

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
June 7, 2016 - 9:00 A.M.

PRESENT: COMMISSIONER LARRY A. ELLERTSON, CHAIR
COMMISSIONER WILLIAM C. LEE, VICE-CHAIR
COMMISSIONER GREG GRAVES

ALSO PRESENT:

David Shawcroft, Chief Deputy Attorney
Michelle Araujo, Commission Office
Lisa K. Nielson, Commission Office
Brian Voeks, Commission Office
Bryan E. Thompson, County Clerk/Auditor
Bryce Armstrong, Community Development
Ralph Clegg, Health Department Exec. Director
Eric Edwards, Utah County Health Department
Patty Cross, Utah County Health Department
Heather Lewis, Drug & Alcohol Prevention & Treatment
Lana Jensen, Utah County Personnel Director
Richard Nielson, Utah County Public Works Director
Jeff Smith, Utah County Recorder
Andrea Allen, Utah County Recorder's Office
Mike Stansfield, Fairways Media

James O. Tracy, Utah County Sheriff
Dalene Higgins, Utah County Sheriff's Office
Garrett Dutson, Utah County Sheriff's Office
Tonya Christensen, Utah County Sheriff's Office
Jewel Christensen, Utah County Sheriff's Office
Shawn Chipman, Utah County Sheriff's Office
Brent Buttons, Utah County Sheriff's Office
Pam Bair, Utah County Sheriff's Office
Eldon Packer, Utah County Sheriff's Office
Kim T. Jackson, Utah County Treasurer
Britton Lund, Utah State Library Division
Donna Jones Morris, Utah State Library Division
Mark Colby, Utah Adult Probation & Parole
Matt Dugdale, George K. Baum & Company
Dustin Matsumori, Intermountain Healthcare
Renée Caron, Clerk/Auditor Administrative Assistant

Commissioner Ellertson called the meeting to order at 9:03 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Matt Dugdale, George K. Baum & Company

PLEDGE OF ALLEGIANCE: Ralph Clegg, Utah County Health Department Executive Director

Eager to recognize the Utah County Employee of the Month, the Board chose to immediately address Regular Agenda Item No. 1 before continuing with the calendar.
(Track A, 02:25)

REGULAR AGENDA

1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR JUNE 2016
(Track A, 02:25)

Larry Evans of the Utah County Sheriff's Office was recognized as the June 2016 Employee of the Month.

The Board moved on to discussion of the posted agenda.

PUBLIC HEARING

PUBLIC HEARING: CONDUCTING A PUBLIC HEARING WITH RESPECT TO THE PROPOSED ISSUANCE BY UTAH COUNTY, UTAH (THE ‘COUNTY’) OF ITS REVENUE BONDS (THE ‘BONDS’) IN ONE OR MORE SERIES AND IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$310,000,000 FOR THE PURPOSE OF FINANCING, REFINANCING OR PROVIDING REIMBURSEMENT FOR THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF CERTAIN HEALTH CARE FACILITIES FOR IHC HEALTH SERVICES, INC., A UTAH NONPROFIT CORPORATION (‘INTERMOUNTAIN’) AND CONSIDERING FOR ADOPTION A RESOLUTION APPROVING THE ISSUANCE OF THE BONDS FOR PURPOSES OF SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED. THIS APPROVAL WOULD BE IN ADDITION TO THE APPROVAL GRANTED BY THE COUNTY ON JULY 8, 2014 TO THE ISSUANCE OF REVENUE BONDS FOR THE BENEFIT OF INTERMOUNTAIN IN ONE OR MORE SERIES AND IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$630,000,000

(Track A, 05:39)

