

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 15th DAY OF APRIL 2014
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Alan M. Roper..... Chairperson
Daron P. Smith..... Commissioner

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

EXCUSED: James I. Withers..... Commissioner

ALSO PRESENT: John & Marilou Heath..... Citizens
Dean Draper..... Chronicle Progress
Forrest Roper..... Sheriff's Office
Wayne Jackson..... Military Liaison
Farrel Marx & Brian Whipple..... Central Utah Counseling

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, Utah, 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 Roper to the public and Commission members.

OPENING STATEMENTS

Commissioner Roper asked if anyone had an opening statement to give. John Heath read a quote from Thomas Jefferson: "Honesty is the first chapter in the book of wisdom". Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

Commissioner Roper excused Commissioner Withers who is out of state working on the wild horse issue. He is with Verl Tolbert who is the Vice President of the Millard County Grazer's Association.

APPROVAL OF APRIL 1, 2014 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held April 1, 2014 were presented for consideration and approval. Following review and consideration of minor corrections,

Commissioner Smith made a motion to approve the minutes of April 1, 2014, as corrected.

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

FOLLOW UP ACTION ITEMS FROM APRIL 1, 2014

Attorney Waddingham clarified from the March 25, 2014 minutes that the new subdivision ordinance amendment was not valid until publication and 15 days after passage. Anyone who wants to file a subdivision application would have to apply under the old ordinance until the new ordinance is in effect.

DISCUSSION AND POSSIBLE RECONSIDERATION OF THE MINUTES OF MARCH 25, 2014

Commissioner Smith made a motion to reconsider and approve the Minutes of March 25, 2014 as discussed.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR COBBLESTONE CENTRE, LLC, OWNER - NELDON JOHNSON

A business license application was presented for Cobblestone Centre, LLC, Owner - Neldon Johnson, a manufacturing business of thermal solar lenses and stainless steel turbines. Commissioner Roper said that this business received a conditional use permit. After review of the application and finding all signatures in order, Commissioner Smith made a motion to approve a business license for Cobblestone Centre, LLC, Owner - Neldon Johnson.

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

DISCUSSION AND POSSIBLE APPOINTMENT OF MEMBERS TO SERVE ON THE MILLARD COUNTY GOLF COMMITTEE

Commissioner Smith said that a few times Millard County has appointed citizens in the community to serve as an advisory committee for the Sunset View Golf Course to review how the golf course is going throughout the year. There are by-laws established that call for a 7 member board. He recommended the following people to serve on the Millard County Golf Committee Board for 2014: Jackson George as the Men's League Representative, Dean Fowles as the Representative from the High School, Shellie Dutson as the Ladies's League Representative, Craig Young, Scott Patton and Mike Barney.

Commissioner Smith said that he has not heard back from Ron Sumsions, Rhett Kimball, or Scott Stucki who might be able to serve as alternates.

Commissioner Smith made a motion to appoint Jackson George, Dean Fowles, Teresa

Thompson, Steve Styler, Craig Young, Scott Patton, Mike Barney and two alternates to serve on the Millard County Golf Committee for 2014.

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

Todd Mullen, Golf Pro, Commissioner Smith and Brent Spencer are also members of the board but do not have voting rights.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 14-04-15, A RESOLUTION AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY PAY PLAN AND SCHEDULES) BY ESTABLISHING A FULL TIME POSITION FOR AN EAST MILLARD RECREATION DIRECTOR

Commissioner Roper said that the County hired Matt Bowles for the East Millard Recreation Director. He will start May 1, 2014. Mr. Bowles served as part-time in this position several years ago. This position will start at a pay grade level 10.

Commissioner Smith made a motion to approve Resolution 14-04-15, a resolution amending Resolution 13-01-22 (adopting the Millard County Pay Plan and Schedules) by establishing a full-time position for an East Millard Recreation Director.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE COUNTY DONATING A USED COUNTY SNOW PLOW TO HINCKLEY TOWN

Commissioner Roper said that this agenda item was not listed correctly. The snow plow was not donated but was sold to Hinckley Town for \$3,000.00.

Commissioner Smith explained that the County Road Department was going to surplus the snow plow but instead contacted all the local towns to see if any of them would like to make a bid. Hinckley Town submitted a bid of \$3,000.00 which the County accepted. **need copy**

Commissioner Smith made a motion to accept the bid from Hinckley Town for \$3,000.00 for the snow plow.

