

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 21ST DAY OF DECEMBER 2021
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Bill Wright..... Commissioner
Evelyn Warnick..... Commissioner
Pat Finlinson..... County Attorney
Marki Rowley..... County Clerk

EXCUSED: Dean Draper.....Chairperson
Jamie Hair..... Deputy Clerk

ALSO PRESENT: Kevin Peng..... IPA/LADWP
Sierra Dickens..... County Recorder
James Dean..... IPSC
Charley Christensen and Loretta Whicker..... ATV Jamboree
Richard Jacobson, Kim Rowley Pat Bennett and Sean Cain..... MCSO
Dan Rowley..... 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 Wright to the public and Commission members. Commissioner Wright excused Commissioner Draper, who is attending other County business today.

OPENING STATEMENTS

Commissioner Wright asked if anyone had an opening statement to give. County Planner Richins said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF THE MINUTES OF DECEMBER 7, 2021

The proposed minutes of a regular County Commission meeting held December 7, 2021 were presented for consideration and approval. Commissioner Warnick made a motion to approve the minutes of December 7, 2021, as presented.

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

APPROVAL OF THE BUDGET HEARING MINUTES OF DECEMBER 7, 2021

The proposed minutes of the budget hearing held December 7, 2021 were presented for consideration and approval. Commissioner Warnick made a motion to approve the minutes of December 7, 2021, as corrected.

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

FOLLOW UP ACTION ITEMS FROM DECEMBER 7, 2021

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF AN IGP WAIVER

Commissioner Warnick explained that this is something offered to low income IGP families who cannot afford to play sports. She said that this is the 11th application received this year, which is more than any past years.

Commissioner Warnick made a motion to approve the proposed IGP waiver.

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

DISCUSSION AND POSSIBLE APPROVAL OF A SPECIAL COMMISSION MEETING ON DECEMBER 28, 2021 AT 10:00 A.M.

Attorney Finlinson prepared an order for the Commission chair to sign, which will include only agenda items that can be discussed during the special meeting. After adding an agenda item requested by Treasurer Dearden, he read what those agenda items will be.

Commissioner Warnick made a motion to approve a special commission meeting to be held on December 28, 2021 at 10:00 a.m.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR SJY BOOKKEEPING, OWNER - JAMIE YOUNG

A business license application was presented for SJY Bookkeeping, Owner - Jamie Young, a bookkeeping business. After review of the application and finding all signatures in order, Commissioner Warnick made a motion to approve a business license for SJY Bookkeeping, Owner - Jamie Young.

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

INTRODUCTION OF THE NEWLY APPOINTED CAPTAIN IN THE SHERIFF'S OFFICE

Sheriff Jacobson introduced Captain Pat Bennett who has been appointed as the Chief Deputy and shared his years of service, as well as his accomplishments that he brings with him to this new position.

Captain Bennett shared his background before coming to the Millard County Sheriff's Office and his love for the County.

SHERIFF'S OFFICE COMMENDATION

Sheriff Jacobson introduced Sgt. Nate Tingey and Deputy Sean Cain. He then said that he received a letter from Lt. Rob Clark recommending a commendation for Deputy Cain. He said that on November 14, 2021, Deputy Cain responded to an accidental discharge of a firearm at the Vincent Ranch in Leamington, Utah. Deputy Cain was the first responder and helped those who were on scene who had attempted to stop the bleeding to the victim's arm with a fashioned tourniquet. Deputy Cain applied an actual tourniquet that he had on his person and then drove the ambulance to the Delta Hospital to allow the EMTs to render aid to the patient while being transported. The attending doctor later told Deputy Cain that his fast action in applying the tourniquet saved the patient's arm and most likely his life, since the brachial artery had been severed.

Sheriff Jacobson read and then presented the Letter of Accommodation to Deputy Cain.

Sgt. Tingey said that Deputy Sean Cain did an outstanding job and saved a person's life that day.

Commissioner Warnick thanked Deputy Cain for his brave service and said that she likes having these Deputies on her same team.

Commissioner Wright shared his thoughts on how well the Sheriff's Office does their job and excels in the preparation and service they provide. He commended the Sheriff's Office and all those involved.

AWARDING OF PATROL VEHICLE BIDS

Sheriff Jacobson said that at the last meeting the County received bids from both Droubay Chevrolet and Sahara Motors. He said that as they have studied the bids, it seems prudent to award the bid to Droubay Chevrolet for the half ton Chevrolets, since they are slightly lower in price. He said that the only bid they received on the used vehicles was also from Droubay.