Matt Dugdale, First Vice President of George K. Baum & Company, came forward to address the bonds. He joked that this bond does not mean Utah County is building a hospital, explaining that this Public Hearing is part of a process required by the United States Internal Revenue Service (IRS) for the issuance of bonds by not-for-profit entities. The tax-exempt bond market is separate from the corporate bond market, used specifically by municipalities and non-profits to obtain funds at lower interest rates. Mr. Dugdale reviewed the process of public hearings and adopting resolutions, noting there is no financial liability for Utah County as Intermountain Healthcare works with the local government authorities; the county is only acting as a conduit to issue the bonds. He repeated that all financial responsibility falls on Intermountain Healthcare. Mr. Dugdale stated he has reviewed the documents as bond counsel for the county and is comfortable with moving forward. He complimented Utah County Civil Division Chief Deputy Attorney David Shawcroft, and Mr. Shawcroft’s team, in their diligence and transparency in working to finalize the related paperwork. Mr. Dugdale also complimented Intermountain Healthcare, and invited Brad Patterson of Ballard Spahr LLP forward to provide legal details for this transaction.

(Track A, 09:56)

Brad Patterson of Ballard Spahr LLP came forward as legal counsel for Utah County in this transaction. Mr. Patterson reviewed some of Matt Dugdale’s comments, repeating this public hearing is for a series of conduit bonds issued by the county. Mr. Patterson reiterated all liability for the repayment of the bonds belongs solely to Intermountain Healthcare. Mr. Patterson stated his firm has reviewed the documents and also has no reservations about recommending this transaction to the Board.

(Track A, 10:58)

Dustin Matsumori, Director of Financial Planning for Intermountain Healthcare, was the next to come forward to address these bonds. His first comment was to thank the Board for facilitating this request, saying the county has been a wonderful partner for decades and the support for providing quality health care for Utah County citizens is appreciated. Mr. Matsumori also echoed Matt Dugdale’s praise of David Shawcroft and county staff, and the organization and efficiency of the county.

(Track A, 12:12)

Commissioner Ellertson asked Dustin Matsumori to clarify the dollar amounts of the bonds, and how they tie into prior action by the Board. Mr. Matsumori explained that because Intermountain Healthcare builds facilities throughout the entire state of Utah, they have the option of going through this process in every local jurisdiction where they intend to build a new hospital or clinic. This would lead to a lot of duplication of efforts. Instead, the Utah Interlocal Cooperative Act allows Intermountain Healthcare to establish a contract simultaneously with Utah County and other jurisdictions where building is anticipated; in this case, the \$310,000,000 specified relates to projects in Davis County, Wasatch County, and the City of Sandy. Public Hearings for the issuance of bonds have already been conducted at those entities as required by the IRS.

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(Track A, 14:05)

Dustin Matsumori went on to explain how Intermountain Healthcare has outstanding bonds previously issued through the county through this same process, in 2002 and in 2014. Intermountain Healthcare would like to refinance those bonds much like a private citizen would refinance the mortgage on their home; no additional debt is occurring. When Commissioner Ellertson asked whether the refinancing is included as part of the \$310,000,000, Mr. Matsumori replied no – that amount is for new projects. Mr. Matsumori referred to the resolutions included on today’s calendar as Regular Agenda Item Nos. 8, 9, and 10, explaining that \$350,000,000 of new incremental financing is being issued for new projects and can be structured as fixed rates or variable rates. In summary, after restructuring, the new money and refinanced funds together will total approximately \$530,000,000.

(Track A, 16:11)

Commissioner Lee asked Dustin Matsumori to speak more on the partnership between Utah County and Intermountain Healthcare. Mr. Matsumori responded that as a not-for-profit organization, Intermountain Healthcare annually assesses the community health needs of any given jurisdiction. They receive feedback from the local health departments to identify necessary services, and in turn spend their own money along with bonds to fulfill those community needs.

(Track A, 17:56)

Commissioner Ellertson returned to the subject of the \$310,000,000 and the \$350,000,000, and Dustin Matsumori answered his questions about prior approval of bonds, IRS requirements, and the public hearing process. Commissioner Ellertson opened the floor to any public comment, and none came forward. Mr. Matsumori mentioned that before the public hearing could be closed, the Board must legally adopt a Tax Equity and Fiscal Responsibility Act (TEFRA) resolution, and Commissioner Graves included that adoption as part of his motion at the instruction of Utah County Civil Division Chief Deputy Attorney David Shawcroft.

