

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 15th DAY OF MAY 2007  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith . . . . . Chairman  
Kathy Y. Walker. . . . . Commissioner  
John C. Cooper. . . . . Commissioner  
  
Richard Waddingham . . . . . County Attorney  
Norma Brunson . . . . . County Clerk  
Janice Robins. . . . . Deputy County Clerk

ALSO PRESENT: Linda Ekins "Women in Motion" Director  
Jer'E Brinkerhoff Fillmore Horse Racing Association  
Ferrell Quarnberg Fillmore City Councilmen  
Gary Walker Millard County Planner  
Jim Talbot Millard County Assessor

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, the local news media 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 May and June 2007.

PUBLIC WAS WELCOMED

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

OPENING STATEMENTS

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

FOLLOW UP ACTION ITEMS FROM MINUTES OF MAY 1, 2007

There were none.

APPROVAL OF THE AMENDED MINUTES OF MAY 1, 2007

Commissioner Walker made a motion to approve the amended minutes of May 1, 2007.  
Commissioner Cooper 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 reported that the Commissioners had reviewed and signed the Check Edit Reports of May 7 and are reviewing the Check Edit Report of May 14, 2007.

Auditor Grace received the new retirement rates that will become effective July 1, 2007. The rate for regular employees on the non-contributory system is increasing from 11.59 percent to 11.62 percent, an increase of .03 percent. Public Safety's rate is increasing from 22.38 percent to 22.61 percent, an increase of .23 percent. The current benefit for regular employees for 401K makes up the difference between regular employees and public safety employees.

Commissioner Cooper made a motion to acknowledge the rate increase recommended by Utah State Retirements System effective July 1, 2007 and to increase the rates for Millard County regular employees on their 401K by .20 percent.

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

Auditor Grace said a request has been made to secure a purchasing card for Linda Gillmor, Millard County Economic/Tourism Director. Some of the expenses incurred in her position need to be paid by a credit card and she has been using Sheryl Dekker's or Commissioner Walker's purchasing cards and even her own personal credit card to cover purchases.

Commissioner Walker made a motion to issue a purchasing card for Linda Gillmor, Millard County Economic/Tourism Director in the amount of \$800.00.

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

Auditor Grace received the 2006 refund for the activity of the purchasing cards in the amount of \$274.59. (Note Millard County used the program only for the last few months of 2006.) The refund was based on the performance rebate, volume rebate, transaction rebate, and the large ticket rebate.

Auditor Grace received bids from Glen Wahlberg for the following three Millard County surplus properties:

Serial number XLW 1-126	1.14 acres	\$200.00	@ \$175.43 acre
Serial number HD 3473-1-5	10.00 acres	\$850.00	@ \$85.00 acre
Serial number 5615-A-1-2.	10.19 acres	\$860.00	@ \$84.39 acre

Assessor Jim Talbot told the Commissioners what the land was worth and he recommended the county sell the land.

After further review and discussion of the bids, Commissioner Walker made a motion to reject all three bids as they are too low.

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

Auditor Grace announced that the 2007 May Tax Sale will be held May 24 at 10:00 a.m.. There are ten parcels on the sale right now but a few parcels may be removed before the sale. The parcel with a motel in Delta may come off and a parcel that appears to be a road owned by George Clifford Peterson, who is deceased may come off. The Commissioners made a decision to keep the Peterson parcel on the sale and let it go through the process. The Commissioners gave approval for the Auditor to remove the Warnick parcel from the sale if half the balance due is paid prior to the sale with the rest to be paid before the next tax year.

