

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 4<sup>th</sup> DAY OF May 2021  
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

EXCUSED: Marki Rowley..... County Clerk

ALSO PRESENT: Rich Beckstrand..... IT Supervisor  
Sheriff Jacobson..... Millard County Sheriff’s Office  
Eva Timothy and Kalan Taylor..... USU Extension  
Heather Williams-Young, Clinton Painter, and  
Ann Peterson..... Children’s Justice Center  
Adam Richins..... County Planner  
Bonnie Smith..... County Auditor  
Matt Bassett, Cheryl Beeston, and Students..... Fillmore Middle School  
Dennis Alldredge..... 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 Draper to the public and Commission members.

OPENING STATEMENTS

Commissioner Draper excused Clerk Rowley and asked if anyone had an opening statement to give. Commissioner Wright read a quote from Thomas Jefferson that states: “I predict future happiness for Americans if they can prevent the government from wasting the labors of the people under the pretense of taking care of them.” Commissioner Wright said that he has noticed a trend in society where people are looking to government to solve more and more of their problems. Commissioner Draper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

## APPROVAL OF THE MINUTES OF APRIL 20, 2021

The proposed minutes of a regular County Commission meeting held April 20, 2021 were presented for consideration and approval. Commissioner Wright made a motion to approve the minutes of April 20, 2021, as corrected.

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

## FOLLOW UP ACTION ITEMS FROM APRIL 20, 2021

There were none.

## COMMUNITY RECOGNITION - COMMISSIONER WARNICK

Commissioner Warnick said that she would like to recognize Mrs. Beeston's 5<sup>th</sup> Grade Class at Fillmore Middle School for picking up over 800 bags of trash in the County and asked Mrs. Beeston to explain how this project came about.

Mrs. Beeston said this was the students' idea that began after they read a book about kids making a difference. She said that they came up with ideas and voted on what they could do, then started what was initially meant to be a two week project of picking up trash. Mrs. Beeston said that after the students met their goal, they expanded it and now have picked up over 1000 bags of trash. She said that they have plans to make this a school wide project next year.

The Commissioners thanked the students for their service and presented the class with a Certificate of Appreciation.

## DISCUSSION REGARDING MOVING CAPITAL FUNDS FOR A POWER SOURCE TO THE ANNOUNCERS BOOTH AT THE RODEO GROUNDS

Commissioner Warnick said that the announcers booth at the rodeo arena was moved to the south side and now they need to run power to it. She said that there is money in the maintenance budget, but it is on a different line item within that budget. She just wanted to make the other commissioners aware of that change. She said that the wiring will cost approximately \$14,000.00.

Auditor Smith said that the funds are being moved from the swimming pool improvements fund to fair grounds. She said that the swimming pool resurfacing bids came in under budget so there is a surplus available to pay for the wiring at the arena.

## RESOLUTION 21-05-04, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALE) BY CREATING FULL TIME POSITIONS OF 4H COORDINATOR AND USU STAFF ASSISTANT IN THE USU EXTENSION OFFICE AND ASSIGNING AN APPROPRIATE STEP AND GRADE FOR THE POSITIONS

Eva Timothy, USU Extension, said that she went off the University's scale and then tried to

fit it into the step and grade. She requested that the 4H coordinator be at a grade 6 and the staff assistant be at a grade 7.

Commissioner Draper said that moving these positions to USU but putting them on the County's step and grade was discussed at a previous meeting.

Auditor Smith said that the positions are being put on the County's step and grade scale so they can be on the step increase schedule. She said in the past, these types of positions were in limbo and the wage was stagnate because they are a reimbursed position.

Commissioner Wright asked if USU will still increase funding to pay for benefits for the coordinator position. Ms. Timothy said that she requested over \$8,000.00 to help fund the coordinator position and Dave Francis at USU has approved it.

