

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 3rd DAY OF JANUARY 2012  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Bart A. Whatcott. . . . . Chairperson  
Daron P. Smith. . . . . Commissioner  
James I. Withers. . . . . Commissioner  
  
Richard Waddingham . . . . . County Attorney  
Norma Brunson . . . . . County Clerk  
Marki Rowley. . . . . Deputy County Clerk

ALSO PRESENT: Jeff Johnson . . . . . Citizen  
Bruce Costa . . . . . Central Utah Public Health Department  
John Vercoe . . . . . Central Utah Public Health Department  
Wade Tolbert . . . . . Central Utah Public Health Department  
Lindsay Mitchell . . . . . Sheriff’s Office  
Brandy Grace . . . . . County Auditor  
John Hansen . . . . . County Treasurer  
Pat Manis . . . . . County Assessor

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 Whatcott to the public and Commission members.

OPENING STATEMENTS

Commissioner Whatcott asked if anyone had an opening statement to give. Commissioner Whatcott repeated the following quotes: “People are so worried about what they eat between Christmas and the New Year, but they really should be worried about what they eat between the New Year and Christmas.” “Let us not drink to the past, but to the future.” “Be at war with your vices; at peace with your neighbors, and let every new year find you a better man.” Commissioner Withers 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 Jim Withers as the Commission Chairperson and Commissioner Smith as the Chairperson Pro Tempore for 2012.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF WAIVING THE PENALTY ON JEFF JOHNSON'S TAXES

Commissioner Whatcott said that he spoke with Treasurer Hansen regarding this issue. Mr. Johnson explained that he received his tax payment stubs in November and later received another tax payment stub and assumed that the amount on that tax stub was the amount owed. Later he found that he had over looked nine parcels. He has never been late in 25 years, and is hoping that the commission would waive the fees for him being late since he has never been late in the past and he assured them he will not be late again in the future.

Commissioner Whatcott said that Treasurer Hansen confirmed that Mr. Johnson has never been late before.

Treasurer Hansen said that his office was closed the day after Thanksgiving, which is when Mr. Johnson came to pay his taxes. Since the Treasurer's Office was closed, Mr. Johnson paid his taxes in Delta the following week. If Mr. Johnson would have been able to pay his taxes in the Treasurer's Office he would have been told of the other parcels.

Mr. Johnson has a lot of property. Being on green belt the amount is fairly small. In some cases the amount due is almost doubled due to the penalties.

When Mr. Johnson came in to pay the taxes that were mistakenly overlooked Treasurer Hansen informed him that the penalties will remain on his bill and recommended that he talk to the commissioners to see about waiving the penalties.

Commissioner Withers made a motion to waive the penalties on Mr. Johnson's 2011 property taxes.

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

#### DISCUSSION BY THE PUBLIC HEALTH INSPECTOR WADE TOLBERT, REGARDING STATE LAW ON PUBLIC GATHERINGS WHEN FOOD IS SERVED

John Vercoe explained that with the new State law it is going to be quite an expensive proposition for the health department to go out and inspect all the food booths. They came up with a few ideas that they shared with the commissioners. They went over what they look for during an inspection such as food preparation, drinking water, restroom access and general sanitation, including; hand washing facilities, trash, insect control, heat control and dust, as well as if an ambulance is on hand.

They presented a pamphlet to the commission and asked the commissioners to refer to the public health department anyone who is wanting to hold a food booth at a temporary mass gathering. They will provide all the information on what is required. They also asked if the county would hand

out the pamphlets to anyone who will be serving food at a booth for any size of event in the county.

Mr Vercoe said that church gatherings are exempt from being inspected by the health department but it would not hurt to provide them with the pamphlet.

There have been a few events that have exceeded 500 or more people which is considered a mass gathering.

Mr. Wade Tolbert said that a food handlers course is held in Fillmore on the third Thursday of each month and in Delta the third Tuesday of each month. More information can be found at [www.centralutahpublichealth.com](http://www.centralutahpublichealth.com).

