

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
November 8, 2016 - 9:00 A.M.

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

ALSO PRESENT:

Jeffrey Buhman, Utah County Attorney
David Shawcroft, Civil Div. Chief Deputy Attorney
Robert J. Moore, Utah County Deputy Attorney
Paul Jones, Utah County Deputy Attorney
Chris Buckley, Utah County Attorney's Office
Haley Christensen, Utah County Attorney's Office
Robert Baxter, Utah County Purchasing Manager
Bryan E. Thompson, Utah County Clerk/Auditor
Burt Harvey, Clerk/Auditor – Tax Admin. Supervisor
Michelle Araujo, Commission Office
Lisa K. Nielson, Commission Office
Brian Voeks, Commission Office
Kris Poulson, Utah County Assessor
Merlin Ethington, Assessor's Office
Burt Garfield, Assessor's Office
Peter A. Jeppsen, Assessor's Office
Clarissa Reeve, Assessor's Office
Tod Smith, Assessor's Office
Jim Stevens, Assessor's Office
Bryce Armstrong, Community Development

Ralph Clegg, Health Department Exec. Director
Robert Johnson, Drug & Alcohol Prevention & Treatment
Heather Lewis, Drug & Alcohol Prevention & Treatment
Cammie Taylor, Utah County Personnel Director
Jane Ivie, Personnel Office
Richard Nielson, Utah County Public Works Director
Andrea Allen, Utah County Recorder's Office
James O. Tracy, Utah County Sheriff
Mike Brower, Utah County Sheriff's Office
Cole Christensen, Utah County Sheriff's Office
Dalene Higgins, Utah County Sheriff's Office
Tom Hodgson, Utah County Sheriff's Office
Ron Mitchell, Utah County Sheriff's Office
Yvette Rice, Utah County Sheriff's Office
Gary Ratcliffe, Utah County Surveyor
Kim T. Jackson, Utah County Treasurer
Alamu Araujo, Lehi Resident
Kyle Bateman, -No further information given-
Mike Stansfield, Fairways Media
Renée Caron, Clerk/Auditor Administrative Assistant

Commissioner Ellertson called the meeting to order at 9:14 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Ralph Clegg, Utah County Health Department Director
PLEDGE OF ALLEGIANCE: Michelle Araujo, Utah County Commission Office

(Track A, 02:23)

Commissioner Lee took a moment of personal privilege to acknowledge Election Day, encouraging people to take the chance to vote and thank those who have made sacrifices for that opportunity. Commissioner Ellertson echoed Commissioner Lee's statements, and Utah County Clerk/Auditor Bryan E. Thompson commented on the best times for the shortest wait in line. Mr. Thompson also noted employers should allow employees time away from work to vote as needed.

EMPLOYEE OF THE MONTH

(Track A, 04:43)

RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR NOVEMBER 2016
Cole Christensen of the Utah County Sheriff's Office was recognized as November 2016 Employee of the Month.

CONSENT AGENDA

(Track A, 13:19)

1. **DECLARE SPECIFIED ITEMS AS SURPLUS TO BE DISPOSED OF AS JUNK**
2. **DECLARE AS SURPLUS A GLOCK MODEL 19, SERIAL NUMBER WCN918, WITH AN ESTIMATED VALUE OF \$330.00 TO BE PRESENTED TO SERGEANT OWEN SHIVERDECKER FOR SERVING THE UTAH COUNTY SHERIFF'S OFFICE AND THE CITIZENS OF UTAH COUNTY**
3. **ADOPT A RESOLUTION AWARDING COUNTY PERSONAL PROPERTY AS A GIFT TO SERGEANT OWEN SHIVERDECKER IN RECOGNITION OF HIS MERITORIOUS SERVICE TO UTAH COUNTY**
4. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60348, DATED NOVEMBER 3, 2016**
5. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20372, DATED NOVEMBER 2, 2016**
6. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2016-22**

(Track A, 14:00)

Commissioner Ellertson expressed concern over late fees which exceed value of property. Commissioner Lee suggested continuing the item to allow additional conversation.

Commissioner Lee made the motion to continue Consent Agenda Item No. 6 regarding the Property Tax actions in Recommendation Letter No. 2016-22 for two weeks to the November 22, 2016 session of the Board. The motion was seconded by Commissioner Graves and carried with the following vote:

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

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7. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO UTAH COUNTY**
8. **RATIFICATION OF WARRANT REGISTER SUMMARY FOR NOVEMBER 8, 2016**

Consent Agenda Item Nos. 1 through 5, and 7 and 8, were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

2. **APPROVE THE MINUTES OF THE SEPTEMBER 27, 2016 COMMISSION MEETING *(Continued from the November 1, 2016 Commission meeting)***

The commissioners requested Regular Agenda Item No. 2 be continued to the next meeting of the Board.