Auditor Smith said the funds are available in their budget this year but this will be an ongoing increased cost every year so the \$8,000.00 will help offset those costs. Ms. Timothy said that she will be requesting that the \$8,000.00 be provided every year by USU.

Commissioner Warnick said that the extension program is flourishing and thanked Ms. Timothy for her work.

Commissioner Wright made a motion to approve Resolution 21-05-04, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 (adopting the Millard County Step and Grade Scale) by creating full-time positions of 4H Coordinator and USU Staff Assistant in the Usu Extension Office and assigning an appropriate step and grade for the positions.

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

#### RESOLUTION 21-05-04A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING SECTION X, SUBSECTION D, PARAGRAPHS 6 AND 7 OF THE PERSONNEL POLICY MANUAL REGARDING SICK LEAVE

Attorney Finlinson said that at its core this is an equal protection issue that requires similarly situated people be treated similarly. He said that the sick leave balance benefit that the County offers retiring employees can't be taken by those who retire from County service and then take a position with another government entity. He said those employee who retire from County service and take a position with a non-government entity can take those benefits. He said that this resolution remedies that disparity.

Attorney Finlinson read the resolution changes into the record.

Auditor Smith said that with this type of change, it will increase the costs. She said that Attorney Finlinson did a good job and listened to her concerns. She said that this doesn't change anything pursuant to the Utah Retirement Act, but it does make that benefit easier to access if they are just separating.

Auditor Smith went though numbers of Millard County employees with at least twenty years of service. She said that there are six employees that could take advantage of this and this would increase the liability by \$65,000.00. She said that if they were to retire pursuant to the system, the

County would still have the liability. Attorney Finlinson said that it could increase our liability but the likelihood of that is slim.

Auditor Smith said that the sick leave buyout has a budget of approximately \$100,000.00 each year and some years it isn't used. She said that for the year 2021, the budget is \$112,000.00 and she anticipates using the entire budget based on projected retirements for 2021. She said that this resolution will increase what is needed in this year's budget so some other funding needs to be found.

Commissioner Wright said that if it is decided to change a policy, he suggests that the change not be implemented until the new budgets are created.

Sheriff Jacobson said that he supports this resolution because these employees are retiring from the County after giving years of their lives to serve the community. He said that he appreciates Commissioner Wright's budget concerns, but doesn't want to put it off because he doesn't want employees who qualify for the benefit now to not receive it.

Commissioner Draper said that this wasn't anticipated in the budget but he thinks this can't be waited on. He said that if it isn't acted on until the next budget cycle, it will impose a personal cost on this particular employee who already qualifies.

Commissioner Wright said that he won't support it right now because it is inconsistent with public policy.

Commissioner Warnick said that the Commission needs to adjust and act when things come up.

Commissioner Warnick made a motion to approve Resolution 21-05-04A, a resolution of the Board of County Commissioners of Millard County, Utah, amending Section X, Subsection D, Paragraphs 6 and 7 of the Personnel Policy Manual regarding sick leave.

Commissioner Draper stepped from the chair and **SECONDED** the motion. Deputy Clerk Hair called for a roll call vote. Commissioner Wright voted NO. Commissioner Warnick voted YES. Commissioner Draper voted YES. The resolution passed by majority vote.

## DISCUSSION AND POSSIBLE APPROVAL OF AMENDING THE CONTRACT WITH RICHARD WOLFE PROMOTIONS

Attorney Finlinson said that last year The County and Wolfe Promotions split the collected funds on the raceway sponsorships but then everything shut down from Covid-19. He said that six sponsors were told that the County wouldn't collect from them next year if they stayed on instead of receiving a refund. He said that Wolfe promotions is doing all of the sponsorships this year by themselves but can't collect funds from these six sponsors because they were already collected last year. He said that the County paid Wolfe promotions 60% of the sponsorship payments last year and this amendment to the contract allows the County to pay them the remaining 40% which is approximately \$3,240.00.

