

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 6th DAY OF JANUARY 2009
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Kathy Y. Walker Chairperson
Daron P. Smith Commissioner
Bart A. Whatcott Commissioner

Richard Waddingham County Attorney
Norma Brunson County Clerk
Janice Robins Deputy County Clerk

ALSO PRESENT: Brandy Grace Millard County Auditor
John Hansen Millard County Treasurer
Dean Draper Millard County Chronicle Progress
Gordon Chatland Utah State Parks and Recreation
Farrel Marx & Brian Whipple Central Utah Mental Health
Wayne Jackson Citizen

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN
PROVIDED TO

each member of the governing body, posted at the principal office of the Millard County Commission, posted on the Utah Public Notice Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation within Millard County, as required by law, the following proceedings were had:

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Walker to the public and Commission members. She asked that all cell phones be put on silence mode during the meeting.

OPENING STATEMENTS

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

APPOINTMENT OF A NEW COMMISSION CHAIRPERSON AND
CHAIRPERSON PRO TEMPORE

Commissioner Smith made a motion to appoint Commissioner Walker to serve as Commission Chairperson for 2009. Commissioner Walker made a motion to appoint Commissioner Smith as the Chairperson Pro Tempore. Commissioner Whatcott SECONDED the motions. The voting was unanimous and the motions carried.

FOLLOW UP ACTION ITEMS FROM MINUTES OF DECEMBER 16, 2008

There were none.

APPROVAL OF DECEMBER 16, 2008 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held December 16, 2008 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Smith made a motion to approve the minutes of December 16, 2008, as corrected. Commissioner Walker stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried.

POSSIBLE APPROVAL OF COMMISSIONERS DUTIES FOR 2009

Commissioner Whatcott made a motion to approve the list of Commissioners Duties for the year 2009. Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. See Exhibit A.

APPOINTMENT OF COMMISSIONER WALKER TO THE SIX COUNTY MENTAL HEALTH BOARD

Commissioner Smith made a motion to appoint Commissioner Walker to the Six County Mental Health Board as Millard County's representative with the authority to vote on the issues. Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried.

APPOINTMENT OF COMMISSIONER WHATCOTT TO THE SIX COUNTY PUBLIC HEALTH BOARD

Commissioner Smith made a motion to appoint Commissioner Whatcott to serve on the Six County Public Health Board with the authority to vote on the

issues in behalf of Millard County.

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

AUDITORS REPORT

Auditor Grace gave the Commissioners the Check Edit Report of December 29, 2008 to review and sign. She also gave them each a copy of the Payroll Reports from January 2, 2009.

Auditor Grace talked to the Commissioners about the Workers' Compensation Agreement with Utah Counties Insurance Pool ("UCIP"). UCIP Workers' Compensation Program is a risk sharing arrangement among Utah County governments established as a group workers' compensation program authorized to provide all compensation and benefits required by the Workers' Compensation Law.

Commissioner Smith made a motion to approve the Workers' Compensation Agreement with UCIP for Workers' Compensation Insurance for the Millard County employees.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried.

Commissioner Smith presented Auditor Grace with a copy of the reimbursement agreement with Six County Association of Governments.

POSSIBLE ADOPTION OF RESOLUTION NO. 09-01-06, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MILLARD COUNTY, STATE OF UTAH, AMENDING THE WEST MILLARD SWIMMING POOL AND EAST MILLARD SWIMMING POOL FACILITIES AND EQUIPMENT FEES

Commissioner Smith made a motion to adopt Resolution No. 09-01-06, A Resolution of the Board of Commissioners of Millard County, State of Utah, Amending the West Millard Swimming Pool and East Millard Swimming Pool Facilities and Equipment Fees. The effective date is February 1, 2009.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. Deputy Clerk Janice Robins called for a roll call vote.

Commissioner Whatcott voted YES. Commissioner Smith voted YES.

Commissioner Walker voted YES. The voting was unanimous and the motion carried.

**POSSIBLE ADOPTION OF RESOLUTION NO. 09-01-06A, A
RESOLUTION OF THE BOARD OF COMMISSIONERS OF MILLARD
COUNTY, STATE OF UTAH, AMENDING THE MILLARD COUNTY
SUNSET VIEW GOLF COURSE FEES**

Commissioner Smith made a motion to adopt Resolution No. 09-01-06A, A Resolution of the Board of Commissioners of Millard County, State of Utah, Amending the Millard County Sunset View Golf Course Fees.

Commissioner Whatcott **SECONDED** the motion. Deputy Clerk Janice Robins called for a roll call vote. Commissioner Whatcott voted YES. Commissioner Smith voted YES. Commissioner Walker voted YES. The voting was unanimous and the motion carried. The effective date is February 1, 2009.

