

COMMISSION MEETING

PACKET

DATE:

April 9, 2024



NOTICE AND AGENDA OF A MEETING OF THE KANE COUNTY COMMISSION

PUBLIC NOTICE IS HEREBY GIVEN that the Commissioners of Kane County, State of Utah, will hold a **Commission Meeting** in the Commission Chambers at the Kane County Courthouse, 76 N. Main Street, Kanab, Utah on **Tuesday, April 9, 2024** at the hour of **2:00 P.M.**

*The Commission Chair, in her discretion, may accept public comment on any listed agenda item unless more notice is required by the Open and Public Meetings Act.

This meeting is available for call in option - #435-676-9000 – Enter participant code-168030

CALL MEETING TO ORDER

WELCOME

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT:

CONSENT AGENDA:

Check Edit Report:

Approval of: Commission Meeting Minutes for March 26, 2024 and Kane County Resolution No. R 2024-14 a Resolution Recognizing Sexual Assault Awareness Month

REGULAR SESSION:

- 1. Public Hearing Regarding the Appointment of Cameron Westenskow and Jesse Pennepacker to the Church Wells Special Service District Administrative Control Board**
- 2. Kane County Resolution No. R 2024-12 a Resolution Appointing Cameron Westenskow to the Church Wells Special Service District Administrative Control Board/Commissioner Kubeja**

- 3. Kane County Resolution No. R 2024-13 a Resolution Appointing Jesse Pennepacker to the Church Wells Special Service District Administrative Control Board/Commissioner Kubeja**
- 4. Kane County Ordinance No. O 2024-13 an Ordinance Establishing County Policy Regarding Public Acknowledgment of the Use of County Funds/Full Commission**
- 5. Discussion/Approval of TRT Fund Expenditures/Full Commission**
- 6. Old Elementary School Discussion/Full Commission**
- 7. Review of Legislative Issues/Full Commission**
- 8. Commissioner Report on Assignments/Full Commission**

Closed Session:

- Discussing an individual's character, professional competence, or physical or mental health.
- Strategy sessions to discuss collective bargaining, pending or reasonably imminent litigation, or the purchase, exchange lease or sale of real property.
- Discussions regarding security personnel, devices or systems.
- Investigative proceedings regarding allegations of criminal misconduct.

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS:

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Chameill Lamb at (435) 644-2458. Agenda items may be accelerated or taken out of order without notice as the Administration deems appropriate. All items to be placed on the agenda must be submitted to the Clerk's office by noon Thursday, prior to the meeting.

CONSENT AGENDA

Approval of:

Commission Meeting Minutes for March 26, 2024 and
Kane County Resolution No. R 2024-14 a Resolution
Recognizing Sexual Assault Awareness Month

**MINUTES
OF THE KANE COUNTY
BOARD OF COMMISSIONERS' MEETING
March 26, 2024
IN THE KANE COUNTY COMMISSION CHAMBERS,
76 NORTH MAIN, KANAB, UTAH**

Present: Chair Patty Kubeja, Commissioner Celeste Meyeres, Commissioner Wade Heaton, Attorney Van Dyke, Sheriff Tracy Glover, Clerk/Auditor Chameill Lamb, Deputy Clerk/Auditor Candice Brown

Also Present: Rhonda Gant, Keiren Chatterley, Morgan Shakespear, Janette Peatross, Shannon McBride, Taylor Glover, Bert Harris

CALL MEETING TO ORDER: Commissioner Kubeja

WELCOME: Commissioner Kubeja

INVOCATION: Shannon McBride

PLEDGE OF ALLEGIANCE: Eric Baron

PUBLIC COMMENT:

Pat Moffitt commented on agenda item #3 and said that she fully supports Mark Habbeshaw's letter and appreciates his comments. She thinks considering making this change would be taking a giant step backwards and overlooks the fact that over time there would be cumulative higher cost related to maintaining unpaved roads because of the speed with which they degrade and the issues they cause. Pat also mentioned "valley fever" saying that having unpaved roads greatly increases the amount of dust in the air.

Dave Jones lives on Palomar Lane and it is on dirt road. He said if the Kanab 600, LLC happens he would have dirt roads in front of him and behind him. The cars go up and down the road, the wind blows, and there is dust blowing everywhere. It is bad for our health.

Bruce Davis from Vermillion Cliffs said that if you let those streets go in without pavement it would be almost the density of Kanab, which would generate a lot of dust. He also mentioned that in the wintertime they would need to run the school bus out there and he doesn't think the school is prepared with 4X4 busses for when these roads get muddy.

