

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 20th 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
Janice Robins Deputy County Clerk

EXCUSED: Norma Brunson County Clerk

ALSO PRESENT: Bryan Randall Olpin Funeral Home
Forrest Roper Sheriff's Office
Jon Pelczar First Wind
Ed Zmitravich Citizens
Dean Draper Chronicle Progress
Ron and Betty Prescott Citizens
John Hansen Millard County Treasurer
Connie Hansen Millard County Recorder
David Nickle & Scott Nickle Nickle Mortuary
Jim Talbot Millard County Assessor
Brandon Bartholomew Assessor's Office
Mark Maxfield State Tax Commission

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:

COORDINATION SESSION

The Commissioners scheduled events for the months of January and February
2009.

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 Whatcott explained that when the Pledge of Allegiance is given there should not be a pause after the word “nation” as the comma was removed in an effort to bring the nation and God closer together. Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF JANUARY 6, 2009

Commissioner Whatcott made a motion to amend the Commissioners’ Assignment of Duties for 2009, adding USU Extension Service /Weed Board to his assignment list. Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried.

APPROVAL OF JANUARY 6, 2009 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 6, 2009 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Smith made a motion to approve the minutes of January 6, 2009, as corrected. Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried.

AUDITORS REPORT

Auditor Grace gave the Commissioners the Check Edit Reports of December 30, 2008 and January 16, 2009 to review and sign.

Commissioner Smith made a motion to approve a purchasing card in the amount of \$3,000 for Commissioner Whatcott. Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried.

Auditor Grace asked to review agreements with Commissioner Whatcott. She

said that according to County policy, the Commissioners should code the invoices of the departments they oversee prior to payment.

SPECIAL AMENDMENT TO THE AGENDA TO DISCUSS THE STEP AND GRADE PLAN FOR MILLARD COUNTY

Commissioner Whatcott made a motion to amend the agenda to include a discussion on the Step and Grade Plan but a decision will not be made today. Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried.

Commissioner Walker read the following statement concerning the proposed Step and Grade Plan: “This is not about a pay increase for the Commissioners or any elected officials as none will be given, including no COLA will be given.

The Commission chose to address this difficult issue because the current system for many employees reached maximum earning power in the first six years, with no longevity consideration. Public Safety has had a separate Step and Grade Plan and the desire is to treat all County employees equitably. Also, the program provides starting pay and increases based on position and avoids personal judgements.

The purpose is to treat all County employees equitably and provide them the information necessary to choose personal career paths, while staying within the County’s declining tax base.

The Commissioners hired Mike Swallow of Personnel Systems to prepare a Step and Grade Program. He is well-qualified and provided excellent references from other counties. He was asked to compare current County salaries with other fourth class counties, which included Beaver, Carbon, Duchesne, Emery, San Juan, Sanpete, Sevier, Tooele, Uintah and Wasatch Counties. Millard County is a fourth class county and shares similar demographics with those counties. Mr. Swallow found Millard County’s salaries were higher than average, in that comparable group. This was no surprise to the Millard County Commission because of the past high tax base in the County. His staff conducted personal interviews with each County employee to develop job descriptions and appropriate grades for those positions. At the conclusion, elected officials reviewed those grades with the Commission and Mr. Swallow. The elected officials’ suggestions were incorporated into the program. The next step was establishing appropriate pay steps to correspond with the grades.

The goal is to keep employees from facing deductions in their current pay, and yet accurately reflect their position. The new plan indicates some employees

have been given a higher rate of pay than their position warrants. There is a possibility that those employees will not receive a COLA or a pay increase until they are in line with the step and grade their position requires, which may take a couple of years, especially public safety. Other employees have not received pay increases even after receiving promotions with additional responsibilities. Those employees may receive a pay increase over a two-year period to accurately reflect their current position.

The Commission is working almost daily with other elected officials and department heads to obtain information to adjust the Step and Grade Program in the most equitable manner possible for all County employees.

At this point, all elected officials support the Step and Grade Program and are working on the most equitable way to implement it without negatively impacting employees.”