Commissioner Graves made the motion to adopt a Tax Equity and Fiscal Responsibility Act (TEFRA) resolution for Intermountain Healthcare Health Services Inc. as discussed during the public hearing, and to close the Public Hearing. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**
NAY: None

RESOLUTION NO. 2016-42

CONSENT AGENDA

(Track B, 00:01)

- 1. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE APPLICATION FOR ELIGIBILITY FEDERAL SURPLUS PROPERTY PROGRAM**
- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2015-446 WITH THE STATE OF UTAH FOR FY 2015-20 FUNDING FOR THE UTAH COUNTY CHILDREN’S JUSTICE CENTER**
- 3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE 2017 BEER TAX FUNDS APPLICATION**

The Board requested Consent Agenda Item No. 3 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

- 4. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER’S OFFICE IN CANCELLATION LETTER NO. 20361, DATED JUNE 1, 2016**

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5. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2016-13

The Board requested Consent Agenda Item No. 5 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

6. RATIFICATION OF WARRANT REGISTER SUMMARY

Consent Agenda Item Nos. 1, 2, 4, and 6 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 1 TO AGREEMENT NO. 2015-579 WITH THE UTAH DEPARTMENT OF HEALTH TO ADD FUNDING AND ACTIVITIES FOR YEARS 3 AND 4 FOR STATE AND LOCAL PUBLIC HEALTH ACTIONS TO PREVENT AND CONTROL TYPE 2 DIABETES, HEART DISEASE, OBESITY AND ASSOCIATED RISK FACTORS

6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE LETTER ENDING THE ONE-YEAR WARRANTY PERIOD FOR LOAFER RANCHES SUBDIVISION, AND RELEASING THE TEN PERCENT CONTINGENCY OF \$15,281.90 - REFERENCE AGREEMENT NO. 2015-123

ACTIONS TAKEN

Consent Agenda Item Nos. 1 and 6 were ratified; No. 2 was approved and authorized; Nos. 3 and 5 were tabled for further discussion; and No. 4 was approved. Regular Agenda Item Nos. 5 and 6 were approved and authorized.

AGREEMENT NOS.: 2016-397, 2016-398, 2016-399, 2016-400, and 2016-401

RESOLUTION NO.: 2016-42

REGULAR AGENDA

(PULLED FROM CONSENT)

3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE 2017 BEER TAX FUNDS APPLICATION

(Track B, 02:10)

Dalene Higgins of the Utah County Sheriff's Office reviewed the Beer Tax Funds Application with the commissioners. She confirmed the application declares Utah County will be working with the public health authority, and Commissioner Graves asked why the box for 'Alcohol and/or Substance Abuse Training' was not checked if the Sheriff's Office will be working with the Utah County Department of Drug and Alcohol Prevention and Treatment (UCaDDAPT). Ms. Higgins explained the funds are generally depleted by the alcohol checkpoints, and any other options checked on the form are for use only if there happens to be extra money available.

Commissioner Graves made the motion to approve and authorize the 2017 Beer Tax Funds Application as outlined in Consent Agenda Item No. 3. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**

NAY: None

AGREEMENT NO. 2016-402

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5. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2016-13
(Track B, 05:28)

Commissioner Graves referred to an email, mentioning his recollection that payment was made for one year of taxes on Personal Property Account No. 7128 but not the remaining years. Commissioner Ellertson noted that the Board was not able to review the property list by year was submitted by the applicant, Carter Construction Company Inc. Commissioner Ellertson also commented on the very high interest rate for one year, and Commissioner Lee mentioned an adjustment took place. Utah County Civil Division Chief Deputy Attorney suggested the item could be continued for further discussion. When Commissioner Ellertson addressed the second item on the Recommendation Letter, the Calvary Holdings account, Commissioner Lee noted he is comfortable with the information presented from the email.