**POSSIBLE ADOPTION OF RESOLUTION NO. 09-01-06B, A
RESOLUTION OF THE BOARD OF COMMISSIONERS OF MILLARD
COUNTY, STATE OF UTAH, AMENDING THE MILLARD COUNTY
FACILITIES FEES**

Commissioner Smith made a motion to table the adoption of Resolution No. 09-01-06B to allow time to gather further information.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried.

**POSSIBLE APPOINTMENT OF DENNIS ANDERSON AS TRUSTEE TO
MILLARD COUNTY DRAINAGE DISTRICT NO. 4**

Commissioner Smith made a motion to appoint Dennis Anderson to serve as a Trustee to Millard County Drainage District No. 4 replacing Dennis Stefanoff. Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. Attorney Waddingham gave a brief history of the drainage districts as to why the drains were constructed.

REVIEW OF THE MILLARD COUNTY FCC LICENSE REPORT

A copy of the FCC License Report as of December 2008 was presented to the Commissioners from Commercial Business Radio LC. in accordance with the radio maintenance contract it has with Millard County. The original document will be on file in the Clerk's Office.

**APPROVING THE AMOUNT OF THE TREASURER'S GENERAL
FIDELITY BOND OR THEFT OR CRIME INSURANCE AS PRESCRIBED**

BY THE STATE MONEY MANAGEMENT COUNCIL

County Attorney Richard Waddingham explained the reason for this item to be on the agenda. The County each year receives requests from individuals who want information about the execution of the duties in the elected officials' offices. They are making allegations that officials don't have the authority to act. The courts say that the county officials can act in a de facto capacity anyway. Nevertheless, pursuant to law, the Commissioners shall approve the amount of the fidelity bond or theft or crime insurance and the premium paid for the fidelity bond or theft or crime insurance on all county officials. Millard County's insurance carrier has informed us that we are covered under a "crime insurance: policy. Millard County has also opted to obtain a group policy on all county officials, as allowed by law, instead of acquiring separate crime insurance coverage for each county official. State law requires that the crime insurance on county officials be filed and maintained in the county clerk's office and that the crime insurance covering the county clerk be filed with the county treasurer. However, since the county has acquired a group policy, the original policy covering county officials crime insurance will be filed in the Millard County Clerk's office and a copy will be filed with the Millard County Treasurer.

Treasurer John Hansen said the Treasurers' used to have a separate bond. The Treasurer's bond or crime insurance has to be a specific amount based upon specifications determined by the Utah Money Management Act. He said a Treasurer is to secure a fidelity bond or theft or crime insurance based upon the amount of the budgeted gross revenue of the previous accounting year. In Millard County that amount should be between ten million and twenty-five million dollars. Therefore, the Treasurer's bond or theft or crime insurance should be 4 percent but not less than \$500,000. The legislative board should annually approve the amount of the theft or crime insurance. If the insurance coverage and the payment of the premium are approved then the County would be covered.

Commissioner Whatcott made a motion to approve the amount of the Treasurer's bond or theft or crime insurance not to be less than \$720,000. Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

APPROVAL OF A FIDELITY BOND OR THEFT OR CRIME INSURANCE ON ALL COUNTY OFFICIALS AS A GROUP, RATHER THAN INDIVIDUALLY, BY PRESCRIBING THE AMOUNT OF SAID GROUP FIDELITY BOND OR THEFT OR CRIME INSURANCE FOR ALL COUNTY OFFICIALS (EXCEPT THE MILLARD COUNTY TREASURER)

AND APPROVING THE PREMIUM FOR SAID BOND OR INSURANCE FOR ALL COUNTY OFFICIALS

Attorney Waddingham said the letter of certificate says that the amount of the crime coverage is 1.75 million dollars. The cost of the annual premium for all county insurance coverage is \$185,460.00 which includes crime insurance on all county employees and elected officials. Auditor Grace has been asked to get a letter from UCIP confirming that everyone is included in the insurance coverage (including the Treasurer.) See Exhibit B & C

Commissioner Smith made a motion to approve the amount of \$1.75 million dollars for the fidelity bond or crime insurance and approve that portion of the annual premium of \$185,460.00 for the group policy. Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried.

NOTIFICATION AN ANNEXATION FOR FILLMORE CITY

Clerk Norma Brunson reported that a notification of an annexation for Fillmore City had been received. The plat maps and information will be given to Millard County Planner Sheryl Dekker to review.

MILFORD WIND CORRIDOR, LLC-PROJECT PROGRESS AND CONSTRUCTION UPDATE

This item was tabled until the next meeting.

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

Commissioner Whatcott attended the Fire District meeting last week. The Fire Districts concerns are about the money coming in from FEMA and other budget issues.

Commissioner Smith met with Mike Styler, Director of Natural Resources, Dick Buhler, State Forester, and representatives from Sanpete and Juab Counties. They talked about the effects of the FEMA fire and the formula used to determine the Fire Districts assessments. When the money from FEMA is reimbursed to the state, the state will do one of the following two things: Reimburse Millard County for their amount of the FEMA fire /or Go back in and readjust the numbers in figuring Millard County's average.