Commissioner Smith made a motion to support the health department to help get the information they provided to the community organizations, which falls under health safety and welfare for the citizens of the county.

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

Commissioner Whatcott suggested that the health department hold a meeting to present this information to all the mayors and their communities.

#### OTHER BUSINESS

The commissioners discussed the time period and the process that they have gone through in possibly leasing a building from the private sector for the Public Health Department located in Delta. There was frustration due to some miscommunication and misunderstandings.

Bruce Costa, Director of the Public Health Department, said that he feels like any discussion and or decisions regarding moving the public health building should be made through him and the commissioners not his employees.

Commissioner Withers is concerned that the county has taken so long to get back to Mr. Quackenbush with a decision as to whether it wants to lease his building or not. Mr. Quackenbush has other potential renters and needs a decision from the county as soon as possible.

Commissioner Smith said that the commissioners feel that the amount to lease the building on top of the renovation costs is too much for the county to have to pay.

Mr. Costa said that he would love to have the office moved to Mr. Quackenbush's building but he too is concerned with the costs.

The commissioners discussed meeting with Mr. Quackenbush to discuss some other options.

#### RATIFY THE 2% ONE TIME COST OF LIVING ADJUSTMENT (COLA) FOR FULL TIME COUNTY EMPLOYEES

Commissioner Smith made a motion to ratify the 2% one time COLA for full-time county employees based on the 2011 salaries.

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

It was clarified that this is a one time 2% COLA based on the 2011 salaries and will not carry over to the 2012 salaries. A notice explaining this information was attached to the paychecks of those full-time employees who received the 2% COLA.

RATIFY THE COMMISSION CHAIR SIGNING THE RENEWAL OF THE UPDATED COMMUNICATIONS USE LEASE FOR OAK CITY COMMUNICATIONS SITE (SPECIAL USE PERMIT FIL173- OAK CITY TV & FM BROADCAST SITE WITH USDA)

Commissioner Withers made a motion to ratify the commission chair signing the renewal of the updated Communications Use Lease for Oak City communication site (Special Use Permit Fil 173-Oak City TV& FM broadcast site with USDA).

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

RATIFY THE APPROVAL OF RESOLUTION 11-12-28, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MILLARD COUNTY, STATE OF UTAH, TO OPEN THE 2011 MILLARD COUNTY BUDGET AND AMEND THE FOLLOWING FUND BUDGETS: GENERAL FUND AND CAPITAL PROJECTS FUND

Attorney Waddingham explained that at the Special Commission meeting held on December 28, 2011 a roll call vote was taken to adopt Resolution 11-12-28. He asked the commissioners to formalize it by motion.

Commissioner Withers made a motion to ratify the approval of Resolution 11-12-28, a resolution of the Board of Commissioners of Millard County, State of Utah, to open the 2011 Millard County Budget and amend the following budgets: General Fund and Capital Projects Fund.

Commissioner Whatcott stepped from the chair and SECONDED the motion. Clerk Brunson called for a roll call vote. Commissioner Withers voted YES. Commissioner Smith voted YES. Commissioner Whatcott voted YES. The voting was unanimous and the motion carried.

DISCLOSURE STATEMENTS

Disclosure Statements were submitted from the following employees:

- James I. Withers
- Sheri Dearden
- Marki Rowley
- John Hansen
- Richard Waddingham
- Bart A. Whatcott
- Daron P. Smith
- Lynette Madsen

REVIEW OF THE JANITORIAL CONTRACTS

Commissioner Whatcott said that there are some contracts that are up for review; namely, the East Millard Sheriff's Posse Building and the East Millard Recreation contract which encompasses the church softball field's restroom and concession area, the indoor arena and the Fillmore race track. They discussed that the janitorial contracts in Delta will need to be rebid as well.

