

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 9th Day of MAY 2005
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: John C. Cooper Chairman
Daron P. Smith. Commissioner
Kathy Y. Walker Commissioner

LeRay Jackson County Attorney
Norma Brunson County Clerk
Janice Robins. Deputy County Clerk

ALSO PRESENT: Ranger Jeff Rasmussen, State Parks & Recreation, Ken Martin Fillmore City, Jacqueline Hart, Fillmore City, Fillmore City Mayor Sam Starley, Delta City Mayor Gayle Bunker, Meadow Town Mayor Jim Talbot and Auditor John Hansen

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, the local news and located on the front and back doors of the County Courthouse as required by law the following proceedings were had.

COORDINATION SESSION

The Commissioners scheduled events for the month of May 2005.

PUBLIC WAS WELCOMED

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

OPENING STATEMENTS

Commissioner Cooper asked if anyone had an opening statement to give and then offered the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF MAY 2, 2005

There were none.

APPROVAL OF THE AMENDED MINUTES OF MAY 2, 2005

Commissioner Walker made a motion to approve the amended minutes of May 2, 2005. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

AUDITORS REPORT

Auditor Brandy Grace gave the Commissioners various invoices to review and approve for payment through the Auditor's Office.

Auditor Grace gave the Commissioners the Check Edit Report of May 4, 2005 to review and sign. The Check Edit Report was signed.

Auditor Grace gave the Clerk the original Public Library Development Grant Contract and the Service Agreement with the State Library Division to file.

Auditor Grace asked the Commissioners to stop by the Auditor's Office and sign the time cards for the employees in the departments they are over. This will need to be done every other week when the payroll is done.

Auditor Grace showed the Commissioners an overtime report that shows the all overtime earned for the current pay period including people doing the extra speed shifts. The employee doing shift work at the Sheriff's Office have been put back on a twenty-eight day pay cycle and they will show up on the overtime report once a month. The overtime report will be printed each pay period for the Commissioners to review.

Commissioner Smith reported Millard County had received a request for payment from the Central Utah Counseling Center for their disbursing of mental health services for \$14,378.00 and substance abuse services for \$3,844.00.

JEFF RASMUSSEN, PARK RANGER - REVIEW AND POSSIBLE SIGNING OF THE GUNNISON BEND RESERVOIR LAW ENFORCEMENT CONTRACT

Jeff Rasmussen, Utah State Park & Recreation Ranger came before the Commissioners and introduced himself. His duties include doing law enforcement and safety at Yuba State Park, Little Sahara and Gunnison Bend Reservoir and off-road vehicle activity.

Ranger Rasmussen said that a recent salary raise was given to Deputy Rangers and the money was taken out of his current expense account, without increasing his budget. He feels it is important to patrol the Gunnison Bend Reservoir as much as the funds will allow. He asked Millard County for an additional five hundred dollars (\$500.00) and the State will match that amount. Commissioner Walker said that Recreation Director Max Wood is supportive of an increase in the funds.

Commissioner Walker made a motion to approve an extra \$500.00 in addition to the \$1,500.00 Millard County pays with their contract with Utah State Parks Recreation for law enforcement and safety at the Gunnison Bend Reservoir. Utah State Parks and Recreation will match the five hundred dollars (\$500.00). Commissioner Smith SECONDED. The voting was unanimous. The motion carried. Attorney LeRay Jackson and Max Wood will amend the language on the contract.

DECISION ON MILLARD COUNTY LANDFILL FEE INCREASE

Commissioner Walker began the discussion with a couple of questions to the Mayors about their concern whether landfill fees should be charged for cottage businesses as discussed at last week's Commission meeting. She asked what their recommendation would be?

The mayors of Fillmore, Delta, and Meadow do not want cottage businesses assessed a landfill fee. They feel that cottage businesses do not generate any more garbage than the average home. They understand the need for increased landfill fees, but they do not agree with it. After looking at the expense and revenue figures that were handed out last week, a suggestion was made that the county may want to take a look at equipment purchases for the landfill. It may be cost effective to hire someone once a week to take care of the dozing rather than purchase a new dozer at \$90,000.00 for the Fillmore site. Mayor Starley stated that even though the landfill is an enterprise fund, the time may come that some of the tax money will need to go to support the expenses of the landfill.

Treasurer John Hansen said that the increase in fees is necessary and maybe even with the \$2.00 increase it may not be enough to cover the deficit even without buying new equipment. There has not been a raise in landfill fees for nine years.

It was suggested that the Commissioners, mayors and the landfill supervisors meet on an annual basis to analyze the situation at the landfill and how it affects the citizens.

