

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
July 25, 2019 – 7:45 A.M.

PRESENT: COMMISSIONER BILL LEE, CHAIR (tele-conference)
COMMISSIONER TANNER AINGE, VICE-CHAIR
COMMISSIONER NATHAN IVIE (tele-conference)

ALSO PRESENT:
SEE ATTACHED

Commissioner Tanner Ainge called the meeting to order at 7:47A.M. and welcomed those present. The following matters were discussed:

CONSENT AGENDA

REGULAR AGENDA

1. APPROVE THE ORDER CALLING AN EMERGENCY MEETING
-Justin Anderson, Utah County Clerk/Auditor Office-

COMMISSIONER IVIE, MAKES MOTION
COMMISSIONER LEE, SECONDED
VOTE: 3-0
AYE:
COMMISSIONER LEE
COMMISSION AINGE
COMMISSION IVIE

COMMISSIONER AINGE GIVES AN INTRODUCTION TO THE MEETING AND WHY HE CALLED THE MEETING.

COUNTY ATTORNEY DAVID LEAVITT, I WANT TO POINT OUT THAT MY OFFICE HAS EVERY DESIRE TO WORK WITH THE COUNTY COMMISSION, WE UNDERSTAND THERE'S A FRACTURED COMMISSION ON THIS ISSUE. I WANT TO POINT OUT THAT WE'RE WORKING HARD TO MAKE SURE THAT WE SIMPLY FOLLOW LAW AND PROCEDURE HERE.

I WILL POINT OUT THAT WHILE THIS MEETING, IN THE OPINION OF THE COUNTY ATTORNEY'S OFFICE, DOES NOT VIOLATE STATE LAW. IT DOES GO AGAINST UTAH COUNTY CUSTOM, IN THE SENSE THAT THESE SPECIAL MEETINGS HAVE ALWAYS BEEN DETERMINED THAT THE 24-HOUR PERIOD DOES NOT INCLUDE WEEKENDS OR HOLIDAYS AND SO I SIMPLY WANT TO POINT OUT THAT THERE IS SOME BASIS FOR SOMEONE TO SAY THAT THIS MEETING IS NOT A VALID MEETING BECAUSE NOWHERE DOES IT DEFINE THAT WE HAVE BEEN ABLE TO SEE WHEN THE 24-HOUR PERIOD RUNS AND THE COUNTY HAS NEVER USED A WEEKEND.

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FOR EXAMPLE, YOU COULD CALL FOR A SPECIAL MEETING AT 5:00 P.M. ON A SATURDAY NIGHT AND HAVE A MEETING ON A SUNDAY NIGHT AND COMPLETELY THWART THE PURPOSES OF THE 24-HOUR NOTICE. THAT'S ESSENTIALLY WHAT'S OCCURRING HERE, WHEN 4:00 P.M. OR 4:30 P.M. THE NIGHT BEFORE A STATE HOLIDAY THIS COUNTY COMMISSION HAS REQUESTED THE SPECIAL MEETING AT 7:45 A.M. BEFORE THE BEGINNING OF THE BUSINESS DAY, AFTER A STATE HOLIDAY, WHEN TWO COUNTY COMMISSIONERS ARE NOT EVEN PRESENT.

THERE ARE SOME THAT WOULD SUGGEST THAT THIS IS HELD WITHOUT AUTHORITY, THAT IS NOT OUR POSITION. BUT, I STATE IT BECAUSE I WANT THIS BODY AND I WANT THE PUBLIC TO UNDERSTAND THAT WE ARE TRYING TO PROPERLY WEIGH AS WE CAN TO LET THIS COMMISSION DO WHAT THIS COMMISSION BELIEVES IS LEGAL AND RIGHT AND I JUST WANTED TO LET THAT KNOWN, THANK YOU.

COMMISSIONER AINGE, I APPRECIATE THAT AND I WANTED TO YOU KNOW WE DID HAVE A CONVERSATION WITH SOME ATTORNEYS IN YOUR OFFICE AND I THINK THAT THERE WAS A DISTINCTION BETWEEN CALLING A MEETING AND HAVING THE NOTICE PERIOD INVOLVE A HOLIDAY OR WEEKEND VERSUS AN EMERGENCY MEETING WHICH THERE WAS SOME URGENCY OR REASON FOR NEEDING A MEETING PRIOR TO A CERTAIN TIME IN WHICH CASE THE NOTICE PERIOD IS AS SOON AS PRACTICAL RATHER THAN 24 HOURS BUT THEY HAVE NOTED THAT THAT ISSUE AT 24 HOURS AND AGAIN.

COUNTY ATTORNEY LEAVITT, I WOULD ALSO POINT OUT THAT WHETHER THIS IS AN IS TRULY AN EMERGENCY OR NOT IS SOMETHING THAT COULD BE DEBATED.

COMMISSIONER AINGE, OKAY SO WE HAD A MOTION AND A SECOND TO APPROVE REGULAR AGENDA ITEM NUMBER ONE.

COMMISSIONER AINGE: ALL IN FAVOR SAY AYE

VOTE:

AYE: COMMISSIONER LEE

COMMISSIONER AINGE

COMMISSIONER IVIE

2. TIME SENSITIVE UPDATE ON FORM OF GOVERNMENT DISCUSSION
-Justin Anderson, Utah County Clerk/Auditor Office-

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BILL LEE, WHOLE SITUATION HAS TURNED MEAN, TOM HAVING HEALTH ISSUES, INTENT FIND A FORM OF GOVERNMENT THAT WE AGREE TOO.

NATHAN IVIE, MAKE SURE PUBLIC IS AWARE OF, TIMELINE, FRUSTRATED WITH THIS FORM OF GOVERNMENT, BEEN APPROACHED FROM INDIVIDUALS FOR SIGNING THE PETITION, BROAD SUPPORT, HAPPY TO PUT ISSUE BEFORE THE VOTERS OF UTAH COUNTY AND LET THEM DECIDE

COMMISSIONER AINGE, DISCUSSION FROM STAFF OR PUBLIC

DAVID LEAVITT, WANTED TO MAKE CLEAR TO THE COMMISSION, PUBLIC AND CLERK THAT EVERYONE UNDERSTAND HIS POSITION ON THIS, AND THAT HE IS ALSO RECORDING ON FACEBOOK, I DO NOT HAVE AN OPINION, ON WHICH FORM OF GOVERNMENT IS BETTER FOR THE COUNTY, MY DESIRE IS TO FULFIL MY DUTY TO THE COUNTY REPRESENT CLIENTS AND INTEREST OF THE COUNTY ,LAWS DON'T PASS THEMSELVES, FORM OF COUNTY GOVERNMENT ALWAYS STATE LEGISLATURE, SEPARATION OF POWER, CAN'T HAVE JOINT POWER, IGNORE THE FACT THAT 20 COUNTIES HAS NO SEPARATION OF POWER, HAVE TO HAVE ADEQUATE PUBLIC COMMENT, DON'T CARE WHAT FORM OF GOVERNMENT WE HAVE JUST WANT A PROCESS, WHEN FIRST PETITION FAILED, OPENED THE DOOR TO FILE ANOTHER PETITION.

COMMISSIONER AINGE IS WORRIED IT WAS A FILIBUSTER.

DAVID LEAVITT NO, FILING PETITION BY LAW, YOU ARE NOT THE EXECUTIVE BODY THAT DETERMINES THIS, YOU AS A COUNTY COMMISSION SHOULD GUARD YOURSELF, HAS TO BE PROCESS DISCUSSED AND DECIDED AND PROPERLY VETTED, IT WILL FURTHER DIVIDE THE COMMISSION.

COMMISSIONER AINGE, IN YOUR OPINION WHO DOES HAVE AUTHORITY, WHO SHOULD BE REVIEWING THIS?

DAVID LEAVITT- 4TH DISTRICT COURT, COUNTY CLERK.

COMMISSIONER AINGE, DO YOU THINK THAT IS CLEAR UNDER CURRENT STATE LAW?