The Fillmore janitorial contract bids as well as the bid submission form can be found on the county website at <http://www.millardcounty.org/Contract-Bids.html>.

#### DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD FOR JUSTIN KIMBALL IN THE AMOUNT OF \$1,000.00

Commissioner Whatcott explained that Deputy Kimball handles extradition for inmates and needs a credit card for the travel expenses incurred during the extradition process.

Commissioner Withers made a motion to approve a credit card for Justin Kimball in the amount of \$1,000.00.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF TEMPORARILY INCREASING THE CREDIT LIMIT ON ASSESSOR MANIS' CREDIT CARD FOR 60 DAYS.

Assessor Manis explained that due to the purchase of new equipment for a new program that will help the assessor's office determine exactly what property they are at while doing assessments, and upcoming schooling this month, he will possibly go over his budgeted credit card amount. He is requesting that an increase of \$1,000.00 be made to his credit card for a 60 day time period.

Commissioner Withers made a motion to temporarily increase Assessor Manis' credit card limit by \$1,000.00 for 60 days.

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

#### AMBULANCE ABATEMENT - LINDSAY MITCHELL

Lindsay Mitchell presented the commissioners with an ambulance abatement application from Glenda Kochen in the amount of \$5,665.44. She is self employed seasonally with Glenn's Glass and brings in an annual income of \$3,432.00. Her total debt not including the ambulance bill is \$78,000.00. Her husband is also unemployed and has been for several months.

Commissioner Smith made a motion to abate 40% of Ms. Kochen's ambulance bill and to set up a payment plan to pay the remaining balance.

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

## REVIEW AND POSSIBLE APPROVAL OF THE GBS REPRESENTATIVE AGREEMENT

Attorney Waddingham said that he made corrections to the agreement and sent it to Mark Johnson, GBS. During the meeting he received an email from Mr. Johnson informing him that GBS has accepted the changes that he made to the agreement.

Commissioner Smith made a motion to approve the GBS Representative Agreement subject to the language changes made by Attorney Waddingham.

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

## POSSIBLE APPROVAL OF THE AGREEMENT BETWEEN MILLARD COUNTY AND THE COUNTY SEAT PROGRAM

Commissioner Withers made a motion to table the approval of the agreement between Millard County and the County Seat Program.

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 THEFT OR CRIME INSURANCE FOR ALL OFFICIALS

Attorney Waddingham said that county officials are not covered by bonds but are covered by theft and crime insurance. He read UCIP's insurance coverages. See attachment.

Attorney Waddingham said that he was informed by Sonya White with UCIP that the insurance coverage covers all officials, including the treasurer.

Treasurer Hansen said that years ago the state statute did require a fidelity bond for the treasurer. Then state law was amended to include it as part of the insurance under the requirement for theft and fidelity insurance.

Treasurer Hansen said that the treasurer's coverage specifies a specific amount depending on the amount of the gross revenue for the previous accounting year and also indicates that budgeted gross revenue includes all funds collected or handled by the treasurer.

The commission found that the theft and crime insurance coverages were sufficient to cover all officials, including the amount necessary to cover the treasurer.

Commissioner Withers made a motion to approve the theft or crime insurance on all county officials as a group, rather than individually, by prescribing the amount of said group theft or crime insurance for all county officials as set forth in UCIP's coverages (see attachment) and approving the premium for said theft or crime insurance for all officials.

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

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

This agenda item was combined with the above agenda item.

OTHER BUSINESS CONTINUED

Commissioner Smith said that he received an email from Bob Weidner indicating that he had not received a check for his services yet. Commissioner Smith will respond to Mr. Weidner that the commission has not received a contract or an invoice and will need either of these items before a check can be released.

Later, Commissioner Smith found the invoice for Mr. Weidner.

Commissioner Smith made a motion to approve the contract with Bob Weidner through the Rural Public Land County Council in the amount of \$15,000.00 which will be paid out of the 2011 budget out of the Public Lands line item.