Commissioner Smith said that employees are still wondering when the policy will be adopted. It has been tentatively adopted and it should be explained that it is not quite ready to be adopted today as proposed. Work will continue on the policy for a few more weeks. It will be on the agenda for final adoption on February 17, 2009. He said the Commissioners appreciated meeting with the elected officials and employees and hearing their views on the issue. He considered the meetings very positive.

Commissioner Whatcott said that the counties chosen to compare Millard County with were good. The comments that have been given to him have been positive about the Step and Grade Program. This is something that should have been done a long time ago. There has been a lot of talk about the step and grade and a lot of time and work have been put into it. Commissioner Smith has put a lot of extra work on the plan. It is a good program and will be voted on in the near future. A conclusion is needed.

Sheriff Dekker said that he supports the program and feels it is a good program that is long over due. The Sheriff's Office has had a Step and Grade Program for quite a while now. Employees deserve to have some direction in their careers. There are still a few things that need to be tweaked on the plan and then a decision should be made. Employees are the County's best assets. Commissioner Whatcott said that a lot of concerns on both sides were cleared up during the interviews. He complimented the Sheriff Office employees that talked with the Commissioners.

Commissioner Smith said there was an issue about the Commissioners meeting with the elected officials to talk about the Step and Grade Program in an administrative setting of whether or not it violated the open meeting act. He asked Attorney Waddingham to address this issue.

A county commission has both legislative and executive functions. The open meetings act defines what constitutes a meeting and it also defines what does not constitute a meeting for purposes of complying with the notice requirements of the act. A “meeting”, as defined by the act and with certain exceptions, requires the Board of County Commissioners to prepare an agenda, and provide and post proper notice for the public’s benefit. Written minutes and a recording must be kept of all open meetings. A “meeting” does not mean, among other things: “...the convening of a public body that has both legislative and executive responsibilities where no public funds are appropriated for expenditure during the time the public body is convened and ...the public body is convened solely for the discussion or implementation of administrative or operational matters for which no formal action by the public body is required;....” (Section 52-4-103(4) Utah Code Annotated). Attorney Richard Waddingham felt this section of the Utah code could be interpreted to allow the Commissioners to meet with elected officials or other groups in their administrative capacity, without it constituting a “meeting”.

Attorney Waddingham said that he spoke to Utah Association of Counties (“UAC”) attorney Adam Trupp and another county attorney who had dealt with this same issue and was advised that our interpretation of the open meetings act was correct. Attorney Trupp said that it was absolutely proper for the Commissioners to meet with the elected officials when acting in an executive or administrative capacity to gather information or obtain input. He said it was proper to invite whoever was needed for discussion and input. Attorney Waddingham said the fact that the meetings were not limited to elected officials but opened up to any employee who wanted to discuss it with them supports the Commissioners’ role in gathering information and discussing matters in its administrative capacity.

Attorney Waddingham has researched Utah Appellate Court decisions regarding the open meetings act. Eventhough there was no case law directly on point as to the section of the State Code which was at issue, he said there appears to be a consistent theme in the rulings; namely, always be as open to the public as you possible can and although there are always exceptions to the rule, don’t let the exceptions swallow the rule. Attorney Waddingham said that even if the situation does not require a “meeting,” as defined by the act, the Commissioners may want to ask themselves the question: “just because we can do it, should we do it?” Whenever possible, include a specific agenda and provide and post proper notice. Attorney Waddingham recommended that any work sessions regarding this matter that constitute a meeting be placed on an

agenda and proper notice provided as required by law.

Commissioner Walker said that there have been numerous drafts made of the Step and Grade Program as it has changed almost daily. Apparently a copy of an early draft has been circulating that has caused some concerns about the chief deputies' and the Commissioners' salaries. When the final draft is made, it will be circulated freely. The current salary of the Commissioners is \$39,965.90 which is 70 percent of the other elected officials salaries, with the exception of the sheriff and attorney. Again the Step and Grade Program is not about a pay raise for the Commissioners.