Auditor Smith explained that the budget has approximately \$8,500.00 in it and it isn't anticipated that any other items will need to come out of it besides this sponsorship payment to Wolfe Promotions if the Commission decides to amend the contract.

Attorney Finlinson said that the funds are there, but it is a substantial change to the contract and so it was brought before the Commission.

Commissioner Warnick made a motion to approve amending the contract with Richard Wolfe Promotions.

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

## DISCUSSION AND POSSIBLE APPROVAL OF THE COUNTY EMAIL MOVING TO A .GOV DOMAIN

Richard Beckstrand, IT Supervisor, said that Clerk Rowley received word that the County can get onto a .gov domain at no cost. He said that he has looked into it in the past but it required a fee. He said that the County doesn't pay for the millard.ut.us domain so the cost won't change. He said it will impact the county email accounts and would like some direction from the Commission.

The Commission was in favor of him looking further into this.

## REPORT/UPDATE ON JUAB MILLARD CHILDREN'S JUSTICE CENTER (CJC) AND THE VICTIMS OF CRIME ACT (VOCA) GRANT - HEATHER WILLIAMS-YOUNG

Ms. Williams-Young gave a brief explanation and history of the CJC program which provides services to the children who have been abused and their families. She said that the program works with social workers, prosecutors, and law enforcement so the kids can come to one safe place to be interviewed. She said that they have added a forensic interview specialist and trauma focused therapy to their program.

Ms. Williams-Young went over the numbers of individuals and families that they have helped in Millard County. She said that they have been asked by the Federal Government to reduce their budget by 25% in the next two years and went over where their funds come from. She said that Millard County pays approximately \$3,000.00 per year and they are asking to negotiate an increase to help counter some of the cuts starting in 2022.

Attorney Finlinson said that there is a budget cycle that they can go over before this will take effect.

Clinton Painter, Juab County Commissioner, said that the services provided by the CJC are outstanding. He said that there is always something more that they provide like suicide prevention and he is frustrated by the Federal Government cutting funding for these children.

Attorney Finlinson said that the County is getting a steal for the amount it is paying and said that the CJC's child interview service is invaluable. He said that a child could potentially be re-victimized by attorneys if the interviews aren't handled properly. Attorney Finlinson said that the child interviews done by the CJC can be used in place of a preliminary hearing testimony.

Mr. Painter said that their offenses are increasing in Juab County, and this is a service that they consider essential. He said that they will pursue other funding as well, but wanted to make the Commission aware of their financial circumstances.

Ann Peterson said that they have founded a CJC Friends Board to help raise funds and gather supplies for the CJC. She said that the board is open to all Millard County residents and that they can be found on the justserve.org website.

## PUBLIC INPUT

There was none.

## OTHER BUSINESS

Commissioner Warnick asked if the Sheriff's Office was participating in the Theo Jensen event on June 2, 2021. Sheriff Jacobson said that there is no known involvement at this point.

## DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

There was none.

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

There was none.

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

Commissioner Draper said that he received an email from the travel channel requesting to look for ghosts at Cove Fort. He said that he told them to contact the LDS church who owns Cove Fort.

Attorney Finlinson said that he received an answer from the Utah Administration of the Courts regarding the Justice Court Judge job announcement. He said that he will email that to the Commissioners and the interviews are scheduled to be on the next agenda.

## AUDITOR REPORT

Auditor Smith said that she received the benefit contract which updated the long term disability section because the Commission switched to the standard plan starting on January 1, 2021. She said that Utah Retirement Systems reviewed the plan and determined it meets statutory requirements and then created a contract. She requested that this contract be put on the next agenda.

Auditor Smith presented the following reports:

A/P Check Registers:

04/23/2021 - \$188,152.36

04/30/2021 - \$336,147.78

Payroll Liability Check Register:

4/23/2021 - \$422,394.59

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

There was none.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

Commissioner Warnick said that she is looking into the fair grounds contract and a public hearing will be necessary at some point in the future.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 11:24 a.m.

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_