

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 16th DAY OF OCTOBER 2006
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

ALSO PRESENT: Ronald R. Hare, Paulette Staples, Klint Penney, Dan Rowley, Pat Finlinson, Jim Talbot, Terri Cummings, Lynn Mansfield, Sheri Dearden, Susan Wilcox, Sheri Stephenson, Irene Scott, Brandy Grace, Mark A. Huntsman, Matt Day, Doug Nielsen and Jason Bullock

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 October and November 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 Smith commented on the beauty of the State of Utah is and then said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF OCTOBER 2, 2006

There were none.

APPROVAL OF THE AMENDED MINUTES OF OCTOBER 2, 2006

Commissioner Cooper made a motion to approve the amended minutes of October 2, 2006. Commissioner Smith SECONDED. The voting was unanimous and the motion carried.

AUDITORS REPORT

Auditor Brandy Grace sent the Commissioners various invoices to review and approve for payment through the Auditor's Office. An invoice from National Association of Counties, NACO, for county membership dues from January 1, 2007- December 31, 2007 in the amount of \$400.00 was put before the Commission for approval.

Commissioner Smith made a motion to approve the payment of the invoice for the 2007 NACO membership dues of \$400.00.

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

Commissioner Cooper made a motion to pay the invoice of \$2,499.69 from Sound Unlimited to have the Delta Ambulance Station doors upgraded to access control cards.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The payment will be taken out of Home Land Security account.

Auditor Grace had sent up the Check Edit Report of October 13, 2006 for the Commissioners to review and sign.

REVIEW OF MILLARD COUNTY RADIO EQUIPMENT MAINTENANCE AGREEMENT WITH COMMERCIAL RADIO COMMUNICATIONS LLC

Millard County Attorney LeRay Jackson said the contract is a renewal of the radio maintenance contract for next year. The Commissioners requested a copy to review the increase in some of the areas of the contract. The item will be put on the agenda for October 23, 2006.

POSSIBLE SIGNING OF AN AGREEMENT OF THE RURAL PUBLIC LAND COUNTY COUNCIL (RPLCC) - ROBERT K. WEIDNER WITH MILLARD COUNTY

Commissioner Cooper made a motion for Millard County to sign the 2007 contract with Robert K. Weidner in the amount of \$15,000 for lobbying services in Washington D.C..

Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried. Mr. Weidner had sent a letter and some statistics of how the PILT Payment in Lieu of Taxes have increased over the fourteen years while he has lobbied for higher PILT payments. Commissioner Cooper will find the contract for signing and then a copy will be given to the Clerk's Office for filing.

REVIEW AND EXECUTION OF THE LEGAL DEFENDER'S CONTRACT

County Attorney LeRay Jackson said the contract has been prepared and has been signed by James Slavens.

Commissioner Smith made motion to sign a two year public defender contract at \$91,000 a

year for James Slavens.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. Three copies were signed. A copy will be on file in the Clerk's Office and a copy will be given to Mr. Slavens.

REVIEW AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR WEST MILLARD DISTRIBUTION - OWNER DALLAN HATHAWAY

The business license application for Dallan Hathaway was reviewed by the Commissioners. Commissioner Smith made a motion to approve a business license for West Desert Distribution, owner Dallan Hathaway.

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

POSSIBLE ADOPTION OF RESOLUTION NO. 06-10-16, A RESOLUTION REQUESTING THE RE-CERTIFICATION OF THE EAST AND WEST MILLARD JUSTICE COURTS

Millard County Attorney Jackson said that every four years each of the two Justice Courts in Millard County, by law, must be re-certified. A court certification affidavit was signed by Justice Court Judge Ronald Hare and Justice Court Judge Debra Haveron.

Commissioner Cooper made a motion to sign Resolution No. 06-10-16, A Resolution requesting the re-certification of the East and West Millard Justice Courts.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. Five copies were signed. A copy will be on file in the Clerk's Office and copies on file in the East and West Justice Courts.

ADOPTION OF RESOLUTION NO. 06-10-16A, A RESOLUTION OF APPOINTMENT OF A MILLARD COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR UTAH COUNTIES INSURANCE POOL ANNUAL MEMBERSHIP

Millard County Attorney LeRay Jackson said the resolution to appoint a Millard County representative and an alternate representative to serve on the Utah Counties Insurance Pool annual membership committee is ready for execution.

Commissioner Cooper made a motion to adopt Resolution No. 06-10-16A and appoint Daron P. Smith as representative and Kathy Y. Walker as alternate representative to serve on the Utah Counties Insurance Pool annual membership committee.