DAVID LEAVITT, CLEAREST UNDER STATE LAW

COMMISSIONER IVIE, COULD YOU GIVE ME CODE SECTIONS ON THAT?

DAVID LEAVITT, I DID NOT HAVE TIME TO RESEARCH ON IT, RELY ON 30 YEARS OF LAW PRACTICE.

COMMISSIONER IVIE, JUST ASKING FOR THE CODE REFERENCE.

TANNER AINGE, AGREE THIS CODE WAS CHANGED, CAN'T PUT MULTIPLE CHOICE TO THE PUBLIC, NEED TO PICK ONE FORM, FEELS THERE IS A CONFLICT OF INTEREST, JUST TRYING TO FOLLOW THE RECOMMENDATIONS FROM THE COMMITTEE.

DAVID LEAVITT, STATE PUBLICLY IN INTEREST OF ACCURACY, NOT POSSIBLE TO CONDUCT THOROUGH REVIEW WITH A VOLUNTEER CITIZEN REVIEW COMMITTEE IN THE AMOUNT OF TIME THAT THEY DID.

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COMMISSIONER AINGE, PUBLIC MEETING FOLLOWED CRITERIA, EVERYTHING WE DO IS TRYING TO BE PUBLIC.

COMMISSIONER IVIE, LOVE TO HEAR FROM THE PUBLIC, NATHAN ASKED DAVID LEAVITT ATTORNEY TO BE QUIET

COMMISSIONER LEE, FIRST PETITIONERS CAME FORWARD WITH PETITIONS, SAME SCENARIOS. MAJORITY AND MINORITY LEAVITT. ONE MORE THING, MAJORITY OF UTAH COUNTY ELECTED THIS COMMISSION, THAT'S NOT THE ISSUE, QUESTION OF SEPARATION OF POWER, SPEAKING IN DEFENSE OF THE STRUCTURE OF COUNTY GOVERNMENT

AINGE – TWO DIFFERENT SITUATIONS

COMMISSIONER AINGE OPENED MEETING FOR PUBLIC COMMENT

SENATOR JAKE ANDEREGG, WHAT IS LEGALLY POSSIBLY AND WHAT IS NOT? WHAT IS POLITICALLY POSSIBLE AND POLITICALLY DANGEROUS? TWO DIFFERENT STANDARDS, STATE THAT I WAS ONE OF THOSE THAT SIGNED THE LETTER IN THE EDITORIAL. ORIGINALLY PETITIONERS CALLED OFF ON COLLECTING SIGNATURES BECAUSE OF A "GENTLEMAN'S AGREEMENT", GOOD GOVERNMENT BOARD RECONVENE RECOMMENDATION TO BE HEARD BY COMMISSION, THEN THEY WOULD VOTE ON IT.

COMMISSIONER AINGE, NO SUCH AGREEMENT WAS EVER MADE ABOUT THE GENTLEMEN'S AGREEMENT.

SENATOR JAKE ANDEREGG, WAS THERE AN AGREEMENT WITH COMMISSIONER LEE? COMMISSIONER IVY? WITH THE ORIGINAL PETITIONERS WAS IT ASSUMED? CREATED GOOD GOVERNMENTS BOARD, ON RECORD WAS AN AGREEMENT AND WITH WHOM, EACH COMMISSIONER SAY IF THEY DID.

COMMISSIONER AINGE, I NEVER MADE SUCH AN AGREEMENT, PETITIONER WOULDN'T WANT AN AGREEMENT, WANTS COMMITTEE TO STUDY THIS, FOR THE RECORD THERE WAS NO AGREEMENT

COMMISSIONER IVIE, NOT AN AGREEMENT PER SE , FELT THAT WAS A BETTER PROCESS, ACTIVELY SEEKING SIGNATURES, BETTER PATH AND COME BACK WITH A RECOMMENDATION, I VOTED TO FORM THAT COMMITTEE, VOTED FOR MEMBERS ON THE COMMITTEE, TRUST THEM TO GO AND DO THEIR JOB, LEAVITT MENTIONED YOU DO A LOT OF WORK UP THERE, TRUSTED THAT PROCESS, RESEARCH THE LEGISLATURE DOES.

COMMISSIONER LEE, THIS ISSUE CAME TO LIGHT, FIND IT APPALLING, WORDS BEING USED, FANTASY AGREEMENTS MADE TO PUSH PROCESSES, MANIPULATE OTHERS, THERE WAS NO AGREEMENT NO CONVERSATION IN THAT FASHION, LEE'S NAME BLACKENED ON IT, NOT TRUE.

SENATOR JAKE ANDEREGG, ASKED COMMISSIONER AINGE TO CONTINUE WITH A COUPLE OF THOUGHTS, I BELIEVE A CHANGE IN GOVERNMENT WOULD BE HELPFUL, PRINCIPLES WE ESPOUSE, SEPARATION OF EXECUTIVE FUNCTION AND LEGISLATIVE FUNCTION IS GOOD POLICY, PEOPLE NEED TO HAVE 3 MEMBER COMMISSION, PEOPLE THEY CAN GO TO SEE AND VOTE, COUNTY IS GETTING TO BIG, WHATEVER WE DO, WE NEED TO HAVE MORE DISCUSSION AND DEBATE, DUELING INTERESTED, DYSFUNCTIONAL SYSTEM.

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COMMISSIONER AINGE, WANTED TO CHALLENGE THOUGHT.

SENATOR JAKE ANDEREGG, ASKED TO FINISH, DON'T HAVE LEGALLY RECOURSES AVAILABLE UNDER STATE STATUTE TO GET ON THE BALLOT, DON'T WANT TO SEE THIS DEVOLVE INTO COURT CHALLENGES.

COMMISSIONER AINGE, ARE WE ABLE TO COME TO SUCH COMPROMISE? SEEKING CLARITY TODAY.

COMMISSIONER LEE, WANT TO ASK SENATOR A QUESTION, WHEN IT WAS PITCHED TO SIGN ON OP-ED, DID I VIOLATE AN AGREEMENT?

SENATOR JAKE ANDEREGG, I WAS TOLD THERE WAS AN GENTLEMEN'S AGREEMENT, BIGGEST CONCERN, UNDERSTOOD COMMISSIONER LEE ACTED IN BAD FAITH.

COMMISSIONER LEE, RHETORIC IS ILL FOUNDED.

COMMISSIONER AINGE DO NOT BELIEVE COMMISSIONER LEE EVER PROMISED TO FOLLOW THE RECOMMENDATION OF THE GOOD GOVERNMENT ADVISORY BOARD.

COMMISSIONER LEE DID NOT MAKE ANY COMMITMENT ON IT.

SENATOR JAKE ANDEREGG, CLARIFICATION, SIGNING PETITION DID NOT COME FROM THE AUTHOR OF THE EDITORIAL, IT CAME FROM OTHER DISCUSSIONS WITH OTHER LEGISLATURES.

COMMISSIONER AINGE, MOVE THROUGH PUBLIC COMMENT, SHOT CLOCK 3 MIN TIMER ASKED EZRA TO KEEP THAT.

COMMISSIONER ELLERTSON, WAS A COUNTY COMMISSIONER, FELT A RESPONSIBILITY TO EACH MEMBER FOR THE COUNTY, MAKE SURE EVERYONE IS INFORMED.

COMMISSIONER AINGE, ASKED QUESTION, DID YOU FEEL LIKE YOUR VIEWS WERE UNWELCOME?