Projections show that an increase, of \$2.00 now and fifty cents more each year for the next five years, is needed to try to enable the county to keep landfill services as they are now.

Ken Martin suggested that the decision be tabled until an independent accountant go over the landfill expenses and revenues.

Commissioner Walker made a motion to increase landfill fees for residences \$2.00 making the monthly fee \$10.00 and increase commercial businesses approximately 25 percent. The increase will become effective July 1, 2005 to work with the city's budget year. Cottage businesses will not be charged a landfill fee unless they generate more garbage than the average household and then they will be charged a Class 1 landfill fee. The county will look at the landfill operating costs to see if expenses can be cut anywhere. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

Commissioner Walker suggested that some articles be put in the news paper to announce the reasons for the landfill increases.

REVIEW OF MILLARD COUNTY POLICIES AND PROCEDURES

Auditor Grace gave copies to the Commission to review the changes to the Millard County Policies and Procedures Manual that had been drafted.

After the review and a discussion of the proposed changes, Commissioner Smith made a motion to accept the changes in the Millard County Policies and Procedures in Section IX and X. Commissioner Walker SECONDED. The voting was unanimous. The motion carried. See Exhibit A.

REVIEW AND POSSIBLE SIGNING OF THE CONTRACT FOR INDIGENT CAPITAL

DEFENSE COUNSEL SERVICES

Commissioner Walker made a motion to sign the contract for Indigent Capital Defense Counsel Services. Commissioner Smith SECONDED. The voting was unanimous. The motion carried. The documents were signed and will be copied and then mailed to John C. Reidhead. A copy was given to the Deputy County Attorney and a copy will be on file at the Clerk's Office.

CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-4&5

Commissioner Walker made a motion to go into a closed executive session. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

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

Commissioner Walker said the Commissioners have been involved in personnel issues this week and will call for a closed session later today.

Commissioner Walker and Linda Gillmore attended the fourth annual Rural Conference in Price, Utah that was hosted by Senator Robert Bennett. Governor Jon Huntman Jr. was the guest speaker. Following the speech Commissioner Walker talked to the Governor about the Southern Nevada waterline pipeline to Las Vegas from the Snake Valley. Mike Styler will set up a date for a meeting with the Governor to discuss the issue as soon as the Governor is briefed.

Commissioner Walker met with Lynn Stevens from the Public Lands Policy Office and briefed him on the West Desert waterline issue.

Jody Gale and Russell Cowley from Six County requested and offered help in bringing key state people to tour the site of the proposed pipeline during the August Congressional ATV ride.

Commissioner Walker talked with Senator Robert Bennett about the Washington County and Millard County Comprehensive Land Use Plans. He said there had been two newspaper articles printed and not to believe either article. They are still working on the language before they introduce the bill. She also talked with Senator Bennett about the west desert water issue and he asked that his staff notified.

Commissioner Walker received a letter from Senator Hatch's Office inviting her to serve on the Women's Advisory Committee to help make a list women's problems and concerns and help plan the next women's conference in fall.

Commissioner Smith, Thayne Henrie and Commissioner Cooper talked with Paul Stevens about not wanting his road sprayed with MagChloride.

The Commissioners met with the Safety Committee last week and discussed the following items.

- Develop an inventory of all county road signs. The county would like to hire a

- couple of part time people to photograph each sign and GPS each sign's location. Approval was given to Scipio Town Mayor Burtis Quarnberg's request to have the county approve and put up a sign west of the freeway going towards Eagles Landing. Scipio Town will purchase the sign. If there are any changes to the road, the city will have to handle that project. Road Department Supervisor Thayne Henrie will talk to Mayor Quarnberg and discuss the possible signage.

Commissioner Smith reported that the WCMA gave out five gallons of weed spray to the public at the road department in Delta and a location in Fillmore on Friday May 6, 2005.

All the Commissioners met Friday, May 6, 2005 to discuss Sunset View Golf Course issues.

Commissioner Cooper received a call from Lorraine Monroe about some of the TV channels in Scipio area having bad reception. Commissioner Cooper told her he would call Dee Hollingshead to correct the problem.

Commissioner Smith had been contacted by a citizen, Rex Stanworth who has a concern about the debris backing up in the river below Deseret, Utah. The Commissioners will talk to the BLM and the Army Corp of Engineers to find a solution to the problem.

Commission Secretary Janice Robins said Treasurer Hansen had made a request to add a statement to the minutes of May 2, 2005.