Patrick Moran representing the Taxpayers Association of Kane County, commended Chameill and Keiren for answering their persistent and frequent budget questions. He also mentioned that the Taxpayers Association has noted with Chameill's help and their analysis that there is a current surplus of over \$5.5M in TRT funds. TRT funds have many uses and one of them is roads. He thinks the county commissioners should really consider the use of those TRT funds because it is irresponsible to have those TRT funds pile up in surplus as they have. They either need to be expended on roads or cut taxes for the many property owners in Kane County who are experiencing financial hardship.

CONSENT AGENDA:

Check Edit Report:

Motion to adopt the Consent Agenda, which includes the Check Edit Report as well as the Meeting Minutes from February 27, 2024 Public Work Meeting, March 7, 2024 Town Hall Meeting, and March 12, 2024 Commission Meeting made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

The commissioners decided they wanted to have discussion on Ordinance 2024-13, which is an ordinance establishing county policy regarding public acknowledgement of the use of county funds so they took it off the consent agenda. There were a few changes that the commissioners wanted Attorney Van Dyke to make and then they put it back on the next commission agenda.

REGULAR SESSION:

1. Stacey Baron from DOVE Center-Kane County's Rape/Sexual Assault Mobil Advocate/Commissioner Kubeja

Stacey Baron came and presented information on the DOVE Center, which has moved services to Kane County. DOVE does domestic violence and sexual assault services to both men and women throughout the county. They provide services for anyone with past

or current domestic violence/sexual assault and their services are free. Stacey also mentioned that April is sexual assault awareness month so they try to reach out to commissioners and towns to do a proclamation to support that as an awareness month.

Motion to approve the proclamation as presented with the changes of the signature blocks and the name of Kane County be put in the appropriate places and to be put on the consent agenda first meeting in April made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye
Commissioner Meyeres-aye
Commissioner Heaton-aye

2. VOCA Grant/Victim Service Update/Commissioner Kubeja

Devin Shakespear gave an update on the VOCA Grant/Victim Services. She said that last year from January to December, they served 357 clients throughout the year, 31% of them were domestic violence, 20% was child sex abuse and then after that it was stalking and harassment, which was 10%. This year from January 1st until today they served 117 clients, 32 of those have been new for the grant year.

3. Kane County Ordinance No. O-2024-06 an Ordinance Amending Title 9 Chapter 21 Subdivision Regulations Article F. Dedication and Acceptance of Streets and Public Improvements in the Kane County Land Use Ordinance-Shannon McBride/Commissioner Heaton

Shannon gave a brief description on this ordinance saying that in Planning & Zoning, they had a long discussion on this and in the end they decided that they wanted the asphalt/chip seal requirement on subdivision roads to be removed. What this would do, is when they have their development meeting and the developers ask if they have to do chip seal, they wouldn't be required to, but they still can do the chip seal.

Attorney Van Dyke stated that Shannon and him were hoping the commission would have discussion and then make a decision on what they want to do with this. Whether it is to just accept the recommendation to no longer require asphalt or chip seal, to do nothing on the ordinance and keep the standard in place, or if it is some other mixed option. They would then like a chance to go back and do some additional re-drafting.

There was a lot of conversation on this and they decided to table the item, have Attorney Van Dyke work on it, and then bring it back to a future commission meeting.

Motion to table this agenda item and work through our options and determine a path forward, whether it is back through Planning and Zoning or back here in two weeks made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

**4. Zone Change/Ordinance 2024-07: Third Mesa/JT Maxwell-Shannon
McBride/Commissioner Heaton**

Shannon mentioned that JT had come in two times before and was denied the zone change. He works for Grand Classroom and what they do is go and see the different national parks. He tries to make it clear that it is not for troubled youth, it is just for school kids and their programs. JT is asking to go from AG to RU-10. This would allow him to do up to 70 tents. Planning and Zoning first made a motion to deny it and that didn't go through so then they made a motion to approve it and it passed with (4) ayes and (3) nays.

Motion to approve Ordinance 2024-07 changing the zone from AG to Rural 10 made by Commissioner Meyeres and motion carried with Commissioner Heaton and Commissioner Meyeres voting aye and Commissioner Kubeja voting nay.

Commissioner Kubeja-nay
Commissioner Meyeres-aye
Commissioner Heaton-aye

5. Zone Change/Ordinance 2024-08: Rogers-Shannon McBride/Commissioner Heaton

Shannon stated that with this zone change, they are wanting to go from Agricultural FAA to Rural 10. She was not at the meeting, but felt like Commissioner Heaton did a great job explaining that this AG-FAA is a zone that needs to be protected and appreciated that Planning and Zoning recommended to deny this zone change.

