

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 4th DAY OF JANUARY 2011
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith..... Chairperson
Bart A. Whatcott. Commissioner
James I. Withers..... Commissioner

Richard Waddingham County Attorney
Norma Brunson County Clerk
Marki Rowley. Deputy County Clerk

ALSO PRESENT: Dean Draper Chronicle Progress
Wayne Jackson Citizen
Cindy Gubler UNEV
Scott Christensen Six County
Georgette Harvey Six County
Russ Cowley Six County AOG
John Hansen County Treasurer

NOTE: Not all agenda items were followed in order.

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 Smith to the public and Commission members.

OPENING STATEMENTS

Commissioner Smith asked if anyone had an opening statement to give. Commissioner Whatcott read a quote from Winston Churchill: "Courage is going from failure to failure without losing enthusiasm. Success is not final, failure is fatal, it is the courage to continue that counts." Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

Commissioner Withers was welcomed as a Millard County Commissioner.

APPOINTMENT OF A NEW COMMISSION CHAIRPERSON AND CHAIRPERSON PRO TEMPORE

Commissioner Whatcott made a motion to appoint Commissioner Whatcott as the Commission Chairperson and Commissioner Withers as the Chairperson Pro Tempore.

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

RATIFY THE SIGNING OF THE PEHP CONTRACT FOR FLEX SPENDING PLAN

Commissioner Whatcott made a motion to ratify the signing of the PEHP Contract for Flex Spending Plan.

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

DISCLOSURE STATEMENTS

There were none.

POSSIBLE APPOINTMENT OF GARY WALKER TO THE PLANNING COMMISSION TO REPLACE JIM WITHERS

Commissioner Whatcott made a motion to appoint Gary Walker to the Planning Commission to replace Jim Withers.

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

REVIEW AND POSSIBLE APPROVAL OF A SECRETARY AND RENTAL CONTRACT FOR THE MILLARD COUNTY ATTORNEY

Attorney Waddingham said that the contract is the same as in the past. There was one sentence added giving 30 days notice to cancel the contract. The Commissioners and Attorney Waddingham discussed the contract.

Commissioner Whatcott made a motion to approve the Secretary and Rental Contract for the Millard County Attorney's office.

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

POSSIBLE APPOINTMENT OF THE GRAZING COMMITTEE CHAIRMAN

Commissioner Smith said that Verl Tolbert has served as the chairman in the past. He is planning to go on a LDS Mission so he suggested that Neuel Chlarson, who is currently the vice

chairman, be appointed as the chairperson.

Commissioner Whatcott made a motion to appoint Neuel Chlarson as the Grazing Committee Chairman.

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

APPROVING THE AMOUNT OF THE TREASURER'S GENERAL FIDELITY BOND OR THEFT OR CRIME INSURANCE AS PRESCRIBED BY THE STATE MONEY MANAGEMENT COUNCIL

Treasurer Hansen said that according to the State law as well as the Utah Money Management Council, the minimum bond amount is to be determined by the amount of public funds normally in the treasurer's possession or control, and budgeted gross revenue for the previous year for all funds collected or handled. The treasurer and its other officials are required to have a bond that is specified a bit differently than other elected officials.

Based upon 2010's budgeted revenue of \$17,823,270.00 the treasurer is classified under the category to be between \$10,000,000 and \$25,000,000 or 4% of the total and no less than \$500,000.00. Based on last year's budget, the bond amount should be no less than \$761,415.00

Commissioner Whatcott made a motion to approve the amount of the Treasurer's General Fidelity Bond or Theft or Crime Insurance as prescribed by the State Money Management Act to be not less than \$761,415.00.

Commissioner Withers 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

Commissioner Withers made a motion to approve the amount of \$2,000,000.00 per occurrence for the fidelity bond or crime insurance on public officials, as a group, and approve the annual premium which has been budgeted.

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

UNEV CONSTRUCTION AND PROGRESS UPDATE

Cindy Gubler reported the following:

- Everything is going well.
- The crews were off during the holidays. Also, BLM asked them to stop work

- because the ground wasn't frozen in some areas and too much rain in other areas.
- A couple of days ago BLM issued a letter that everything is good and UNEV can get back to work.
- They will start working again this week.
- There is an area further south that is a critical habitat for mule deer and elk. They are working with the Wildlife Resources to get proper permits to finish work in that area. They are hoping for approval this week.
- Some of the contractors may be laying off their employees but it has nothing to do with UNEV.
- They are hoping to be out of Millard County by the end of January.
- A date was set for Monday, January 24, 2011, for the commissioners to go see the construction of the pipeline.
- Ms. Gubler presented a map of where they were having to use dynamite to get through the ground due to lava rock running about an inch above or below the ground and being about 5ft deep.
- The smart pig is what they run inside the pipeline to monitor the thickness of the pipe and corrosion etc.. They are required to run it through every five years but UNEV will run it more often. There are different launch sites throughout the pipeline.
- Ms. Gubler explained the processes of the pipeline once it is filled.