COMMISSIONER ELLERTSON, DON'T WANT TO CONDEMN THE PROCESS, HEARD IT WAS BEING FORMED, CALLED A CHAIR, HELP PROVIDE INFORMATION

COMMISSIONER AINGE, CAME AND SPOKE IN FAVOR OF EXISTING GOVERNMENT

COMMISSIONER ELLERTSON, NOT ABOUT THE FORM OF GOV IT'S ABOUT THE PEOPLE INVOLVED

MAYOR RICHARD BRUNST, FROM OREM, EXPERIENCING GROWTH, STRUCTURE NEEDS TO CHANGE, SEPARATION OF POWERS, REPRESENTATION FROM ALL CITIES, ENCOURAGE WITH THE VOTE AND PUT IT ON THE BALLOT

REPRESENTATIVE BRADY BRAMMER, WROTE THE OP ED, PROBLEMS WITH GRAMA REQUESTS, COUNTY ATTORNEY SHOULD HAVE SHOWED UP TO MEETINGS AND PROVIDED ANY INPUT HE HAD, LARGER THE COUNTY MORE PROBLEMS, SIGNATURES IS NOT THE MEASURE, MADE UP STANDARD, SALT LAKE VS BUTLER,

COMMISSIONER LEE, ASKED TO RESPOND TO REPRESENTATIVE BRAMMER

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COMMISSIONER AINGE, ALSO ASKED TO RESPOND, DEFEND COUNTY ATTORNEY NEITHER WERE INVOLVED, AGREED TO MAKE THEMSELVES AVAILABLE, COMMITTEE SUPPOSED TO BE INDEPENDENT, LEE DIDN'T ADVOCATE AT THOSE MEETINGS.

REPRESENTATIVE BRAMMER, PUBLIC NEEDED MORE INPUT, POLICY SHOULDN'T BE DELAYED, SHOULD WE PUT RECOMMENDATION OF THE GOOD GOVERNMENT ADVISORY BOARD ON THE BALLOT?

COMMISSIONER LEE, GOOD GOVERNMENT WAS FORMED, ASKED TO STAY OUT, DID NOT SPEAK TO IT OR GO TO THE MEETINGS ON THAT ISSUE.

COMMISSIONER AINGE, ASKED COMMISSIONER LEE, WHAT WAS DELAYED?

COMMISSIONER LEE, ANYTIME PETITIONER FILE ACCORDING LAW, DELAY ANY ACTION TO BE TAKEN BY COMMISSION.

COMMISSIONER AINGE, REFERRING TO AN ITEM DELAYED?

COMMISSIONER LEE, WENT THROUGH CAMPAIGN PROCESS LAST YEAR, TALKED ABOUT REPEATEDLY MENTIONED 5-PERSON COMMISSION WOULD BE BETTER, MOVED TO DO SO, 5-MEMBER PETITIONER DELAYED CONVERSATION.

REPRESENTATIVE BRAMMER, FACTOR, OTHER COMMISSIONERS HAD ITEMS ON AGENDA, PLANNED TO VOTE ON, SIGNALLED YOUR POSITION LIKELY TO LOSE, BECAUSE OF THAT ITEM, IT DELAYED THAT VOTE.

COMMISSIONER LEE, THAT'S NOT TRUE, WHAT WAS ON AGENDA TO BE VOTED ON?

REPRESENTATIVE BRAMMER, THE ADOPTION GOOD GOVERNMENT ADVISORY BOARD.

COMMISSIONER LEE, YOU SAID THAT WAS ON THE AGENDA TO BE VOTED ON?

REPRESENTATIVE BRAMMER, YES.

COMMISSIONER LEE, NO, IT WAS A WORK SESSION ITEM, ITS NOT AN ACTIONABLE ITEM, NOTHING ON THE AGENDA THAT HAD ANY VOTE ATTACHED TO IT.

COUNTY ATTORNEY DAVID LEAVITT, I WENT TO THE OPEN MEETING, TO TELL THE BOARD TO TRY TO LIMIT ANY POLITICAL INTEREST YOU HAVE IN THIS PROCESS

REPRESENTATIVE BRAMMER, HOW WOULD YOU STRUCTURE SOMETHING FOR PUBLIC INPUT?

COUNTY ATTORNEY DAVID LEAVITT, THE PROBLEM ASSUMES QUESTIONS WERE ANSWERED IN THE MEETING NEEDS TO BE DISCUSSION OVER BOUNDARIES OF DISTRICTS, THERE WAS NONE, THIS NEEDS TO BE ON A BALLOT

REPRESENTATIVE BRAMMER, THERE WILL BE EVENTUALLY, BEEN STUDIED BY THE LEGISLATURE AND GOOD GOVERNMENT ADVISORY BOARD, IDENTIFIED PROBLEM, WHAT DO YOU FEEL IS NEEDED TO GET PUBLIC INPUT FOR YOU TO BE SATISFIED

COUNTY ATTORNEY DAVID LEAVITT, THIS NEEDS TO BE ON THE BALLOT IN 2019, DON'T CARE WHICH FORM OF GOVERNMENT IT IS. ISSUE HASN'T BEEN STUDIED.

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REPRESENTATIVE BRAMMER, IT'S BEEN STUDIED BY THE LEGISLATURE AND THE GOOD GOVERNMENT ADVISORY BOARD, WHICH YOU DIDN'T FOLLOW ALONG WITH, FOR YOU TO SAY YOU DIDN'T STUDY IT EFFECTIVELY DOESN'T SEEM LIKE YOU HAVE THE FOUNDATION OF KNOWLEDGE TO DO SO.

COUNTY ATTORNEY DAVID LEAVITT, THE DISCUSSION OF WHEN TO HAVE AN ELECTION IS THE ONLY ISSUE OF IMPORTANCE.

REPRESENTATIVE BRAMMER IF YOU HAVE IDENTIFIED THE PROBLEM, AND YOU FEEL COMFORTABLE WITH THE SOLUTION, CAN ADDRESS THAT PROBLEM, WHO DIDN'T YOU TAKE IT?

COUNTY ATTORNEY DAVID LEAVITT, I DID.

REPRESENTATIVE BRAMMER, SO DID THE GOOD GOVERNMENT ADVISORY BOARD.

COUNTY ATTORNEY DAVID LEAVITT, PLEASE DON'T CUT ME OFF, WHEN I LEARNED THAT THE GOOD GOVERNMENT ADVISORY BOARD WAS RECOMMENDING TO BE PLACED ON THE BALLOT IN 2019, I CALLED THE CHAIRMAN OF THE COMMISSION, SAID WHAT ABOUT DISTRICTS. YOU CAN'T ADEQUATELY INFORM THE PUBLIC AND WHEN HAVEN'T DISCUSSED IT YOURSELF MY ONLY DESIRE IS THAT THIS BE A FULLY VETTED PROCESS AND IT BE COMMONLY KNOWN, YOU CAN'T DO THAT IN GOVERNMENT IN THE TIME FRAME WE'RE TALKING ABOUT.

REPRESENTATIVE BRAMMER, WHAT TIME FRAME?

COUNTY ATTORNEY DAVID LEAVITT, LET'S BE CLEAR ON THAT, WHEN I MADE MY CONCERNS KNOWN, I THEN SAID TO THE COUNTY COMMISSION HOW EVER THAT'S JUST MY OPINION I'M NOT A POLICY MAKER, IF THE COUNTY COMMISSION WANTS TO PUT THIS ON THE BALLOT IN 2019 I WILL DO EVERYTHING IN POWER TO PUT IT ON THE BALLOT. AUTHORIZE MY OFFICE TO PUT IT ON THE BALLOT. LET DISTINGUISH MY CONCERN AS COUNTY ATTORNEY THAT MY CLIENT GOES ABOUT THIS IN THE PROPER WAY, EVERYONE WILL ACKNOWLEDGE MY OFFICE WITH MY AUTHORIZATION WORKED WITH COUNTY COMMISSION MOVING FORWARD PUTTING ON BALLOT IN 2019, I HOLD EVERY CARD, 45 DAYS TO PUT ON BALLOT. NOT A PARTISAN IN PROCESS, LEGAL ADVISOR. YOU TALK ABOUT WHAT STATUTE I LEAN ON THAT GIVE THE COUNTY CLERK ITS NOT TITLE 17 ITS TITLE 20A ELECTION CODE, DEFINITION CODE 20A-1-102, DEFINES ELECTION OFFICER, MEANS A, LIEUTENANT GOVERNOR FOR ALL STATEWIDE BALLOT AND ELECTION, B, COUNTY CLERK FOR COUNTY BALLOT STATE LAW COUNTY CLERK IS ELECTION OFFICIAL, QUESTION THAT DEALS WITH BALLOT SHE OR HE IS THE ELECTION OFFICIAL WHICH HAS THE AUTHORITY TO DECIDE WHETHER SOMETHING IS ISSUED IN BAD FAITH OR NOT.