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

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

Assessor Manis said that a few months ago the commissioners made a deal with Red Rock Cheese regarding its personal property taxes. His concern is that Red Rock Cheese has since closed its doors. He said that the county has gone through a similar situation when a company had gone through foreclosure, which was a huge mess.

He said originally, the county agreed not to post a seizure notice against Red Rock Cheese due to what had happened. Now there is a different light on the subject with the building being closed. He said that he will attach the personal property with the real property and will post seizure notices based on what is now happening.

Commissioner Withers said that he appreciates all that the county did for the employees for the Christmas season.

All three Commissioners attended a Special Commission Meeting held on December 28, 2011, where they opened the 2011 budget.

Commissioner Smith said that he appreciates all the work everyone does all year long. He had an enjoyable holiday season and is looking forward to a new year.

Commissioner Whatcott said he appreciates some comments that were made to him regarding the commission and the county. One particular comment was expressing the appreciation of the things the commissioners do and that the job is not one some would want to have.

Commissioner Whatcott was also complimented on a well run county and the good job the commissioners are doing.

Commissioner Whatcott said that we do have a good county and a good county government.

#### APPROVAL OF DECEMBER 20, 2011 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held December 20, 2011 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of December 20, 2011, as corrected.

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

#### APPROVAL OF THE SPECIAL COMMISSION MINUTES OF DECEMBER 6, 2011

The proposed minutes of a Special Commission Meeting held December 28, 2011 were presented for consideration and approval. Commissioner Withers made a motion to approve the minutes of the December 28, 2011 special commission meeting, as presented.

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

Commissioner Smith made a motion to recess for lunch.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 11:50 a.m..

#### NOON LUNCH BREAK

The Commissioners held a work session with Treasurer Hansen after lunch.

Commissioner Withers made a motion to reconvene the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:44 p.m..

#### PUBLIC INPUT

There was none.

#### TREASURER'S REPORT

Treasurer Hansen said that he shared with Attorney Waddingham a notice of bankruptcy for voluntary dismissal of a limited liability company and they will discuss it further at a later time.

Treasurer Hansen said that the interest for delinquent property taxes for the 2011 year is 7% according to State Statute.



Treasurer Hansen said that he is unsure as to where the statements of confidentiality should be filed. He gave his statement to Attorney Waddingham to file. He said that he recommends that the commissioners, Auditor Grace and Assessor Manis all sign a confidentiality statement as well.

Treasurer Hansen instructed his Chief Deputy, Sheri Dearden, that his office has the ability to share the amount of the assessment for taxable value on the tax notice and the amount of tax that is paid; both are a matter of public record. He thinks that how they get to that amount is confidential.

Attorney Waddingham read the confidentiality agreement for the commissioners and Treasurer Hansen's benefit.

## AUDITOR'S REPORT

Auditor Grace presented a disclosure statement for Lynette Madsen.

Auditor Grace presented an invoice she drew up and sent to Millard High School in the amount of \$489.98, for the replacement of a cap on the fence at the ball fields that was melted by the high school fire. She said that Principal Aldredge had called and spoke to her regarding the price of shipping and handling. Following that conversation there was a crash bar that was broken during a county recreation event.

Auditor Grace broke down the invoice for the commissioners: the cap cost \$149.99, the ties cost \$44.99, shipping and handling was \$95.00 and labor costs were \$200.00. All the extra materials were delivered to the high school.

Commissioner Whatcott suggested to redo the invoice and take off the labor costs of \$200.00 in return for the high school not to bill the county for the broken crash bar.

Commissioner Whatcott will contact Principal Aldredge regarding this matter. Auditor Grace will prepare a new invoice for Commissioner Whatcott to take to Principal Aldredge.

Auditor Grace and the Commissioners discussed a bill received from IHC showing the county owes IHC \$48,681.65. Auditor Grace said that the county is questioning the ongoing expenses after the termination agreement which was signed on February 29, 2008.