Motion to accept Planning & Zonings recommendation and deny the Rogers zone change request made by Commissioner Heaton and motion carried with Commissioner Heaton and Commissioner Kubeja voting aye and Commissioner Meyeres voting nay.

Commissioner Kubeja-aye

Commissioner Meyeres-nay
Commissioner Heaton-aye

**6. Amended Plat/Ordinance 2024-09: Bean/Chournos-Shannon
McBride/Commissioner Heaton**

Shannon mentioned that this was a lot line amendment and that the Recorder's Office requires it to be like a subdivision even though it is a rural unimproved. P&Z voted unanimously to approve it.

Motion to approve Ordinance 2024-09 the amended plat for Bean/Chournos made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye
Commissioner Meyeres-aye
Commissioner Heaton-aye

7. Lot Joinder: Guy-Shannon McBride/Commissioner Heaton

Shannon said this comes to the Commission because they are vacating (2) 7.5' public utility easements when they wanted to do a lot joinder. P&Z voted unanimously to approve it.

Motion to approve the Lot Joinder made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye
Commissioner Meyeres-aye
Commissioner Heaton-aye

**8. Kane County Ordinance No. O-2024-10 an Ordinance Amending Kane County
Code Title 2 Chapter 7 Kane County Criminal Justice Coordinating
Council/Commissioner Kubeja**

Commissioner Kubeja stated that they needed to make some adjustments mostly due to legislation. Initially, they were requiring that the commissioner assigned to that was the chair and then last year they changed it where it would rotate between the board members. They also wanted to add the city attorney to their voting membership.

Attorney Van Dyke mentioned that they also added the drug court treatment provider as a voting member as well.

Motion to adopt Ordinance 2024-10 as written made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye
Commissioner Meyeres-aye
Commissioner Heaton-aye

9. Notice of Changes to UCIP Bylaws Coverage Addendum-Attorney Van Dyke/Commissioner Heaton

Attorney Van Dyke mentioned there are two changes that they are making. There is one about chemicals and if “we” as a county ever use those chemicals. The second change is whenever, by contract, we agree to indemnify the other party that is now no longer going to be covered. There is also a third change, which is attorney fees and state court.

10. Approval of Disposal of Surplus County Property/Full Commission

Sheriff Glover presented the commission with a list of items that will be in a county led surplus sale. It will be held for the public on April 17, 2024. He said that some items could be eliminated because they continue to work with all county entities to see if they could use anything that is on the list. The deadline for them to add anything to the list will be on April 10th and the auction will be advertised in the newspaper for a couple of weeks.

Motion to approve the disposal of surplus county property at the sheriff’s auction on April 17, 2024 made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye
Commissioner Meyeres-aye
Commissioner Heaton-aye

11. Approval of Recommendations from the Kane County Tourism Tax Advisory Board/Commissioner Heaton

Commissioner Heaton mentioned that Janette has provided the recommendations from the Tourism Tax Advisory Board. He said that by state law they are required to make recommendations to the county commission for ways that TRT/TRCC can be expended. These were there recommendations.

1. EMS
2. Roads
3. Search and Rescue
4. Rec Center
5. Orderville Park
6. Visitor Center Remodel
7. Trails
8. Duck Creek Community Center Engineer
9. Kane Plex Multi-event Center
10. Stellar Vista Observatory
11. Women's Monument

Motion to approve the recommendations from the Kane County Tourism Tax Advisory Board as presented made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye
Commissioner Meyeres-aye
Commissioner Heaton-aye

12. TRT/250 Discussion/Decision on Funding/Full Commission

Commissioner Kubeja said there was a budget that they approved at the end of last year for TRT and we also have some fund balance of TRT funds that haven't been spent. With TRT, you are guessing how much money is going to be brought in, in the future year based off of history. This year we are planning on bringing in around \$4.75M and then TRCC also brings in funds, but they need to be used for specific things by state code.

Commissioner Heaton stated that around two years ago the commission divided that money up. Prior to that, all the TRT money had gone towards the Office of Tourism's budget. As the amount of tax coming in began to increase, the commission felt like it was wise to pull a portion of that off and use it for mitigation and community projects. They have earmarked that into a separate fund and they have been allocating money out of that fund and into funds such as roads/EMS, some of the services that visitors use. They were

not spending all of it and so that is how the fund got a fund balance. It has taken them awhile to get this process in place, but they finally feel like they are there. They have a complete list of requests and estimated costs for each one of them. It is now up to them to prioritize and work their way down the list and allocate this money. This is on the agenda today so they can share with everyone the first draft of where they have decided to prioritize.

