

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 5th DAY OF JANUARY 2021
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Evelyn Warnick..... Chairperson
Bill Wright..... Commissioner
Dean Draper..... ..Commissioner

Pat Finlinson. County Attorney
Marki Rowley. County Clerk
Jamie Hair Deputy Clerk

ALSO PRESENT: Kalan Taylor..... USU Extension
Sheri Dearden..... County Treasurer
Pat Manis. County Assessor
Bonnie Smith and Karen Jordan. Auditors Office
Greg Mascaro..... Citizen

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, posted at the principal office of the Millard County Commission, posted on the Utah Public Notice Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation within Millard County, Utah, as required by law, the following proceedings were had:

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Warnick to the public and Commission members.

OPENING STATEMENTS

Commissioner Warnick welcomed Commissioner Wright and thanked Commissioner Jackson for his service before asking if anyone had an opening statement to give. Commissioner Draper said that he'd like to commend Commissioner Jackson for four years of exemplary service and noted specifically the work that Commissioner Jackson did on the Landfill which now pays for itself.

Commissioner Draper read the following quote from John Adams, "Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passion, they cannot alter the state of facts and evidence." Attorney Finlinson said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF THE MINUTES OF DECEMBER 15, 2020

The proposed minutes of a regular County Commission meeting held December 15, 2020 were presented for consideration and approval. Commissioner Draper made a motion to approve the minutes of December 15, 2020, as presented.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried.

FOLLOW UP ACTION ITEMS FROM DECEMBER 15, 2020

Clerk Rowley said that individuals interested in serving on the Drainage District boards have until January 15, 2021 to contact her office. She said that the resolution for these appointments will be on the January 19, 2021 commission agenda.

APPOINTMENT OF A NEW COMMISSION CHAIRPERSON AND CHAIRPERSON PRO TEMPORE

Commissioner Warnick said that she would like to nominate Commissioner Draper to be the new chairperson. Commissioner Wright inquired about the function of the chairperson and how it has historically been changed. Attorney Finlinson said that the chair doesn't have any further authority, but they preside over the commission meetings.

Commissioner Draper nominated Commissioner Wright to be the chairperson pro tempore.

Commissioner Warnick stepped from the chair and made a motion to appoint Commissioner Draper as the new Commission Chairperson and Commissioner Wright as the Chairperson Pro Tempore.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

Commissioner Warnick will continue as the Commission Chairperson throughout the rest of this meeting and Commissioner Draper will take the chair at the next Commission meeting.

There was a brief discussion on parliamentary procedure.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-01-05, A RESOLUTION OF THE MILLARD COUNTY COMMISSION DIVIDING THE EXECUTIVE FUNCTIONS OF THE COUNTY COMMISSION TO INDIVIDUAL COMMISSIONERS

Attorney Finlinson said that Millard County Commissioners perform legislative functions, as well as, general executive functions of the County. He said that the executive functions have been appointed informally in the past, but it has become increasingly clear that specific executive functions need to be formally delegated and other executive functions that require the entire Commission need to be defined. Attorney Finlinson said that this resolution formally lists the executive functions that can be delegated and a discussion between the commissioners is needed to decide who to delegate these functions to.

A discussion was had on the executive functions and who they should be delegated to.

Commissioner Draper made a motion to approve Resolution 21-01-05, a resolution of the Board of County Commissioners of Millard County, Utah, dividing the executive functions of the County Commission to individual commissioners.

Commissioner Wright SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Draper voted YES. Commissioner Wright voted YES. Commissioner Warnick voted YES. The voting was unanimous and the motion carried.

EMPLOYEE RECOGNITIONS

Commissioner Warnick read a letter written by Adult Probation and Parole Officer, Ian Adams, which recognized the contributions of Christine Stevens who retired from the Attorney's Office last month.

RATIFY THE APPROVAL OF THE CENTRAL UTAH COUNSELING'S ADDICTION RECOVERY GROUP USING THE COUNTY BUILDING IN DELTA

Commissioner Draper made a motion to approve the Central Utah Counseling's Addiction Recovery Group using the County Building in Delta.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried.