Attorney Waddingham said that there is a provision that states that the issue would need to be reconciled within 180 days. There have been discussions with IHC regarding payments coming in or going out after that time. Auditor Grace said that this has been going on for almost four years.

Commissioner Smith made a motion to deny IHC's request for payment and to send a letter to IHC stating that they are outside of the 180 days of reconciliation according to the agreement.

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

Commissioner Smith will write the letter and all three commissioners will sign it.

## POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There was none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

OTHER

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Withers made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the meeting adjourned at 2:10 p.m..

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

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

**E. Limit of Coverage**

The most the Pool will pay as the result of any one loss is limited as described by the Member Sublimits below, less the amount of the Member's maintenance deductible. For purposes of determining the Limit of Coverage, losses arising from a single act or event or a series of related acts or events shall be deemed to be a single loss. The following Member Sublimits apply on an each and every loss basis, unless otherwise stated.

**Member Sublimits:**

\$250,000	Money & Securities (inside premises)
\$250,000	Money & Securities (outside premises)
\$250,000	Commercial Blanket Bond (excludes employees known to have committed fraudulent or dishonest acts).
\$250,000	Faithful Performance
\$250,000	Depositors Forgery
\$250,000	Computer Fraud
\$250,000	Funds Transfer
\$250,000	Money Orders and Counterfeit Paper Currency
\$500	Maintenance Deductible

**F. Indirect Loss**

The coverage provided by this Section VI does not apply to loss that is an indirect result of any act covered by this Agreement including, but not limited to, loss resulting from:

1. A Member's inability to realize income that it would have realized had there been no loss of or damage to Money, Securities or other Covered Property.
2. Payment of damages of any type for which a Member is legally liable, but the Pool will pay compensatory damages arising directly from a loss covered under this Section VI.
3. Payment of costs, fees or other expenses a Member incurs in establishing either the existence or the amount of loss under this Agreement.

**G. Conditions**

**1. Cancellation As To An Employee**

- a. Coverage under this Section VI is cancelled as to any Employee immediately upon discovery by any official or employee authorized

UCIP-12.100

**POLICY INFORMATION**

**INSURED:** UTAH COUNTIES INSURANCE POOL  
**INSURED'S ADDRESS:** 10980 S JORDAN GTWY  
SOUTH JORDAN, UT 84095-4125  
**TYPE OF POLICY:** Government Crime Policy Admitted CR0026 (05/06)  
**BASIC FORM:** CR0026 (05/06)  
**INSURANCE COMPANY:** National Union Fire Insurance Company of Pittsburgh, Pa.  
**POLICY NUMBER:** 01-422-30-99  
**EFFECTIVE DATE:** 01/01/2012      **EXPIRATION DATE:** 01/01/2013

<u>SINGLE LOSS COVERAGE FORMS</u>	<u>LIMIT OF LIABILITY</u>	<u>SINGLE LOSS DEDUCTIBLE</u>
Employee Theft-Per Loss Coverage	\$2,500,000	\$250,000
Employee Theft-Per Employee Coverage	Not Covered	Not Covered
Forgery or Alteration	\$2,500,000	\$250,000
Inside Premises-Theft of Money & Securities	\$2,500,000	\$250,000
Inside Premises-Robbery, Safe Burglary-Other Prop.	\$2,500,000	\$250,000
Outside the Premises	\$2,500,000	\$250,000
Computer Fraud	\$2,500,000	\$250,000
Funds Transfer Fraud	\$2,500,000	\$250,000
Money Orders and Counterfeit Paper Currency	\$2,500,000	\$250,000

**OTHER TERMS:** Per Insurer Quote/Indication Letter dated 12/07/2011 except as indicated below.

**PREMIUM:** \$32,114

**COMMISSION:** 15.00%

**Important Conditions Of Binder:** See Below