Commissioner Smith made a motion to amend the minutes of May 2, 2005 as suggested by Treasurer Hansen. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

OTHER BUSINESS

Commissioner Smith reported he received word from Kenton Call, USDA Forest Service asking the county to circulate a flyer in connection with the Forest Plan Revision. There will be a Forest Plan Revision meeting on May 26, 2005 at Millard High School.

Commissioner Walker reminded the Commissioners that a new Millard County Planning and Zoning member need to be assigned to replace Commissioner Cooper on the board. Commissioner Cooper said it should be someone from the Fillmore area. Commissioner Cooper will submit some names for approval in the near future.

Commissioner Smith reported the BLM Ely Field Office will be holding an opening meeting on May 23, 2005 to with get help with the Environmental Impact Statement.

PUBLIC INPUT

Fillmore City Sam Starley announced that Fillmore City is filing an appeal on a decision

made by the Millard County Planning and Zoning Commission on May 3, 2005. Fillmore City is asking for a Cease and Desist Order which was authorized by the Commissioners. A date was set to hear Fillmore City's appeal at Commission Meeting on May 23, 2005 at 11:15 a.m.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-4&5

Commissioner Walker made a motion to go into a Closed Executive Session. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

WHERE UPON THE MEETING ADJOURNED

The meeting adjourned at 12:45 p.m.

Attest: _____ Approved: _____

EXHIBIT A

SECTION IX - COMPENSATION

- A. Equability: Compensation for county employees shall be equitable and competitive with the market place in as much as possible. The assignment of employees to positions and pay rates shall be consistent with the formal classification plan.
- B. General Wage/Salary Adjustments: It is the intent of the county to consider prevailing practices related to cost of living and market trends in establishing wages and salaries. On all occasions the amount of the salary change will ultimately be based upon the anticipated affect(s) upon the county budget. Final determination and any changes to the salary scale will be made by the Board of County Commissioners. Where general, across-the-board raises are awarded, the raise will be effective on a date determined and approved by the Board of County Commissioners.
1. Cost-Of-Living vs. Market: Adjustments to the salary schedule shall be determined periodically through analysis of market trends in comparison to cost-of-living. The county may utilize either market survey results or cost-of-living index data, or a combination of both. Regular full-time employees and exempt employees shall receive the benefits of such general adjustments to the pay plan. Regular part-time employees shall be eligible after three (3) years of employment. (See Sec. VII - Employment Status)
 2. In determining the total compensation value of the position, benefits must be considered. Base salary plus cost of benefits equals total compensation. In comparing benefit packages provided in the labor market, the county may evaluate both level and cost of benefits or other factors as deemed appropriate.
- C. Initial Appointment: All initial appointments shall normally be assigned to the starting rate of the pay grade to which the position is classified. Exceptions may be allowed if:
1. An employee cannot be recruited for the position at the beginning rate
 2. The qualifications of the individual selected for the position exceed the minimum requirements and the individual can be expected to perform at a level equal to that of other individuals being paid at the same or higher step
- D. Overtime: Overtime is unavoidable at different times of the year. However, every effort should be made to keep the accumulation of overtime hours to a minimum. Any time worked in excess of forty (40) hours in any one work week by a FLSA covered employee, which the supervisor has approved of, is aware, or "suffered" to be worked, shall qualify as overtime. Law enforcement and correction personnel will be deemed to have worked overtime when the time worked in a designated consecutive 28*day period exceeds 171 hours as allowed by the FLSA 207k exemption. For the purpose of calculating overtime under the Fair Labor Standards Act (FLSA), the work week shall begin at 12:00 a.m. on Friday and end at 11:59 p.m. on Thursday. The following rules apply to the accumulation and compensation of overtime.
1. Persons engaged in administrative, professional, executive (as defined by the FLSA would include any supervisor, manager, or department head spending at least 80% time performing administrative functions), volunteer work, or as members of boards and commissions are not eligible for overtime except where specifically granted or established by policy.