Sheriff Jacobson said that the value that they have on the used vehicles is in the amount of roughly \$32,000.00. He said that they would like to get four vehicles with that and the remaining budget. He said that four vehicles would include replacing the truck that was totaled in a recent accident.

Sheriff Jacobson said that Droubay Chevrolet has not provided patrol trucks in a long time and both bidders are local businesses. He said that Droubay's bid expires the end of this month, but they are prepared to move forward with this to avoid having to rebid. He said that he will get the list of vehicles to Commissioner Warnick for review.

Commissioner Warnick made a motion to award Droubay Chevrolet the patrol vehicle bid for the half ton Chevy.

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

DISCUSSION AND POSSIBLE APPROVAL OF SELLING AN AMBULANCE TO A PRIVATE ENTITY

Commissioner Wright said that a while back they received bids for two ambulances and now they have one to sell.

Ambulance Director Kim Rowell informed the Commission that they will actually keep an old ambulance as a spare. She then said that IPSC came to her and requested to purchase one of the ambulances.

Sheriff Jacobson said that there is representation from IPSC here today. He said that the issue at hand is how to navigate through the process. He then introduced James Dean, with IPSC, who would like to purchase the ambulance from the County to benefit both the County and IPSC.

Mr. Dean said that they will keep it stocked, as the County does, for a backup that they would allow the County to use if and when it was ever needed. He said that doing this will help keep IPSC in compliance with the requirements of on site medical needs for its employees.

Auditor Smith said that it becomes public surplus when the County no longer has use for items of real or personal property, which then falls under the County Ordinance that requires it be put out for competitive bidding. She said that the County has an obligation to get the best price for surplus equipment.

Sheriff Jacobson expressed his concerns with sending it to surplus instead of selling to the private entity, who will more than likely come in at a more competitive price. He said that with this private entity purchase it would greatly benefit the County in its offer to allow the County to use it when needed. Auditor Smith said that it might be more beneficial to do a cooperative agreement instead of a surplus sale.

Attorney Finlinson said that he would look into that option.

Commissioner Wright suggested getting a motion to release the ambulance and then to look into this option further.

Commissioner Warnick made a motion to approve getting the ambulance ready for surplus with the possible contingency that it could be sold outside of the surplus process.

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

DISCUSSION OF A C-2 CONDITIONAL USE PERMIT APPLICATION # Z-2021-001 TO AMEND THE CONDITIONAL USE PERMIT FOR THE INTERMOUNTAIN POWER PROJECT (IPP) FOR CONSTRUCTION AND OPERATION OF AN ELECTRIC GENERATING FACILITY. INTERMOUNTAIN POWER AGENCY, OWNER. LOS ANGELES DEPARTMENT OF WATER AND POWER (LADWP), APPLICANT.

Commissioner Wright said that they are getting close to possible approval of the C-2 Conditional Use Permit. He said that possible final approval will be on the special meeting's agenda scheduled for Tuesday, December 28, 2021.

Commissioner Warnick informed the Commission that Blake Hamilton was attending this portion of the meeting via telephone.

Kevin Peng with IPA said that he is here today to present some project updates and answer any questions with the project. He read the mission statement of the project team and reported on the following:

Project update:

- Award of Generation EPC anticipated in February 2022
- Site preparation activities have begun (earthwork, and construction utilities). They are installing construction utilities and will continue until major contractors are on site.
- Mobilization in August 2022 with initial construction personnel
- The major construction will not start until August 2022.

Project schedule:

Generation EPC:

- September 6, 2017 to July 1, 2025

Converter Stations:

- September 2017 to April 2026

Switchyards:

- September 2018 to April 4, 2025

Synchronous Condenser:

- December 1, 2020 to November 13, 2025

Mr. Peng said that he asked for a preliminary projection based on projects run in the past from the Generation EPC contractor on their current preliminary housing projections. He said that their projection shows inside the Delta area will see about a 5% peak across the board. North of Delta will be where the construction will be projected and potential employees could live as far North as Salt Lake City to support construction. There will be a significant amount of personnel living at the facility RV spots and will peak at around 400. The peaks around 1,200 to 1,400 will be extended a few months into January of 2024; peaking about the middle of construction then will start tapering off around June 2023 to July 2024. He said that there will be a peak of about 50 or so employees living anywhere South of Delta.

Mr. Peng said that the best approach will be to set up a partnership with the County. He said that if additional options are provided they will work with the County to make sure that those options make sense to all involved.

Mr. Peng said that amendment changes identified are where they see construction activities that will actually be impacted including: housing, transportation, fire, medical, security, safety, landscaping and erosion control.