Commissioner Smith said he received an e-mail from Lindsay Mitchell from the Sheriff's Office concerning a \$2,122.84 ambulance bill for Don T. Bishop. The date of service was 07-11-05. For some reason the Medicare number was not given to the billing agency and the bills were sent directly to Mr. Bishop. Mr. Bishop provided the hospital with his Medicare number but it was not given to the ambulance service. Five statements were sent to Mr. Bishop and then the wrong Medicare number was provided to the billing agency. More statements were sent out and by the time the billing agency got the right number the time limit had run out and the claim was denied by Medicare. First Professional Inc. had advised the county that technically the patient was eligible for Medicare at the time of the ambulance run. She said the county could pursue it in court but the courts always rule on the side of the patient. She asked the Commissioners whether the county wanted to write the bill off or pursue collection on it?

Commissioner Walker made a motion to write off the \$2,122.84 ambulance bill for Mr. Bishop.

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

#### REVIEW AND POSSIBLE APPROVAL OF CHANGES TO THE MILLARD COUNTY POLICY AND PROCEDURES MANUAL

The Auditor, three Commissioners and County Attorney discussed possible changes to the Millard County Policy and Procedures Manual.

Commissioner Cooper made a motion to approve the changes to Section B. **Leave**, Section K. **Leave Without Pay (LWOP)** and **Policy Against Sexual Harassment** in the Millard County Policy and Procedures Manual .

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. (See Exhibit A) Section F. **Hiring Procedures** will be discussed with the elected officials at this afternoon's meeting before approval is given. The item will be on the next Commission meeting's agenda.

#### DISCUSSION AND POSSIBLE DECISION TO EXECUTE A CONTRACT WITH STERLING

## CODIFIERS TO PUT MILLARD COUNTY CODES ON THE WEBSITE

Auditor Grace said that Sterling Codifiers will put the Millard County Codes on the internet with a link from the county website at a cost of seven hundred fifty dollars (\$750) for the set up fee and a five hundred dollars (\$500) for the annual maintenance/ update fee.

Commissioner Walker made a motion to approve to enter into a contract with Sterling Codifiers to put the Millard County Codes on the internet website.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. The Commissioners will talk with the County Attorney Richard Waddingham to have his office continue to provide the updates to Sterling Codifiers and to the other county offices for them to update their books. A contract for this service will be written up and signed at a later date.

## REQUEST FOR FUNDS-LINDA EKINS "WOMEN IN MOTION" CONFERENCE

Linda Ekins, Director of the "Women in Motion" Conference said the conference is entering into its fourth year. This year's conference featured guest speakers and break out sessions. The cost of the conference tickets was thirty-five dollars (\$35.00) with more than 250 women attending. Free tickets were given to the women serving as hostesses and to the women who helped set up the conference. IHC has helped financially with the past three conferences giving \$4,000 in conjunction with IHC's 30<sup>th</sup> Anniversary and the Delta/Fillmore Medical Centers' 20<sup>th</sup> Anniversary. The date for the next conference is scheduled for March 29, 2008. Plans are being made for scheduling next years speakers, securing advertising and funding. They are trying to get Richard Paul Evans as a guest speaker. He charges \$6,000 but is willing to negotiate his speaking fee for the conference. They want speakers of great quality for the conference and they are in negotiations with several possible closing speakers. Mrs. Ekins said that "Women in Motion" is not registered as a non-profit organization. They would like to request some funds from Millard County to help them expand the conference. They provide links on their website for the conference sponsors and vendors.

The Commissioners said the request for funds in this situation doesn't fit within the county's donation policy but encouraged Mrs. Ekins to get an application for funds through Millard County Tourism who has funds to help with advertising costs.

## REQUEST FOR COMMISSION WAIVER BY MERRIE JO SMITH FOR DELTA AREA CHAMBER OF COMMERCE BUSINESS TRADE SHOW

The request for Commission Waiver application was reviewed by the Commissioners.

Commissioner Walker made a motion to waive the fee 50 percent on the exhibit building for the Delta Area Chamber of Commerce Business Trade Show to be held on June 14, 15, and 16, 2007.

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

## REVIEW AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR TAP ENTERPRISES

After a review of the business license application and finding all the signatures in order, Commissioner Walker made a motion to approve the business license for Tap Enterprises.