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

DISCUSSION AND POSSIBLE APPROVAL OF PURCHASING NEW SHEEP AND HOG PANELS FOR THE MILLARD COUNTY LIVESTOCK SHOW

Commissioner Smith explained that Commissioner Withers works with the Millard County Livestock Auction and he met with the Livestock Board who recommended that the panels be

replaced. Commissioner Smith said that the panels are pretty beat up.

Commissioner Smith said that a few years ago Ben Hunter, Millard High School FFA, gave a proposal to the County for the welding class to build the smaller panels for the sheep and pigs. These panels have been used to the point of needing to be replaced.

They contacted Powder River, Steve Reagan and IFA in both Delta and Fillmore to get bids for the panels. IFA in Delta was the only one who submitted a bid which was for \$20,000.00 for 63 complete pens. It was suggested to maybe only purchase half of the pens needed this year and the other half of the pens needed next year.

Commissioner Smith asked to table this item until after Commissioner Withers has a chance to talk to the Jr. Livestock Board members to get their recommendation.

This item was tabled until the next commission meeting.

DISCUSSION AND POSSIBLE APPROVAL OF THE WEED DEPARTMENT SHARING THE STORAGE BUILDING EAST OF THE EAST MILLARD MAINTENANCE BUILDING WITH EAST MILLARD MAINTENANCE

Commissioner Smith said that Commissioner Withers met with the Millard County Weed Board last week. The Weed Board's recommendation was, in looking at a number of sites and alternatives, they would like to share the East Millard Maintenance Building for now. He said that if in the future they needed more room they could possibly put in an over hang or even build a new building. They have begun cleaning the building and making room. They would like to be allowed to share that building and store their equipment there.

Commissioner Roper asked if the Weed Board abandoned the idea of the property discussed in a previous commission meeting. Commissioner Smith explained that he, Tony Anderson, Millard County Weed Board President, and the Sheriff looked at the property and determined that there may be conflicts in the future with that property. The Board wanted to avoid conflict situations and liked the property by the East Millard Maintenance shed better.

If the Weed Board ever decides to do any remodeling they would have to present a proposal to the County during a budget cycle. The County would have to budget and pay for any approved remodeling costs.

Commissioner Smith made a motion to allow the Weed Department to share the East Millard Maintenance storage building based on the recommendation from the Weed Board and Commissioner Withers.

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

DISCUSSION AND POSSIBLE APPROVAL OF CONTRACT WITH UTAH STATE COURTS FOR BAILIFF AND SECURITY

Captain Forrest Roper presented the contract between Millard County and Utah State Courts for bailiff and security. This is a standard contract in the amount of \$29,085.00, which is renewed annually. This year the contract did allow for a slightly higher payment to the County.

Commissioner Smith made a motion to approve the contract between the Utah State Courts and Millard County for bailiff and security in the amount of \$29,085.00.

Commissioner Roper stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. **need copy**

INDEPENDENT AUDIT, CENTRAL UTAH COUNSELING CENTER - BRIAN WHIPPLE & FARRELL MARX

Brian Whipple, Director of Central Utah Counseling, and Ferrel Marx, CFO Central Utah Counseling, presented the Independent Audit to the Commission.

Mr. Whipple discussed legislative funding for medicaid match. He said that they did well in getting medicaid match but at the same time it will not increase the general fund for the counties.

Commissioner Smith said that if the State contributes more funds then the counties would have to match 20% of that money to get the federal dollars. In return the counties will get 80% more dollars on the money that they match.

Mr. Marx said that if the money comes from general fund money it would have to be matched by the counties.

Mr. Marx went over the independent audit from Kimball & Roberts. He said that basically they found a good audit and did not find anything problematic.

He went over the balance sheet reconciliation and liabilities. He said that next year they will have to show the liability incurred to State Retirement.

He also went over the combining statement of revenues, expenditures and changes in fund balances by department. He said that last year they had a problematic issue regarding hospital, drugs and medical expenses of \$633,000.00 which equaled to be about three times their budget putting them in the hole. He said that basically they lost about \$332,000.00 last year and had to take that amount out of reserves, which is set aside for operational expenses so the counties do not have to come up with that.

Commissioner Roper asked what challenges they see coming in the future. Mr. Marx said that funding has been a big issue. He explained that they use all of the State dollars to match medicaid which does not leave a whole lot to fund people who do not have any other funding sources. He said that they still do not really know what the affordable care act will do for them. He gave examples of how funding is an issue.