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2. Overtime shall be paid and/or all comp-time accrue at the rate of time-and-one-half (1 & 1/2) the regular rate of pay. All authorized monetary payments for overtime shall be issued on the regularly scheduled pay day for the work period in which it was earned.
 3. Records of overtime hours worked shall be maintained by the department head/elected official, county auditor, or designee for all employees and shall be retained for a three (3) year period.
 4. When call-out occurs, as in the case of emergencies, the county shall pay a minimum of one (1) hour when called out to work other than their regular work schedule.
 5. All time spent in training, in conferences, at workshops, meetings, etc., when such attendance is required by the county, shall constitute hours worked and shall be used to calculate overtime eligibility under the FLSA.
 6. Only hours actually worked in any one work week (28 day period for law enforcement and corrections employees) will be used in determining overtime. Vacation, sick leave, holidays, and other similar leaves will not be considered hours worked for calculating overtime.
 7. An employee who has accrued compensatory time shall, upon termination of employment, be paid for all unused compensatory time at a rate equal to the highest hourly rate of pay earned by the employee during the year in which such termination occurs.
 8. Time away from work for reasons other than what would qualify as sick leave must be taken off any compensatory balance greater than 40 hours prior to the utilization of vacation time.
 9. The maximum amount of compensatory time which may be carried over from one year to the succeeding year is forty (40) hours. Compensatory balances for every employee must be reduced to meet this limitation by December 31st of each year. This may be accomplished by either taking the accrued hours as time off or by being paid for the number of accrued hours at a rate equal to the highest hourly rate of pay earned by the employee during that year.
- E. Termination Pay: When employees terminate, they shall be required to return all equipment and to clear all financial obligations involving their employment with the county prior to receiving their final paycheck. Any such obligation not cleared shall be itemized and deducted from their final paycheck. Receipts shall be issued for all payments made in satisfaction of the obligation. Final paychecks, including compensation for all uncompensated hours worked, unused vacation, and overtime will be issued on the next regularly scheduled pay period following termination. In the event of the death of an employee, final payment shall be made to the employee's beneficiary.
- F. Pay Advancement: The county will not make pay advances to employees.
- G. Severance Pay: When it becomes necessary to separate an employee from employment, and it is in the best interest of both the employee and the county to expedite such action; that employee may be issued severance pay not to exceed two (2) weeks, in lieu of two weeks notice, subject to the approval of the county commission.
- H. Payroll Deductions/Withholdings: Payroll deductions other than FICA, state and federal income tax withholdings, and garnishments (Defined in Section XVI), can only be made with the approval of the county commission and the county auditor on a program basis.

B. Leave

Millard County recognizes leave to be a benefit provided to employees as a way of making them “whole” in regards to pay. However, in the event a supervisor requires an employee to work additional hours in the same work period that leave was taken, an employee may receive pay for the time away from work in addition to the regular number of hours worked even if the combination of the hours worked and the leave hours exceeds the employees regular number of hours worked per week. This additional pay will be at the employees regular rate of pay. Only hours actually worked in excess of 40 hours per week (171 hours in 28 days for law enforcement and corrections personnel) qualify for overtime pay.

Vacation and sick leave accrual and usage balances will be reflected each pay period on the employees direct deposit notice. Any discrepancies between those balances shown and the employees records should be reported to the county auditor’s office within 30 days of the date of the direct deposit notice.

C. Vacation:

1. Millard County believes that a reasonable period of time away from the job is conducive to good health and the well-being of employees, and can have a refreshing effect that is to the advantage of Millard County, as well as to the employee. It is therefore the policy of Millard County to grant paid vacations to certain categories of employees.
2. All qualified employees are eligible for vacation as accrued. Employees who work more than 1040 hours per fiscal year, but less than 2080 hours per year are eligible for vacation on a pro-rated basis.
3. Former employees who are re-hired with reinstatement rights following military service or recall from active layoff status shall be entitled to assume the same eligibility for vacation as enjoyed prior to leave or layoff.
4. Accumulation of vacation shall be based upon the following schedule:

<u>County Service</u>	<u>Monthly/Yearly Vacation Accrual</u>
0-8 years	8 hours/96 hours
9-16 years	12 hours/144 hours
17 years and over	16 hours/192 hours

Accumulation of vacation for public safety employees hired on January 1, 1997 or later shall be based upon the following schedule:

<u>County Service</u>	<u>Monthly/Yearly Vacation Accrual and Pay Increases</u>
0-8 years	8 hours/96 hours
9-16 years	10 hours/120 hours plus 30 hours of pay
17 years and over	10 hours/120 hours plus 50 additional hours of pay

Eligible employees shall be entitled to one (1) personal preference day of vacation in addition to that accrued under the above schedule for each full calendar year employed, except it is not earned or available during the calendar year in which hired.

5. Unused current and accrued vacation may be carried forward to succeeding years. However, no more than fifteen (15) days (120 hours) will be carried over from one year to the succeeding year.