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

#### REVIEW AND POSSIBLE APPROVAL OF THE STATE COURT CONTRACT-MILLARD COUNTY CLERK NORMA BRUNSON

Clerk Norma Brunson said the State Court Contract is ready for review and possible signing by the Commissioners. She said it had been adjusted for the cost of living increases.

Commissioner Cooper made a motion to sign the State Court Contract with Millard County Clerk's Office upon Attorney Waddingham's approval.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. Attorney Waddingham reviewed the contract and recommended it to be signed. A copy will be on file in the Clerk's Office.

#### RATIFY THE MOTION TO SET A DATE FOR A PUBLIC HEARING TO HEAR THE ANNUAL REPORT OF MILLARD COUNTY DRAINAGE DISTRICTS NUMBERS ONE THRU FOUR

Commissioner Walker made a motion to ratify the motion to set the date of June 5, 2007 at 11:15 p.m. for a public hearing to hear the Annual Report of the Millard County Drainage Districts Numbers One Thru Four.

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

#### POSSIBLE APPROVAL OF 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 AGRICULTURE TO AGRICULTURE INDUSTRIAL.

Commissioner Walker made a motion to set the date of June 5, 2007 at 11:00 for a public hearing to hear public comment on the Ordinance to amend the zoning map of Millard County by re-classifying a portion of the unincorporated area heretofore classified as Agriculture to Agriculture Industrial. Description: Parcel 1: The North half of the Southwest quarter of Section 3, Township 16 South, Range 7 West, SLB&M. Parcel 2: The South half of the Southwest quarter of Section 3, Township 16 South, Range 7 West, SLB&M. Less beginning at the Southwest corner of said Section 3, thence North 00°51'54" West 146.2 feet along the West boundary of Section 3; thence North 89°21'49" East 600 feet; thence South 00°51'54" East 146.2 feet to the South boundary of Section 3; thence South 89°21'49" West 600 feet along the South boundary of Section 3 to the point of beginning. Parcel 3: The North half of the Northwest quarter of Section 10, Township 16 South, Range 7 West, SLB&M. Less and excepting from Parcel 3: Beginning at the Northwest corner of said Section 10; thence North 89°21'49" West 600 feet along the North boundary of Section 10; thence South 00°51'54" East 173.8 feet along thence South 89°21'49" West 600 feet to the West boundary of Section 10; thence North 00°51'54" West 173.8 feet along the West boundary of Section 10 the point of beginning. Parcel 4: The Southeast quarter of the Northwest quarter of Section 10, Township 16 South, Range 7 West, SLB&M. Parcel 5: The Southwest quarter of the Northwest quarter of Section 10,

Township 16 South, Range 7 West, SLB&M. Less the South half of the South half of the Southwest quarter of the Northwest quarter of said Section 10. Less beginning at the Northwest corner of the South half of the South half of the Southwest quarter of the Northwest quarter of said Section 10; thence North 40 feet; thence East 1170 feet; thence South 40 feet; thence West 1170 feet to the point of beginning. Owner: Crossroads Farms

#### POSSIBLE APPROVAL OF A NON-PLAT SUBDIVISION FOR JEFF AND LAURA WOOD

Gary Walker, Millard County Planner said that the county commission had approved the Woods' non-plat subdivision several weeks ago contingent on a private road being completed to provide access to one of the lots in the subdivision. Also, an easement attaching the subdivision to an existing county road required some verbiage change to allow it to serve all of the lots in the subdivision. Mr. Walker was asked to inspect the road when completed. He showed pictures of the road and said he believes the road is adequate to serve the property involved. He submitted easement language to the Commissioners.

Commissioner Cooper made a motion to approve the non-plat subdivision for Jeff and Laura Wood and to execute a certification and an affidavit that will be recorded in the Recorder's Office.