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

MILLARD COUNTY ASSESSOR JAMES TALBOT-CONVENE AS THE BOARD OF EQUALIZATION

Commissioner Smith made a motion to convene as the Board of Equalization.

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

Millard County Assessor James Talbot said the Commissioners had been given a list of all the property tax changes made this year. The Commissioners have been made aware of all the changes and have reviewed the list.

Commissioner Cooper made a motion to accept the final Board of Equalization report and recommendations.

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

Commissioner Cooper made a motion to adjourn the Board of Equalization.

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

MILLARD COUNTY EMPLOYEE RELATIONS COMMITTEE TO DISCUSS COLA AND OTHER BENEFITS

Paulette Staples represented the Millard County Employee Relations Committee and spoke in their behalf. She said the committee had met and came up with a plan for the 2007 Cost of Living Assessment, COLA. She stated the cost of living has gone up 4.1 percent in the nation but because of the higher costs of fuel, heating oil and other expenses Utah's cost of living went up higher than in the rest of the states. The committee asked that a 4 percent COLA be granted to employees for 2007 and the county cover the full cost of health insurance. Mrs. Staples said that four employees were recently given a raise. One of these employees has only been with the county two ½ or so and is now making more money than employees working twenty five years. County employees were very upset over the raises and the way they were granted because department heads and elected officials were told to lower all of the 2006 budgets because the county couldn't afford raises. The committee would like to recommend a plan for longevity raises to be given to employees. Currently new employees get a raise every six months for four years and then a raise every year to the sixth year. They would like to see the new employees six year pay increase plan be extended to eight years. The committee recommended that rest of the employees be given a 5 percent raise after 10 years, 14 years, 18 years, 22 years, 26 years and 30 years except the public safety employees who are in a different category working shifts that have to be covered 24-7. The committee had looked at the pay increase scale that is used by public safety who is given raises at 6, 8, 16, 22, and 26 years. The committee added the public safety raises all together and averaged it and came up with the suggestions for longevity raises after 10, 14, 18, 22, 26, and 30 years. They know it may be impossible to go back and make the raises retroactive, but would like it to start now with the 5 percent increase. This plan would give everyone a raise and not just one group of four employees. There is no plan currently in effect for raises to be given employees after six years.

Millard County employees earn four hours vacation time a pay period until the end of the eighth year, and six hours vacation time to the end of 16th year, and eight hours vacation time after that. Mrs. Staples said the cost of health insurance has gone up 12 percent, but the insurance coverage has gone down. News has just been received that the deductible has doubled and this

expense must come out of an employee's pocket. A comparison was shown on the white board of a deputy clerk's wage of how much a 2, 3 or 4 percent COLA would increase their salary in comparison with the cost of insurance increases to be paid. A 2 percent or 3 percent COLA on a deputy's salary won't even cover the cost increase of family insurance coverage.

The Commissioners said that they will take the suggestions of the committee under advisement. The Commissioners said that the four chief deputies were given a raise because they have extra duties and responsibilities and that they are a political appointment made by an elected official. The elected officials that gave the raises had to stay within their budgets. The Commissioners did not allow their budgets to increase.

Sheri Stephenson asked if an elected official couldn't have found money in their budget would that chief deputy not have gotten the raise? (That's right.) How fair is that?

Dan Rowley said then they had excess money in their 2006 budget to give raises? What are the qualifications for a chief deputy?

Commissioner Walker said they are appointed by the elected officials and have a higher level of responsibilities and everything falls on the chief deputy in the absence of an elected official. She invited comments from the group in regards to this subject.

Clerk Norma Brunson said that as an elected official that does not have a chief deputy in her office she challenges that the comment that *everything falls on the chief deputy* is false. She has chosen not to have a chief deputy in her office and the deputy clerks support this decision by sharing the office responsibilities. Clerk Brunson challenged the fact that a chief deputy should be given an additional \$3,000.00 over what they were already given for this position.

Commissioner Cooper responded by saying the responsibility is there if you chose to do it and the chief deputy position is a political appointment. It was not a decision to devalue other employees.

Justice Court Judge Ron Hare said there is a perception of favoritism on the part of a few employees and that the majority of the employees have been ignored. This decision has really affected employees' morale. I don't believe it was the intention of the Commission to create this but the fact of the matter is, it has been created. The feeling of many of the employees is they don't begrudge the chief deputy raises but they felt they have been ignored based on the decision of the last budget session. Those feelings are there and employees are very angry about it.

Deputy Janice Robins said until now, the chief deputies have made about \$50.00 a month (\$1,372.80 a year) more than the deputies which everyone accepted. With the new raise, a chief deputy will make \$4,372.80 a year more than a deputy who works side by side in the same office. Mrs. Robins asked who takes care of an office when the chief deputy isn't there and who takes care of the clerk's office where there is no chief deputy? The deputy clerks all step up and take care of those responsibilities. When you start talking money, people get offended. The chief deputies were already getting compensated before the raise. There should have been some research done before

this decision was made by taking in the county employees as a whole.