The commission is unanimous in the fact that they will prioritize roads first. They have earmarked a handful of road projects that they are hoping to have done this year. They also earmarked \$400K in the budget to go to EMS. This is something they have been trying to get ahead of so they would like to keep this on the agenda so they can try to have this money allocated in the next 60 days.

Motion to approve expenditures from fund 250 in the amount of \$1.5M toward road projects and road improvements made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye
Commissioner Meyeres-aye
Commissioner Heaton-aye

13. Discussion/Decision for Payment of Electrical Utility Service Installation on the Kanab Center Property/Full Commission

Commissioner Kubeja stated that we have a project that we are getting closer to getting bonded, which is the Community Outreach Building. We also have committed to building a community health and wellness center/rec center back behind the Kanab Center, which both will require power.

Sheriff Glover said that we paid a fee to have Garkane do an assessment on it. They came back with a cost of \$95,780.65 and their policy is that they will not order parts or begin construction until we pay that bill.

Motion to authorize the Building and Grounds to utilize funds from the MBA (LATCF) to pay for the Garkane electrical utility service installation on the Kanab Center property up to \$100K made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye

Commissioner Meyeres-aye
Commissioner Heaton-aye

14. Kane County Resolution No. R-2024-11 a Resolution to Petition the Town of Orderville to Vacate Two Platted Streets that Cross Kane County Property/Commissioner Heaton

Commissioner Heaton stated that this is the Hoyt property on the northern end of Orderville. The county owns several acres right there and there are some existing easements that go from Hwy. 89 across this property over on the west side of the creek to the neighboring property and we have asked the town of Orderville to abandon and relinquish the easements that are not being used. They asked that we petition them through resolution form.

With the resolution presented they would like to add that someone would be authorized to dedicate an easement or some other access to the private property.

Motion to approve Kane County Resolution No. R-2024-11 a Resolution to Petition the Town of Orderville to Vacate Two Platted Streets that Cross Kane County Property with the addition that Kane County would grant an access easement to Duke and Shiree Cox made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye
Commissioner Meyeres-aye
Commissioner Heaton-aye

15. Easement Through Middle of Hoyt Property Around Well-Orderville/Commissioner Heaton

Commissioner Heaton mentioned that this was in the same area as the last item, but instead of going east and west, this one goes north and south. The idea is to add an additional entrance into the fairground to alleviate congestion with trucks and trailers. Through the Hoyt property there is an access there, they have worked with UDOT on this, and they have given us preliminary approval to widen the access and we would create a road that came in through that access and then continues north into the new parking lot we are making for the fairgrounds. We roughed the road in as they started doing construction on the parking lot and then the county recorder produced a map that showed we didn't actually own the property. The town of Orderville owns a small section

around a well that they have there. What we need to do is ask for an easement across their property.

Motion to authorize Kane County to approach Orderville Town requesting an easement through their well parcel made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye
Commissioner Meyeres-aye
Commissioner Heaton- aye

16. Discussion/Approval of New Kane County Logo/Full Commission

Taylor Glover said the current county logo is great, but it does present some challenges when it comes to putting it on anything that would be cutout. So putting it on any building, apparel, anything you couldn't use an image for, it creates a problem.

Clayton Cutler presented to the Commission some logos that he had designed.

Motion to approve the logo as presented (the shape, design, text, and font) and have Clayton come back with more details later made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye
Commissioner Meyeres-aye
Commissioner Heaton-aye

17. Coral Pink Sand Dunes Road Project-Grant Discussion-Update/Full Commission

Commissioner Meyeres mentioned that Connor Meyers, with Congresswoman Maloy's office, said the timing would probably be another month or two before they had the federal agency reach out to us and start working with us on the actual implementation.

Commissioner Heaton said the idea is to take the federal money from Congresswoman Maloy, combine it with the UDOT money, and add in state parks money. The goal is to get that number up as high as we can so we can do as much on this road as we possibly can.

18. Old Elementary School Discussion/Full Commission

Commissioner Kubeja said that they were approached by the school district and asked if once they tore down the elementary school if the county was interested in maintaining that property. She talked to the Sheriff and Buildings and Grounds to see if this was something we wanted to discuss and the answer was that maybe we should, but she hasn't found out what the definition of "maintenance" is. They will continue the discussion on this when they get some more input back from the school district.