REPRESENTATIVE BRAMMER, THAT'S WHERE I TAKE ISSUE WITH WHAT YOU'RE SAYING, NUMBER ONE YOU SAID YOU DEFERRED TO LIEUTENANT GOVERNOR OFFICE AND YOU HAD CONTACTED THEM.

COUNTY ATTORNEY DAVID LEAVITT NO SAID I COUNTY CLERK HAD CONTACTED THEM. I HADN'T HAD ANY CONTACT WITH THEM.

REPRESENTATIVE BRAMMER, I APOLOGIZE, WE HAD CONTACTED THEM

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COUNTY ATTORNEY DAVID LEAVITT, LETS BE CLEAR, I DID NOT SAY THAT I WOULD DEFER TO THE LIEUTENANT GOVERNOR'S OFFICE, I SAID THE LIEUTENANT GOVERNOR'S OFFICE SAID THEY WOULD DEFER TO THE COUNTY CLERK.

REPRESENTATIVE BRAMMER, TALK ABOUT DISCRETION ELECTION OFFICER HAS DISCRETION GIVEN TO THEM BY STATE CODE, SPECIFIC TO COUNTY CLERKS, YOU ADDED SOMETHING ELSE IN THAT IS NOT IN THE CODE, WHICH IS THEY HAVE DISCRETION TO REJECT OR ACCEPT, THEY CAN SAY IS IT IN PROPER FORM, STATE CODE SAYS TO PRESERVE AND FILE ALL PETITIONS. YOU HAVE PROBLEM TWO BOD YES REPRESENT HAVE A CLAIM TO THIS.

COUNTY ATTORNEY DAVID LEAVITT, I KNOW, LET ME TELL YOU WHY I DON'T HAVE AS MUCH OF A PROBLEM WITH THIS, THE SENATOR WHO SPOKE FIRST, STATE LAW IS CLEAR ONCE A PETITION IS FILED, EVERYONE IS PINNING THIS ON BILL LEE, WHAT WOULD HAPPEN IF JOHN Q PUBLIC WHO DIDN'T WANT A MAYOR FORM OF GOVERNMENT WHO'S NOT A COUNTY COMMISSIONER, WOULD'VE FILED PETITION? IS WHO YOU ARE DEPENDENT ON IF YOU'RE TRYING TO DELAY?

REPRESENTATIVE BRAMMER, IDENTITIES OF THE PEOPLE DOES IMPACT THE ANALYSIS, AS TO GOOD FAITH, BAD FAITH. DOES IMPACT, CHANGE THE ANALYSIS, I BELIEVE IF THIS GOES PAST THE NEXT LEGISLATIVE PROCESS, I HAVE THE VOTES I NEED TO FORCE A CHANGE

COUNTY ATTORNEY DAVID LEAVITT, AS IS YOUR RIGHT IF YOU GET THE VOTES.

REPRESENTATIVE BRAMMER – MUCH PREFER THAT THE RECOMMENDATION OF THE GOOD GOVERNMENT ADVISORY BOARD GO TO THE VOTES AND THEY DECIDED IF THEY WANT TO ACCEPT OR NOT, 5-MEMBER COMMISSION EVEN IF GET SIGNATURES THE LEGISLATIVE SESSION A HAPPEN BEFORE ELECTION, WOULD BE RENDERED MOOT.

COUNTY ATTORNEY DAVID LEAVITT, VERY POSSIBLE, QUESTION BECOME WHETHER 5 PETITIONERS RELIED ON STATE LAW, WENT TO EXPENSE GATHER 10,000 SIGNATURES HAD THEM CERTIFIED BY THE COUNTY CLERK HAD ANY DEGREE OF RELIANCE ON STATE LAW.

REPRESENTATIVE BRAMMER, I HAVE CONSULTED WITH THE OFFICE OF LEGISLATIVE RESEARCH, THERE IS NOT A VESTED WRITER IN PETITIONER, IN PETITIONER RIGHTS. IT'S JUST NOT THERE. IT'S BEEN ARGUED BEFORE AND IT'S LOST.

COUNTY ATTORNEY DAVID LEAVITT, I'M NOT AN EXPERT IN ELECTION LAW, GUY OVER THERE WHO IS, TEXTED UTAH CODE 7-20-1.7 SUB 8, DUTIES OF COUNTRY CLERK IS TO PRESERVE AND FILE ALL PETITIONS AND APPLICATIONS.

REPRESENTATIVE BRAMMER, READ THE REST OF IT.

COUNTY ATTORNEY DAVID LEAVITT, FRANCHISES AND RECORDS THE ACTIONS.

REPRESENTATIVE BRAMMER, PREFER THE BODY TO ALLOW THIS TO GO TO A VOTE AND ALLOW THE CITIZENS TO DECIDE ON FORM OF GOVERNMENT.

COUNTY ATTORNEY DAVID LEAVITT, STATE LAW DOESN'T ALLOW THAT TO OCCUR, SAY THEY ARE THE BODY TO DETERMINE BAD FAITH, THEN THERE'S SOME MEASURE OF

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DUE PROCESS, CALL WITNESS, TESTIMONY, AFFIDAVIT, PROCESS THE OTHER SIDE HAS CAPACITY TO SAY WHAT THEIR INTENT IS.

REPRESENTATIVE BRAMMER, LETS GAME THEORY ON HOW THIS WORKS, THEY MAKE THEIR DECISION MOVE FORWARD WITH VOTE, PETITIONER FILE COMPLAINT, PRELIMINARY JUNCTION, COURT THEN DECIDES DUE PROCESS, MAKING DECISION GOOD FAITH AND BAD FAITH NOT THE DUE PROCESS. MAKE A CLAIM, HAPPY TO HAVE A DEBATE ABOUT DUE PROCESS.

COUNTY ATTORNEY DAVID LEAVITT – AND BODY THAT IS GOING TO MAKE A CLAIM IN A JUDICIAL CAPACITY HAS A DUTY TO OFFER DUE PROCESS.

REPRESENTATIVE BRAMMER, INTERESTING STATEMENT, THEY DO HAVE A RIGHT TO CLAIM DUE PROCESS, THAT'S THROUGH THE COURTS

COUNTY ATTORNEY DAVID LEAVITT – THEORY, PASS RESOLUTION? COUNTY CLERK WILL SAY, NICE RESOLUTION BUT YOU HAVE NO AUTHORITY.

REPRESENTATIVE BRAMMER, HOW DO YOU KNOW THAT?

COUNTY ATTORNEY DAVID LEAVITT, BECAUSE I'VE HAD A CONVERSATION WITH THE COUNTY CLERK ON THAT.

REPRESENTATIVE BRAMMER, AND WHAT IS THE BASIS, HAS SHE MADE A DUE PROCESS EVALUATION AS TO THE GOOD FAITH AND BAD FAITH?

COUNTY ATTORNEY DAVID LEAVITT, NO DECISION IS WHETHER THEY HAVE AUTHORITY, OR SHE HAS THE AUTHORITY TO MAKE A FINDING,

REPRESENTATIVE BRAMMER, HAS SHE MADE A FINDING YET?

COUNTY ATTORNEY DAVID LEAVITT NO ONE HAS EVER ASKED HER YET?

REPRESENTATIVE BRAMMER, HOW DO YOU KNOW WHAT SHE'S GOING TO SAY?

COMMISSIONER AINGE – WE DON'T NEED, COMMISSIONER WILL DIRECT QUESTIONS TO STAFF AND TO THE OTHER ELECTED OFFICIALS. ANYTHING ELSE YOU HAVE TO SAY?

REPRESENTATIVE BRAMMER, NO.

COMMISSIONER AINGE, SHORTEN TIME TO TWO MIN, ANY OTHER PUBLIC COMMENT?