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

#### DISCUSSION AND POSSIBLE DECISION ON SALES TAX INCREASE

Auditor Grace said that Millard County is .25 percent below the state's recommended sales tax rate. Millard County is one of the two counties that has until July 2007 to increase the sales tax rate before the state raises the rate and keeps the difference.

Commissioner Walker made a motion to proceed with the process to increase the sales tax rate in Millard by .25 percent bringing it up to 6 percent. Attorney Waddingham recommended that the county investigate the procedure to raise the rate and make sure the public is properly notified.

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

#### DISCUSSION AND DECISION ON INDUSTRIAL LANDFILL FEE RATE FOR LARGE ROLL-OFFS

Commissioner Walker commented that the county had made a decision to discontinue the service of the 40 yard industrial bins so the industrial landfill fee rate would need to be adjusted for the private haulers.

Commissioner Walker made a motion to set the industrial landfill rate for private haulers at \$2.50 per yard for 30 yard & 40 yard roll-offs. The other fees will remain the same at this time. Both private haulers have been notified of the change in the fees and they consider the fee fair.

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

Ferrell Quarnberg, Fillmore City Councilman asked if the large dumpsters will still be available to the large industries? Commissioner Walker stated that all the industries have been

notified by the private haulers and they may choose the provider they want.

## REVIEW AND APPROVAL OF A RESOLUTION APPROVING INTERLOCAL AGREEMENT BETWEEN KANOSH TOWN AND BUILDING INSPECTOR

This item was tabled until the next meeting.

## POSSIBLE APPOINTMENT OF ATTORNEY RICHARD WADDINGHAM TO THE UCIP RISK MANAGEMENT COMMITTEE

Commissioner Walker made a motion to appoint Attorney Richard Waddingham to the Utah Counties Insurance Pool Risk Management Committee to represent Millard County.

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

## PUBLIC INPUT

Jer'E Brinkerhoff came before the Commissioners to get a clarification on how he should proceed with the gate receipts from the Fillmore Horse Racing Association races that were held on May 12, 2007. Mr. Brinkerhoff said that the gate receipts came to one thousand five-hundred dollars (\$1,500).

The Commissioners advised Mr. Brinkerhoff to put the money in an account and pay off the purse and then run the invoices through the Auditor's Office for the posters, the programs, and the sound system. Mr. Brinkerhoff will get a breakdown list of all the expenses to the Auditor and Commissioners.

The Brinkerhoff family has a lease agreement that was redone the end of 1999 on the property where their stalls are located. Attorney Waddingham will review the contract and see whether the structures on the property they lease from Millard County are insured privately or if the county insures them.

Mr. Brinkerhoff expressed his thanks to Gary Hone and the county maintenance crew and the jail crew for getting the grounds and track groomed for the races. The next racing date will be June 9 and they are hoping to get the July 4 date back from Richfield.

Ferrell Quarnberg, Fillmore City Councilman, complimented Mr. Brinkerhoff for trying to resurrect the racing program in Fillmore. He said events like this bring additional funds to our county. It is nice to see the track and grounds look so good and in use again. He said the Hispanic population uses the arena and race track almost every night. Their horses add a lot to the community parades. (A meeting had been held with the Hispanic people to work out some concerns with the grounds.)

Commissioner Cooper said that the Brinkerhoff family has done their part to keep the race track groomed and they have done their fair share of maintenance throughout the years. He said that Millard County had made a commitment to donate some seed money to the Fillmore Horse Racing Association for the horse races, but it will not be an ongoing commitment. In the future if Fillmore Horse Racing Association would like funding then they should go through Millard County Tourism.

## OTHER BUSINESS

Commissioner Cooper reported that two ladies have been interviewed for the Family Consumer Service (FCS) USU Extension Agent for Millard County. One applicant has been offered the position. A notification letter has been sent out and they are waiting for her acceptance/refusal letter.

Commissioner Walker made a motion to appoint Kevin Morris to serve on the Hinckley-Deseret Cemetery Board.