DISCUSSION AND POSSIBLE APPROVAL OF ELIMINATING THE SALE OF COMP TIME

Commissioner Whatcott made a motion to eliminate the sale of comp time and at the end of the year comp time will be managed by the department head/elected official and the employee.

Commissioner Smith **SECONDED** the motion and asked for discussion. This is a policy of the county and amending the policy would have to be done by a Resolution. Commissioner Smith withdrew his second until a Resolution is brought before the Commissioners on February 17, 2009.

Sheriff Dekker asked for a clarification of eliminating the sale of comp time. He said that occasionally employees of the Sheriff's Office will accumulate comp time but it is not sold. The Commissioners said that this will not affect the accumulation of comp time just the sale of comp time.

Commissioner Whatcott made a second motion that the Commission proposes a policy change to eliminate the sale of comp time.

Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried. A Resolution will be brought before the Commissioners on February 17, 2009.

DISCUSSION AND POSSIBLE APPROVAL OF LIMITING THE AMOUNT OF VACATION TIME SOLD

Commissioner Whatcott made a motion to propose that the County limit the amount of vacation time down to eighty (80) hours. An employee will not be able to carry more than 120 hours or sell below 80 hours. This will protect the County and the individual employee.

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

the motion carried. A Resolution will be brought before the Commissioners on February 17, 2009.

TREASURER JOHN HANSEN-TAX ADJUSTMENTS AND OVER RIDES

Treasurer John Hansen asked to have one item heard at this time and move his other items at 2:00 p.m. today. Permission was granted.

Ronald Prescott explained his situation to the Commissioners. He put a modular home in Meadow which was completed in December 2005. He sold his home in Las Vegas in November 2005. From 2005-2008 Mr. and Mrs. Prescott commuted back and forth from Meadow to Las Vegas while his wife was still working. They moved into their Meadow home full time in November 2008. He did not receive a tax notice and he only found out about the taxes being delinquent when he read it in the newspaper. It was then he learned the property's status had been changed from primary in 2008.

Treasurer Hansen said that penalty and interest charges have been accumulating during this time.

Commissioner Smith made a motion to go into a Board of Equalization ("BOE").

Commissioner Whatcott **SECONDED** the motion. Auditor Grace explained that the time has expired to appeal to the BOE. Commissioner Smith withdrew the motion.

Commissioner Smith made a motion to waive the penalty and interest for 2008 upon the account being paid in full. He apologized that Mr. Prescott did not get a notice.

Mr. Prescott said his property had been given a primary status and a precedent was set and then it was changed. (It was explained that the Assessors' Office noticed no one was living there and changed it for 2008.)

Commissioner Smith amended the motion to waive the penalty and interest for 2006, 2007 and 2008.

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

Treasurer Hansen said it is a taxpayer's responsibility to see that the taxes are paid each year and that a current address is provided to the Records Office. The Commissioners waiving the penalties and interest on the property today will take care of any problems that were created earlier. The residence status will be changed to primary for 2009.

REVIEW OF MILLARD COUNTY INDIGENT BURIAL POLICY WITH LOCAL MORTUARIES

Letters had been sent to three mortuaries and representatives from two of the three were present for the discussion, David and Scott Nickle from Nickle Mortuary and Bryan Randall from Olpin Mortuary.

Commissioner Walker said that they were concerned with the procedure of the indigent burial, the form and the authorization process between the county and the mortuary. She said the fees have been \$995.00 and they wondered if this was adequate.

Mr. Nickle said the current policy is not very workable and at the time it was implemented the mortuaries were told to take it or leave it. The fee is too low and mortuaries' shouldn't have to pay for the privilege to put people away. The way the policy is written, with a set fee of \$995 and prohibiting the funeral homes from providing any other additional services or selling any additional merchandise, creates a problem for the local mortuaries. The people are using them for indigent services and then purchasing headstones, urns, vaults or other services from other Mortuaries out of the county.