CLARK HARRISON CARAS, BOTH OFFICES HAD BEEN REPRESENTED, ONE OFFICE HAD SOMEONE AT EVERY MEETING, PRECINCT CHAIR FOR UTAH COUNTY, BENJAMIN, UTAH, TAKE ISSUE WITH COUNTY ATTORNEY, THAT HE DOUBTS MAJORITY OF THE PEOPLE KNOW WHAT'S GOING ON, CARE ABOUT TEMPERATURE THAT IS IN THIS COUNTY. THEY WANT CHANGE THEY WATCH THE GOOD GOVERNMENT ADVISORY BOARD GIVE A RECOMMENDATION, DON'T CARE IF THERE WERE HALF DOZEN OTHER PETITIONS ONE OF THE PEOPLE ON THAT PETITIONS HER NAME IS ON OUR RECOMMENDATION. THIS COUNTY WANTS CHANGE.

COMMISSIONER AINGE, THANK YOU CLARK, DON'T SEE ADDITIONAL SPEAKERS.

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COUNTY ATTORNEY DAVID LEAVITT WANT TO REAFFIRM, I TO THINK IT SHOULD BE ON THE BALLOT. CLARIFICATION.

COMMISSIONER AINGE, INTERESTING ISSUES TO BRING BACK, LAID OUT GROUNDS, HESITATION TO DO NOTHING AT THE MOMENT, IF THERE IS A WINDOW NOW IS THE TIME TO TAKE IT, TURN IT BACK TO DAVID LEAVITT, WAY TO SEEK CLARITY ON THIS ISSUE.

COUNTY ATTORNEY DAVID LEAVITT, DON'T HAVE A DOG IN THIS FIGHT POLITICALLY, STATE THERE ARE SEVERAL THINGS COULD BE DONE, WOULD REQUIRE DEGREE OF STATESMANSHIP WOULD IMPROVE A TENOR OF THINGS IN THIS BUILDING, 5 PETITIONERS FILED A PETITION HAVE NOT HAD TO FILED NOTICE OF INTENT TO COLLECT SIGNATURES, BY LAW THEY DON'T HAVE TO ACTUALLY HAVE GIVEN THE PETITION, THE CONTENT OF PETITION COULD BY AGREEMENT AND COMPROMISE AND STATESMANSHIP HAMMER OUT WHAT THAT PETITION SAID AND LOOK LIKE, AND THE VEHICLE CAN BE USED TO BE PUT ON THE BALLOT IN 2020 PUTTING ON BALLOT IN 2019 ELECTION, SOMEONE WITH AUTHORITY IS GOING TO HAVE TO INVALIDATE THE PETITION, I THINK LEGALLY THAT IS THE COUNTY CLERK OR THE 4TH DISTRICT COURT, DON'T THINK IT'S THE COUNTY COMMISSION, EVEN IF IT WERE THE COUNTY COMMISSION I THINK THE OPTICS ON TWO OPPONENTS, VERY BAD. REAL HEART OF ISSUE WHAT DO YOU DO WITH ISSUE OF COUNTY GOVERNMENT SAY THIS IS OUR AUTHORITY WHEN SHE SAYS ITS HER AUTHORITY, THAT THEN BECOMES THE ISSUE.

COMMISSIONER AINGE, NOT MY UNDERSTANDING, ITS BEEN SOMEWHAT SIMILAR, NOT A HIGH LEVEL OF DISAGREEMENT HERE, WHO SHOULD BE MAKING THE DECISION IS NOT 100 %.

COUNTY ATTORNEY DAVID LEAVITT, PEOPLE HAVE TO MAKE A JUDGEMENT CALL, IT'S THE COUNTY CLERKS CALL.

COMMISSIONER AINGE, TO ME THAT'S NEW, DIDN'T KNOW IT WAS WITHIN HER AUTHORITY? WONDERING IF THERE'S A WAY TO CRAFT THIS THAT ALLOWS US TO DO WHAT WE WANT TO DO AS A LEGISLATIVE BODY. TO ACHIEVE CLARITY WE WANT.

COUNTY ATTORNEY DAVID LEAVITT, SHEAR PASSAGE OF TIME, WON'T BE ON THE BALLOT IN 2019. STATED I'M HOLDING MY POWER TO DRY ON MY 45 DAYS. DEVOLVE INTO COURT BATTLE, THEN I'M GOING AUTHORIZE THE APPOINTMENT OF OUTSIDE COUNCIL FOR ONE BODY OR THE OTHER. PROCESS WILL TAKE BEYOND 2019 ELECTION.

COMMISSIONER LEE, CLERK'S OFFICE HAS ACCEPTED THEIR PETITION. DECISION HAS BEEN MADE AND WE'RE MOVING FORWARD WITH IT.

COMMISSIONER AINGE, NEEDS TO BE SOMEBODY THAT GOES THROUGH REVIEW

COUNTY ATTORNEY DAVID LEAVITT, IF YOU WANTED SOMEBODY TO REVIEW IT, NEED A RESOLUTION TODAY, ABOUT BAD FAITH RECOMMEND PASS RESOLUTION, EXPRESS OPINION DONE IN BAD FAITH. ASK COUNTY CLERK TO MAKE DETERMINATION BASED UPON EVIDENCE YOU PRESENT TO HER, SHE CAN DECIDE.

COMMISSIONER IVIE, CLARIFICATION, IF WE PASS RESOLUTION, CLERK'S OFFICE MAKE RULING, WHERE IS DUE PROCESS AND APPEAL

COUNTY ATTORNEY DAVID LEAVITT, GOES TO 4TH DISTRICT COURT

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COMMISSIONER AINGE, IDEA CAME TO ME, PETITION NORMALLY HAS A REVIEW PERIOD, GOES TO COUNTY ATTORNEY OFFICE, REVIEW OPTIONAL PLAN, IF WE INCLUDE IN RESOLUTION MAKE NO FINDING, RESOLUTION SAYS WERE PASSING THIS, WANT ON BALLOT, ASK THAT IN REVIEW PERIOD, THROUGH YOUR OWN OPINION OR CONSULTATION THROUGH COURT, ELECTIONS OFFICE, COUNTY CLERK, ISSUE OF VALIDITY OF PETITION IS ADDRESSED. NO ACTION TAKEN THAT WOULD NOT TRIGGER AN APPEAL.

COUNTY ATTORNEY DAVID LEAVITT, DON'T HAVE A DECISION TO MAKE HERE, DON'T HAVE THE AUTHORITY, OF WHAT'S IN BAD FAITH OR IN GOOD FAITH, STATE LAW SAYS ONCE PETITION IS FILED ALL EFFORTS TO CHANGE FORM ON COUNTY GOVERNMENT CEASES. UNLESS OR UNTIL THERE'S NOTHING THAT REMOVES THAT BLANKET OVER THIS PROCESS THE COUNTY COMMISSION DOES NOT HAVE THE ABILITY TO SAY WERE GOING TO PUT THIS ON THE BALLOT, ONLY WAY THIS PETITION GETS WITHDRAWN IS IF SOMEONE WITH AUTHORITY SAYS THIS WAS DONE IN BAD FAITH.

COMMISSIONER AINGE, OR THAT IT'S INVALID BASED ON THE SIGNATURE.

COUNTY ATTORNEY DAVID LEAVITT, OR THAT IT'S INVALID BASED ON THE FOUR SIGNATURES AND THAT THE FIFTH ONE DOESN'T GET TO GET AT IT, EITHER ONE OF THOSE DOESN'T GET TO GET AT IT. IN MY MIND THE RESPONSIBLE THING FOR THIS COUNTY COMMISSION PAS RESOLUTION ASK THE COUNTY CLERK TO MAKE A FINDING, SAYING HERE ARE OUR CONCERNS, HERE ARE OUR ISSUES, WE WANT YOU TO MAKE A FINDING. AND WHOEVER IS THE NON-PREVAILING PARTY IN THAT WILL HAVE TO RIGHT TO GO SEEK AN APPEAL.

