

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 13th DAY OF FEBRUARY 2006
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

ALSO PRESENT: Glayde Edwards, Jim Talbot, Stephen Jensen, Thayne Henrie, Kevin Morris, Max Wood, Rob Greenburg, Tony Fuller, Ric Hall, Sharee Hall, Judy Johnson, Elwin Johnson, Jim Nickle, Albert Nickle, Mark Petersen, Barry Atkinson, Robin Smith, Leon Smith and Connie 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 months of February and March 2006.

PUBLIC WAS WELCOMED

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

OPENING STATEMENTS

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

FOLLOW UP ACTION ITEMS FROM MINUTES OF FEBRUARY 6, 2006

There were none.

APPROVAL OF THE AMENDED MINUTES OF FEBRUARY 6, 2006

Commissioner Cooper made a motion to approve the amended minutes of February 6, 2006. Commissioner Smith SECONDED the motion. 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. An invoice from Motorola for \$46,500 for in-car video equipment was authorized to be paid out of capital funds.

Auditor Grace gave the Commissioners the Check Edit Report of February 10, 2006 to review and sign.

On February 17, 2006 at 10:00 Millard County will meet with Intermountain Health Care to discuss the ground lease and the December billing.

Auditor Grace said she has some recommendations for the proposed changes to the policies and procedures manual that were discussed last week. After discussing various changes a motion was made. See Exhibit A for the changes.

Commissioner Smith made a motion to amend Millard County's Policies and Procedures Section VII-Employment Status as recommended by the Auditor, subject to a proposed addition of the definition of an immediate family member under Sick Leave. The definition used by the Family Medical Leave Act of an immediate family member will be adopted.

Commissioner Cooper SECONDED the motion. The voting was unanimous. The motion carried.

MEADOW TOWN MAYOR JIM TALBOT-REQUEST FOR CULVERT ON COUNTY ROAD

Meadow Town Councilman Glayde Edwards asked the county for some help with the installation of a culvert on the county road where Meadow is installing a new water tank and waterline. The new culvert should help prevent water damage to the road. After discussing the issue the Commissioners agreed that if Meadow Town will furnish the culvert, the county would supply the labor to install it. Meadow Mayor Jim Talbot also agreed to this arrangement.

Mr. Edwards is serving on the State of Utah Cricket Advisory Board. In the last cricket meeting a decision was made for Millard County and other counties to use the same plan of attack that was used last year. If more cold wet weather comes this year then adjustments to the plan will be made. Some of the towns and cities in Millard County have cricket bait on hand and there will be more bait available from the State to purchase as needed.

The Commissioners thanked Mr. Edwards for serving on the cricket board.

REVIEW AND POSSIBLE ADOPTION OF MILLARD COUNTY FACILITIES USE AND RENTAL POLICY

This item was tabled until February 27, 2006.

OPEN BIDS FOR STORAGE UNITS - KEVIN MORRIS WEST MILLARD MAINTENANCE

Auditor Grace and Attorney LeRay Jackson opened and posted two bids for **storage bins** at the Millard County Fairgrounds.

Desert Mountain Contractors

\$27,000

DCH Construction

\$26,427.00

Kevin Morris, West Maintenance Supervisor said that both bids were higher than the budgeted amount and the bids were rejected.

OPEN BIDS FOR TIRES, MAG CHLORIDE, CRACK SEAL AND CHEMICALS - THAYNE HENRIE MILLARD COUNTY ROAD DEPARTMENT

The bid for A & R Tires had been sent certified mail on February 7 but was not received by the deadline on February 10 at 5:00 p.m. A & R Tires had tracked the letter down and the Post Office delivered it to the Auditor's Office on February 13. The Commissioners accepted the bid.

Tire bids were opened from the following three businesses.

Steve's Tire

Quality Tire

A&R Tires

Commissioner Cooper made a motion to have Thayne Henrie, Millard County Road Department Supervisor evaluate the bids and determine which is the better deal for the county. After receiving the Commissioners' approval he will notify the company whose bid was chosen. A report of which company was awarded the tire bid will be given at Commission meeting on February 27, 2006.