Mr. Whipple said that most insurance cost increases were about 30% to 40%, which would have hurt them if they had to absorb something like that. Commissioner Roper said that it sounds like they are optimistic in moving forward. Mr. Marx said that they are cautiously optimistic about this.

Mr. Whipple discussed medicaid match and went over a graph he presented. He said that Senator Ralph Oakerlund really helped with this. Commissioner Smith said that Senator Okerlund served on this committee as a County Commissioner and it is extremely helpful that he is in leadership, especially when it comes to appropriations.

Mr. Whipple said that they received one time money for match increase. He said that in 2011

they received less State dollars than in 2001. The decrease in funding received has put some local authorities in a crisis who are now unable to meet the medicaid match. He said that this year they went to the State and requested 6.8 million dollars and were funded 6.4 million dollars.

They explained to Commissioner Roper what caused the dip in medicaid in 2008 on the graph presented.

Mr. Marx explained that the 2014 match for Millard County was \$35,943.00, the 2015 match for Millard County is \$43,712.16 which is an increase of \$7,769.60 and is what they will be asking the County to match when they come back this fall.

Mr. Whipple said Kyle Snow, Chair of Directors, drafted a letter of recommendation for the group to send the money over to the Department of Health. He read from the letter and explained their recommendations. He also read what the Division Director wrote back.

He said that unless things change in the next little while, this is coming out to the counties requiring match. He said that next year they may not have the one time funding and could be in a crisis again.

Mr. Whipple discussed the inpatient costs spreadsheet they handed out. He explained the system and that the County and Mental Health are responsible for paying in-patient costs for patients who were in a youth home, regardless of how long the patient had been in the youth home. He said that they do not think this system is set up right. They feel that the facility that the patient comes from should be liable for payment instead of from wherever they end up.

They have discussed this with other directors and it seems that everyone agrees that it should be consistent across the State.

Mr. Whipple said that they recently met with the local hospital administration to see if they could possibly enter into a partnership with them. They will let the County know how that works out.

Commissioner Roper asked how the mental health employees are liking the new facility. Mr Whipple said that the remodeling and location are working out really well. They were able to have some input on the remodeling which helped them get some things set up. The staff is really enjoying the set up and the location.

Commissioner Roper thanked Mr. Farrell and Mr. Marx for the report.

PUBLIC INPUT

Wayne Jackson said that he was appointed as the Central Utah Military Liaison for the Utah Freedom Monument in Sandy, Utah. He said that they are trying to contact all of the schools in Millard County so that they can go up North and see the monument. The goal is to celebrate freedom, honor current and past Utah military members and educate youth and all future generations on the true cost of freedom. They will also provide inspirational experiences. It is a hands on experience for the students.

Mr. Jackson presented a list of names of service men who served before 1900 to go on the veterans wall. He said that they are trying to have everything done before Memorial Day, but it is

not looking like that will happen. He said that the plaques have been poured and sandblasted, but they have to sort through a book of names that will go on the wall. If names gets left off the list and the wall gets completed, their names will be added later.

He said that there will be an ad in this week's Chronicle Progress requesting the names of those who served after 1900. He said that the committee members have spent a lot of time finding names.

Mr. Jackson said that he spent a few days at Utah Leagues of Cities and Towns. He spoke to Brad Peterson, Director of Outdoor Recreation with the Governor's Office of Economic Development , who indicated that he wanted the County to gear up for more ATV riders. Mr. Jackson asked him if they would quit cutting the roads down so that citizens could ride side by side on the trails. He gave Mr. Peterson the same information as what was sent to Senator Lee. Mr. Peterson said that he will get the roads opened up so that people can ride side by side on the trails.

Commissioner Roper asked why Mr. Peterson felt like he could do this. Mr. Jackson said that Mr. Peterson is over outdoor recreation for the counties and felt that the counties can do better with recreation. Mr. Jackson told Mr. Peterson that the counties thought that they were restricted.

Commissioner Roper asked how it is coming with the old plaques from the veterans wall now in Delta. Mr. Jackson said that they were drilling and cleaning them up. They decided to discontinue the names from the 1900 era so that they did not have to go three rows high. The trade tech is doing some cutting to see if they can match the names that are currently on the plaques.