COMMISSIONER AINGE, CHALLENGE WITH THAT, ONE THING DOESN'T GIVE US THE OPPORTUNITY TO ACT NOW, IF THERE IS A FINDING, THERE MAY BE A WINDOW.

COUNTY ATTORNEY DAVID LEAVITT, WHAT WINDOW IS THAT?

COMMISSIONER AINGE, THERE MAY BE TIMING CONSIDERATIONS ABOUT THE VALIDITY OF THE PETITION, THAT COULD BE REMEDIED, DURING THE TIME THAT SHE IS MAKING THIS FINDING, THEN WOULD NOT ALLOW US TO.

COUNTY ATTORNEY DAVID LEAVITT, YOU'RE REFERRING TO THE 30 DAYS THAT THEY HAVE TO DO SOMETHING?

COMMISSIONER AINGE, NO, WHAT I AM REFERRING TO IS THE FACT THAT, FOR EXAMPLE, WITH THE WITHDRAW OF WESTMORELAND'S SIGNATURE, IF WHILE WERE TRYING TO COME UP WITH A FINDING THAT IS REPLACED

COUNTY ATTORNEY DAVID LEAVITT, THAT'S ALREADY OCCURRED, IT'S EITHER VALID OR IT'S NOT.

COMMISSIONER AINGE, WELL, I'M NOT SURE IF IT HAS OCCURRED OR NOT, WE KNOW THAT WE RECEIVED AN EMAIL FROM AN INDIVIDUAL SAYING THEY WANTED TO BE ATTACHED. SO, IF THERE'S A FINDING, IF WE WAIT, THEN THESE THINGS CAN CONTINUE TO BE REMEDIED. THAT WAS THE POINT OF THE EMERGENCY MEETING.

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COUNTY ATTORNEY DAVID LEAVITT, AND LET ME SAY THIS, IF MAYOR WESTMORELAND, IF THE COUNTY CLERK IS GOING TO ACCEPT AN WITHDRAWAL FROM EMAIL THEN THE COUNTY CLERK SHOULD ACCEPT AN ADDITION IN THE SAME FASHION. A BETTER COURSE OF ACTION IS TO HAVE THE COUNTY CLERK REQUIRE THAT WESTMORLAND GO THROUGH THE SAME PROCESS OF SUBMITTING SOMETHING OFFICIALLY AND NOT IN AN EMAIL, THEN, HAVING SOMEBODY ADD IT. IF YOU'RE GOING TO ASSUME THAT MAYOR WESTMORLAND IS NOT OUT BY SENDING AN EMAIL, IT WOULD NOT BE FAIR NOT TO ALLOW SOMEONE TO TRY AND GET IT BY THE SAME PROCESS. WHAT'S GOOD FOR ONE HAS GOT TO BE GOOD FOR THE OTHER.

COMMISSIONER AINGE, DON'T KNOW WHAT THE OTHER TWO THOUGHTS ARE, I'D BE WILLING TO REVISE THIS RESOLUTION SLIGHTLY TO READ THAT WERE PLACING THIS ON THE BALLOT TO BE HELD ON NOVEMBER 5TH, 2019, BUT THEN ADD A CLAUSE THAT SAYS, YOU KNOW, HOWEVER IF A COURT OF LAW OR STATE ELECTIONS DEPARTMENT DETERMINES, THAT, THAT WOULD NOT BE ALLOWED THEN IT SHALL BE PLACED, OR THEN IT SHALL BE ON THE BALLOT THE NEXT REGULARLY SCHEDULED ELECTION.

COMMISSIONER IVIE, I'D BE FINE WITH THAT

COMMISSIONER AINGE, AND WE CAN ALSO MAKE A REQUEST IN OUR RESOLUTION THAT IN ADDITION TO OUR TRADITIONAL RESPONSIBILITY OR OPPORTUNITY OF THE COUNTY ATTORNEY TO REVIEW THE LEGAL THE LEGALITY OF THE OPTIONAL PLAN THAT DURING THAT REVIEW PERIOD, THE COUNTY ATTORNEY ALSO DELIVER TO THE COUNTY COMMISSION, HIS OPINION, WHICH MAY REFER TO DECISIONS MADE BY OR COUNSEL GIVEN BY STATE ELECTIONS DEPARTMENT A COURT OF LAW, OR THE COUNTY CLERK.

COUNTY ATTORNEY DAVID LEE, I WILL SAY YOU NEED TO BE CAREFUL AS TO WHETHER YOU ARE ADOPTING A NEW RESOLUTION OR AMENDING, YOU'RE GOING TO RUN A FOUL OF THE NOTICE REQUIREMENTS AS WELL.

COMMISSIONER IVIE, IT WOULD BE AN AMENDED RESOLUTION.

COMMISSIONER AINGE, WELL OTHER THEN, I FEEL LIKE WE DO THIS REGULARLY IN OUR MEETING.

COUNTY ATTORNEY DAVID LEAVITT, YOU DO, IT'S JUST IMPORTANT WHAT YOU CALL IT, ESPECIALLY UNDER THE SPECTRUM OF LITIGATION, YOU DON'T WANT TO CALL IT A NEW RESOLUTION, YOU WANT TO CALL IT AN AMENDED RESOLUTION OF WHAT'S ALREADY BEEN NOTICED.

COMMISSIONER IVIE, RIGHT IT WOULD SIMPLY BE AN AMENDED RESOLUTION AND I AGREE WITH THE RECOMMENDATIONS AND AMENDMENTS THAT COMMISSIONER AINGE HAS SUGGESTED I THINK THEY'RE FAVORABLE, I THINK THEY GIVE BOTH SIDES AN EQUAL OPPORTUNITY AT DUE PROCESS WHICH YOU CLEARLY POINTED OUT MR. LEAVITT AND AS REPRESENTED BRAMMER HAS POINTED OUT AND I THEN IT'S A REASONABLE ACTION.

COMMISSIONER LEE, SO IT LOOKS LIKE WITH THIS THAT THERE'S LOT OF ASSUMING GOING ON AND WHAT HAPPENS IF YOUR ASSUMING THE PETITION IS NOT VALID EITHER ONE

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WAY OR ANOTHER BUT IF IT IS VALID IN ESSENCE WERE TRYING TO TAKE ACTION? WHEN WERE NOT SUPPOSED TO TAKE ANY ACTION? IS THAT WHAT I'M HEARING?

COMMISSIONER AINGE, THERE'S A QUESTION OF THE VALIDITY, AND SO TO AN EXTENT THAT WINDOW IS OPEN UNTIL WE TAKE ACTION. WE ALWAYS HAVE, WE WANTED TO UNTIL IT WAS BLOCKED.

COUNTY ATTORNEY DAVID LEAVITT, I DON'T KNOW WHAT WINDOW YOU ARE REFERRING TO, I'M NOT UNDERSTANDING WHAT WINDOW YOU'RE REFERRING TO, BUT, IF THE PETITION IS HELD TO BE VALID THEN YOU ARE NOT IN A POSITION TO PASS A RESOLUTION TO PUT ANYTHING ON THE BALLOT, THE FIRST STEP IS TO ASK THE COUNTY CLERK ABOUT THE VALIDITY OF THE PETITION, BECAUSE TO PASS A RESOLUTION NOW WOULD BE TO TAKE AN ACTION AND WOULD BE IN VIOLATION OF THE STATE LAW WHICH DEALS WITH THIS TYPE OF GOVERNMENT SO THE ONLY THING YOU CAN DO THAT HAS ANY KIND OF LEGAL FORCE IS TO ASK THE COUNTY CLERK TO INVALIDATE THE PETITION, GO SO FAR AS TO SAY INVALIDATE THIS, OR MAKE A FINDING, WHATEVER YOU SAY, YOU'RE GOING TO BE STEPPING OUT.

COMMISSIONER IVIE, BUT IN HIS AMENDMENT, MR. LEAVITT, I BELIEVE, TANNER CORRECT ME IF I'M WRONG, BUT YOU ARE SUGGESTING THAT'S WHAT WE'RE AMENDING TOO.