19. Acknowledgement and Agreement with Kanab City Resolution 3-1-24 R a Resolution Authorizing Kane County to Use City Property North of Their Property Located at 20 North 100 East to Install Public Parking Stalls/Full Commission

Commissioner Kubeja stated that this was the area we will be building the Community Outreach building and this was one of the requirements.

Sheriff Glover said that this benefits us in a few ways. The water that comes around and down that road will continue on the city right-of-way and will be their storm drainage. The city has been very good to work with us on improving our storm drainage on the property.

Motion to acknowledge and agree with Kanab City Resolution 3-1-24 R authorizing Kane County to use City property north of their property located on 20 North 100 East to install public parking made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye
Commissioner Meyeres-aye
Commissioner Heaton-aye

20. Review of Legislative Issues/Full Commission

Commissioner Heaton and Commissioner Meyeres attended the Utah Land Use Institute Conference last week and they did an intensive drilldown on quite a few of the new land use ordinances and programs. There will be more to come on this in the future.

21. Commissioner Report on Assignments/Full Commission

Commissioner Kubeja mentioned that the Active Living Center would be closed as of April 1, 2024 for close to a month. They will still be doing Meals on Wheels and the meals will be available for pick up.

Motion to go into closed session to discuss reasonably imminent litigation with the guests of Sheriff Glover, Bert Harris, and Rhonda Gant made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja called the meeting back into regular session on March 26th at 6:14 p.m.

Motion to adjourn made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

WHERE UPON MEETING WAS ADJOURNED

Patty Kubeja Chair

Chameill Lamb Clerk/Auditor

KANE COUNTY RESOLUTION NO. R 2024 - 14

A RESOLUTION RECOGNIZING SEXUAL ASSAULT AWARENESS MONTH

WHEREAS it is a basic human right to live a life free from violence and abuse; and
WHEREAS sexual violence is a serious problem that occurs in all cultures and communities and does not discriminate by age, gender, social class, race, ethnicity, religious affiliation or sexual orientation; and
WHEREAS one in five children are sexually abused before they turn the age of 18 and one in three women and one in six men have experienced sexual violence in Utah; and
WHEREAS Over 80% of reported sexual assault cases were perpetrated by someone the survivor knew; and
WHEREAS Rape is the only violent crime in Utah that is higher than the national average, 63% of sexual assaults are never reported to police, and the economic cost from sexual violence in Utah equals \$5 billion every year; and
WHEREAS awareness and intentional collaboration are required to find solutions to sexual violence; and
WHEREAS it is the role of local government to provide for the health, safety, and welfare of its citizens; and
WHEREAS the Kane County Commission, in partnership with the DOVE Center, desires to recognize Sexual Assault Awareness month and urge residents to learn how they can break the silence and end sexual violence in our communities; and
WHEREAS the statutory authority for this resolution is found in Utah State Code § 17-53-201 et. seq.;

NOW THEREFORE BE IT RESOLVED BY THE KANE COUNTY BOARD OF COMMISSIONERS IN AND FOR KANE COUNTY, STATE OF UTAH AS FOLLOWS:

1. Kane County, in partnership with the DOVE Center, recognizes April as Sexual Assault Awareness month.
2. Kane County urges residents to learn how they can break the silence and end sexual violence in our communities
3. This resolution is effective immediately.

ADOPTED this 9th day of April, 2023.

ATTEST:

CHAMEILL LAMB
Kane County Clerk

Patty Kubeja, Chair
Board of Commissioners
Kane County

Commissioner Heaton voted _____
Commissioner Meyeres voted _____
Commissioner Kubeja voted _____

AGENDA ITEMS

ITEM # 1

Public Hearing Regarding the Appointment of Cameron Westenskow and Jesse Pennepacker to the Church Wells Administrative Control Board

ITEM # 2

**Kane County Resolution No. R 2024-12 a Resolution
Appointing Cameron Westenskow to the Church Wells
Special Service District Administrative Control Board**

KANE COUNTY RESOLUTION NO. R 2024 – 12

**A RESOLUTION APPOINTING CAMERON WESTENSKOW TO THE CHURCH WELLS
SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD**

WHEREAS, there is a vacancy on the Church Wells Special Service District Administrative Control Board due to the resignation of Brandon Jensen whose term for this board position began on January 1, 2022 and shall expire December 31, 2025; and

WHEREAS, the Kane County Board of Commissioners (“Commission”) has complied with the requirements to solicit applicants to serve for this board position including taking public comment; and

WHEREAS, the Commission desires to appoint Cameron Westenskow to the Church Wells Special Service District Administrative Control Board to fill the remainder of the vacant term;

NOW THEREFORE BE IT HEREBY RESOLVED BY THE KANE COUNTY BOARD OF COMMISSIONERS, IN AND FOR KANE COUNTY, STATE OF UTAH, AS FOLLOWS:

1. Cameron Westenskow is appointed to serve as a board member on the Administrative Control Board of the Church Wells Special Service District.
2. Cameron Westenskow is appointed to fill the vacancy due to the resignation of Brandon Jensen. The term is a four-year term which began on January 1, 2022 and will end on December 31, 2025 or when a replacement has been appointed, whichever is later.