Mr. Randall said that recently there was a family who had a family member pass away and they had trouble with funds. They wanted cremation but wanted a service and burial. After they had left the funeral home, they were informed the County may be able to help them. The policy said that the funeral home cannot charge any more than \$995.00. He thinks it would be better if the funeral home representative comes to the County with the family. Usually anyone who qualifies for Medicaid and has less than \$2,000.00 in assets is indigent. Indigent burials are not something that happens often. It is usually a transient without a relative to take care of the remains and it must be dealt with by the community.

Attorney Waddingham said the policy says that the County reserves the right to claim and take possession of all assets of the deceased indigent person for the purpose of recoupment or reimbursement of the public funds expended. The current form is confusing and it will be looked out and modified.

The Commissioners, Attorney and the representatives from the Mortuaries discussed the pros and cons of the current policy. Mr. Nickle said that the federal government defines indigent as someone who cannot pay their bills. If they can't pay the cost of a minimal funeral then he considers them indigent. Mr. Nickle made the following suggestions to modify the current indigent policy:

1. Only funeral homes meeting Utah State requirements and located inside Millard County can perform indigent services paid for by Millard County.
2. Both the funeral home representative and family representative must approach the County for indigent services compensation.
3. Compensation for indigent services to be established at \$1,300.00 to \$1,600.00.
4. Compensation to be indexed to some inflation factor to regulate future changes.
5. When County compensates the servicing funeral home for indigent services: Allow the serving funeral home to provide or sell cemetery related items when paid for by family members or friends independent of the county (ie: burial urn vault, grave maker, grave opening and closing)
6. Establish that one Commissioner can make the decision on indigence without the requirement to contact the other two Commissioners.
7. Establish the Sheriff's Office as the authorizing agency for indigent disposition where no family can be contacted within the 24-hour disposition period established by the State.
8. Establish a simple declaration of indigence form completed by a family representative. (This form may include a penalty clause for false declarations and an agreement for the county to recover from later discovered assets.)

The suggestions will be evaluated by the Commissioners and a new policy and a new application form will be developed by County Attorney Waddingham.

PUBLIC NOTIFICATION SYSTEM-CAPTIAN FORREST ROPER

Captain Forrest Roper came before the Commissioners with information about the Regional Siren Notification Project. The project includes Millard, Juab, Sevier, Sanpete, Piute and Wayne Counties with its local Sheriffs' Offices and the Region III Homeland Security Committee. The project goals are to put a new siren in all the incorporated towns. There will be standardized tones and response within the six county area. Three tones that may be used are:

1. A Wail - fire
2. A Hi-lo - Shelter in Place & tune to EAS
3. Yelp - Evacuate & tune to EAS

There will be public education and exercises.

Millard County will:

- Purchase siren for participating communities subject to grant funding
- Purchase and install software and/or radio equipment in dispatch for central operations

- Participate in planning, testing, exercising and public education on system

Cities will:

- Locate and develop a suitable site for maximum coverage per manufacturer recommendations
- Provide, install and pay for commercial power supply for siren
- Install the siren per manufacturer recommendations within six months of delivery
- Purchase and install necessary siren radio reception equipment
- Maintain siren, remote site equipment and power supply
- Participate in planning, testing, exercising and public education on system

The sirens could be used for/by:

- Emergency Management
- Law Enforcement
- Fire
- EMS
- Public Works
- Transportation
- Public Safety Communications
- Public Health
- Health Care
- Hazardous Materials
- Government Administration
- National Guard

Captain Roper would like to have some of the existing sirens from the cities and towns used in the unincorporated areas. Fillmore City and Delta City would like a second siren for which they will be responsible.

Captain Roper handed out copies of "Putting Down Roots in Earthquake Country" He reported that on March 21, 2009 at 10:00 a.m. an orientation meeting of the Emergency Management Orientation for Elected Officials will be presented by the State.

DISCUSSION ON CERT-CORRINA KESSLER

Corrina Kessler representing the Fillmore CERT Team asked the Commissioners for permission to use the courthouse for a mock disaster on May 16, 2009. They will only need the use of the hallways and the Commission Chambers. The Commissioners gave her permission to use the building. Arrangements will need to be made for someone to open up the building that day.