Auditor Grace opened bids for **Mag Chloride** from the following companies and Attorney Jackson posted them on the board:

Hill Bros Chemical

\$32.65 @ ton anywhere in county

WRR Industries

To Eskdale \$39.35 @ ton

To Graymont Lime \$50.25 @ ton

To Fillmore \$52.30 @ ton

To Delta \$47.05 @ ton

Dust Busters

To Delta	\$43.90 @ ton
To Fillmore	\$44.60 @ ton
To Graymont Lime	\$47.40 @ ton
To Eskdale	\$52.60 @ ton

Commissioner Cooper made a motion to accept the bid for Mag Chloride from Hill Bros Chemical at \$32.65 @ ton delivered anywhere in the county.

Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

Bids for **crack seal** were opened by Auditor Grace and posted by Attorney Jackson from the following companies:

M&M

Foothill Blvd	\$28,800 for 32 tons	@\$900 per ton
South Kanosh	\$2,250 for 2.5 tons	

Bonneville

\$26,350.00 for 31 tons @850.00 per ton

Anderson Pavement

\$22,440.00 @748.00 per ton

Foothill Blvd	25 tons
South Kanosh	5 tons

Superior Asphalt

\$718.00 @ ton

Commissioner Smith made a motion to award the bid to Superior Asphalt for their bid of \$718.00 per ton.

Commissioner Cooper SECONDED the motion. The voting was unanimous. The motion carried.

Bids were opened up by Auditor Grace by the following companies for **chemicals** and posted by Attorney Jackson:

Oasis Seed

Steve Regan

Commissioner Smith made a motion to accept the bids from Oasis Seed and Steve Regan for chemicals. Thayne Henrie, road department, was given the bids to evaluate them. He will notify the company whose bid was chosen after getting approval from the Commissioners. The company awarded the chemical bid will be announced in Commission meeting on February 27, 2006.

PUBLIC HEARING FOR AN ORDINANCE OF MILLARD COUNTY, UTAH TO AMEND THE ZONING MAP OF MILLARD COUNTY, BY RE-CLASSIFYING A PORTION OF THE UNINCORPORATED AREA HERETOFORE CLASSIFIED AS AGRICULTURAL TO RESIDENTIAL DESCRIPTION: SW1/4 SW1/4, N1/2 SE1/4 SW1/4,SW1/4 SE1/4 SW1/4 OF SEC

10,17S,R7W, SLM. LESS COMM NW COR SW1/4 SW1/4 SD SEC 10, TH S 89*33'07" E 1323.66 FT ALG 1/16 SEC LN TO NE COR SW1/4 SW1/4 OF SD SEC 10, S 0*11'13" E 4489 FT ALG 1/16 SEC LN, N 89*33'07" W 658.86 FT, N 88*52'33" W 664.72 FT ALG CNTR LN OF EXIST DITCH LN TO SEC LN, N 0*31'23" W 37.05 FT ALG SEC LN TO BEG. LESS COMM N 0*31'23" W 1319.66 FT ALG SEC LN & S 88*52'33" E 588.19 FT ALG S BDRY LN EXIST MILLARD CO PROP & ALG EXIT FNC LN TO TRUE PT OF BEG FROM SW COR SEC 10, S 36*36'06" E 31.45 FT, S 53*07'13" E 74.13 FT, S 55*33'26" E 44.80 FT, S 63*22'10" E 107.39 FT, N 12*12'55" E 143.67 FT TO S BDRY LN MILLARD CO PROP, N 89*33'07" W 164.89 FT ALG SD S BDRY LN MILLARD CO, N 88*52'33" W 76.52 FT ALG S BDRY LN MILLARD CO PROP TO BEG. 68.51 AC. PERSON MAKING REQUEST: ELWIN JOHNSON

Commissioner Smith made a motion to go into a public hearing to hear the request of Elwin Johnson to amend the zoning map of Millard County, by re-classifying a portion of the unincorporated area heretofore classified as Agricultural to Residential.