Commissioner Graves made the motion to continue Consent Agenda Item No. 5 regarding the property tax actions contained in Recommendation Letter No. 2016-13 for one week to the June 14, 2016 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**
NAY: None

CONTINUED TO JUNE 14, 2016

The Board chose to address Regular Agenda Item Nos. 2 and 3 in tandem, as they are directly related.
(Track B, 08:46)

REGULAR AGENDA

2. APPROVE THE MINUTES OF THE MAY 17, 2016 COMMISSION MEETING *(Continued from the May 31, 2016 Commission meeting)*
CONTINUED TO JUNE 14, 2016

3. APPROVE THE MINUTES OF THE MAY 24, 2016 COMMISSION MEETING *(Continued from the May 31, 2016 Commission meeting)*
CONTINUED TO JUNE 14, 2016

Commissioner Lee noted his concern that summarizing the content of Commission meetings is subjective, and suggested that minutes be taken verbatim moving forward. Commissioner Ellertson asked about the requirement for minutes, and Utah County Civil Division Chief Deputy Attorney David Shawcroft answered that statute dictates a minimum of the substance of statements made and the names of those participating, but past that the amount of detail is left to the discretion of the Board.

Commissioner Ellertson stated verbatim minutes can be very confusing and cumbersome, pointing out that the commissioners can always revise the minutes if they feel important content was left out. Commissioner Graves questioned whether there is software available to record and transcribe the minutes word-for-word, and Commissioner Lee replied the technology is not quite there yet. Commissioner Graves stated the essence of key issues definitely need to be included in the minutes. Commissioner Lee pointed out that the first and second drafts of the minutes for approval today varied greatly, which proves that any summary is up to interpretation. Commissioner Ellertson agreed that what is said needs to be accurately reflected. There was some discussion between the commissioners and Clerk/Auditor Administrative Assistant Renée Caron regarding what is necessary to include in the minutes.

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Commissioner Graves made the motion to continue Regular Agenda Item Nos. 2 and 3 regarding the minutes of the May 17, 2016 and May 24, 2016 Commission meetings, respectively, for one week to the June 14, 2016 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

4. ADOPT (OR DENY) AN ORDINANCE TO AMEND SECTIONS 2-2, 7-15, AND 7-16 RELATED TO HEARING PROCEDURES FOR THE UTAH COUNTY BOARD OF ADJUSTMENT (Continued from the May 31, 2016 Commission meeting)
(Track B, 18:34)

Utah County Deputy Attorney Robert J. Moore explained that the Board of Adjustment has suggested a revision to the Hearing Procedures to only require approval by the County Attorney's Office, as opposed to the Attorney's Office and the Board of Commissioners for the sake of keeping the two boards separate. Commissioner Ellertson referred to the proposed ordinance (*a copy of which can be found attached to these minutes for reference*), reading specifically a line from Section 7-16-A:

.....The Board of Adjustment shall set a standard procedure for conducting public meetings and reviewing requests before the Board, which may include: reasonable limits of time in which appellants, respondents, and other parties may speak....

Commissioner Ellertson asked Robert Moore to define the word "may" in this context. Mr. Moore explained the current rules for the Board of Adjustment (BOA) have any person that wishes to speak during the meeting sign up on a sheet, and then invite any final comments when all who have signed up have finished. Commissioner Ellertson asked if the word "may" is giving permission, or allowing anyone to come forward in accordance with the BOA rules. Mr. Moore indicated it is for those who desire to speak, and Commissioner Lee said it means "they can if they want to, and they don't have to if they don't want to." Commissioner Ellertson expressed that would mean anyone that wants to speak is given the opportunity to speak, which led to some back-and-forth between the commissioners of whether or not that is correct.

(Track B, 22:05)

Robert Moore declared both sides of the argument are correct. He explained that under the current Board of Adjustment rules, any person that wishes to speak during a hearing is allowed to do so. Concerns were raised that the BOA does not conduct Public Hearings, but people generally want their voices heard. Commissioner Graves stated they did not want to create a rule that would prevent the public from speaking, and Commissioner Ellertson countered that the purpose of the meeting is not for public comment – it is for BOA functions. Commissioner Ellertson reiterated that in accordance with BOA procedures, if an individual does not sign up on the list to speak, they will not be allowed to speak. Mr. Moore explained the BOA could change their rules to not allow speakers, but he does not anticipate that, and the County Attorney's Office would need to review any such policy if proposed.