MILFORD WIND CORRIDOR, LLC-PROJECT PROGRESS AND CONSTRUCTION UPDATE

John Pelczar, First Wind reported that the video road survey will soon be completed and a copy of it will be given to the County. Delivery of the components will continue through March. The road work has been delayed a little because of financial issues, but the project will continue and should be in operation this year.

POSSIBLE ADOPTION OF RESOLUTION NO. 09-01-20, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MILLARD COUNTY, STATE OF UTAH, AMENDING THE MILLARD COUNTY FACILITIES FEES

Commissioner Whatcott made a motion to table the adoption of Resolution No. 09-01-20.

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

RATIFY THE APPOINTMENT OF DENNIS ANDERSON AS TRUSTEE FOR DRAINAGE DISTRICT NO. 4

Commissioner Smith made a motion to ratify the appointment of Dennis Anderson to serve as a Trustee for Drainage District No. 4.

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

RATIFY THE APPROVAL OF THE WORKERS' COMPENSATION AGREEMENT WITH UCIP

Commissioner Whatcott made a motion to ratify the approval of the Worker's Compensation Agreement with UCIP.

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

Commissioner Smith made a motion to recess the meeting for a lunch break. Assessor Jim Talbot asked for permission for people from his office to speak to the Commissioners before the recess.

Mike Maxfield from the State Tax Commission who is Millard County's representative said that with the proposed state budget cuts of 7 to 15 percent there will be cuts in personnel that will affect services to Millard County with reps spending less time in the County. There will be two employees cut right

now and if the budget cut goes to 15 percent then up to six or seven employees could be cut. The State contract personnel will be the first to be let go. The State Tax Commission helped Millard County with its last commercial appraisal and it was billed as training for both the County and the State. When the next commercial appraisal is done, the County will probably be billed.

Assessor Jim Talbot said that a County with as many parcels as Millard County should have three full time appraisers. They are working to get the GIS in place to help with the sales ratio study.

Brandon Bartholomew will be given that responsibility. The other employees in the office will do more of the data input. Assessor Talbot recommended that Mr. Bartholomew receive a grade step with the new responsibilities. The Commissioners will review the Assessor's request.

Commissioner Smith made a motion to recess the meeting for lunch until 1:45 p.m..

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

LUNCH BREAK

Commissioner Smith made a motion to reconvene the meeting.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:47 p.m..

Commissioner Whatcott made a motion to discuss the possibility of granting exempt employees vacation time and sick leave.

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

There are four employees in the Sheriff's Office that are considered exempt employees.

If they are given sick leave and vacation time they need to find out if they were given other considerations earlier to compensate for not getting these benefits in the first place? If the benefits are restored, he recommended that they go forward from the approval date and not be made retroactive three years.

The discussion continued and more information needs to be gathered on this issue.

1. The Human Resource Department should put the employees' job descriptions before the test from the Fair Standard Labor Act to determine if they are exempted employees.

2. Gather information from the past sheriff to see if other considerations were given in lieu of sick leave and vacation time.
3. What constitutes a day for the exempt employee? (Do they do time accountings?)
4. The Commissioners can grant benefits whether the employees are exempt or not exempt. They will make a decision and let the concerned people know.
5. A Resolution will be prepared by Attorney Waddingham and brought before the Commissioners on February 3, 2009 for possible approval.

PUBLIC INPUT

Ed Zmitravich asked who would open up the building for the CERT mock disaster training on May 16, 2009? (Commissioner Whatcott will open the building if he is available.)

Mr. Zmitravich reported that the next Grasshopper/Cricket meeting will be held in Salt Lake City on February 12, 2009 at the Department of Agriculture. Commissioner Whatcott and Mr. Zmitravich will attend the meeting and the USU Agent will be invited to attend also.

Mr. Zmitravich said that there will a CERT party at the ME Bird Center on January 23, 2009.

OTHER BUSINESS

Commissioner Whatcott requested a copy of the agreement between the Millard School District and Millard County. Currently the County is spending about eighty (80) hours at the high school baseball fields during the three-month baseball season. It was proposed by East Millard Maintenance Supervisor Klint Penney that the County continue to service the softball fields and turn the service of the baseball fields over to the school district.