He said that the legion gave them the money to get started and they are moving ahead on the project.

Mr. Heath said that there is a group called the Young Eagles whose mission is to get youth in the air. He said that the pilots in Delta got together and planned a rally. He said last year they had a very successful rally which had over 80 flights. Kids who attended were between the ages of 10 and 18.

He said that they are holding a rally again this year on June 20 & 21. He asked if there was any youth interested in attending the rally this year to have them visit their website.

BID OPENINGS FOR THE CONSTRUCTION OF THE PUBLIC HEALTH BUILDING

Auditor Grace said that her office received three bids. She informed the Commission that there may be an issue with some of the bidders who may not have included the connection fees of \$12,700.00 in their bid. The connection fee would include connection to Fillmore City water, sewer, power and natural gas.

Commissioner Roper said that Tom Nielson, TS Neilson Construction's bid does not include the connection fee.

The following bids were received:

	Building	Building and site work
• Pahvant Builders	\$299,396.00	\$385,100.00
• Brandon Bartholomew	\$357,289.00	\$455,352.00

- | | | |
|-------------------------|--------------|--------------|
| TS Neilson Construction | \$301,898.00 | \$403,801.00 |
| | +\$12,700.00 | +\$12,700.00 |

Commissioner Roper said that Commissioner Withers is over this project and is not here today. He said that all of the bids received were over the amount of money the County had allocated for this project.

Commissioner Smith recommended to look at the building alone and possibly bid the site work out later. He said that they are reapplying for the grant to pay for half of the project.

Commissioner Smith made a motion to accept the bids as opened, and review the bids and see how much money the County has to spend on this project.

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

OTHER BUSINESS

Commissioner Smith said that he was contacted by a few citizens in the county regarding the Veteran’s Fly-In “Honor Flights”. He said that there are a number of veterans in the County who have applied to participate in this event, which would be a great opportunity for the veterans.

Commissioner Smith said that he heard that there needs to be funds raised in order for the veterans to be able to go. Mr. Jackson said that they will do a fundraiser but the veterans will not be required to pay to go on the trip.

Commissioner Smith said that in his opinion there would be value in the County participating some funding to make sure that the veterans who are interested in participating would be able to attend. He asked Mr. Jackson to keep the County informed.

Commissioner Smith reported that Jeff Christensen with Traditions Health Care, has taken a position at another facility. Traditions Health Care is now trying to find a replacement for Mr. Christensen.

Commissioner Smith said that Mr. Christensen did a great job with Traditions Health Care and they are sorry to see him go. He said that the County and the Long Term Health Care Board both appreciate Mr. Christensen for his services.

Commissioner Smith said that he was in contact with Representative Noel and the other counties in Southern Utah regarding the Nevada cow issue that broke loose two weeks ago. They put together a letter to the Governor’s Office (see attachment). The Governor was out of the State but took care of the issue when he got back. The letter shows the Counties’ support to the Governor and the Commissioner of Agriculture in not allowing the cows to come into Utah.

Commissioner Smith met with Kevin Morris, West Maintenance Supervisor, and some people who want to put in a BMX track in our County. They are proceeding with that and have designed a BMX track inside the oval race track in Delta with small jumps. He said that there is a representative from the National BMX Organization that will be sanctioning these events.

The people who have races at the oval track are okay with having the BMX events held there

also. He said that Jake Smith has material he will donate to the County. The County will need to do a little bit of labor and use equipment for a day or two to build the track.

They are hoping to have 26 youth BMX races in the County. He said that they are really excited about the opportunity to have people come into the County on the weekend for these events and support the County economically.

Commissioner Roper said that the Salt Lake Chamber of Commerce and the Office of Energy Development are having a field trip on energy throughout Millard County and Beaver County. They will be going through some of the energy projects happening in each county.

They started this morning in Millard County and will be traveling to Beaver County this afternoon. There will be a dinner tonight at 6:00 p.m. in Beaver County and then they will continue to tour Beaver County tomorrow. He said that it is an interesting opportunity for the County.

Linda Gillmor, Millard Economic Development Director, will be representing the County while the commissioners are in commission meeting. The commissioners will join the tour later today.

Commissioner Roper said that it is interesting how much interest they are getting from around the State on the energy hub and renewable energy.