(Track B, 24:58)

Commissioner Graves said all they are trying to do is define the difference between a hearing and a meeting without changing the way that the public can comment during either. Commissioner Ellertson pointed out that one reading of the procedures makes it so that the Board of Adjustment does not have the ability to deny someone speaking. They discussed public comment and procedure with Bryce Armstrong of the Utah County Community Development Office, and Utah County Civil Division Chief Deputy Attorney David Shawcroft.

(Track B, 24:58)

Commissioner Lee read the last sentence of the proposed Section 7-16-A:

.....Such procedures shall be reviewed and approved by the Utah County Attorney.

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Commissioner Lee asked whether in this instance, the line specifically refers to Utah County Attorney Jeffrey R. Buhman. Commissioner Graves replied yes; it is under the direction of Mr. Buhman’s office, while Robert Moore explained there are several deputy attorneys. They and Commissioner Lee discussed the need for the language to be consistent throughout the Utah County Land Use Ordinance, and the process for when a county attorney is present during a BOA meeting. Commissioner Lee and David Shawcroft discussed the language of the ordinance with Bryce Armstrong.

Commissioner Graves made the motion to adopt the ordinance to amend Sections 2-2, 7-15, and 7-16 related to hearing procedures for the Utah County Board of Adjustment with the following changes: remove the word “may” from Section 7-16-A within the sentence ‘reasonable limits of time in which appellants, respondents, and other parties may speak’; and add to the last sentence of Section 7-16-A so that it now reads ‘Such procedures, prior to adoption, shall be reviewed and approved by the Utah County Attorney’ as defined in Regular Agenda Item No. 4. The motion was seconded by Commissioner Lee, and discussion continued.

(Track B, 30:45)

Utah County Civil Division Chief Deputy Attorney David Shawcroft read the newly proposed sentence within Section 7-16-A as requested by Commissioner Ellertson for the record:

.....The Board of Adjustment shall set a standard procedure for conducting public meetings and reviewing requests before the Board, which may include: reasonable limits of time in which appellants, respondents, and other parties may speak; sign-up sheets for those who ~~may~~ wish to request to speak at the public meeting.....

Commissioner Ellertson clarified that the “may” he was concerned about was the previous *“and other parties may speak;”* the changes proposed by Commissioner Graves’ motion do not address that issue. Commissioner Graves stated this ordinance is not changing that sentence, as it is the current wording, and Commissioner Ellertson expressed his belief that a change should occur. They debated the issue, with Commissioner Ellertson suggesting the sentence be changed to *“and other parties may be allowed to speak.”* Commissioner Graves stated it is unnecessary because there are other county ordinances in place to address public comments. Commissioner Lee mentioned he would typically like to see this tied back to an elected official, but in this case the ordinance is not the governing document for the Board of Adjustment. They further discussed the intention of the word “may,” with Commissioner Ellertson explaining he does not want the BOA meetings to become filibuster sessions.

The motion carried with the following vote:*

**AYE: William C. Lee
Greg Graves
NAY: LarryA.Ellertson***

ORDINANCE NO. 2016-17

*Though Commissioner Ellertson initially voted “nay” on this ordinance with the changes as detailed, the Board returned to discussion of this issue between Regular Agenda Item Nos. 7 and 8. Commissioner Ellertson explained he could understand his fellow Board members’ points of view and retracted his negative vote, calling for a new vote to the original posed motion and this time voting in the affirmative.

The motion carried with the following vote:*

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

ORDINANCE NO. 2016-17

**Please refer to the final page of these minutes for additional notations.*

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7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF HERITAGE AND ARTS, UTAH STATE LIBRARY DIVISION FOR BOOKMOBILE SERVICE IN UTAH COUNTY
(Track B, 36:20)

Donna Jones Morris, Utah State Library Division Director came forward to introduce herself and Bookmobile Program Manager Britton Lund. Ms. Morris expressed appreciation for the partnership between Utah County and the state, and the employees of both entities working cooperatively to provide quality service to residents. She presented statistics of the Bookmobile program to the commissioners (*a copy of which can be found attached to these minutes*), and talked about the billing process for the state to provide library services to areas in the county that do not have brick-and-mortar locations.