Mr. Peng said that they've done all that they could to estimate the impacts and provide a plan in the amendment application that they will submit again after approval of the CUP amendment

document. He said that as soon as they start getting close to the January to February time period, they will meet with the County and designated representatives to work through finalization processes. He said that as the approval of construction plans get underway, any changes that come up will be brought to the Commission to provide a summary of changes and to work to minimize any impacts.

Mr. Peng said that right now, they are setting up traffic monitoring plans and will make modifications with the appropriate entities as needed. He said that at the end of the day it needs to be a successful and positive impact.

Commissioner Wright questioned if they are satisfied with the document he had in his hand. Mr. Peng said that they are good with the document, but are open to any changes that are needed.

Commissioner Warnick said that she is glad to hear that the numbers she originally heard are actually lower.

Mr. Peng said that they are working with five major contractors; however, the biggest is Generation EPC.

Mr. Peng said that the gas pipeline construction will be about two or so years after this project and is expected to be in service around May 2024. He said that they are coordinating with the other companies who have projects going on simultaneously.

Commissioner Warnick thanked Mr. Peng for his updates.

Commissioner Wright questioned the emissions statement on economical future. Mr. Peng said that it is going to be expensive. He said that it will be similar to the uptake of solar and wind. The investments will need to be made up front. He said that the overall view is to keep it reliable and target overall dollar matches in the market today. He said that as the industry moves forward there will be more expensive resources pop up, but they will be able to mitigate the dollar for dollar megawat hour.

DISCUSSION REGARDING A FULL-TIME TOURISM POSITION - CHARLEY CHRISTENSEN

Charley Christensen, Chair of the National ATV/UTV Jamboree, said that the transition of a full-time to a part-time Tourism Director in April will impact the Jamboree which is held the end of June. She said that tourism is a vital part of the County and they rely heavily on Millard County for resources for this. She said that it is also important for the other venues in the County such as the Rock Crawl, County Fair etc., as well as local businesses. She said that Tourism's busy season is April to October, but the most vital time is preparation which runs from October to April and they need full time support year round.

Ms. Christensen read requirements of a Tourism Director. She said that the ATV Jamboree brought \$45,000.00 into the County this year from participation spending. She said that participation is down this year due to COVID; however, they usually average about 230 participants.

Loretta Whicker said that she purchased the Fillmore KOA and attended the Jamboree the first time in June. She said that in her due diligence in speaking to attendees and the KOA customers, she found that all have learned about the County through the Jamboree and continue to come back to enjoy what the County has to offer all year round. She said that the numbers are not

just based on the participants' dollars of the Jamboree attendees. She said that she hopes that a full-time position will still be considered.

Commissioner Warnick said that when Deb Haveron was with tourism, she was a part-time employee and only attended meetings. She said that they only created this full-time Tourism Director position for this year.

Commissioner Warnick said that all funds for tourism come from TRT monies and they are concerned with the TRT funds coming in to the County with all the situations coming forward. She said that they are trying to navigate through that somewhat with the CUP with IPP. She said that they will see how things go, but they do have opportunity and will not let tourism drop. She said that this coming year, they will be able to meet the needs of what they currently have. She said to hang in there because they do have good things planned moving forward.

Commissioner Wright said that they will continue to discuss this. Both Commissioners thanked Ms. Christensen and the others for coming in today.

Dan Rowley thanked the County for its involvement with the car show.

MONTHLY FINANCIAL REVIEW

Treasurer Dearden presented the financial reports ending in November 2021, which included the Statement of Treasurer's Receipts and Disbursements in the amount of \$22 million. She said that there were no overrides and the pool cash reports show that the Auditor and Treasurer are in balance. She said that there was a note on the open table report indicated by the Auditor. Auditor Smith said that no ammunition is readily available, however Lindsay Mitchell said that they have an invoice to clear it, but it hasn't hit the books yet

Auditor Smith said that for best practices, in the future, they would prefer a check rather than a trade because it is much cleaner.

Auditor Smith said that the Road Fund shows an over budget. She explained that the County anticipated the fuel tax to be about \$230,000.00. She will open this budget during the budget hearing next week. She said that this is a hundred percent pass through and is the only budget she anticipates that will need to be opened.

DISCUSSION AND POSSIBLE CHANGES TO THE 2022 PROPOSED BUDGET

Commissioner Wright expressed his concerns with the line item of Unspent Funds that goes from year to year. He said that when the budget does not balance they have the ability to use that fund to balance. He said that about four to five years ago the County took \$300,000.00 from that fund to balance and last year took about \$1.1 million to balance. He said that the public hearing showed that the amount ended up to be about \$1.6 million using a deficit spending. He said that they are beginning to question how long this fund will last if this continues at the same rate.