ADOPTED this 9th day of April 2024.

Patty Kubeja, Chair
Board of Commissioners
Kane County

ATTEST:

CHAMEILL LAMB
Kane County Clerk

Commissioner Heaton voted ____
Commissioner Kubeja voted ____
Commissioner Meyeres voted ____

ITEM # 3

**Kane County Resolution No. R 2024-13 a Resolution
Appointing Jesse Pennepacker to the Church Wells
Special Service District Administrative Control Board**

KANE COUNTY RESOLUTION NO. R 2024 – 13

**A RESOLUTION APPOINTING JESSE PENNEPACKER TO THE CHURCH WELLS
SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD**

WHEREAS the Church Wells Special Service District is governed by an Administrative Control Board that is authorized to have five board members; and

WHEREAS this board has been operating with the fifth board position being vacant and the Kane County Board of Commissioners (“Commission”) desires to fill this vacant seat; and

WHEREAS, the Commission has complied with the requirements to solicit applicants to serve for this board position including taking public comment; and

WHEREAS, the Commission desires to appoint Jesse Pennepacker to the Church Wells Special Service District Administrative Control Board;

NOW THEREFORE BE IT HEREBY RESOLVED BY THE KANE COUNTY BOARD OF COMMISSIONERS, IN AND FOR KANE COUNTY, STATE OF UTAH, AS FOLLOWS:

1. Jesse Pennepacker is appointed to serve as a board member on the Administrative Control Board of the Church Wells Special Service District.
2. The term is a four-year term which began on January 1, 2024 and will end on December 31, 2027 or when a replacement has been appointed, whichever is later.

ADOPTED this 9th day of April 2024.

Patty Kubeja, Chair
Board of Commissioners
Kane County

ATTEST:

CHAMEILL LAMB
Kane County Clerk

Commissioner Heaton voted _____
Commissioner Kubeja voted _____
Commissioner Meyeres voted _____

ITEM # 4

Kane County Ordinance No. O 2024-13 an Ordinance
Establishing County Policy Regarding Public
Acknowledgement of the Use of County Funds

KANE COUNTY ORDINANCE NO. O 2024 – 13

**AN ORDINANCE ESTABLISHING COUNTY POLICY REGARDING PUBLIC
ACKNOWLEDGMENT OF THE USE OF KANE COUNTY FUNDS**

WHEREAS Kane County is authorized, through various state and federal constitutional provisions and through various general and specific state laws, along with various limitations under state and federal law, to provide funding derived from taxes and other revenue sources to other governmental entities and to private non-profit organizations and under limited circumstances to individuals or for-profit entities for public purposes; and

WHEREAS Kane County is also authorized to expend funds directly for various public purposes including but not limited to events, programs, and infrastructure projects; and

WHEREAS Kane County desires to have greater transparency by requiring various public acknowledgment of the use of taxes or other county revenues when any Kane County funds are provided to another person or entity for specific public purposes or when the County itself hosts a public event, provides services under a program, or builds any public infrastructure; and

WHEREAS the statutory authority for enacting this ordinance is Utah State Code §§ 17-53-201 et. seq.;

**NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF KANE COUNTY,
STATE OF UTAH, ORDAINS AS FOLLOWS:**

Section 1. Ordinance Enactment.

Kane County Code Title 1 Chapter 12 Section 7 “Public Acknowledgment of Use of County Funds” is enacted to read as follows.