Donna Jones Morris talked about the importance of having reliable sources and quotable data available to the public, as everything cannot be found through a simple Internet search. She explained how any county resident has access to bookmobile services anywhere in the world. Along with the premium databases, the program also coordinates services for the blind and disabled; materials can even be sent to individual's homes if requested.

(Track B, 41:24)

Bookmobile Program Manager Britton Lund came forward to review the statistics presented by Donna Jones Morris. Ms. Lund addressed inventory, circulation, and inter-library loans of the most popular items in Utah County, including higher education testing materials such as those for the SAT and GRE exams, and auto repair information. She reiterated the availability of resources worldwide to any Utah County resident with valid identification, whether on a business trip in St. George, Utah or a family vacation in Paris, France.

(Track B, 44:52)

Commissioner Lee thanked Donna Jones Morris and Britton Lund for their presentation, commenting "you can go anywhere you want if you just pick up a book." He noted that some cities within the county are billed substantially to have bookmobile services, whereas other cities do not make any contribution to offset the charges; Commissioner Lee is concerned that this is not a balanced system. He asked whether the county can request the Bookmobile not stop in a city that is not paying for the services, and Britton Lund stated that could be arranged with enough prior notice – the calendars are printed ahead of time for notice to the communities. Commissioner Ellertson mentioned that some of the stops are at the discretion of the bookmobile, and Ms. Lund explained how state vehicles are leased by the mile and they try to be economically efficient. When Commissioner Ellertson asked for a map of the areas serviced, Ms. Morris and Ms. Lund referred the Board and the audience to <http://bookmobiles.utah.gov/> for more information. The state representatives and the commissioners discussed county lines, and wanting to continue the open dialogue between the entities.

Commissioner Lee made the motion to approve and authorize the Memorandum of Agreement with the Department of Heritage and Arts, Utah State Library Division for Bookmobile Service in Utah County as identified in Regular Agenda Item No. 7. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**
NAY: None

AGREEMENT NO. 2016-403

Commissioner Ellertson requested the Board briefly return to discussion of Regular Agenda Item No. 4.

4. ADOPT (OR DENY) AN ORDINANCE TO AMEND SECTIONS 2-2, 7-15, AND 7-16 RELATED TO HEARING PROCEDURES FOR THE UTAH COUNTY BOARD OF ADJUSTMENT *(Continued from the May 31, 2016 Commission meeting)*

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(Track B, 52:03)

Commissioner Ellertson noted he has had a change in paradigm, and can understand the viewpoint of his fellow Board members expressed earlier in the meeting. He asked for the record to reflect he has changed his mind, and is changing his vote from “nay” to “aye” on the adoption of this ordinance.

Commissioner Graves made the motion to adopt the ordinance to amend Sections 2-2, 7-15, and 7-16 related to hearing procedures for the Utah County Board of Adjustment with the following changes: remove the word “may” from Section 7-16-A within the sentence ‘reasonable limits of time in which appellants, respondents, and other parties may speak’; and add to the last sentence of Section 7-16-A so that it now reads ‘Such procedures, prior to adoption, shall be reviewed and approved by the Utah County Attorney’ as defined in Regular Agenda Item No. 4. The motion was seconded by Commissioner Lee and carried with the following vote:*

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

ORDINANCE NO. 2016-17

**Please refer to the final page of these minutes for additional notations.*

The Board moved on to discussion of the remaining posted agenda items.

