

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 11<sup>th</sup> DAY SEPTEMBER OF 2006  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Kathy Y. Walker ..... Chairman  
John C. Cooper. .... Commissioner  
  
Norma Brunson ..... County Clerk  
Janice Robins..... Deputy County Clerk

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.

ALSO PRESENT: Dean Draper, Emery Polelonema, Russ Cowley, Justin Bond, Brandy Grace, Sheriff Dekker, Paulette Staples and Shelly Dutson

EXCUSED: Commissioner Daron P. Smith was attending the Nevada Water Meeting and County Attorney LeRay Jackson was excused

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 asked if anyone had an opening statement to give? Commissioner Cooper read a quote from White Eagle and then said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF AUGUST 28, 2006

There were none.

APPROVAL OF THE AMENDED MINUTES OF AUGUST 28, 2006

Commissioner Cooper made a motion to approve the amended minutes of August 28, 2006. Commissioner Walker stepped from the chair and SECONDED. 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.

Auditor Grace gave the Commissioners the Check Edit Reports of August 31 and September 8, 2006 to review and sign. The Commissioners were given the Over Time and Vacation Report of September 1, 2006.

Commissioner Cooper made a motion to waive the ambulance fee of \$165.00 for the mud bog at the Millard County Fair.

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

Auditor Grace reported the county had received another bid from Jesse Brown on the same parcel of land he previously had a bid on and the Commissioners denied it. The new bid was for \$40,000 or approximately \$78.00 an acre. The Commissioners discussed the new offer and denied it.

The quarterly invoice from Six County AOG was signed by Commissioner Walker.

## SIX COUNTY DIRECTORS EMERY POLELONEMA AND RUSSELL COWLEY REVIEW OF CIB LIST

Six County Executive Director Russ Cowley and Director Emery Polelonema discussed the CIB List with the Commissioners. They received the Commissioners' permission to visit each community in the county to determine which project(s) the communities want on the list. The projects on the short list should be project(s) the community is planning for and is ready to go ahead with. The longer five-year list is for proposed projects. They reported that Commissioner Oakerlund said there will be 20 percent less money available for next year's projects. January 31, 2007 is the deadline for projects to be accepted or taken off the list. Projects, not on the list have to go through a clearing house review that would take more time. They reported that other AOG's throughout the state are using their method of gathering data. Mr. Cowley and Mr. Polelonema will come back again toward the end of the year for the final review of the list.

## PANORAMALAND RC&D AREA PLAN - LINDA LIND

Linda Lind said that the Panoramaland RC&D area plan has been completed. It has been an eight-month process and they have two versions of the area plan. A five-year plan needs to be in place in order for the USDA to provide technical support for the projects. The process has been an opportunity to see what the communities needs are and to see if things are really being achieved

during the five-year period. There are three hundred seventy five RC&D's throughout the country. Ms. Lind said that the RC&D cross boundaries of multiple agencies as they do rural community assistance and conservation and natural resources work. They have set up a meeting on Wednesday, September 13 in the Scipio Park or in the Scipio Senior Citizen Center with the three owners of private property burned in the recent fires. They are working to get assistance for the restoration of the land and they are coordinating with the BLM and Forest Service to make sure the seed mix is right for land and aerial seeding. An emergency forage clause may be put in place because of the loss of pasture land for livestock. Also, they would like to do some testing of oil seed crops in different locations throughout the Six County area. They will determine which crops are more productive in a variety of locations. Small grants to do bio-diesel production and its uses are being offered. Sheryl Dekker has been served two years on the board during the transition period. They would like at least one member who is willing to serve on the board from each county. Dale Roper will be asked to serve on the board representing Millard County. In Juab County, they are working on a project that teaches people how to wash their ATV and trailer tires to prevent the transport of seeds from one area to another.

Commissioner Cooper made a motion to sign the area plan for the Panoramaland RC&D.

Commissioner Walker stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. Commissioner Walker signed the master copy of the plan.

#### REVIEW AND POSSIBLE SIGNING OF A GRANT FOR THE TASK FORCE-SHERIFF'S OFFICE

Paulette Staples and Sheriff Dekker asked if the Commissioners had reviewed the grant and if they had any questions with it? The Commissioners asked what the county's responsibility would be toward the management of the funds? Sheriff Dekker said the money will be put in a budget under public safety but separate from the Sheriff's budget. The paperwork for the grant will be handled by Paulette Staples in the Sheriff's Office and in the Auditor's and Treasurer's Offices. Sheriff Dekker said having the task force in Fillmore will be an asset to the county. The task force is successful in what they try to do and the new location will help with better communication between the offices. By combining forces and working together man power increases as well as resources and intelligence and they are more successful in fighting the narcotic problems.

Commissioner Cooper made a motion to sign the grant for the task force and the Millard County Sheriff Office and to manage the grant.