A new Memorandum of Understanding will be drafted for consideration by Millard County and the Millard School District .

Treasurer Hansen gave each Commissioner a copy of the Overrides Report from January 16, 2008 to January 16, 2009. The report shows changes made during the past year when the system had to be overridden. The total of overrides for that period of time is \$7,240.16. This report includes real property, personal (business and mobile homes) of which \$2,334.97 is attributed to Rolling Stock and \$492.08 is attributed to Don Smith & John Corbett. He asked if the Commissioners want to see each and every change as it comes up or to continue to give him the authority to do some changes:

1. If the amount received paid is over/under \$10.00 it will be receipted.

2. In some circumstances a penalty will not be charged.

The Commissioners agreed to continue as in the past to have the Treasurer bring in an annual report of the changes, knowing the reports can be available at anytime.

The total of the Writeoff Report - \$2,093.69 (all types of property taxes)
Adjustment Report -\$21,154.37 (BOE changes, admissions & Greenbelt)
(Pumping plant exemptions - \$25,787.00)
Abatements

Treasurer Hansen said that the Treasurer and the Auditor reconcile their records on a monthly basis. The reports are available for the Commissioners for review.

A revenue and expense report meeting was set up for the 2nd meeting of each quarter. The first meeting was set up for February 3, 2009.

Treasurer Hansen requested a closed session.

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

Commissioner Smith made a motion to go into a closed executive session to discuss the character, professional competence or physical or mental health of an individual and litigation.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. The session began at 2:30 p.m. and ended at 2:57 p.m. After the closed executive session the regular meeting reconvened.

Treasurer Hansen presented a request for a property tax abatement on the taxes, penalty and interest on parcel number 7177-A-2 for owner Stephen Guy Terrell, who is indigent. The property tax is \$28.65, the penalty is \$10.00 and interest is minimal.

Commissioner Smith made a motion to abate the 2008 taxes, penalty and interest for Stephen Guy Terrell for the property with parcel no. 7177-A-2. The decision is based on the health, safety and welfare for County residents. Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried.

TAX ABATEMENT REQUEST-GRAYCE PACE

Treasurer Hansen explained this request was sent to the County from Ann

Rogers in behalf of Grayce Pace who is a 90-year old legally blind widow who would normally qualify for a circuit breaker but due to an oversight the application for a circuit breaker had been misplaced and the taxes not paid. The family was not aware of the problem until the delinquent tax notice came out in the newspaper.

Commissioner Smith made a motion to abate the full amount of the 2008 taxes of \$814.60 plus interest and penalty for Grayce Pace on property with serial number D-961 based on extreme hardship and that she would normally qualify for a full abatement.

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

Treasurer Hansen said that Scott Patton from the Delta Egg Farm had requested some consideration on the \$5,000.00 penalty and interest that were attached to its property, due to an over sight and the taxes being paid late. Treasurer Hansen said its properties were taxed and appraised correctly. Treasurer Hansen said the State Tax Commission does assess a fee for late payments but they do waive a late filing penalty on a first time only basis.

Commissioner Smith made a motion to abate 50 percent of the penalty and interest for Delta Egg Farm. Realizing that mistakes do happen, the County will waive \$2,500.00 this one time only.

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

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

Commissioner Smith and Commissioner Walker attended UAC General Board meeting in Salt Lake on January 16, 2009.

On Tuesday, January 13, Commissioner Smith and Commissioner Whatcott attended the Water Conservancy District and Soil Conservation District Joint Board meeting in Delta, Utah. Mark Ward, UAC, gave a presentation in regards to the water issue on the West Desert. These two organizations help fund a technician who works with people on water conservation projects.

Commissioner Whatcott spent a lot of time talking to County employees and suggested that the Commissioners meet with the County employees at least twice a year.

Commissioner Whatcott attended a Local Emergency Planning Committee meeting.