(Track B, 53:10)

- 8. BOND RESOLUTIONS (FIXED RATE BONDS): CONSIDERING FOR ADOPTION RESOLUTIONS AUTHORIZING THE ISSUANCE AND SALE BY THE COUNTY OF ITS HOSPITAL REVENUE BONDS, IN ONE OR MORE SERIES AND IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$420,000,000 (THE ‘SERIES 2016 FIXED RATE BONDS’), AND THE LOAN OF THE PROCEEDS THEREOF TO INTERMOUNTAIN FOR THE PURPOSES OF (A) FINANCING, REFINANCING OR PROVIDING REIMBURSEMENT FOR THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF CERTAIN HEALTH CARE FACILITIES OF INTERMOUNTAIN AND (B) REFUNDING A PORTION OF THE OUTSTANDING UTAH COUNTY, UTAH HOSPITAL REVENUE BONDS, SERIES 2002B AND SERIES 2002C; PROVIDING THAT THE SERIES 2016 FIXED RATE BONDS SHALL BE PAYABLE SOLELY AND EXCLUSIVELY FROM THE REVENUES ARISING FROM THE PLEDGE OF ONE OR MORE NOTES OF INTERMOUNTAIN GIVEN AS SECURITY FOR THE SERIES 2016 FIXED RATE BONDS AND IN NO EVENT TO CONSTITUTE A GENERAL OBLIGATION OR LIABILITY OF THE COUNTY OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWERS; AUTHORIZING THE EXECUTION AND DELIVERY BY THE COUNTY OF ONE OR MORE INDENTURES OF TRUST AND PLEDGE, ONE OR MORE LOAN AGREEMENTS, ONE OR MORE BOND PURCHASE CONTRACTS AND ONE OR MORE TAX EXEMPTION CERTIFICATES AND AGREEMENTS AND AUTHORIZING THE USE AND DISTRIBUTION OF ONE OR MORE PRELIMINARY OFFICIAL STATEMENTS AND THE USE, DISTRIBUTION, EXECUTION AND DELIVERY OF ONE OR MORE FINAL OFFICIAL STATEMENTS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2016 FIXED RATE BONDS; AND CERTAIN RELATED MATTERS.**

Commissioner Graves made the motion to adopt the resolutions specified in Regular Agenda Item No. 8. The motion was seconded by Commissioner Lee and carried with the following vote:

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AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

RESOLUTION NOS. 2016-43 AND 2016-44

9. **BOND RESOLUTION (VARIABLE RATE BONDS): CONSIDERING FOR ADOPTION A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE BY THE COUNTY OF ITS VARIABLE RATE HOSPITAL REVENUE BONDS (IHC HEALTH SERVICES, INC.), IN ONE OR MORE SERIES AND IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$200,000,000 (THE ‘SERIES 2016 VARIABLE RATE BONDS’), AND THE LOAN OF THE PROCEEDS THEREOF TO INTERMOUNTAIN FOR THE PURPOSE OF FINANCING, REFINANCING OR PROVIDING REIMBURSEMENT FOR THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF CERTAIN HEALTH CARE FACILITIES OF INTERMOUNTAIN; PROVIDING THAT THE SERIES 2016 VARIABLE RATE BONDS SHALL BE PAYABLE SOLELY AND EXCLUSIVELY FROM THE REVENUES ARISING FROM THE PLEDGE OF ONE OR MORE NOTES OF INTERMOUNTAIN GIVEN AS SECURITY FOR THE SERIES 2016 VARIABLE RATE BONDS AND IN NO EVENT TO CONSTITUTE A GENERAL OBLIGATION OR LIABILITY OF THE COUNTY OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWERS; AUTHORIZING THE EXECUTION AND DELIVERY BY THE COUNTY OF ONE OR MORE INDENTURES OF TRUST AND PLEDGE, ONE OR MORE LOAN AGREEMENTS, ONE OR MORE BOND PURCHASE CONTRACTS AND ONE OR MORE TAX EXEMPTION CERTIFICATES AND AGREEMENTS AND AUTHORIZING THE USE AND DISTRIBUTION OF ONE OR MORE PRELIMINARY OFFICIAL STATEMENTS AND THE USE, DISTRIBUTION, EXECUTION AND DELIVERY OF ONE OR MORE FINAL OFFICIAL STATEMENTS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2016 VARIABLE RATE BONDS; AND CERTAIN RELATED MATTERS.**

Commissioner Lee made the motion to adopt the resolution specified in Regular Agenda Item No. 9. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