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

#### JUSTIN BOND-PUBLIC DEFENDER CONTRACT

Justin Bond Attorney from Dorius Bond Reyes & Linares Attorneys at Law said they had put in a bid for \$79,500.00 on the two year public defender's position in Millard County that had been advertised. He said that all the bidders were surprised when the contract was given to James Slavens for a four-year period at \$91,000.00. If all the bidders had known there would be further negotiations on the time and the price of the contract, they could have adjusted their bids. He said

Millard County Commissioners should look into this matter closer and see what the other counties are paying their public defenders. Millard County pays the highest public defender salary of any of the surrounding counties. They need to see what Millard County tax payers are getting for their money and what they are being obligated to pay. Mr. Bond thinks the Commissioners should spend the taxpayers' money more wisely. Dorius Bond Reyes & Lenares has four attorneys and would be able to easily handle the case loads in Millard County. They have done public defender work in Cache, Sanpete, Box Elder, Uintah, Duchesne, and Sevier Counties. They feel they can offer Millard County a better service at a lower price. They are willing to bid the contract for \$70,000. Mr. Bond read from the Commission minutes of July 10, 2006 that quoted Mr. Slavens reasons why he should get the contract again. Mr. Bond said the Commissioners should look into the contract situation a little closer, look at other counties, and ask the people involved in working with him and look at what taxpayers are getting for their money. It is clearly a violation for Mr. Slavens to have asked to become a Millard County employee with benefits and state retirement. Mr. Bond cautioned that awarding a four- year contract could cause the county problems. He had a case like that in Sevier County and the Judge ruled that it is unconstitutional to grant a contract under that time frame for the reasons previously mentioned.

The Commissioners said that they have the right, based o county policy, to choose a local person based on best value for the county and they don't have to accept the lowest bid. The Commissioners are willing to look at all the details of the way the public defenders contract was handled and they promised they will get back to Mr. Bond.

#### REVIEW AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR CAROL A. SMITH, CAS UNLIMITED

The Commissioners reviewed the business license for Carol A. Smith for a telemarketing business in a home located in an agricultural zone.

Commissioner Cooper made a motion to sign the business license for Carol A. Smith for CAS Unlimited LLC.

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

#### REVIEW AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR ARMANDO CASTELLANOS, CHINO'S TIRE

The application was reviewed and the Commissioners had some questions about the nature of the business. Commissioner Walker will call Armando Castellanos for additional information.

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

Commissioner Cooper and Commissioner Smith attended the Six County AOG legislative meeting at the Pacific Corp Plant in Mona, Utah. They enjoyed a tour of the gas generating facility. After the tour, a discussion with some of the Congressional delegation, State

Representatives Rick Wheeler and Patrick Painter and State Senator Darin Peterson was held on the water situation on the west desert. They expressed their support of Millard County's position. The legislature will be asked for three million dollars to drill three test wells to help in the fight against the proposed pipeline in the west desert.

Commissioner Cooper and Commissioner Smith attended the Board of Equalization in Delta and Fillmore on September 7, 2006. Commissioner Walker was attending a conference that day.

Commissioner Cooper attended the Old Capitol Art Festival in Fillmore held on September 8 and 9. There were great displays, art work, and events held during the two-day festival. His personal favorite was the Lucille Hunt, a lady who gave a presentation on Navajo lives and traditions.

Commissioner Cooper attended a UALBH, Utah Association of Local Boards of Health Conference in Richfield, Utah. A presentation was given by David Blodgett, director of the Southwest public health office. He said there is a societal epidemic of bad choices and the top three are:

1. Tobacco
2. Behavioral activities
3. Alcohol

He talked about ways the public can get prepared for a pandemic outbreak. Isolation isn't as easy as it used to be as diseases can be transported across the world in a matter of hours. We all need to be prepared as much as we can. The economic aftermath of the SARS outbreak in Toronto, Canada still lingers.

Commissioner Cooper said that there are five applicants that will be interviewed to replace Robert Resendes as the health officer for the Central Utah Board of Health.

On August 28, all three Commissioners attended the meeting at the West Desert School with the State Legislators to discuss proposed pipeline project in the Snake Valley proposed Southern Nevada Water Authority.

On August 29, all the Commissioners held a preliminary meeting with Gary Keslo of Mission Home Health Services regarding the Millard County Care Center. The Commissioners are currently in the process of re-evaluating the management of the Millard County Care Center.

The Commissioners sponsored a public hearing in Delta, Utah on August 30, 2006 where they accepted comments on the proposed pipeline project in the West Desert and Snake Valley. Penny Woods, from the BLM Nevada State Office Office EIS project manager and two of her staff members were in attendance as well as several Snake Valley residents.

Commissioner Walker attended Leamarado Days in Leamington on September 4, 2006. She commended the town for their successful efforts.

On September 7, 2006 Commissioner Walker attended the Pandemic Task Force meeting

at the governor's mansion. There were thirty members present at the meeting. She will be issuing a psa to the newspaper later this week.

OTHER BUSINESS

There were none.

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 Walker stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried. The meeting adjourned at 11:25.

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

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