COMMISSIONER LEE, WELL THERE'S MORE TO IT, CAUSE YOU'RE ALSO SAYING THAT YOU'RE TAKING ACTION TO PLACE IT ON THE BALLOT SO THAT'S FURTHER ACTION, IT'S NOT JUST A SINGLE ACTION.

COMMISSIONER AINGE, I UNDERSTAND THERE COULD BE CHALLENGES, I'M COMFORTABLE WITH MOVING FORWARD WITH THIS RESOLUTION THAT WAS IN DRAFT FORM ON THE NOTICE THAT WE WANT TO MODIFY HERE TO INCLUDE THE THINGS THAT I HAVE INCLUDED THAT THE TIMING OF THE SPECIAL ELECTION IS EITHER NOVEMBER 2019 THE NEXT REGULARLY SCHEDULED ELECTION IF THAT'S DETERMINED WHAT IS ALLOWABLE BY A COURT OF LAW OR THE STATE ELECTIONS DEPARTMENT AND ALSO REQUESTING COUNTY ATTORNEY TO REVIEW DURING HIS TRADITIONAL REVIEW PERIOD IF INDEED THIS PETITION WAS INVALID, BECAUSE THE ASSUMPTION OF US ACTING TODAY IS BASED ON THE ASSUMPTION THAT THIS MAY BE INVALID AND THERE MAY BE A WINDOW AND SO TO PROTECT OURSELVES FROM THIS HAPPENING AGAIN WE WANT TO GO AHEAD AND GET THIS ON RECORD SO THAT WE ARE IN THE POSITION OF SENDING THIS TO THE PEOPLE. AND WE CAN ALSO INCLUDE IN THERE, UM, COMMISSIONER IVIE IF YOU'RE IN FAVOR OF IT AN OPPORTUNITY FOR THE COUNTY ATTORNEY TO CONDUCT SOME SORT OF, TO GATHER ADDITIONAL INFORMATION IN THAT PROCESS.

COMMISSIONER IVIE, YEAH I AM.

ROZAN MITCHELL, COMMENTED, CAN YOU JUST CLARIFY IN THAT, THAT IT WOULD BE THE NEXT GENERAL ELECTION, YOU SAID THE NEXT ELECTION, BUT IT WOULD HAVE TO BE THE NEXT GENERAL ELECTION.

COMMISSIONER AINGE, THE NEXT REGULAR SCHEDULED COUNTY WIDE GENERAL ELECTION.

ROZAN MITCHELL, YES.

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COMMISSIONER IVIE, I WOULD BE WILLING TO MAKE A MOTION TO APPROVE REGULAR AGENDA ITEM NUMBER THREE WITH THE NOTED CHANGED AAS NOTED BY COMMISSIONER AINGE.

COUNTY ATTORNEY DAVID LEAVITT, NO ONE REALLY UNDERSTANDS THE CHANGES SET, WE HAVE TO GET A CLEAN READ.

COMMISSIONER AINGE, SHOULD WE GO THROUGH THESE DRAFTING, THIS DRAFTING EXERCISE ON THE FLY OR, ARE WE COMFORTABLE THAT THESE MODIFICATIONS HAVE BEEN MADE VERBALLY. NATHAN DO YOU HAVE AN OPINION ON THAT?

COMMISSIONER IVIE, I FEEL COMFORTABLE WITH YOUR ORIGINAL STATEMENT BUT IF YOU'D LIKE TO MAKE SURE THAT THERE SPELLED OUT WITH CLARITY THEN I'M HAPPY TO DO THAT.

COUNTY ATTORNEY DAVID LEAVITT, I WILL SAY AGAIN, IN OUR OPINION, YOU DON'T HAVE AUTHORITY TO PUT ANYTHING ON THE BALLOT UNTIL THERE'S SOMETHING DONE WITH THE PETITION AND SO WHAT THIS RESOLUTION PURPORTS TO DO IS THE VERY THING THAT I THINK YOU DON'T HAVE AUTHORITY TO DO.

COMMISSIONER IVIE, AND WE HAD OTHER LEGAL OPINIONS THAT DIFFER FROM THAT AND PUBLIC COMMENT THAT I AGREE WITH.

COUNTY ATTORNEY DAVID LEAVITT, I UNDERSTAND THAT BUT, THE COUNTY ATTORNEY'S OFFICE IS (COMMISSIONER IVIE INTERRUPTED.)

COMMISSIONER IVIE, AND YOUR JOB IS TO ADVISE AND I APPRECIATE YOUR ADVICE MR LEAVITT, I GREATLY APPRECIATE IT.

COUNTY ATTORNEY DAVID LEAVITT, I GUESS TO USE MR. BRAMMERS STATEMENT, LETS GAME THEORY THIS OUT. YOU PASS THAT RESOLUTION THAT SAYS WE'RE GOING TO PUT THIS ON THE BALLOT. IT WILL HAVE NO FORCE OR EFFECT UNLESS SOMEONE PUSHES THAT TO A COURT OF LAW TO SAY DOES THIS HAVE ANY EFFECT? EVEN UNDER THE LANGUAGE OF YOUR OWN RESOLUTION IT WOULD HAVE NO EFFECT UNLESS SOMEONE RENDERED IT INVALID, SO WHY NOT SIMPLY ASK THE QUESTION TO RENDER IT INVALID? AND THEN COME BACK.

COMMISSIONER AINGE, WELL I THINK WE'RE ASKING YOU TO DO THAT.

COUNTY ATTORNEY DAVID LEAVITT, YOU'RE ASKING ME TO DO WHAT?

COMMISSIONER AINGE, WE'RE ASKING YOU IN THIS RESOLUTION, WE'RE SAYING, WERE PASSING THIS, WE'RE ACTING, AND WE'RE ASKING YOU TO DO THE ADDITIONAL FOLLOW UP AND DISCUSSION WITH THE STATE, WITH AN LEGAL OPINIONS FROM THE RELEVANT COURTS TO DECIDE AND CONSULTATION WITH THE CLERKS OFFICE TO DECIDE WEATHER THIS ACTION IS APPROPRIATE, BECAUSE IT'S ONLY APPROPRIATE TO THE EXTENT, THIS PETITION IN PLACE RIGHT NOW IS NOT VALID

COUNTY ATTORNEY DAVID LEAVITT, SO YOU WANT ME TO ADVISE THE COUNTY CLERK, AND AT THE SAME TIME ADVISE THE COUNTY COMMISSION, AND AT THE SAME TIME

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GATHER EVIDENCE AS TO WHETHER THERE'S IN BAD FAITH? YOU'RE GIVING ME A THIRD HAT TO WEAR?

COMMISSIONER AINGE, I DIDN'T NECESSARILY INCLUDE ADVISING THE COUNTY CLERK, I SAID YOU CAN CONSULT.

COUNTY ATTORNEY DAVID LEAVITT, WELL, THAT'S THE STATUTORY DUTY TO ADVISE THE COUNTY CLERK.

