

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 28th DAY OF AUGUST 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: James and Melanie Slavens, Bryan Sidwell, Doug Ford, Farrel Marx, Sheriff Robert Dekker

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 September 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 read a quote from Mark Twain. Commissioner Cooper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF AUGUST 21, 2006

There were none.

APPROVAL OF THE AMENDED MINUTES OF AUGUST 21, 2006

Commissioner Cooper made a motion to approve the amended minutes of August 21, 2006. Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

AUDITORS REPORT

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

The Commissioners were given the Overtime Report of August 18, 2006 by Auditor Grace.

Auditor Grace reported she had received a letter from Jesse Brown offering a bid for \$26,000 for a parcel of Millard County's surplus property. The Commissioners discussed the offer and determined that \$50.00 an acre was too low and rejected the bid.

Auditor Grace reported that she had received a letter from the Utah State Board of Pardons on the restitution order for \$975.00 in the case State of Utah vs. Terrill R. Maranville. George Ann Probert from the Deputy County Attorney's Office did some research on the case and found that Mr. Maranville is currently incarcerated in California and the soonest he could be paroled in California would be 2010 and the maximum would be 2013. It is her recommendation that the county not take any action in tracking the restitution from Mr. Maranville. The Commissioners agreed with that recommendation.

Auditor Grace gave the Commissioners the Check Edit Report of August 25, 2006 to review and sign.

POSSIBLE APPROVAL OF SIGNING A PURCHASING CARD POLICY AND AGREEMENT

Attorney LeRay Jackson has reviewed the purchasing card policy agreement and recommends that it be signed. The Commissioners also reviewed the policy. Auditor Grace said that all users will be scheduled for an interview and will sign the agreement. The use of the purchasing card will allow the Auditor to write one check for the department's total invoices. A cash refund will be paid by US Bank to the county for timely payments. A monthly statement will be printed and handed out to each elected official or department head who will attach all the receipts to a copy of the statement and give to the Auditor.

Commissioner Smith made a motion to approve the purchasing card policy and agreement.

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

DOUG FORD AND FARREL MARX-REVIEW OF THE CENTRAL UTAH COUNSELING AUDIT

Doug Ford and Farrel Marx from Central Utah Counseling came before the Commissioners. Mr. Ford said that they are getting ready for the impact in mental health and substance abuse during the building of the third unit of IPP. The Commissioners asked for an itemized list of what the projected costs would be. Farrel Marx reviewed the audit with the Commissioners and said the audit was a good clean one. He explained that there will be some changes from the 2005 funding.

Medicaid money must be used for medicaid patients only. They will be using money from their contingency fund in 2006. The counties get a huge return on services for the \$36,000 they pay for mental health and substance abuse. Each Central Utah Mental Health/Alcohol Drug Center has a full time therapist and a secretary and access to Ron Childs PA. Millard County has been providing legal service to the Central Utah Counseling Board for the past two years. Millard County Deputy Attorney John Holliday will take Brent Berkley's position on the board until the end of the year. Central Utah Counseling telephone numbers are 1-800-523-7412, Mr. Ford 435- 469-1111, Mr. Marx 435-469-1289. A copy of the audit report will be on file in the Millard County Clerk's Office.