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

Commissioner Cooper met with Delyle Carling who has made an offer to Millard County to exchange mineral rights on the West Mountain for 30,000 tons of gravel which is worth \$100,000. In addition the Carlings will improve the hump in the road near the gravel pit. The Commissioners will discuss the issue with Millard County Road Supervisor Thayne Henrie to see if Mr. Carling's offer is something that will be worthwhile for the county to enter into. A decision will be made after the issue is researched further.

Commissioner Smith announced that Defensive Driving Classes for Millard County employees will be held on:

May 15 in Fillmore at the Sheriff's Office at 8:30 a.m. and 6:00 p.m.

May 16 in Delta at the Posse Building at 8:30 a.m.

May 29 in Fillmore at the Sheriff's Office at 8:30 a.m.

May 29 in Delta at 6:00 p.m. at the Posse Building

May 30 in Delta at the Posse Building at 8:30 a.m.

Every county employee is expected to take the class once every five years.

Commissioner Smith reported that in the GIS meeting this morning they met with the State Reference Network. The State has a grid that they are putting together around the state in phases. They would like to put a GPS unit on the top of the Old Courthouse and the Sheriff's Office at the Delta City Office. If the county would allow the units to be put on their buildings then the state will give the county a subscription to their services that is worth about three hundred dollars (\$300.00) a month. The county will have three GPS units. The state has an interlocal agreement that could be signed if the county approves. The Commissioners gave approval to proceed with the plan to put GPS units on the two county buildings.

Commissioner Cooper said that the contract with USU Extension is up for Jim Stevens in June 2007. Utah State University (USU) does not have funds to continue the contract. In the past Millard County has partnered up with USU for Jim Stevens' salary. Without USU's help the cost to Millard County will be eleven thousand dollars (\$11,000) for the period from July-October 2007. If the county doesn't step in with funds, the horsemanship and livestock program will not be continued. No action was taken at this time.

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

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

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The meeting began at 12:00 noon and ended at 12:09 p.m..

The regular meeting reconvened at 12:09 p.m..

Commissioner Walker made a motion to approve the payroll changes for employees in the Sheriff's Office, the Auditors Office and the county road department that were discussed in the closed executive session.

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

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

Commissioner Cooper attended a Six-County Association of Governments Meeting in Richfield, Utah.

Commissioner Cooper attended a safety meeting with the USDA Forest Service and the Bureau of Land Management (BLM). He reported there is a movement to have the BLM District Office moved from Richfield to Price. Millard County would like to see the office moved to Fillmore.

Commissioner Smith attended a Millard County Soil Conservation meeting in Delta. Millard County has plans to adopt some other species on their noxious weed list so that when the state programs are written the weeds could be included.

Commissioner Walker reported that all three Commissioners participated in a May 2 conference call with Mark Ward, UAC Senior Planning Coordinator and Penny Woods, Groundwater Project Manager of the Nevada Bureau of Land Management.

Issues discussed include: Woods' supervisors in Washington, D.C. had said the Southern Nevada Water Authority's Purpose and Needs Statement should be narrowed but not to narrow the scope, just narrow the physical impacts of the proposed pipeline.

A proposed alternative was to drop Segment 8, which is the Snake Valley, from the pipeline. Woods said it was still on the table, but dropping it requires a science-based reason. Mark Ward will furnish Penny Woods with verbiage for her review as a suggested alternative that has very little or no impact to Snake Valley.

Commissioner Walker attended the Six-County Agency on the Aging Task Force meeting on May 3. The nutrition program is currently \$60,000 short, and that much is needed to sustain the program until its June 30 end-of-year date. The State committed \$15,000 from its cash-in-lieu fund

to help cover the shortage. Other options discussed were more county contributions, consolidating the nutrition program in neighboring Senior Centers, or cutting the meals to three days per week.