Commissioner Roper met with some people who are interested in developing a project in Millard County. He said that it became apparent to him and Ms. Gillmor that the County is not very educated on Economic Development Areas (EDA) and Community Development Areas (CDA). They felt that the School Board, the County and the Mayors should be brought up to speed so that everyone will be on the same page. He said that there are three areas of the County that they are looking at.

Ms. Gillmor contacted Susie Becker with Zions Bank to set up a meeting to inform the County on the EDA and CDA and make sure that the whole county is up to speed. A date will be set in the next couple of weeks for those who would like to be educated on the benefit of those areas that could be developed.

Commissioner Roper said that the Utah Association of Counties (UAC) Management Conference starts tomorrow. Commissioners Smith, Roper and Withers are all three planning on attending that conference. Auditor Grace is the President of UAC and will also be attending that conference.

Commissioner Roper said that the Central Utah Business and Technology Conference will be held April 24, 2014. He said that anyone who would like to attend this event is invited to do so. There will be booths and guest speakers on the technology that is available and a seminar on broadband and what can be available in Millard County. All three commissioners will be attending this event.

Mr. Jackson said that this Thursday is the Great Utah Shakeout and the emergency management training with CERT teams.

DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL

AND SECRETARY

Commissioner Smith said that on April 16, 2014 the commissioners met with the BLM, a member of the State Parks and Mr. Morris regarding proposed ATV and off-road vehicle trails that they are trying to site going out of Delta across BLM ground to all of the already established ATV trails. He said that the intent is to hold events with Delta being the staging area. He said that people would ride from Delta for day or night rides. The State Parks will donate some money to help with signing.

The County will need to apply for a permit from the BLM to have those roads designated, which are now all Class B roads at this point. This will help bring people into Millard County and will give them the opportunity to see the West Desert.

They think that in the future they could continue to grow tourism if they can get the routes signed and mapped.

He said that the County appreciates working with the BLM and the State Parks, who may be able to contribute quite a bit of money. He said that the County will propose and look at sites on the way to the West Desert where they could build staging areas similar to the one with restrooms that is up Millers Canyon.

Mr. Heath asked what is a Class B Road and what type of road is needed for an ATV trail? Commissioner Smith explained that a Class B road is a main county road which has maintenance done every year and does not require a NEPA with BLM. He said that Class D roads are two track smaller roads and are not identified by BLM as actual county roads.

The County is participating in a lawsuit where the County would gain a quiet title to those roads since the County claims those roads under the RS2477 statute. He said that the purpose for coming up with established recreational trails is so the BLM will not have to do any NEPA on the roads if they are Class B roads.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Roper stepped from the chair and SECONDED the motion. The voting was unanimous and the meeting adjourned at 11:50 a.m..

Attest: _____

Approved: _____

Courthouse - Fillmore
50 South Main
Fillmore, UT 84631-6604
Fax (435) 743-8019
Commission Secretary:
(435) 743-6223
Fax (435) 743-6823

Millard County Commission

www.millardcounty.org



Satellite Offices -- Delta
71 South 200 West • P.O. Box 854
Delta, UT 84624
Phone: (435) 864-1400
Fax: (435) 864-1404

April 10, 2014

Gary Herbert
Governor
State of Utah

Luann Adams
Commissioner
Utah State Department of Agriculture and Food

Alan Roper
Chair, Millard County Commission
50 South Main
Fillmore, UT 84631

Re: Nevada Office of BLM transportation of Bundy Family Cattle

To the Honorable Gary Herbert,

I'm sure that you are aware of the current situation regarding Cliven Bundy and the United States Department of the Interior, Bureau of Land Management, Southern Nevada District ("BLM"). We are in receipt of several documents regarding this matter and would like to address some concerns that we have.

First, we have two orders issued from the United States District Court for the District of Nevada on behalf of the BLM. The orders apparently allow the BLM, after complying with "notice provisions under the governing regulations of the United States Department of the Interior" to "seize and remove to impound" cattle owned by Cliven Bundy and his family ranch that are now trespassing on "Trespass Lands" and "the former Bunkerville Allotment." The orders appear to have been issued first in July of last year and then in October.

Second, we are in receipt of a "Notice of Intent to Impound" from the BLM to Mr. Bundy dated March 12, 2014. This letter details that Mr. Bundy's cattle still located on certain federal lands after five days will be impounded. It also informs Mr. Bundy that he "will be notified in writing of the sale and the procedures by which the impounded livestock may

Commissioner Daron P. Smith
435-864-1414

Commissioner Alan M. Roper
435-743-4703

Commissioner James I. Withers
435-864-1413

be redeemed prior to the sale." The letter clearly states that if not redeemed the cattle will be "offered at public sale to the highest bidder."