Auditor Brandy Grace said that a comparison of the surrounding counties was done and chief deputies in those counties were being paid more than chief deputies in Millard County. They felt there was an inequality there between their salaries compared with that position in other counties. The Commissioners said in some instances some employees are paid more and some are paid less than in other counties.

Deputy Clerk Janice Robins said there is one employee that has worked for the county 25 years and has a paralegal degree and makes \$39,104.00. A raise was given to one chief deputy who has only been with the county a little more than three years and she is now making \$40,980.00. That is not right, somebody didn't look at the total picture before a decision was made on these four raises.

Dan Rowley said shouldn't there be something done about longevity raises? What about implementing a merit system and keep the politics out of it?

Commissioner Smith said they have looked at other businesses to see how they do it. It seems like the current salary system was set up by other Commissioners is that after eight years or twenty-five years you all make the same wage. There really should be some compensation for longevity. Evaluations could be done by an office head but some of them may not want to be involved in who should or shouldn't get a raise.

Judge Ron Hare said, as office heads, we all should be doing performance evaluations with our employees to see if everyone is doing their jobs. The statement that after six or eight years you don't work as hard is a little offensive. I had a secretary retire after 24 plus years and she worked just as hard or harder the year she left as when she started and she was much more valuable because of her experience.

Commissioner Walker said that is the reason they are looking at longevity raises because we disagree with some decisions of the past.

Commissioner Cooper said this commission has stepped up to cover benefits and costs more than the Commissions in the past and we don't feel like we have been appreciated for the decisions we have made to our employees and the concessions we have made to them for their benefits and for other things in the past. In the number of years I have been a Commissioner we have gone over board to pick up the cost of insurance, the full cost of insurance when we can. You have to realize that eight million dollars of the budget goes to county wages and benefits a year. That is about what we are taking in now. We are at a crossroads in the county and you employees need to understand that we are trying to keep our heads above water. We are already using our reserves. Our reserves will be gone soon if we don't make some changes. We want to treat you right and we value your work, but it is a juggling act to not eat up the reserves in this county. If you have any suggestions, we will take them. This commission is facing something that other commissions have not faced in twenty something years. The Commissioners are going to try and work out some of the inequalities

at budget time and make things better, but it is a challenge.

Sheri Dearden said that this commission has been very responsive to needs of employees and we want to thank you for your involvement in our behalf.

Klint Penney asked what about next year? Every year the cost of health insurance goes up and we have to compromise something the next year. That is the bad issue here, I think that insurance is an employee's benefit and we shouldn't have to take a lesser insurance because the premium goes up. Klint Penney said other places pay for their employees insurance for instance the employees at the Cheese Plant don't have to pay for their health insurance.

Commissioner Smith said it could come to a time when the county is paying more for an employee's benefit packet than for their salaries. It is at 40 percent right now. The tax base is going down each year we would have to increase the tax rate to bring in more money but this would put a bigger burden on the people. Millard County is working with IPP to try to come to an agreement that will base line this out in the future.

When goods and services and employees have to be cut this becomes a problem. Commissioner Walker said that we will cut services before we cut employees.

Commissioner Cooper said that some of the inequities we have inherited and maybe in retrospect a decision should have been made to cover the whole situation and maybe we can work that out. We are going to look it over and see what we can do before the budget process is over and see how we can make things better. It is a challenge, a big challenge.

Commissioner Smith said we apologize when we make decisions and think we have good information when we don't. It is hard to manage these situations and issues. I am not going to raise the tax rate just to fund government to grow. I pay about \$400 taxes a year more on my farm and I can't do that every year and so we kept the tax rate the same rate which makes the county receive less money because the evaluation goes down. When we get into the reserves, we have to really justify what we are spending. We take responsibility for this.

Judge Ron Hare said when comparisons are taken, it is important to compare apples to apples and oranges to oranges and not just job titles. Each county does not have their employees do the same duties as another county nor do they have the same number of employees to do a similar workload. The offices are a lot different from the departments right here in our county. We need to be careful when we make comparisons from one county to another county that is being made equal.

County employees would have felt better about cutting back expenses if raises hadn't been given to such a select few employees and other requests for raises were denied.

If the Clerk's Office wants to appoint a chief deputy then they would receive some consideration, up to date they have decided not to appoint one.

Clerk Norma Brunson said that her office has a little different situation with court, county, and other office duties, she would have to appoint three chief deputies.