The decision to cut the nutrition program to three days through June 30 would affect six meal days. Twenty thousand dollars (\$20,000) were received in donations from the Senior Centers which will be used exclusively at the Salina Senior Center with ten thousand dollars (\$10,000) now and ten thousand dollars (\$10,000) later. Individuals can mail donations to Judy Christensen, PO Box 820, Richfield, Utah 84701. The checks can be made out to Six-County Senior Nutrition.

Most of the people in attendance agreed that cutting meals in Senior Centers to the three days a week defeats the program's purpose. The savings throughout Six-County would be \$187,000.

Commissioner Walker reviewed the West Millard County Senior Citizens Constitution and Bylaws with President LaWana Davis. The Senior Board is incorporated and will formally adopt the documents during their June meeting.

Commissioner Walker and Commissioner Cooper met with UPC Wind's public relations representative Shelley Tusher to discuss their proposed tax petition to amend Rule 62. If Rule 62 is amended, wind projects would be valued excluding intangibles that are given through government incentive subsidies, and would be an income-based valuation.

Millard County Commissioners are supportive of the wind project but not of amending Rule 62. They have not made the decision to openly oppose or support the petition to the Utah Tax Commission, and agreed to wait until after a site visit of the proposed Milford Wind Project and until they receive additional information.

Commissioner Walker attended a Tourism Board meeting in Fillmore on May 9. Among the items discussed was the upcoming Utah Tourism Conference in Price this week.

Commissioner Walker worked with Tourism Secretary, Deb Haveron, to design an updated restaurant placemat. The placemats will replace those currently in use, and focus on county events and sites of interest.

Commissioner Walker toured Sunset View Golf Course and was delighted with the condition of the course. Low-cost improvements have been made to some of the greens and tee boxes. Revenue continues to improve, although the colder January and February temperatures prevented winter play. Last report showed April's revenue at \$27,029.30 compared to \$22,784.86 in April 2006.

#### WHERE UPON THE MEETING ADJOURNED

Commissioner Walker made a motion to adjourn the meeting.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:26 p.m..

SAFETY MEETING WAS HELD AT 1:30 P.M.  
MEETING WITH ELECTED OFFICIALS AT 2:00 P.M.

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

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

B. Leave

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 or previously 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 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 (86 hours in 14 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 regular full-time employees are eligible for vacation as accrued.
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

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.

- c. Employees requesting short term military leave may go on leave without pay status prior to using accrued vacation and comp-time and will be subject to the conditions of leave without pay status.
  2. Extended military leave without pay shall be granted to employees who enlist, are drafted, or are recalled to active service in the armed forces of the United States in accordance with the provision of the Universal Military Training and Service Act.
- K. Leave Without Pay (LWOP): Leave of absence without pay for reasons other than personal or family illness, injury or other qualifying event as defined by the Family & Medical Leave Act (FMLA), shall not be regarded as an acquired right by employees and shall be granted only when the county service will not be adversely affected thereby. Requests for leave shall be made in writing and filed with the department head/elected official. Circumstances which may be eligible for LWOP consideration may include but not be limited to educational pursuits or emergency service.
1. A leave of absence without pay granted to an employee may not exceed one (1) year in duration and may be terminated prior to the expiration date thereof by the department head/elected official. Failure of an employee to report for duty promptly at the expiration of his/her leave or violation of an agreement or understanding entered into by him/her relative thereto, or upon termination by the county, shall be just cause for discharge and the removal of his/her name from any eligible list or lists on which it may appear.
  2. Prior to being granted leave of absence without pay status, all personal leave and compensatory time must first be exhausted.
  3. Positions vacated by granting leave of absence without pay may be filled on a temporary basis. If the employee on leave violates the terms of the leave or fails to comply to a request by the county to return to work, the county may grant full-time status to the temporary employee or conduct an open recruitment.
  4. Employees and their dependents covered under the regular group health and dental plan may continue coverage at their own expense while on leave without pay in accordance with COBRA, provided that the reason for the leave is a qualifying event of COBRA (See paragraph "A" of this section).
  5. No benefits shall be provided nor shall personal leave accrue while on leave without pay. However, in cases where an employee is receiving donated time, Utah Retirement Systems requires pension benefits be paid.
- L. Administrative Leave: In cases of training, special educational pursuits, hardships, or other cases not provided for in these policies, the elected official or board of county commissioners may grant short-term leaves at full or partial pay, or without pay. The denial of such requests are at the discretion of the elected official/commission and are not subject to appeal.
- M. Family & Medical Leave: The county will comply with all applicable requirements of the Family & Medical Leave Act of 1993 (FMLA).
1. Eligibility: All employees who have worked for the county for at least 12 months (which need not be a consecutive 12 month period) and have worked for the county at least 1250 hours in the previous consecutive 12 month period qualify for family & medical leave.
  2. Eligible employees may receive up to 12 weeks of unpaid, job protected leave, in the 12 month period measured forward from the first day of FMLA leave, for the following reasons:
    - a. To care for a child upon birth or upon placement for adoption or foster care