Attorney LeRay Jackson said the request was to change the property from Agricultural to Residential. Millard County Planning and Zoning recommends that the Ordinance shall take effect upon approval of the proposed subdivision on this property within one year from the date thereof. Attorney Jackson said the Commissioners can either adopt, amend or reject the request for a zone change.

Commissioner Cooper SECONDED the motion. The voting was unanimous. The motion carried.

Commissioner Walker opened the public hearing at 11:00 a.m. and invited all those who wanted to make comments on the zone change to come to the microphone to speak. She asked that all comments be keep to the reclassification of the zone change.

Mark Peterson expressed several concerns he had about the zone change and the proposed subdivision.

- Where is the water for the subdivision going to come from?
- If a well is going to be dug, will it impact the other wells in the area?
- The oiled road is not wide enough for two way traffic in this area.
- If the road is widened, will it take some of his property?
- The power lines in the area are not adequate for a subdivision.
- Will there be a septic tank for each lot or a major septic tank for the subdivision?
- How far away from the other homes will these septic tanks be?
- He doesn't think the ground can handle too many septic tanks.
- What will be the impact on his and the neighboring farmers work? Will there be complaints about noises, smells and the operation of his farm work which could affect his ability to make a living there?
- Why would they want to put a residential zone in an agricultural zone?
- Along with Mr. Petersen's 120 acres, there are feed lots to the north and south of the proposed subdivision as well as other farming operations.

Jim Nickle spoke representing himself, Albert Nickle and Scott Nickle. They have 200 acres of farm land south of the property involved with the zone change. He asked how could the proposed subdivision area is connected to Sherwood Shore when there is a reservoir in between? He said he

has the same concerns about farm practices as Mr. Petersen had expressed.

Leon Smith representing Millard County Planning and Zoning said that P & Z recommends the zone change be made on the conditions that the subdivision is approved. Mr. & Mrs. Johnson would have one year to get the subdivision approved and if it is not approved then the zone change will not take place. This would save going through the process again if they do not proceed with the subdivision.

Commissioner Smith said that the Agricultural Zone is a 1 acre zone and the Residential Zone would be a 1 acre zone.

Elwin Johnson said they may make recommendations for smaller lots than 1 acre.

Mark Petersen asked how will farm practices be affected if the property goes from Agricultural to Residential?

LeRay Jackson said that according to state law, if you live in an Agricultural Zone and good and reasonable agricultural practices are done, it would be harder to sue, but the people can complain and they can take you to court.

Mark Petersen said that people who move to an agricultural area are asked to sign a Conditional Use Plan. With an increase of people and activities in the area of this proposed zone change, there will be more complaints.

Elwin Johnson said he is involved with the property affected by the proposed zoning change. He said when IPP was first coming to the area a committee was formed to block IPP. But progress is important to communities and later he had said another statement at that time, "*that the people IPP had brought in were better than the people here to greet them.*" IPP has been a good employer and may have even saved the area. This project could have some positive impact on the community. He shares some of the concerns of people that have been expressed at this public hearing. However, progress is important. He wished the very best success for the PUD near the golf course. The economy of Millard County would be increased if the PUD is successful.

Mr. Johnson said that things will not go forward with a subdivision until the legalities of the septic tanks, the roads and any other concerns are addressed. According to the power company there can be adequate power supplied. He said he talked to a lady who is wanting to put a \$200,000 home in Sherwood Shores and is encouraged with the prospect of a subdivision near by. Mr. Johnson said that if the project does go forward it would add a few dollars to Millard County's economy. He said he appreciated the opportunity to be heard.

Robin Smith, the chairman of the Planning and Zoning Commission said he usually doesn't participate in the hearings at this level because he is usually very satisfied in the decisions made by the committee. For twenty years P & Z has struggled in Millard County to try and give home owners a nice place to live. They have tried to make it more difficult to make subdivision or housing developments out in the county near an agricultural district. Housing developments and

farming really don't mix. After the romantic feelings of moving to the country have passed, then people start to notice the nuisance things by their home. He doesn't agree with the zone change. He doesn't want any more problems for the agricultural people than they already put up with.