COUNTY ATTORNEY DAVID LEAVITT, SO, I AM COMFORTABLE WITH THE MOTION, SO SOUNDS LIKE WE HAVE MOTION FROM COMMISSIONER IVIE, DO WE HAVE A SECOND? NO SECOND. OK I'LL SUSPEND THE RULES, AND SECOND THAT MOTION, WE HAVE MOTION AND A SECOND TO ADOPT THE RESOLUTION STATED I REGULAR AGENDA ITEM NUMBER THREE WITH THE MODIFICATIONS THAT HAVE BEEN STATED ON THE RECORD HERE, ALL IN FAVOR SAY AYE,

VOTE: 2-1

**AYE: COMMISSIONER AINGE
COMMISSIONER IVIE**

NAY: COMMISSIONER LEE

COMMISSIONER IVIE, COMMISSIONER AINGE I WOULD LIKE TO TAKE A MOMENT AND MAKE ONE VERY DISTINCT AND IMPORTANT CLARIFICATION FROM MY PERSPECTIVE, I WANT TO MAKE IT VERY CLEAR, THERE'S BEEN A LOT OF WORDS THROWN AROUND LIKE DYSFUNCTION AND DIFFERENT THINGS, WE'VE HAVE HAD VERY GOOD ADMINISTRATIVE MEETINGS VERY GOOD INITIAL BUDGET CONVERSATIONS, AND TALKED ABOUT HOW WERE HANDLING OUR BUDGET PROCESS AND IN GREAT CONVERSATIONS ON OTHER ISSUES WITHIN OUR OFFICES BETWEEN COMMISSIONER LEE AND YOU AND THE COMMISSION IS OBVIOUSLY AT THE TWO-TWO-ONE ON THIS PARTICULAR ISSUE BUT IT'S AN ISSUE AND A DISAGREEMENT ON AN ISSUE DOES NOT SPELL THIS FUNCTION OR DISCORD BETWEEN THE THREE OF US IT MEANS WE SIMPLY DISAGREE ON THIS ISSUE AND I HAVE FULL FAITH THAT WE WILL CONTINUE TO ADDRESS THE BUDGETARY CONCERNS OF THIS COUNTY IN A PRODUCTIVE MANNER TOGETHER THAT WE'RE GOING TO CONTINUE TO WORK HARD TOGETHER TO ADDRESS THE ISSUES AT HAND BECAUSE THAT'S THE KIND OF PEOPLE EACH ONE OF US ARE WE'RE DEDICATED TO OUR JOB AND OUR RESPONSIBILITIES AND WE TAKE THEM SERIOUSLY AND WE'RE GOING TO CONTINUE TO WORK TOGETHER AND SO ONE DISAGREEMENT ON ONE ISSUE THERE SHOULDN'T BE MORE READ INTO IT THEN THEN THE FACT THAT THERE WAS A TWO-TO-ONE VOTE ON THIS AND THERE WILL BE A VAST MAJORITY OF ISSUES THAT WE WILL VOTE THREE-ON ON AND THERE'LL PROBABLY BE SOMETHING IN THE FUTURE THAT TANNER AND I DISAGREE ON AND ME AND BILL VOTE TOGETHER ON AND SO I JUST WANT TO MAKE THAT POINT THAT I'M HAPPY TO IN THANKFUL FOR THE OPPORTUNITY TO WORK WITH MY FELLOW COMMISSIONERS ON THE ISSUES OF THE FUTURE AND THAT WHILE THERE'S YOU KNOW DECISION ON THIS ONE THAT NO IN NO WAY SHAPE OR FORM AFFECTS HOW WE HANDLE THE NEXT ISSUE BEFORE US BECAUSE I BELIEVE EACH ONE OF US DEFINITELY TAKE IT ONE ISSUE AT A TIME AND WE DON'T LET PATHS THOUGH INFLUENCE FUTURE DECISIONS I'VE HAD THE OPPORTUNITIES TO WORK WITH YOU GUYS AND I'VE SEEN EACH OF YOU VERY DILIGENTLY TAKE IT ONE ISSUE AT A TIME AND I APPRECIATE THAT AND I KNOW I CAN TEAM I WILL YOU KNOW CONTINUE TO DO THAT ON MY END TO look at every issue individually and vote on THEM AND IT'S

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NOT A MEASURE OF DISCORD TO HAVE A DISAGREEMENT ON AN ISSUE AND I APPRECIATE THE OTHERS FOR THEIR EFFORTS IN THAT BEHALF.

COMMISSIONER LEE, I'D LIKE TO JUMP IN THERE TOO THAT'S ALWAYS BEEN MY AIM TO BE PROFESSIONAL ON IT DOES I AM CONCERNED THOUGH WHEN I SEE OUTSIDE OF OUR COMMISSION OFFICE WORDS AND RHETORIC AND ACCUSATIONS THAT GO ON THAT THAT ARE VERY DISCONCERTING I HAVEN'T PUT THOSE OUT THERE I'VE STAYED OFF THAT THAT PLATFORM BUT IT MY HOPE IS THE SAME WE HAVE WE HAVE A LOT OF WORK TO DO IF WE LIVE IN A GREAT COUNTY WE'VE GOT GREAT PEOPLE IN THIS COUNTY AND IT'S GOING FORWARD IN A WAY THAT IS YOU KNOW WE'RE WITHOUT UTAH COUNTY YOU KNOW THE STATE WOULD BE IN A WHOLE DIFFERENT SITUATION SO THERE'S A LOT GOING ON HERE AND WE GOT HERE WITH YOU KNOW WITH THE THREE-MEMBER COMMISSION AND I APPLAUD A LOT OF THE FORESIGHT OF THOSE BEFORE US THEY GOT US TO THIS POINT AND SO I'M NOT IN FAVOR OF WHIPLASH GOVERNMENT I THINK THAT IT'S IMPORTANT FOR US TO YOU KNOW TO LOOK AT THIS OH YEAH WE'RE GOING TO HAVE DISAGREEMENTS BUT HOPEFULLY WE CAN ALWAYS BE AS PROFESSIONAL YOU KNOW IN THE COMMISSION AND EVEN OUTSIDE THE COMMISSION.

3. ADOPT A RESOLUTION TO SUBMIT TO THE VOTERS WHETHER TO ADOPT THE OPTIONAL PLAN CREATED BY THE UTAH COUNTY COMMISSION IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GOOD GOVERNANCE ADVISORY BOARD

-Justin Anderson, Utah County Clerk/Auditor Office-

TO PLACE THIS ON THE BALLOT ON NOVEMBER 5, 2019 AND ADD A CLAUSE THAT STATES "HOWEVER IF THE COURT OF LAW OR THE STATE ELECTIONS DEPARTMENT DETERMINES THAT THIS WILL NOT BE ALLOWED THEN IT SHALL BE ON THE BALLOT ON THE NEXT REGULARLY SCHEDULED GENERAL ELECTION. IN ADDITION TO THE TRADITIONAL RESPONSIBILITY OR OPPORTUNITY OF THE COUNTY ATTORNEY TO REVIEW THE LEGALITY OF THE OPTIONAL PLAN, THAT DURING THE REVIEW PERIOD, THE COUNTY ATTORNEY ALSO DELIVER TO THE COUNTY COMMISSION HIS OPINION WHICH MAY REFER TO DECISIONS MADE BY THE STATE ELECTIONS DEPARTMENT, COURT OF LAW, OR THE COUNTY CLERK LEAVITT, ARE YOU AMENDING OR MAKING A NEW RESOLUTION DUE. IVIE SAID AMENDED RESOLUTION.

COMMISSIONER IVIE MAKES MOTION TO ADOPT MODIFIED RESOLUTION.

COMMISSIONER AINGE SECONDS MOTION.

VOTE 2-1

AYE:

COMMISSIONER IVIE

COMMISSIONER AINGE

NAY:

COMMISSIONER LEE

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WORK SESSION

N/A

PUBLIC COMMENTS

In compliance with the Americans With Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Renee Caron at (801) 851-8111 at least three days prior to the meeting

COMMISSIONER AINGE, ENTERTAINS A FINAL MOTION.

COMMISSIONER LEE, MOTION TO ADJOURN,

COMMISSIONER IVIE, SECOND,

COMMISSIONER AINGE, ALL IN FAVOR SAY AYE

VOTE: 3-0

AYE: COMMISSIONER LEE

COMMISSIONER AINGE

COMMISSIONER IVIE

COMMISSIONER AINGE MAKES MOTION TO ADJORN SESSION.

MEETING ADJOURNED.

DocuSigned by:

William C. Lee

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Bill Lee, Commission Chair

DocuSigned by:

Kelly Evans

5276097975904/A1
Deputy Clerk/Auditor

**BOARD OF COMMISSIONERS FOR UTAH COUNTY
ATTENDANCE SHEET
July 25, 2019 at 7:45 a.m.**

PRINT CLEARLY

Name:

Agency:

Clark H. Caras

GGAB

ANDREW JACIKSO

Andrea Allen

Recorder's office

Rozan Mitchell

Clerk/Elections

Larry Ellertson

Self

PATRICK WAWRO

IS