**MILLARD COUNTY**

**Policy Against Sexual and Other Harassment**

**General**

Millard County is committed to maintaining a work environment that is free of discrimination and harassment based on a person’s sex, race, color, age, religion, disability, ancestry, or national origin, consistent with applicable laws.

All employees should respect the rights, opinions, and beliefs of others. Harassment of any person because of sex, race, color, age, religion, disability, ancestry, or national origin is strictly prohibited, whether directed at an employee, vendor, or customer. Any such harassment is prohibited by this policy whether or not it also violates the equal employment opportunity laws. This policy applies to all employees, department heads, and elected officials of Millard County.

**Sexual Harassment**

No one may threaten or imply that an employee’s submission to or rejection of sexual advances will in any way influence any decision about that employee’s employment, advancement, duties, compensation, or other terms or conditions of employment. No one may take any personnel action based on an employee’s submission to or rejection of sexual advances.

No one may subject another employee to any unwelcome conduct of a sexual nature. This includes both unwelcome physical conduct, such as touching, blocking, staring, making sexual gestures, and making or displaying sexual drawings or photographs, and unwelcome verbal conduct, such as sexual propositions, slurs, insults, jokes, and other sexual comments. An employee’s conduct will be considered unwelcome and in violation of this policy when the employee knows or should know it is unwelcome to the person subjected to it.

**Other Harassment**

No one may harass anyone because of that person’s race, color, age, religion, ancestry, or national origin. Examples of conduct prohibited by this policy include using racial and ethnic slurs or offensive stereotypes and making jokes about these characteristics.

**Making Complaints and Reporting Violations**

If you are the victim of harassment, you are requested and encouraged to make a complaint to Millard County. You are not required to complain to the person who is harassing you. It is requested that you contact a responsible supervisor, **human resources personnel**, or a member of the county commission. Similarly, if you observe harassment of another employee, you are requested and encouraged to report this to one of the persons described above. No reprisal, retaliation, or other adverse action will be taken against any employee for making in good faith a complaint or report of harassment, or for assisting in good faith in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons described above.

**Investigation of Complaints and Reports**

Millard County will promptly and thoroughly investigate any complaint or report of a violation of this policy. A thorough investigation can take several weeks in some cases. You may at any time ask the person you complained or reported to about the status of the investigation.

**Penalties for Violations**

Millard County will take prompt disciplinary and remedial action if its investigation shows a violation of this policy. Depending on the circumstances, the disciplinary action may range from a warning to a discharge.

A complaint or report that this policy has been violated is a serious matter. Dishonest complaints or reports are also against our policy, and Millard County will take appropriate disciplinary action if its investigation shows that deliberately dishonest and bad faith accusations have been made.

**Additional Information**

If you have any questions about this policy, or if you have other questions or concerns about discrimination or harassment, you may ask a member of human resources personnel as listed above or contact the local office of the Equal Employment Opportunity Commission.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date