Commissioner Walker asked Leon Smith a question about the General Plan stating *that any new development must be adjacent an existing community*. Was Sherwood Shores used as that adjacent community in this case? *Mr. Smith said, In the state of Utah property rights go under water and Sherwood Shores actually touches the Johnson property even though there is a body of water over it. That is why they could use it as the nearest community. In his opinion there are a lot of health problems at Sherwood Shores primarily the water system and there are problems with the septic system.*

Robin Smith said he doesn't vote on the issues in P & Z because he is the chairman and he didn't try to persuade anyone at the meeting. The proposal passed P & Z with a three to two-vote with one member not in attendance. Mr. Smith said he is against the proposal of a zone change.

Commissioner Smith asked if a subdivision could be done in an Agricultural Zone?
Leon Smith answered the question by saying that subdivisions are not allowed in agricultural zones.

Commissioner Walker asked if agriculture would be better protected if the property were to stay an Ag Zone rather than a Residential Zone? Would people's complaints be more valid if it was changed to residential?

Leon Smith said that a Conditional Use Permit is required for all people building a home in the county no matter how the property is zoned. The CUP waives their right to complain against any reasonable farming practices. However, there are other things that happen, for example the density of traffic would increase as the population increase.

Attorney LeRay Jackson said that is probably harder to complain against smoke and dust and etc. if you lived out there in a subdivision than it would be if you lived in Delta City. It would be harder to establish in court.

Commissioner Walker asked if Leon Smith was involved when the Millard County General Plan was written and adopted?

Leon Smith said he was. The actual language used in the Millard County General Plan in reference to this issue is *in or near existing communities*. Housing developments and subdivisions only pay about 57 percent of their way as far as services like fire, police and school busing are concerned. If the county was going to have to help pay for the services then in order to keep the cost to the minimum the location should be in or near other communities. In or near is a call that is used with each application that is submitted. Sherwood Shores is a community but it does not provide services.

Commissioner Cooper said the Millard County General Plan wants to protect the practice of

agricultural and farm ground in the county.

Leon Smith said that the Millard County Planning Commission actually proposed the lot size out in the county be 40 acres in an effort to protect agriculture, but during the public hearing the lot size was cut down to 1 acre lots.

Commissioner Smith said there are two ways to get to Delta and Hinckley from the Johnson property. There is a bridge that would have to be widened. Would this issue be addressed?

An answer from the audience: *The transportation issue will be addressed. Thayne Henrie from the road department will be involved.*

Elwin Johnson said they intended to put approximately forty-two lots in a proposed subdivision. There is 1,800 feet of shoreline to be used for frontage of a lot. They were considering 50 foot frontage lots. People may have to buy two lots to build a home, the smaller lots used for other purposes.

Mark Peterson said that there are a lot of people who use the reservoir for recreation and especially in the summer time the area can become quite congested. If there were a lot more houses then perhaps the recreational aspect of the area would be less desirable.

Barry Atkinson said that he has a home adjacent to the property being discussed. The home was built six years ago at a time when you needed 5 acres to build a home. He is concerned where water can be obtained for that many houses. There are already too many wells in the area and some of them have high contents of arsenic. His well is located 120 feet from the corner of the Johnson property. If all of the property was not developed or cultivated then it could become a fire hazard. The road going into Delta with the bridge is considered a short cut to town and not an adequate road for much traffic. The size of a power line going down the road to supply 30 or more houses is a concern. He has observed that there are several subdivisions on the way to town with lots that have not been sold and are becoming weed patches and fire hazards. He doesn't think it is feasible for the county to upgrade roads and everything else for such a small benefit.

Commissioner Cooper made motion to close the public hearing.

Commissioner Smith SECONDED. The voting was unanimous. The motion carried. The public hearing closed at 11:50 a.m..