1-12-7: PUBLIC ACKNOWLEDGMENT OF USE OF COUNTY FUNDS:

- A. **PURPOSE:** The purpose of this policy is to provide greater public transparency by requiring public acknowledgment that county funds, and in certain circumstances the specific source of county funds, have been provided or expended to support public events, programs, public infrastructure projects, and other public purposes as set forth herein.
- B. **DEFINITIONS:** As used in this section 1-12-7:
1. “County employee” means full or part time employees, department heads, elected officials, volunteers, agents, contractors, or other personnel of Kane County.
 2. “County funds” means any revenue to Kane County including:
 - a. All taxes, fees, fines, state or federal appropriations, grants, donations, or other similar revenue to Kane County.
 - b. Any of the funds set forth in subsection B2a that Kane County diverts or transfers to the Kane County Municipal Building Authority (Kane County MBA), the Kane County Redevelopment Agency (Kane County RDA), or the Kane County Center for Education, Business, and the Arts Interlocal Agency.

- c. Any of the funds set forth in subsection B2a that Kane County or the entities listed in subsection B2b divert or transfer to any other legal entity.
- 3. "County funds" does not mean:
 - a. taxes that are assessed or imposed by a local taxing entity other than Kane County that are collected by the County Treasurer or County Assessor before being distributed to the taxing entity.
 - b. Fines collected by the Kane County Justice Court that are ultimately distributed to a governmental entity other than Kane County.
- 4. "Event" means any organized or planned gathering or social occasion whether indoors or outdoors for the purpose of recreation, leisure, education, community engagement, or public interest.
- 5. "Infrastructure project" means the pre-construction, construction, or repair of any building, road, trail, public right-of-way, public utility infrastructure such as pipes or wires for gas, power, water, sewer, telephone or internet, or other similar construction project for public purposes.
- 6. "Program" means a group or set of related measures, activities, or services with a particular long-term aim or goal. Examples include the Kane County Volunteer and Events Center and the Utah State University Extension office in Kane County.

C. SCOPE:

- 1. **Effective Date:** The requirements of this section 1-12-7 apply beginning as follows:
 - a. Beginning April 12, 2024 for any expenditure of county funds subject to a contract, county grant, or other authorizing document, as set forth in subsection E1, which is authorized or executed after April 11, 2024.
 - b. Beginning July 1, 2024 for any other authorization of the use of county funds not covered by subsection C1a.
- 2. **Categories:** The requirements of this section 1-12-7 apply when the expenditure of county fund meets one of the following:
 - a. Any direct expenditure of county funds by the county through any county office or department.
 - b. Any expenditure of funds by any person or entity for any public or private purpose when the expenditure is in whole or in part using county funds received through a county grant, interlocal agreement, other contract or any other means of transferring county funds to the person or entity.
 - c. Any funds described in subsection C2a or C2b that are expended or further distributed by the Kane County Municipal Building Authority, the Kane County Redevelopment Agency, or the Kane County Center for Education, Business and the Arts Interlocal Agency.
- 3. **Exceptions:** The requirements of this section 1-12-7 do not apply to the following unless it is otherwise clear from the context of this section 1-12-7 that the requirements do apply:
 - a. Expenditure of county funds for a single event or project less than \$1000.
 - b. County employee related expenditures including salaries, benefits, travel and training expenses, employee job related equipment, events solely for county personnel and their families, or other employee related expenses.

- c. Expenditures for goods or services related to the operation and administration of government including office supplies, office equipment such as computers, printers, desks, and chairs, vehicles and vehicle maintenance, other large equipment, cleaning or other supplies, professional services such as engineering, architecture or accounting services, labor services such as cleaning, maintenance, or other contract services, and other goods or services necessary for the standard operation and administration of government.
- d. Expenditures authorized under the Kane County Program for Assistance of the Transient Homeless (PATH).
- e. Expenditures directly related to the statutory duties of the County Assessor, County Attorney, County Clerk-Auditor, County Recorder, County Sheriff, County Treasurer, County Surveyor, and County Justice Court.
- f. Expenditures related to maintenance and anticipated regular repair of county roads or any county facility.
- g. Expenditures of the Land Use Authority or Building Department.

D. PUBLIC ACKNOWLEDGMENT:

1. Events: If an event is supported in whole or in part by county funds, the event organizer must acknowledge that the event is supported by county funds. The acknowledgment must be included in one or more advertisements for the event and a written acknowledgment must be displayed at one or more locations during the event where it is reasonably anticipated that individuals present at the event will view the acknowledgment. If the event is supported by a known specific source of county funds, the specific source of funds must also be acknowledged. The acknowledgement whether written or oral must be substantially similar to one of the following, as the circumstances may apply:
 - a. "This event is supported in part by Kane County."
 - b. "This event is provided by a donation from Kane County."
 - c. "This is a Kane County event supported by your tax dollars."
 - d. "This Fourth of July celebration is funded by Kane County through the Transient Room Tax (TRT)."
 - e. "This concert is funded by the Kane County Restaurant Tax."
2. Infrastructure Projects: If an infrastructure project is supported in whole or in part by county funds, the project manager or other person with authority over the construction of the infrastructure project must acknowledge the project is supported by county funds. A written acknowledgment that the project is supported in whole or in part by county funds must be displayed at one or more locations at the construction site during construction in a manner that is reasonably likely to be viewed by the general public. If the infrastructure project is supported by a known specific source of county funds, the specific source of funds must also be acknowledged. The acknowledgement must be substantially similar to one of the following, as the circumstances may apply:
 - a. "This project is supported in part by Kane County."
 - b. "This Kane County road improvement project is being funded by the County Option Sales and Use Tax for Highways and Public Transit."