Commissioner Walker attended the Six County Association of Governments (“SCAOG”) meetings in Richfield. The Aging Task Force meeting focused on the state’s proposed 15 percent budget cut to programs, primarily Meals on Wheels. Six County Commissioners will stress the importance of the programs to the state legislators during the upcoming legislative sessions. Prioritizing nutrition goals and service areas were also discussed. Millard County’s senior centers each provide a valuable service and have large Meals on Wheels delivery areas, except Scipio Center, which doesn’t provide home delivery. Millard County provides total funding of the Scipio Center and subsidizes the centers in Delta and Fillmore.

The Executive Board meeting followed and among topics discussed was the formation of a Six County 501C (3) Housing Authority. Under new administration, it is probable that the federal government will issue additional housing vouchers for low-income families. There is currently a waiting list for vouchers and forming a Housing Authority provides a pathway to receive any new vouchers. The Executive Board will function as the Authority Board, and approval to begin the process was given. Millard County Housing Authority was contacted prior to the meeting. They are not interested in acquiring additional vouchers, feeling the Delta Sands and Mt. Catherine Senior Housing is all its board wants to oversee.

Rocky Mountain Power presented information on their proposed Energy Gateway South Project which is a 1,900 mile transmission line from Wyoming to Las Vegas. This includes a 345 Kilo-volts line from Mona to Sigurd and a 500 Kilo-volts line to Red Butte. Scoping meetings will be held in early spring 2009.

The final meeting was the Economic Development District Board. Among the many discussions was selection of County Recognition Awards. Millard County chose Liqui-Dry in Abraham as the Business of the year. Owner Eland LaBaron will be honored at a Six County banquet February 12, 2009.

Commissioners Walker, Smith and Whatcott met twice with the elected officials to receive input on the County’s proposed Step and Grade program. Additional meetings are planned as needed to continue the effort.

On Monday, January 12 and Tuesday, January 13 the Commissioners met one-on-one with several employees who had scheduled appointments for a “Talk with Commissioners” in an effort to receive public input and to give the employees a voice. They gave insight into their concerns regarding the

proposed Step and Grade program, the Apple Program, and the higher Public Safety COLA. The deadline for a decision to switch to the higher Public Safety COLA is November 30, 2009. The Commissioners are carefully evaluating all the concerns, and strived to present open and honest information to employees. On Wednesday, January 14, Commissioner Walker talked with Mont Evans from the Utah Restaurant Association. Mr. Evans wants to discuss the 1 percent restaurant tax allowed by state law. Millard County is one of three counties who have chosen not to implement the tax. The Utah Restaurant Association has lobbied legislators to allow them to collect a portion of the restaurant tax to advertize Utah restaurants, or to allow counties to voluntarily contribute a part of the collected taxes. Salt Lake and Utah counties are the only counties voluntarily giving the Association the “soft” part of taxes collected, or a part of growth generated by the advertisements. A meeting will be scheduled soon in Millard County.

All three Commissioners met with Senator Bennett’s son Jim, and two of his staff. The Senator is interested in hearing issues about Millard County. Several issues were presented by the Commissioners for the Senator’s review.

On Friday, January 16, 2009, Commissioner Walker and Commissioner Smith attended the UAC board meeting in Salt Lake City. This was the first meeting in 2009 and duties, responsibilities and procedures were submitted and approved. Commissioner Smith was congratulated on his appointment as First Vice President of UAC. Part of the appointees duties include lobbying legislators and supporting or opposing bills that support UAC’s policy positions. Commissioner Walker serves as Six County’s representative on the UAC Board of Directors.

Commissioner Walker and Commissioner Smith met with two employees in the Delta area on Monday, January 19, 2009 to review their grades in the county’s proposed Step and Grade Program.

Sheriff Robert Dekker requested a purchasing card for Cindy Staples and Una Rae Taylor Millard Ambulance Directors.

Commissioner Whatcott made a motion to approve a purchasing card in the amount of \$1,000 for Cindy Staples and Una Rae Taylor, EMT’s.

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

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 3:21 p.m..

Attest: _____

Approved: _____