the interest of economy and efficiency.

Over the course of ~~610~~ months the Study Committee held numerous open public meetings to solicit input on the form of government that would be best suited to our community, including: a special educational meeting at Star Hall led by Attorney Gavin Anderson; four public "Open House" opportunities to answer citizen questions and discuss differences in the 4 forms; ~~an anonymous~~ citizen survey with over 250 responses; ~~individual in-person~~ interviews of ~~all then-current and past~~ county council members ~~and other~~, ~~all but one~~ county elected ~~officials~~ ~~official~~, including a ~~former elected official~~, the ~~County~~ Council Administrator, and all county department heads.

~~The~~ ~~Following a second review by the County Attorney, the~~ Study Committee approved that a Council-Manager form of government be submitted to the voters in their "Optional Plan for Grand County Government". The Council will consist of five elected members with legislative responsibilities. The Council will then hire a professional County Manager who will hold executive, ~~(excluding veto power)~~, administrative, and supervisory responsibilities.

The county council members will be non-~~benefited~~ ~~benefitted~~ part-time officials. The ~~base~~ annual salary of the Chair will be \$~~27,000~~ ~~22,200~~, and the annual salary of the remaining ~~council~~ members will be \$~~24,000~~ ~~19,200~~. There will be ~~three~~ ~~five~~ at-large seats ~~and two district seats. One district will approximately encompass the current boundaries of the City of Moab, and the other district will include the remainder of Grand County.~~

This decision was based on community input and hours of measured discussion by Study Committee Members.

We recommend voting FOR the question on your ballot. ~~A NO vote, by law, will result in Grand County defaulting to a 3-person county commission form of government.~~

Grand County Change in Form of Government Study Committee Members

Comment [CB1]: It is my reading of statute that a question to change the form of government can only be run once every four years. And so, even though we have until the end of next year to approve a new form, if it fails at the ballot, we wouldn't be able to run it again, due to the four year time constraint. So, I do believe this statement is true, although I'm not sure that Christina Sloan agrees with me. (2019)

Stephen Stocks (Chair), Marcy Till (Secretary), Judy Carmichael, Walt Dabney, Jeramy Day, Cricket Green, ~~and Bob~~
Greenberg
and Bob Greenberg

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No rebuttal was submitted to the argument in favor of **Proposition #9#**
No argument was submitted against **Proposition #9#**

DRAFT

Item: E
(Suggested changes from Sep 2019 to Jan 2020 versions)
- clean

GRAND COUNTY VOTER INFORMATION PAMPHLET
PROPOSITION #__

The Grand County Election Ballot for the November 3, 2020 General Election will include a Proposition.
The ballot title for the Proposition, which is designated as Proposition #__, will read as follows:

Proposition #__

Shall Grand County adopt the alternate form of government known as the Council-Manager Form pursuant to the Optional Plan for Grand County Government that the study committee has recommended?

For _____ Against _____

The arguments for or against a ballot proposition are the opinions of the authors.

Argument in Favor

The passage of House Bill 224 in 2018 required that Grand County change its form of government to one of four allowed by statute. The Grand County Change in Form of Government Study Committee was tasked with studying the current form of government to determine if it could be strengthened, made more responsive and accountable to the people, or improved in the interest of economy and efficiency.

Over the course of 10 months the Study Committee held numerous open public meetings to solicit input on the form of government that would be best suited to our community, including: a special educational meeting at Star Hall led by Attorney Gavin Anderson; four public "Open House" opportunities to answer citizen questions and discuss differences in the 4 forms; an anonymous citizen survey with over 250 responses; individual in-person interviews of all then-current: county council members, all but one county elected official, including a former elected official, the County Council Administrator, and all county department heads.

Following a second review by the County Attorney, the Study Committee approved that a Council-Manager form of government be submitted to the voters in their "Optional Plan for Grand County Government". The Council will consist of five elected members with legislative responsibilities. The Council will then hire a professional County Manager who will hold executive (excluding veto power), administrative, and supervisory responsibilities.

The county council members will be non-benefitted part-time officials. The base annual salary of the Chair will be \$22,200, and the annual salary of the remaining council members will be \$19,200. There will be five at-large seats.

This decision was based on community input and hours of measured discussion by Study Committee Members.

We recommend voting FOR the question on your ballot. A NO vote, by law, will result in Grand County defaulting to a 3-person county commission form of government.

Grand County Change in Form of Government Study Committee Members
Stephen Stocks (Chair), Marcy Till (Secretary), Judy Carmichael, Walt Dabney, Jeramy Day, Cricket Green,
and Bob Greenberg

No rebuttal was submitted to the argument in favor of Proposition #__
No argument was submitted against Proposition #__