- c. "This public infrastructure project is being supported by Kane County Transient Room Tax (TRT) funds allowed for the purposes of mitigating the effects of tourism."
 - d. "This building is being constructed by funding from the Kane County Rural County Health Care Facilities Tax"
3. **Programs:** If a program is supported in whole or in part by county funds, the program director or similar program personnel must acknowledge that the program and its related events and services are supported by county funds. The acknowledgment must be included in regular advertisements for the program and a written acknowledgment must be displayed at the locations where program services are provided. If the program is supported by a known specific source of county funds, the specific source of funds must also be acknowledged. The acknowledgement whether written or oral must be substantially similar to one of the following, as the circumstances may apply:
- f. "This program is supported in part by Kane County."
 - g. "This service is provided by a donation from Kane County."
 - h. "This is a USU Extension service supported in part by Kane County tax dollars."
 - i. "This service is funded by Kane County through the Transient Room Tax (TRT)."
4. **Permanent Structures:** If a building or other permanent public facility is constructed in whole or in part using county funds, the owner of the building or facility must acknowledge the building or permanent structure is supported by county funds. A permanent written acknowledgement must be erected on the property that is reasonably likely to be viewed by the general public or users of the facility. If the construction was supported by a known specific source of county funds, the specific source of funds must also be acknowledged. The acknowledgment must be substantially similar to one of the following, as the circumstances may apply:
- a. "This building was constructed in part by a donation from Kane County."
 - b. "This Kane County facility was constructed using the Transient Room Tax (TRT)."
 - c. "This visitor center was constructed using funds from the Kane County Redevelopment Agency."
 - d. "This hospital addition was constructed by funding from the Kane County Rural County Health Care Facilities Tax."
5. **Other:** Any other expenditure that meets the requirements of subsection C must acknowledge the use of county funds in a manner that is substantially similar to the requirements of subsections D1 through D3.
6. **Existing County Facilities:** Notwithstanding the effective date set forth in section C1, all existing and future county facilities owned by Kane County must display a permanent acknowledgement as set forth in section D4. Any facility in Kane County not currently owned by Kane County but that was previously constructed in whole or in part with county funds is requested to display a permanent acknowledgement as set forth in section D4. Any existing structure not owned by Kane County that has a subsequent remodel, addition, or other alternation that is supported in whole or in part by County funds must come into compliance with section D4 for the entire structure.
- E. CONTRACTS AND FAILURE TO ACKNOWLEDGE:**

1. Any contract, grant or other document authorized or executed after April 11, 2024 that provides for the expenditure or transfer of county funds that falls under the requirements of this section 1-12-7, must include the applicable acknowledgment requirements of section D.
2. Any person or entity that fails to comply with the requirements of this section 1-12-7 may be ineligible to receive additional county funds, at the discretion of the county commission.

Section 2. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date

This ordinance is effective fifteen (15) days after adoption, and after publication and notice are completed as set forth below.

Section 4. Publication and Notice.

This Ordinance shall be deposited in the Office of the Kane County Clerk. The Kane County Clerk is directed to publish a short summary of this Ordinance with the name of the members voting for and against, together with a statement that a complete copy of the ordinance is available at the Office of the Kane County Clerk, for at least one publication in a newspaper of general circulation in the county, or as otherwise permitted and required by Utah State Law.

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End of Ordinance.

ADOPTED this 9th day of April 2024.

ATTEST:

CHAMEILL LAMB
Kane County Clerk

Patty Kubeja, Chair
Board of Commissioners
Kane County

Commissioner Heaton voted _____
Commissioner Meyeres voted _____
Commissioner Kubeja voted _____

ITEM # 5

Discussion/Approval of TRT Fund Expenditures

ITEM # 6

Old Elementary School Discussion

ITEM # 7

Review of Legislative Issues

ITEM # 8

Commissioner Report on Assignments