DECISION ON THE PUBLIC DEFENDER'S CONTRACT

James Slavens came before the Commissioners to see what their decision was going to be on the public defender's contract. Attorney Jackson said letters were sent out to ten attorneys. Two bids came in addition to Mr. Slavens offer. The bids were ranged from \$79,500 and \$108,000. The Commissioners offered a 2-year contract for \$85,000 to Mr. Slavens. Mr. Slavens stated he couldn't accept that offer but would split the difference between his current salary (\$97,250) and the offer (\$85,000) if a four-year contract was offered. He plead his case again by stating he has invested his time and resources here in the county. Commissioner Cooper said that he leans to having a resident fill the public defender position. Commissioner Smith said that the current contract had a stipulation that the Commissioners could request a meeting for a report to be given but nothing seemed to have been done between the negotiating period of that contract and the ending period of that contract. He suggested that a quarterly report for the next four years be given to the Commissioners. The Commissioners are concerned with getting service to the citizens who need it and to get the best value for that service. Commissioner Cooper said he is in the disposition to extend the contract to four years if an agreement can be made on the salary. Commissioner Walker said she would be comfortable with a four-year contract with written and verbal quarterly reports given to the Commissioners so concerns can be addressed from Mr. Slavens and from the outside. Commissioner Cooper said Mr. Slavens defends his clients aggressively but there have been some complaints made that he is often late for court. Commissioner Walker said that most criticism they have received had come from his clients. This job should be his main focus.

The Commissioners agreed that Mr. Slavens will be offered a four-year contract from 2007-2010 at a yearly salary of \$91,000.00. Millard County Attorney LeRay Jackson will finalize the details of the contract.

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

Commissioner Smith attended a mosquito abatement meeting on Wednesday, August 23, 2006 where an interesting fact sheet was reviewed. Millard County has had one confirmed test, in a pond, of the West Nile Virus in the Abraham Sutherland area. Millard County Mosquito Abatement is doing a great job trying to control the mosquitos in the county. No confirmed cases in Millard County have been reported.

All the Commissioners attended a meeting on Wednesday, August 23 with Reed Searle, IPA, representatives from Pacific Corp and Millard School District and Leon Smith, Planning and Zoning. The Conditional Use Permit and the process were discussed. IPA would like to fast track the CUP but the county wants to slow it down and not do it quicker than it can be handled.

Commissioner Smith attended the Central Utah Mental Health Authority Board meeting. He reported that Millard County Deputy Attorney John Holliday had been appointed to serve as the attorney of the board until the first of the year.

Commissioner Smith reported that Millard County lost their airplane in the fire at the Fillmore Airport.

BLM director Sheri Hirst had expressed her thanks for the county's cooperation in fighting the forest fires in the county. They appreciated the use of county facilities for housing their headquarters and fire crews. A meeting with the BLM and the Commissioners is scheduled for September 25, 2006 at 1:30. Commissioner Cooper spoke with Mr. Dickinson, Assistant Incident Commander on the Oak City fires. One fire was started by a dozer hitting a rock and causing a spark while doing a fire line. The fires were out of control for several days and are now 100 percent contained. There has been a week long investigation on the first fire fighter death in the history of the Fishlake National Forest. The Commissioners expressed an interest in having the interagency fire office located in Millard County as 80 percent of the fires on the Fishlake National Forest and BLM occur in this area.

Commissioner Cooper attended the Governors Public Land Advisory Board meeting in Salt Lake in the governors office.

Commissioner Walker reported that she participated in a tour of the Devil's Den fire area. She also attended a meeting in Oak City on Wednesday, August 23 with the fire team.

Commissioner Walker said she was asked and has accepted a position to serve on the Governors Task Force on the Pandemic Influenza preparedness for the State of Utah for a six-month period.

A Six-County Legislative meeting will be held on September 6, 2006 and all Commissioners are invited to attend.

Millard County Attorney LeRay Jackson attended the UCIP Workmen Comp. meeting.

OTHER BUSINESS

Commissioner Cooper read a letter from Fillmore City that was sent to Keith Barnett of the Community Impact Fund Board, requesting that a water system for the city be added to the CIB list. The water system is a capital improvement project and is estimated to cost 3.9 million dollars.

Commissioner Walker said an Emergency Facility and Land Use Agreement was signed by Commissioner Kathy Walker and the USFS for use of the fairgrounds at \$500 @ day. They had expressed appreciation to Max Wood for allowing some of the fire crew to play ball games in the evening after the league games were played.

PUBLIC INPUT

There were none.

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

There were none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Cooper made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting adjourned at 11:25.

The Commissioners will attend a Legislative Delegation meeting at the West Desert School at 2:30 this afternoon.

Attest: _____

Approved: _____