Commissioner Cooper said that it is a great opportunity to work for Millard County and the county jobs are good jobs, some of the best in the area. The Commissioners will take all these things discussed here today under advisement during the budget time and some decisions will be made.

A question was asked if a decision had been made that would affect an employee's use of vacation and comp time? The Commissioners said they are still working on this issue.

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

Commissioner Cooper made a motion to appoint Tammy Bean as the new Miss Millard Pageant director.

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

Commissioner Cooper announced that the new health officer for the Central Utah Public Health Department will be Bruce Costa. Mr. Costa will continue with his current position of environmental health director for at least a year along with the new duties.

Commissioner Cooper visited with Mark Walsh at Western Counties Alliance about seeking financial assistance for Millard County for the Nevada water hearings. Commissioner Mike Noel has committed to fund a proposal of \$150,000 to the legislature for financial assistance to Millard County. Millard County will contact Rick Wheeler for his support on the funding.

Commissioner Cooper reported Mark Ward will fill the UAC Public Lands position. Mr. Ward will take over on November 15, 2006 at the convention in St. George.

Commissioner Smith reported that he had put some comments together for Millard County to be submitted to the Bureau of Land Management for their EIS scoping process on the proposed Nevada water pipeline. The comments had been signed by Commissioner Kathy Walker and mailed last week.

Commissioner Smith talked to Robert Weidner to find out how he can help with a forest service issue of where the resources are located to fight fires. All the Commissioners have talked to Mr. Weidner about this issue.

Clerk Norma Brunson reported she had faxed Commissioner Walker a request to authorize a \$7,000 payment for a lift. Sandy Nielson had applied for a grant and had reported the lift, was in a warehouse and waiting for the payment to release it. Commissioner Walker authorized the payment to be made to release the lift. The Millard County Clerks budget will be reimbursed when

the money from the grant comes in. The lift was being purchased to be used to meet ADA requirements at a polling place.

Commissioner Walker and Commissioner Cooper attended a long term care committee meeting on October 10, 2006. Participating in the meeting were Dale Roper, Delta, Rex Rowley, Fillmore, Deb Arnold, Holden, Gayle Chapman, Leamington, Travis Smith, Oak City, and Sherry Ruiz, Lynndyl, Neil Swenson, Hinckley and Joyce Barney at large. The next meeting will be held on October 24, 2006 and hopefully committee members will be there from Meadow, Kanosh and Scipio. A brief history and financial information on long term care in Millard County.

On October 11, 2006, Commissioner Walker attended a Millard County Tourism meeting.

Commissioner Walker reported she has met with Nancy Schmid several times to go over financial records at the Millard County Long Term Care Center.

Commissioner Walker reported that the maintenance of the Sunset View Golf Course will be turned over to Todd Mullen from Kevin Morris so he will be able to focus on other maintenance duties. Brett Spencer, the green's keeper will be sent to some courses on golf maintenance. The money for the golf maintenance will be taken out of Kevin Morris maintenance budget and put in Todd Mullen golf course budget.

Commissioner Walker talked with Sheriff Dekker who reported that 10,000 sand bags had been used from his supply during the Oak City flooding. The bags need to be replaced and he would like to order 10-15 thousand bags but needs some funds. Three thousand dollars could be taken out of the special projects budget to pay for the bags.

OTHER BUSINESS

Commissioner Cooper made a motion to accept the additional \$1.00 per capita assessment for Central Utah Public Health. The money is used for operation of the health department.

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

Commissioner Walker received a letter from Waddingham and Peterson stating that the terms of the Millard County Drainage Districts trustees will be expiring.

Commissioner Smith reported that a letter was received from Reed Searle at IPP asking about the status of the CUP. Attorney Jackson said that the hearing with IPP will need to be delayed.

PUBLIC INPUT

Mark Huntsman, Matt Day, Doug Nielson and Jason Bullock from Sunrise Engineering Inc. participated in a power point presentation showing Sunrise Engineering's ability, skills and experience in the building and inspection process. They would like Millard County to consider

filling the position of building inspector in a different way from way the county had advertised it. Sunrise Engineering Inc. has people who are skilled in keeping the Utah State Building and Safety Codes and could cover the position of building inspector in the county. Sunrise Engineering would analyze the county's fee structure and they would charge a percentage of the building fees, approximately 60-80 percent. The whole permit fee could be collected by the county and then could pay Sunrise Engineering monthly. When the county was not using the service there would be no charge. The Commissioners said they would look at the proposal from Sunrise Engineering and thanked them for their presentation.

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

There were none.

WHERE UPON THE MEETING ADJOURNED

The meeting adjourned at 12:30 p.m..

Attest: _____

Approved: _____