DISCLOSURE STATEMENTS

Disclosure statements were presented for the following employees:

Margene Stevens- Margene's Appraisals
Jamie Hair - Snow X, Inc.
John Higgins - John's Service
Marki Rowley - Fillmore Market
Lindsay Mitchell - JM Welding
Evelyn Warnick - Evelyn Warnick Travel

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 21-01-05, AN ORDINANCE AMENDING AND RESTATING THE MILLARD COUNTY PROCUREMENT CODE, ADOPTED BY ORDINANCE 19-03-19

Attorney Finlinson said that the discussion regarding the procurement code is related to and started at the same time as the discussion regarding the executive functions of the Commission. He said that more changes concerning the appeals process will be made in the near future, but aren't in this current version. Attorney Finlinson described three substantive changes to the code regarding purchases that are exactly \$15,000.00, professional services, and the addition of paragraph XV which

specifies procurements related to building construction.

Commissioner Wright made a motion to adopt Ordinance 21-01-05, an Ordinance of the Board of County Commissioners of Millard County, Utah, amending and restating the Millard County Procurement Code, Adopted by Ordinance 19-03-19.

Commissioner Draper SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Draper voted YES. Commissioner Wright voted YES. Commissioner Warnick voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF A PREDATOR CONTROL CONTRACT

Commissioner Warnick said that the contract with the State of Utah is in the amount of \$2,700.00.

Commissioner Draper made a motion to approve the predator control contract.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL FOR A CREDIT CARD FOR COUNTY EMPLOYEES

Auditor Smith said that two credit cards are needed for the newly elected officials, Recorder Sierra Dickens and Commissioner Bill Wright. Attorney Finlinson said that his new office manager also needs a credit card. A brief discussion was had on credit card limits and what can be purchased with the cards.

Commissioner Draper made a motion to approve a credit card for Sierra Dickens in the amount of \$3,000.00, Lesli Shields in the amount of \$1,000.00, and Commissioners Bill Wright in the amount of \$5,000.00, and increase the limit for Evelyn Warnick, and Dean Draper's credit cards in the amount of \$5,000.00 each.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF AN EXTENSION TO EMPLOYEE PAID COVID LEAVE

Auditor Smith said that the FFCRA, which provided paid leave to both part-time and full-time employees unable to work due to COVID-19, has expired and more direction is needed to see if this benefit can be extended. She said that Deputy Attorney, Elise Harris, is currently looking into this to find a direct answer. It was clarified that Commissioner Warnick can make an executive decision on future COVID-19 related paid leave funds once more details are provided.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Sheriff Jacobson said that he wants to make the commissioners aware of significant problems that they have been having with one of the Delta ambulances. He said that they currently don't know how much it will cost to fix.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Draper made a motion appoint Bob Womack to Millard Care and Rehabilitation Board. He said that he will be replacing Tony Dearden.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried.

POSSIBLE APPROVAL OF APPLICATION(S) FOR SETTLEMENT OR DEFERRAL OF DELINQUENT PROPERTY TAX

Treasurer Dearden gave a brief history of parcel 3835-A which was originally owned by SITLA then subsequently sold in 2018. She said that SITLA has now filed a quit claim deed due to a default on the sale and the parcel will be moved back to SITLA.

Commissioner Draper made a motion to abate 100% of the taxes on parcel #3835-A.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

There was none.

AUDITOR REPORT

Auditor Smith read the following reports:

Payroll Liabilities:

December 30, 2020 - \$210,653.38

Check Registers:

December 18, 2020 - \$615,478.28

December 23, 2020 - \$152,914.13

December 28, 2020 - \$315,847.01

December 28, 2020 - \$16,581.16 ZIONS BANKCARD DRAFT

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND/OR ACTION

Commissioner Draper made a motion to enter into a BOE.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 11:45 a.m.

Assessor Manis gave a brief history of this parcel which was moved out of greenbelt and was previously discussed during the December 15, 2020 Commission meeting.

Treasurer Dearden explained the process and time line for rollbacks and appeals and what options are available to the Commission. She said that she believes the error was not done by the County and doesn't think fixing the title company's error is in the best interest of the County.

A discussion was had on where a mistake was made and who was responsible.

Commissioner Draper said that he believes the communication from the County to the Mascaro's was confusing. He said that the inability to comply with dates was out of the control of the applicants.

Commissioner Wright said that it appears that the Mascaro's had good intentions and attempted to follow the proper process and he doesn't want to prolong this issue. He said that there is proper justification to abate.

Assessor Manis said that the issue at hand is the 2020 tax year.

Commissioner Draper made a motion to abate 100% of the 2020 property taxes.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried.

Commissioner Draper made a motion to close the BOE.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 12:09 p.m.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 12:10 p.m.

Attest: _____

Approved: _____