Treasurer Dearden said that if the County continues to spend at that pace, in the year 2023 it will be below the recommend minimum for best practice. She said that it is always good to pull from that fund at the beginning of the year until revenue starts to come in.

Commissioner Wright said that as a new Commissioner he sees how it has gone in the past and he thinks that corrections need to be made as soon as possible. He said that if it is continued at

the same rate they will be required to freeze employment and some will not be able to acquire the necessary things to run efficiently. He said that they can alleviate the problem a bit by doing transfers within the budget, but that is not a fix. He said that his goal is to get where we were last year. He said that this will not totally solve the problems, but might get us to develop more of a consciousness of where we should be down the road. He asked for recommendations from the Auditor.

Auditor Smith said that she emailed a list of the departments who have come forward with a reduction in their budgets. She said that they've looked at revenues and feel pretty confident that the sales tax revenue could be increased by about \$300,000.00.

Commissioner Wright said that the handout that Auditor Smith shared really helps with where the County needs to be.

Commissioner Wright also noted that if the appeals are granted by the centrally assessed properties it will decline County revenues substantially. He said that moving forward, it needs to be understood that if companies are successful with their appeals a lot of revenue will be lost.

Treasurer Dearden said that 60% of the assessed values are under appeal.

Auditor Smith thanked those offices/departments for coming forward and finding ways to cut their already tight budgets.

Sheriff Jacobson said that there are many vacant positions in his office. He said that is not to the tune of over \$600,000.00 being returned to the County. He said that he complied with the 10% cuts asked at the beginning of the budget process and with other frugal spending he believes that they will be giving as much money back as they can, based on recognition of tight budgets. He said that with the unspent funds coming back to the County they should be pretty close to 10% of what can be used to fund the County through next year. He said that however, he doesn't want to go through another year short staffed, if it can be helped. He said that he knows that the County is under a market study, but it is behind the curve. He gave example of another police department in the State that is finding a way to start brand new peace officers at \$30.00 an hour, which is at least \$12.00 above Millard County.

Commissioner Warnick said that she appreciates the efforts made and what the Sheriff said. She said that Paypoint has suggested a 15% wage comparison. She said that she wants to be fair, but feels that the study should follow the government Social Security comparison which is 5.9% . She said that she also believes that the ARPA funding will have a second crunch for next year.

Auditor Smith said that a supervisor even proposed a reduction in his/her salary to try and bring down the budget. She said that she really appreciates the effort made on the part of the supervisors. Commissioner Wright agreed. He said that it is difficult to get the message out on this and he appreciates the openness that is brought forth.

DISCUSSION AND POSSIBLE APPROVAL OF THE 2021 REDISTRICTING VOTER MAPS

This item was tabled until the January 4, 2022 Commission meeting.

PUBLIC INPUT

Dan Rowley suggested to offer some type of health incentives to employees for reduction in budgets. Commissioner Wright said that they already offer health incentives if participation costs

are low.

Mr. Rowley also suggested putting a cap on sick leave. Commissioner Wright said that they have already discussed this and he hopes that they don't have to do that at this point.

OTHER BUSINESS

Attorney Finlinson said that at the last Commission Meeting during a closed session he and the commissioners discussed the opioid litigation that the County is involved in as a plaintiff. He said that the County signed up with one of three litigation groups in Utah, filing claims against several opioid manufactures. He said that a settlement has been offered to the State and counties and some counties have accepted that settlement. He said that he talked about other factors and would like direction today as to what the contracted council should do on the County's behalf. He said that after the discussion the consensus was to accept the settlement rather than prolonging the litigation. Commissioner Wright said that they are still wanting to move in that direction.

Commissioner Warnick made a motion to accept a settlement on the opioid litigation rather than pursuing further litigation.

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

Ambulance Director Rowell said that she is working on the ambulance recertification through the State which is required every four years. She said that she needs a letter from the Commission stating that they are aware of the cost goals, quality assurance, where the lines are within the County, etc.. She will draft the letter and get it to Clerk Rowley for distribution to the Commission.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Warnick made a motion to appoint Dan Davies to the MEDA Board. Commissioner Wright stepped from the chair and SECONDED the motion.

Attorney Finlinson said that he has assigned Attorney Denton Peterson to help with the Housing Authority requirements.

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

There was none.

AUDITOR REPORT

Chief Deputy Auditor Vickie Bennett presented the following:

AP totals:

- 12/10/21 \$265,870.35
- 12/17/21 \$96,778.04

Payroll Liability totals

- 12/17/21 is \$409,745.42

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

There was none.

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 Wright adjourned the meeting at 11:42 a.m.

Attest: _____

Approved: _____