Third, we have obtained a copy of a letter from Bruce King, Utah State Veterinarian, Director of Animal Industry, Utah State Department of Agriculture and Food (Department), to Mr. Gus Warr of the BLM. This letter details the import requirements that the BLM must meet before being brought into the State of Utah, namely: 1) Certificate of Veterinary Inspection (Health Certificate); 2) Import permit; 3) Brand inspection certificate; 4) Brucellosis vaccinations or proof of negative brucellosis test within thirty days of entry; 5) A negative trichomoniasis test within thirty days prior to entry; and 6) Official Identification for sexually intact beef cattle.

As it appears that the BLM intends to transport any seized cattle into the State of Utah for public auction we are pleased that the Department is proactively identifying the requirements that must be met before entry may take place. We strongly encourage you and the Department to exercise all of your authority to make sure that the cattle are tested, safe, and properly accounted for before entering the State of Utah. We have detailed some of our most pressing concerns below.

1. **Proper Seizure and Impound of Cattle:** It is clear from the court orders and notice of intent to impound that the BLM may only seize cattle that belong to Mr. Bundy and that remained on the indicated lands five days after the notice was given to Mr. Bundy. Prior to issuing any brand certificate or import permit there should be some sort of proof for each individual cow that shows 1) it is currently owned by Mr. Bundy, 2) It was trespassing on the land indicated in the courts order, and 3) it was seized from that land at least five days after the notice was delivered to Mr. Bundy.
2. **Trichomoniasis testing:** As the Department has identified, one of the specific requirements that must be met before entry into the State is negative Trichomoniasis testing. Utah Code §4-31-109 gives the Department the authority to make rules governing Trichomoniasis which rules can be found in the Utah Administrative Code R58-1-6 and R58-21-3 through 5. Under the rules each bull over twelve months of age must be tested, must be retested if they come into contact with any female cattle and must be slaughtered if they test positive. It is our understanding that the Bundy cattle have been intermingled with feral cattle so there is a high likelihood that any bull has recently come into contact with a female cow and so we request that they be retested accordingly. There is an exception to testing if the bulls are taken "directly to slaughter or a qualified feedlot." However, this exception does not apply here. The BLM has clearly expressed their intent to transport the cattle for sale at a public auction and they do not have the authority to dispose of the cattle in any other manner. I hope you can understand the danger and risk presented to our local ranching industry and economy by bringing up to 900 untested cattle into the State of Utah.
3. **General Public Safety:** It is our understanding that the BLM desires to bring the cattle to Utah in order to prevent protesting, riots or other violent and

Commissioner Daron P. Smith
435-864-1414

Commissioner Alan M. Roper
435-743-4703

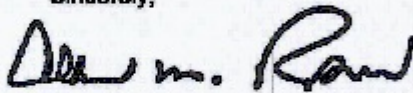
Commissioner James I. Withers
435-864-1413

dangerous activity that may occur by selling the cattle in Nevada. As you should be aware, this incident has become extremely controversial and highly publicized in southern Utah as well. Many of the residents of our jurisdiction have expressed their concern over the BLM's actions and have expressed the desire to get involved. It would be a mistake to assume that the public safety issues are mitigated, reduced or non-existent by selling the cattle in our state. Even though keeping the peace and maintaining public order may not be the specific duty of the Department, we request that in addition to the requirements already established that there is a ninety day "cooling off" period to prevent similar dangerous or violent occurrences in our state.

As representatives of the residents of our jurisdiction we want to express our dissatisfaction with the processes used by the BLM during this incident. We call upon the State of Utah through the executive authority of the Governor and the authority of the Department of Agriculture, to exercise all authority at your disposal to block transfer of the subject cattle to Utah. This is a basic duty the State owes to impacted counties and our residents. Accordingly, we stand ready to petition our State District Court if necessary, for an order upholding the State's authority to so act.

Please don't hesitate to contact us to discuss this matter further.

Sincerely,



Alan Roper
Commission Chair
Millard County Board of Commissioners

Commissioner Daron P. Smith
435-864-1414

Commissioner Alan M. Roper
435-743-4703

Commissioner James I. Withers
435-864-1413