6. Vacation leave may not be accrued during a period of time when leave of absence without pay is being granted. Further, in the event that an employee is on leave with pay as a result of other employees donating time, there shall be no accrual of vacation time.
 7. Employees shall be entitled to utilize vacation only at the convenience of the department in which they are employed.
 8. An authorized holiday which falls within the time period of an employee's scheduled vacation shall not be charged as used vacation.
 9. The county will not advance vacation days. No elected official or department head shall authorize the use of non-accrued vacation time.
 10. Vacations are to be taken as time off. However, employees may sell part or all of their accrued vacation time back to the county, but only upon the approval of their supervisor, at any time of the year. The time must already be earned and ~~must be taken in increments of 5 day (40 hour) blocks or more~~ a minimum of 5 days (40 hours) must be sold per occurrence.
 11. At the end of the calendar year, accrued vacation time in excess of the 120 hour maximum carry-over may be sold in any increment necessary to reduce the total to the maximum allowed. A written request approved by the department supervisor must be submitted to the county auditor. The request will be processed with the next normal pay for the employee.
 12. It will be mandatory for each employee to take at least five (5) days (40 hours) all at one time for vacation in each calendar year. Remaining days may be taken as desired with the approval of the department supervisor.
 13. Accumulated earned vacation time shall be paid for by the employing department when an employee separates from county service. Salary computations for all terminating employees shall be calculated on a working day basis at the base in effect at the time of termination.
 14. Each elected official and department head will make every effort to encourage employees to utilize their vacations and try to arrange work schedules to permit employees to take vacation at times convenient to them and the county.
 15. ~~The official record of accrued and used vacation is to be kept by the department head or elected official and reported semi-monthly to the county auditor.~~ Record of vacation accrual will be kept by the county auditor's office. Utilization of vacation leave shall be documented on the employees time sheet for the day which the leave was taken.
- D. Sick Leave: Compensated sick leave is a county owned benefit afforded to those county employees who become ill or injured and cannot perform their normal duties or in cases of injury or illness of a member of an employee's immediate family where the employee's presence is vital.
1. Eligible county employees shall accumulate sick leave at the rate of eight (8) hours of leave per month.
 2. Sick leave may not be accrued during a period where a leave of absence without pay is being granted. Further, in the event that an employee is on leave with pay as a result of other employees donating time, there shall be no accrual of sick time.
 3. Employees to be absent from work should report the necessary absence to the department head or supervisor as soon as possible.
 4. Employees absent from work due to qualifying sick leave will be carried on the payroll in a leave with pay status for time equal to compensated illness leave accrued. Any absences for illness beyond accrued credit will be in accordance with the Family & Medical Leave Policy.

6. Saturdays, Sundays, other regular days off, and legal holidays occurring while an employee is ill are not deducted from his/her compensated illness leave credit.
6. Employees separating from county service shall not be compensated for any unused sick leave accumulated prior to the termination date.
7. Employees retiring pursuant to the provisions of the Utah Retirement Act shall receive 50 percent of their daily rate of compensation for the number of days accumulated credit.
8. In cases where an employee leaves one department and transfers to another, arrangements must be made for transfer of accrued leave credit to the new department.
9. Elected officials and department heads are charged with the responsibility to approve or disapprove leave requests and may require the employee to provide evidence of illness or injury.
10. ~~Official record of accrued compensated illness leave is kept by the department head and reported semi-monthly to the county auditor. Record of accrued compensated illness leave will be kept by the county auditor's office. Utilization of this leave shall be documented on the employees time sheet for the day which the leave was taken.~~
1. Additional compensated sick leave may be granted or advanced to an employee by the county commission at its discretion if the following conditions are met:
 - a. The department head or elected official under whom the employee is serving provides sufficient unencumbered funds to continue the compensated sick leave credit for the employee and still efficiently operate its office.
 - b. The Board of County Commissioners determines that it is in the best interest of the department and Millard County, that said employee be granted additional sick leave.
2. Eligible employees may donate accrued sick leave to another employee upon the approval of his/her immediate supervisor or department head. Sick leave days donated are not reimbursable. Before an employee can receive sick leave from another employee, the receiving employee must have used all of their available sick leave, comp time, and vacation time. Employees receiving pay as a result of time donated will be considered to be on leave without pay status and will be subject to the conditions of such. (See paragraph "J" of this section).

Funeral Leave: When a death occurs within the "immediate" family, to a relative or close friend, the number of hours or days to be allowed off with pay shall be determined by the supervisor according to the following policy.

1. "Immediate family" normally means spouse, child, parent, brother, sister, grandparent, spouse's grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law and son-in-law. For members of the immediate family, employees shall be granted leave with pay from the day of the death through the day of the funeral. Employees desiring extended funeral leave may be required to use comp-time, vacation, or leave without pay, if extended leave is granted. Deaths which occur during use of vacation shall be treated as described in this paragraph and not be charged to vacation.
2. For other family relations and friends; comp-time, vacation, or leave without pay may be taken when agreed upon by the department head/elected official, and shall not normally exceed four (4) hours.