If it does not have to budget the total amount of the FEMA fire it would help to make Millard Fire District whole again. Senator Stowell, Representative Winn, Dick Turner, CPA, are people Commissioner Whatcott could talk to in order to gain more information about the history of the Fire Suppression Fund assessments.

On December 17, 2008 Commissioner Smith attended a UAC Executive meeting in Salt Lake City.

Commissioner Smith apologized to the Millard County employees who did not receive the word that the County Offices could close a half day before Christmas Day and New Years Day and the day after New Years. He also apologized to the public for any inconvenience the office closures may have caused.

Commissioner Walker said an e-mail system will be set up to contact employees faster when notices need to be sent.

OTHER BUSINESS

Commissioner Smith made a motion to reappoint Gordon Chatland and Jim Withers to serve another three year term on the Millard County Planning and Zoning Committee.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. The motion will be ratified at the next meeting.

Commissioner Whatcott asked for Commission approval to appoint Tony Dearden to be the representative at the Millard County Fire District meetings if he is unable to attend a meeting. The other two Commissioners agreed to this request.

Deb Arnold said the 4th quarter activity was "Maintain Don't Gain." The ten names of the winners of a drawing who will receive the \$25.00 certificates were:

Connie Hansen Penny Poulsen
Deb Arnold Sharla Anderson
Lynn Mansfield Sam Stevens
Jennifer Brunson William Nichols
Cindy Iverson Darren Mason

People who participated in the wellness programs at least 50% of the time in

2008 were entered in a drawing to receive a \$25.00 American Express Gift Card. The recipients were:
Debra Arnold Cindy Manning
Tim Arnold Jerry Mansfield
Betty Bartholomew Lynn Mansfield
Craig Bartholomew Lindsay Mitchell
Linda Beard Jarrett Nez
Jenny Brunson Klint Penney
Norma Brunson Cindy Probert
Shane Brunson Janice Robins
Star Cummings Christine Stevens
Bonnie Gehre Jim Talbot
Jeff Gehre Susan Wilcox
Connie Hansen Marilee Wood
Cindy Iverson Max Wood
Laurie Johnson

Deb Arnold, on behalf of the Wellness Committee, thanked everyone for their support this past year.

Farrel Marx and Brian Whipple from Central Utah Mental Health were introduced and they presented Commissioner Walker with an orientation packet regarding her newly appointed position to the Six County Mental Health Board. All three Commissioners were invited to attend the orientation on January 21, 2008 at 3:30 p.m. in Richfield.

Gordon Chatland said that the state has asked for a 10 to 15 percent cut in their budgets for the upcoming year. This type of a cut will greatly affect the small rural communities. He asked that the Commissioners use their influence with the legislators in behalf of the museum. He announced that Museum Day will be held February 3, 2009.

PUBLIC INPUT

Dean Draper, Millard County Chronicle Progress, said that the Nevada BLM issued a report regarding its EIS listing of the options on the proposed grand water project. Included in the report was the original options of the Southern Nevada Water Authority saying “do we or do we not include the Snake Valley”?

Mr. Draper said that one of the Attorneys representing Millard County and the Utah Association of Counties did a news release contacting the Deseret News

and the Tribune and then second handedly stated that the rural papers in the state should be enlisted in this issue. He said the paper did not appreciate that comment. He had contacted the Attorney and showed him some of the articles that had been printed in the Millard County Chronicle Progress.

Mr. Draper went on to say that the BLM may opt to not allow the pipeline to progress through the Snake Valley in part of its EIS findings. The request on behalf of Mark Ward was that the BLM seek for that option. The BLM is not demonstrating its willingness that it had a year ago to opt out of this. With the delay the BLM has made a significant change from its original idea of let's come to an agreement in 2005 that perhaps we can keep them completely out of the Snake Valley.

On January 16, 2009, the Federal Agencies, the Park Services, the BLM and the Forest Service had agreed on the stipulated agreement for the Cave Lake Valley and the Dry Valley. They are supposed to be gathering to discuss whether or not they want to consider a stipulated agreement for the Snake Valley. He feels that with the change of the Secretary of the Interior there needs to be an effort to see to it that a stipulated agreement does not happen with the people, who have the science brought to the table, saying that it is detrimental to all of a sudden wave their responsibilities there.

Commissioner Smith stated that Millard County's original position in the scoping comments were that it supports the no action clause of the BLM's EIS in issuing a right of way in segment eight. Millard County has argued in every meeting for that alternative to still be on the table. The Lincoln County Act designated a corridor through Clark County and Lincoln County but not White Pine County. Because of the impacts to the Snake Valley, the option of dropping the Snake Valley is still on the table.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:23 p.m..