PUBLIC INPUT

Wayne Jackson, American Legion, and the commissioners discussed potential baseball tournaments for Millard County. Commissioner Whatcott said that there is a Legion Baseball League in Salt Lake City, Utah, that wants to bring a few tournaments to Millard County. Tresa Cranney, East Millard Recreation Director, and Mr. Jackson are working on the possibility of making that happen. Doing this will bring revenue to the county. It's a good tournament for kids who just graduated from high school.

Mr. Jackson said that the American Legion wants to sponsor soccer throughout the state of Utah. A program was recently offered to the American Legion to sponsor soccer.

OTHER BUSINESS

Sheriff Dekker wanted to find out how the county was coming with the new ambulance building. Commissioner Whatcott said that he knows they are looking at starting construction sometime in February, but he is unsure as to an exact date. He suggested that the Sheriff contact Linda Gillmor since she has been the one working on the grants for funding that project.

Commissioner Whatcott will visit with both Linda Gillmor and Emery Polelonema regarding this issue.

The Commissioners and the Sheriff discussed the commissioners taking a tour of the jail on January 18, 2011 from 12:00 p.m. to 2:00 p.m..

Commissioner Smith said that Commissioner Withers will need a purchasing card in the

amount of \$3,000.

Commissioner Whatcott made a motion to approve a purchasing card for Commissioner Withers in the amount of \$3,000.

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

The commissioners discussed the janitorial contract for the Sheriff's Posse building in Fillmore.

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

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

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

After the closed executive session the regular meeting reconvened at 12:43 pm..

Commissioner Whatcott made a motion to recess for lunch.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:44 p.m..

NOON LUNCH BREAK

Commissioner Withers made a motion to reconvene the meeting.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 2:30 p.m..

AUDITOR'S REPORT

The commissioners reviewed and signed the check edit of December 29, 2010.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

TREASURER'S REPORT

Treasurer Hansen said that a while ago he asked the commissioners if he could purchase flowers for Deette Worthington from Juab County for the loss of her mother. The Utah County

Treasurers Association reimbursed the county for that purchase.

Treasurer Hansen presented the December distribution for property taxes that are due as part of the monthly financial reconciliation.

The distribution that was made in December was \$18,570,572.71. The annual total that was received and distributed was \$20,325,157.66.

The treasurer's office use to close the year effective January 15, but decided with the new changes that went into effect this year they would close the year the end of December.

Treasurer Hansen asked when the disclosure statement forms will be sent out. Attorney Waddingham said that the forms will be sent out today.

Treasurer Hansen said that he wanted to attend the meeting regarding Bob Aperson's property taxes. Mr Aperson owes property taxes for 2009 and 2010. Treasure Hansen is unsure as to the reason why Mr. Aperson is requesting an abatement.

Treasurer Hansen said that it is a commission decision to abate taxes, interest or penalties. When he gets requests for abatement of taxes he suggests that they get on the commission agenda.

Commissioner Smith said that it is policy that the commission make the decision whether to do abatements or not. It is okay for Treasurer Hansen to use his discretion to waive small amounts for simple mistakes.

OTHER

POSSIBLE APPROVAL OF COMMISSIONER DUTIES FOR 2011

Commissioners Smith and Whatcott explained some of the commission responsibilities to Commissioner Withers. The commissioners discussed the commission duties and who would be over what departments.

Commissioner Whatcott made a motion to approve the list of Commissioners duties for the year 2011.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. See attachment.

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

Clerk Brunson asked about the letters that were submitted and received dissolving the justice courts and making one justice court for Millard County. Attorney Waddingham said he would get the clerk's office a copy of both letters.

Commissioner Whatcott had nothing to report.

Commissioner Smith reported that the County Road Department received a new grader. The Special Service District 8 priced 5 or 6 used graders and came up with a good deal on the one they purchased for \$163,000. Special Service District 8 will purchase the grader and donate it to the road department.

Commissioner Withers had nothing to report.

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

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

After the closed executive session the regular meeting reconvened at 3:38 pm..

Commissioner Whatcott clarified that if Frank and Dixie Fund decide that they do not want to or cannot clean the Sheriff's Jeep Posse building for the amount in which they submitted a bid, the commissioners will accept the next lowest bid of \$80.00 a month, submitted by Maribel Munoz.

WHERE UPON THE MEETING ADJOURNED

Commissioner Whatcott made a motion to adjourn the meeting.

Commissioner Withers SECONDED the motion. The voting was unanimous and the meeting adjourned at 3:42 p.m.

Attest: _____

Approved: _____