Commissioner Cooper said that he thought the intent of the county was to allow people who had enough property out in the county the opportunity to build a house, not to build a bunch of subdivisions all over the county but to develop growth from inside out. It is his desire to protect agriculture. There is a natural conflict between farming and residential areas.

Commissioner Cooper made a motion to deny the application for a zone change because he believes creating a subdivision there was not consistent with what Millard County had in mind when the General Plan was set up.

Commissioner Walker called for a second. The motion died for lack of a second.

Commissioner Smith said that he has some of the concerns that Commissioner Cooper has. The General Plan clearly states its protection of agriculture. In the debate of a 40 acre, 20 acre, 5 acre, and a 1 acre lots there is always the discussion about private property and owners rights to do what they want with their property. Because of that reason, there are zoning ordinances and regulations to work out problems. There are a lot of major issues that need to be addressed before a subdivision could be developed in this area. At this point he would like to see what some of the effects of things like transportation, water and etc. would be. He disagrees with the proposal of creating 1/4 acre or 1/2 acre lots.

Commissioner Smith made a motion to conditionally approve the zone change from Agricultural to Residential but it will not take affect until the proposed subdivision on this property is approved within one year from this date. It will be subject to petition to the County Commission for an extension. The County can require the person making the request pay impact fees.

Commissioner Walker called for a second. The motion died for a lack of a second.

Commissioner Walker said she doesn't think this fits the intent of the General Plan.

Commissioner Cooper made a motion to deny the application for a zone change from Agricultural to Residential for Elwin Johnson.

Commissioner Walker stepped from the Chair and SECONDED. Commissioner Cooper and Commissioner Walker voted. Yes. Commissioner Smith voted. No. The motion passed 2 to 1. Elwin and Judy Johnson will have thirty days to appeal the decision to a court.

ED KLARICH-DISCUSSION ON GRAVEL PIT

Tabled until March 20, 2006

FILING OF DISCLOSURE STATEMENTS FOR 2006

There were none.

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

All the Commissioners and Richard Waddingham attended the Wind Generation meeting on Tuesday, February 7, 2006 with some people proposing a site on the Beaver County and Millard County border.

On February 8, 2006 the Commissioners, Leon Smith and Ely Office of the Bureau of Land Management met at the Border Inn. Penny Woods the new project manager is doing the EIS for the BLM on the Nevada Water Project. They took a tour of the newly planted trees and play ground area at the Garrison Park, and toured the county road barn there.

All the Commissioners attended a meeting at the Governors Office on Thursday, February 9, 2006. Present was the Governor Huntsman, Lt. Gary Herbert Governor, Mike Styler, Mike Lee, the Juab County Commissioners and UAC President Ralph Okerlund. Commissioner Walker took charge of the meeting. They expressed their concern to the Governor about the implied message that the commitment of the state on the Southern Nevada water pipeline might be wavering. Governor Huntsman said he is willing to support Millard County and offered some legal assistance from the State. They will petition the Nevada State Engineer to open up the protest period to allow the State of Utah to become a protestant. Also, discussed were the concerns about centrally assessed properties. (A meeting will be set up with Lt. Governor Herbert to discuss centrally assessed properties). Commissioner Smith gave an update on the Comprehensive Land Use Plan and where it is in the legislative process. The Commissioners talked with Mike Styler about House Bill number 228. The bill requires 1/3 of the water rights owners in a basin to request the state engineer to adopt a ground water management plan. The Commissioners will support this bill because the fewer water users to do a water management plan the better.

Commissioner Cooper and other county commissioners attended the Cowboy Caucus Rural Lands Legislative meetings. The Colorado River water, Larry Anderson's retirement from the State Board of Water Resources and other issues were discussed. They talked with Commissioner Mike Styler about Representative Cannon's offer to try and get funding for the test well project in the West Desert. Peggy Harrison, Field Coordinator, in Representative Cannon's Office said that she would contact Bill Hunter to see if they are going to follow through with the funds. If this didn't work then they were advised to contact Senator Bennett and Senator Hatch's Office to see if they can get funding for the project.