RESOLUTION NO. 2016-45

10. **RESOLUTION (CONVERSION OF SERIES 2014 VARIABLE RATE BONDS): CONSIDERING FOR ADOPTION A RESOLUTION AUTHORIZING THE CONVERSION OF THE INTEREST RATE MODE ON THE COUNTY’S UTAH COUNTY, UTAH VARIABLE RATE HOSPITAL REVENUE BONDS, SERIES 2014B AND SERIES 2014C (IHC HEALTH SERVICES, INC.) (THE ‘SERIES 2014 VARIABLE RATE BONDS’) FROM THE CURRENT ‘WINDOWS’ VARIABLE RATE MODE TO THE ‘WEEKLY’ VARIABLE RATE MODE, ALL IN ACCORDANCE WITH THE PROVISIONS OF THE BOND DOCUMENTATION PURSUANT TO WHICH THE SERIES 2014 VARIABLE RATE BONDS WERE ISSUED; APPROVING THE EXECUTION AND DELIVERY OF ONE OR MORE STANDBY BOND PURCHASE AGREEMENTS FOR THE SERIES 2014 VARIABLE RATE BONDS, AUTHORIZING THE EXECUTION AND DELIVERY BY THE COUNTY OF ONE OR AMENDMENTS TO THE EXISTING OFFICIAL STATEMENTS, INDENTURES OF TRUST AND PLEDGE, LOAN AGREEMENTS AND TAX EXEMPTION CERTIFICATE AND AGREEMENT, IN CONNECTION WITH THE CONVERSION OF THE INTEREST RATE MODE ON THE SERIES 2014 VARIABLE RATE BONDS; AND CERTAIN RELATED MATTERS. THE SERIES 2014 VARIABLE RATE BONDS ARE PAYABLE SOLELY AND EXCLUSIVELY FROM THE REVENUES ARISING FROM THE PLEDGE OF ONE OR MORE NOTES OF INTERMOUNTAIN ORIGINALLY GIVEN AS SECURITY FOR THE SERIES**

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2014 VARIABLE RATE BONDS AND IN NO EVENT CONSTITUTE A GENERAL OBLIGATION OR LIABILITY OF THE COUNTY OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWERS.

(Track B, 53:26)

Commissioner Graves asked why a dollar amount is not specified in this resolution as in the previous two, and Dustin Matsumori of Intermountain Healthcare explained there is no “not to exceed” amount because new bonds are not being issued; therefore, the current amounts are not going to change.

Commissioner Graves made the motion to adopt the resolution specified in Regular Agenda Item No. 10. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

RESOLUTION NOS. 2016-46

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

(Track B, 55:56)

- 11. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES** *(Suggested for today’s date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each Commissioner)*

STRICKEN

- 12. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES, PREVIOUSLY PUBLICLY NOTICED FOR SALE** *(Suggested for today’s date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each Commissioner)*

STRICKEN

Commissioner Lee made the motion to strike Regular Agenda Item Nos. 11 and 12 to set dates, times, and locations for closed meetings for a strategy session to discuss the purchase, exchange, or lease of real property, water rights, or water shares; and for a strategy session to discuss the sale of real property, water rights, or water shares, previously publicly noticed for sale. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

- 13. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS** *(Suggested for today’s date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each Commissioner)*

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Commissioner Lee made the motion to set a date, time, and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

SET

14. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each Commissioner)

Commissioner Lee made the motion to set a date, time, and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 10:23 A.M. to go into closed meetings. The public meeting reconvened at 11:07 A.M.
(Track C, 00:01)

Commissioner Graves made the motion to adjourn the June 7, 2016 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

There being no further business nor public comment, the meeting adjourned at 11:07 A.M. The minutes of the June 7, 2016 Commission meeting were approved as transcribed on July 12, 2016.

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LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

***Regular Agenda Item No. 4:**

Though Commissioner Ellertson initially voted “nay” on this ordinance with the changes as detailed, the Board returned to discussion of this issue between Regular Agenda Item Nos. 7 and 8. Commissioner Ellertson explained he could understand his fellow Board members’ points of view and retracted his negative vote, calling for a new vote to the original posed motion and this time voting in the affirmative. The ordinance was adopted unanimously and assigned Ordinance No. 2016-17.