

**A RESOLUTION OF THE GRAND COUNTY COUNCIL, STATE OF UTAH,
DESIGNATING NOVEMBER 6, 2018 FOR A SPECIAL ELECTION
AND DESIGNATING THE PURPOSE OF SUCH SPECIAL ELECTION TO ASK VOTERS,
“SHALL A STUDY COMMITTEE BE ESTABLISHED AS PROVIDED IN SECTION 17-52A-401
TO CONSIDER AND RECOMMEND A CHANGE IN GRAND COUNTY’S FORM OF
GOVERNMENT?”**

WHEREAS, House Bill 224 (H.B. 224), “County Government Change Election Amendments,” was signed by the Governor of the State of Utah on March 15, 2018;

WHEREAS, H.B. 224 defines “optional plan” as a plan establishing an alternate form of government for a county as provided in Section 17-52a-404 (renumbered from Section 17-52-401)

WHEREAS, H.B. 224 states in Section 17-52a-103 (renumbered from Utah Code Ann. Section 17-52-102),

(1) “Subject to Subsection (2), each county shall operate under one of the following forms of county government:

- (a) The county commission form under Section 17-52a-201 (renumbered from Section 17-52-501);
- (b) the expanded county commission form under Section 17-52a-202 (renumbered from Section 17-52-502);
- (c) the county executive and council form under Section 17-52a-203 (renumbered from Section 17-52-504); or

(d) the council-manager form under Section 17-52a-204 (renumbered from Section 17-52-505).

WHEREAS, H.B. 224 further states:

(2), “Unless a county adopts another form of government as provided in this chapter, the county shall operate under the county commission form of government under Section 17-52a-201 (renumbered from Section 17-52-501).”

WHEREAS, H.B. 224 further states:

(3) (a), “In a county that operates under a form of government that is not described in Subsection (2):

(i) the county’s legislative body shall, before July 1, 2018, initiate the process under Section 17-52a-302 of changing the county’s form of government;

(ii) the county shall hold a special election described in Section 17-52a-304 on November 6, 2018;

(iii) if the voters approve the appointment of a study committee at the special election described in Subsection (3)(a)(ii):

(A) the study committee may not recommend under Section 17-52a-403 that the county retain the county’s current form of government; and

(B) the county shall hold an election described in Section 17-52a-501 before December 31, 2020, on an optional plan that the study committee creates; and

(iv) the registered voters of the county may not repeal an optional plan under Section 17-523a-505 that is adopted at an election described in Subsection

(3)(a)(iii)(B).

WHEREAS, Utah Code Ann. § 20A-1-203(1) states that “(1) ... local special elections may be held for any purpose authorized by law.”

WHEREAS, Utah Code Ann. § 20A-1-203(5)(b) states, “The legislative body of a local political subdivision may call a local special election by adopting an ordinance or resolution that designates: (i) the date for the local special election; and (ii) the purpose for the local special election.”

WHEREAS, Utah Code Ann. § 17-52-203.5 states that “(1) The county legislative body shall hold an election under this section if (a) the county legislative body adopts a resolution under Subsection 17-52-202(1);” Further, “(2) Each election under Subsection (1) shall be a special election, called and held as required by Sections 20A-1-203 and 20A-1-204 after: (a) adoption of a resolution under Subsection 17-52-202(1);” Further, “(3) The county clerk shall prepare the ballot for each election under Subsection (1) with a question that asks substantially as follows: Shall a study committee be appointed to consider and recommend a change in Grand County’s form of government?”

WHEREAS, Utah Code Ann. § 20A-1-204(1)(c) states, “(i) Notwithstanding the requirements of Subsection (1)(b), the legislative body of a local political subdivision may call a local special election on a date other than those specified in this section if the legislative body: (a) determines and declares that there is a disaster, as defined in Section 63K-3-102, and the reasons for holding the special election on that other date; and (c) votes unanimously to hold the special election on that other date.”

NOW THEREFORE, be it resolved that the Grand County Council hereby sets the date of November 6, 2018 for a special election for the purpose of asking voters, “Shall a study committee be established as provided in Section 17-52a-401 to consider and recommend a change in Grand County’s form of government?”

APPROVED and ADOPTED by the Grand County Council in open session this 20th day of March, 2018 by the following vote:

Those voting

aye: _____

Those voting

nay: _____

Those

absent: _____

ATTEST

GRAND COUNTY COUNCIL

Diana Carroll, Clerk/Auditor

Mary McGann, Chair