Commissioner Cooper attended a Public Lands Policy Advisory meeting with Lt. Governor and members of the board. They had an interesting discussion.

OTHER BUSINESS

Sheriff Ed Phillips announced to the Commission that he would no longer be the Millard County Sheriff after February 28, 2006. Sheriff Phillips has served as the Millard County Sheriff for 27 plus years and has always loved it. He has been appointed Deputy Commissioner of the Utah Department of Public Safety. The Commissioners all thanked Sheriff Phillips for the excellent service he has given to the citizens of Millard County. He has worked in many different capacities to make Millard County a safe place. His comments and concerns were always good. He was an excellent manager, demanded a lot of respect was always prepared and ran a tight ship. He will be missed.

Commissioner Cooper reported the IRS had changed the mileage reimbursement schedule from 48.5 cents to 44.5 cents, breakfast will be \$9.00, lunch \$10.00 and dinner \$20.00. Millard County follows the recommendation of the IRS.

PUBLIC INPUT

There were none.

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

Commissioner Smith made a motion to go into a closed executive session.

Commissioner Cooper SECONDED the motion. The voting was unanimous. The motion carried.

WHERE UPON THE MEETING ADJOURNED

The meeting adjourned at 12:48 p.m.

Attest: _____ Approved: _____

SECTION VII - EMPLOYMENT STATUS

- A. Applicability: All employees, officers, and other personnel not exempted herein are deemed to be fully covered employees under these personnel policies and procedures.
- B. Exempted Positions: The following types of positions have been designated as being exempt from the provisions of the personnel system (as defined below, positions in these categories are also exempt from the overtime provisions of the Fair Labor Standards Act).
1. Elected officials and others designated by the Board of County Commissioners
 2. Members of policy, advisory, review, and appeal boards, or similar bodies who do not perform administrative duties as individuals
 3. Attorneys serving as legal counsel
 4. Bona fide contractors whose services are limited by time or project specifications
- C. Special Appointments: Temporary, seasonal, and emergency appointments are defined as being limited to a definite period of time generally for not more than three consecutive months. However, each circumstance shall be evaluated on a case-by-case basis and extensions to special appointments may be granted on a month-by-month basis. Appointments, such as summer help, may be made by the elected officials and department heads and coordinated through the human resources personnel to carry out necessary seasonal work. Temporary employees, whether part-time or full-time, shall not qualify for regular employee benefits (except that mandatory benefits shall be provided as prescribed by law, social security, workers compensation, and unemployment).
- D. Regular Full-time Employees: An employee who has satisfactorily met the requirements for employment, is generally working forty (40) hours per week (is expected to work 2080 hours per year), is considered a regular full-time employee and is eligible for all the benefit programs, and rights and privileges described in county policies and procedures.
- E. Regular Part-time Employees: Employees who generally are working less than 40 hours per week (is expected to work less than 2080 hours per year) shall be considered regular part-time employees. ~~Such employees are generally paid by the hour. Participation in benefits requires more than 20 hours per week at which point benefits may be provided on prorated basis at the employee's request. For the purpose of determining the percentage at which benefits shall be paid to such employees, the county will review the number of hours worked versus the total possible work hours of the previous six months. This percentage shall be reviewed every six months following the date of the commencement of benefit earnings to determine that the percentage being used is still in comparison with the number of hours being worked. The number of hours worked may be increased or decreased at the discretion of the department head/elected official.~~

SECTION X - FRINGE BENEFITS

- A. Group Health, Dental, and Life Insurance: All regular full-time employees must participate and regular part-time employees, who work on a year round basis of more than 1040 hours per fiscal year, may participate in the county's group insurance plans. The level of participation in the payment of premiums by the employee and the county is determined on year to year basis and may be prorated based upon average number of hours worked per month.

Employees terminating employment or experiencing a reduction in hours causing ineligibility for regular group coverage and dependents of such employees who were covered on regular group coverage the day prior to termination will be allowed to continue group medical and dental insurance coverage at their own expense for up to eighteen (18) months from the date of loss of regular group coverage (except when the termination is a result of gross misconduct). The county may assess an additional 2% of the premium as an administrative fee. (See Utah Code Section 31A-22-714, or Consolidated Omnibus Budget Reconciliation Act, 1985 (COBRA)). Employees and/or dependents shall be notified within fourteen (14) days from date of termination regarding extension and conversion privileges and must reply in writing within 60 days from the later of the date of the notice or their loss of coverage date or forfeit his or her extension right.

Dependents are eligible to continue insurance at their own expense for up to thirty-six (36) months upon the occurrence of one of the following, providing that notice is given to the county by the covered employee or the qualified beneficiary within 60 days of the qualifying event:

1. The death of the covered employee
2. When dependents cease to be dependent under the definition of the policy
3. Employee becomes eligible for Medicare
4. Divorce or legal separation from a covered employee

In the event that a COBRA participant becomes disabled Under Title II or XVI of the Social Security Act within the first 60 days of COBRA coverage, the participant and his/her dependents will be eligible to continue coverage at their own expense for up to twenty-nine (29) months commencing on the date of initial COBRA coverage. The county must be provided a copy of the SSA determination of disability within 60 days after the determination is issued and before the end of the initial 18 months of COBRA coverage.

Insurance can not be continued beyond any of the following:

1. The maximum available period of continuation coverage has expired
2. Failure to make timely payments
3. The date when the individual becomes covered under any other group health plan or is entitled to Medicare benefits
4. On the date when the employer ceases to provide any group plan, except the county would be obligated to allow employees or dependents to continue coverage under any replacing group policy or policies
5. The employee or dependent ceases to be disabled after the twenty-nine (29) month extension period has begun

Millard County recognizes leave to be a benefit provided to employees as a way of making them "whole" in regards to pay. Leave may only be taken for time away from regularly scheduled work hours. 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 employee's regular number of hours worked per week. This additional pay will be at the employee's regular rate of pay. Only hours actually worked in excess of 40 hours per week (171 hours for 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 employee's direct deposit notice. Any discrepancies between those balances shown and the employee's 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 regular full-time 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 Increase</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 of employment 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.

F. Holiday Leave:

1. The following days have been designated by the county to be paid holidays:

New Year's Day	January 1 st
Human Rights Day	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday of May
Independence Day	July 4 th
Pioneer Day	July 24 th
Labor Day	1 st Monday in September
Columbus Day	2 nd Monday of October
Veteran's Day	November 11 th
Thanksgiving Day	4 th Thursday of November
Christmas Day	December 25 th

2. When any of the above holidays fall on a Sunday, the following Monday shall be observed as the holiday. When any of the above holidays fall on a Saturday, the preceding Friday shall be observed as the holiday. However, those offices required by law will remain open for business.
3. Should a holiday occur while an employee is on vacation, the employee will not be charged with vacation the day of the holiday.

G. Holiday Pay: Those Regular full-time employees who are required to work on a designated holiday will receive regular pay plus eight (8) hours holiday pay.

H. Court or Jury Leave: An regular full-time employee who, in obedience to a subpoena or direction by proper authority, appears as a witness or juror for the Federal Government, the State of Utah, a political subdivision thereof, or the county, shall be entitled to leave with pay. However, the regular court compensation fees shall be signed over to the county.

I. Maternity Leave:

1. An employee who becomes pregnant may continue working until such time as she can no longer satisfactorily perform her duties or her physical condition is such that her attending physician deems continued employment to be hazardous to her health.
2. Paid sick leave and/or family & medical leave, which is available to cover the time for physical examinations and periods of incapacitation, will be available to the pregnant employee for the same purpose.
3. Maternity leave shall be treated as any other illness. Leave granted for maternity purposes shall be allowed on the same basis for which sick leave or family & medical leave is granted.
4. Employees who have exhausted all accumulated sick leave shall be granted leave without pay for maternity purposes. Employees desiring extended leave due to "pregnancy disability" shall receive it on the same basis as any other disability. (See Leave Without

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 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. 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 Regular full-time 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.
5. 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.