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4. APPROVE ACTING PAY (BEGINNING NOVEMBER 2, 2016 AND CONTINUING FOR UP TO THREE MONTHS) FOR A PERSONNEL TECHNICIAN WHO IS FUNCTIONING AS A PERSONNEL ANALYST III DURING THE INCUMBENT'S PERIOD OF LEAVE
5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 2 TO AGREEMENT NO. 2015-51 WITH THE UTAH DEPARTMENT OF HEALTH FOR ADDITIONAL FUNDING FOR THE TUBERCULOSIS PREVENTION AND CONTROL GRANT
6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 3 TO AGREEMENT NO. 2015-609 WITH THE UTAH DEPARTMENT OF HEALTH FOR THE NURSE FAMILY PARTNERSHIP (MIECHV) PROGRAM
7. APPROVE AND AUTHORIZE AMENDMENT NO. 2 TO CONTRACT NO. 2016-452 BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT, AND THE STATE OF UTAH DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH, TO INCREASE FUNDING *(Continued from the November 1, 2016 Commission meeting)*
9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A COOPERATIVE AGREEMENT BETWEEN THE STATE OF UTAH, DIVISION OF FORESTRY, FIRE, AND STATE LANDS AND UTAH COUNTY FOR IMPROVEMENTS AT SANDY BEACH IN THE AMOUNT OF \$250,000 *(Continued from the October 25 and November 1, 2016 Commission meetings)*
11. APPROVE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD UP TO \$50,000.00 TO LINDON CITY CORPORATION FOR THE CITY CENTER ELEVATOR
12. ADOPT A RESOLUTION AUTHORIZING THE COMMISSION CHAIR TO SIGN AN INTERLOCAL AGREEMENT WITH SOLDIER SUMMIT SPECIAL SERVICE DISTRICT TO FACILITATE THE REPAYMENT OF A WELL PUMP

The commissioners requested Regular Agenda Item No. 12 be continued to the next meeting of the Board.
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13. APPROVE AND AUTHORIZE AN AGREEMENT BETWEEN UTAH COUNTY AND RURAL COMMUNITY CONSULTANTS, LLC, A WHOLLY-OWNED SUBSIDIARY OF JONES & DEMILLE ENGINEERING, TO ASSIST IN PREPARATION OF A RESOURCE MANAGEMENT PLAN AS REQUIRED IN SECTION 17-27A-401(3) OF THE UTAH CODE

The commissioners requested Regular Agenda Item No. 13 be continued to the next meeting of the Board.
CONTINUED TO NOVEMBER 22, 2016

14. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE A RESTRICTIVE COVENANT AND INDEMNITY AGREEMENT IN THE KYLE BATEMAN/CLEARWATER HOLDINGS, LLC, MATTER

ACTIONS TAKEN

Consent Agenda Item Nos. 1 through 5, and 7 and 8, were declared, adopted, approved, and ratified; and No. 6 was continued to the November 22, 2016 meeting of the Board. Regular Agenda Item Nos. 4 through 9, 11, and 14 were approved and authorized; and Nos. 12 and 13 were continued to the November 22, 2016 meeting of the Board.

AGREEMENT NOS.: 2016-786 through 2016-794; 2016-797
RESOLUTION NOS.: 2016-123 and 2016-124

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REGULAR AGENDA

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda. Commissioner Graves excused himself at this time, and Commissioner Ellertson noted Robert's Rules of Order would be waived for the purpose of making motions.

(Track A, 19:16)

- 16. 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) (Announce the vote of each Commissioner)*

The Board requested Regular Agenda Item No. 16 be stricken from the agenda.

STRICKEN

- 18. 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) (Announce the vote of each Commissioner)*

The Board requested Regular Agenda Item No. 18 be stricken from the agenda.

STRICKEN

- 15. 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) (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 the purchase, exchange, or lease of real property, water rights, or water shares for 11:00 A.M. today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

SET

- 17. 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) (Announce the vote of each Commissioner)*

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
NAY: None

SET

The Board moved on with discussion of the agenda as posted.

(Track A, 08:13)

REGULAR AGENDA

1. UPDATE ON VOCA GRANT FUNDING BY VICTIM WITNESS COORDINATOR CHRIS BUCKLEY AS PER THE GRANT REGULATIONS (Continued from the November 1, 2016 Commission meeting)

(Track A, 22:15)

Victim Witness Coordinator Chris Buckley of the Utah County Attorney's Office came forward with Utah County Attorney Jeffrey Buhman to present the semi-annual VOCA Grant update. Ms. Buckley had previously sent documents to the commissioners outlining her office's statistics and goals. She mentioned some of the numbers were low, but would average out by the end of the grant year. When Commissioner Lee asked what happens if the goals are not achieved, Ms. Buckley explained they are given the chance to adjust their figures. There is a possibility of losing the grant if reports are consistently low, but Ms. Buckley is not concerned that would occur. Ms. Buckley and Commissioner Ellertson discussed client communication and services provided. Mr. Buhman added there is a need for qualified employees who fluently speak Spanish. Ms. Buckley noted victims of misdemeanor offenses are not generally addressed with the same consistency as those hurt by felony crimes. Mr. Buhman pointed out the Victim Advocates primarily deal with homicide, domestic violence, and sex offender cases.

3. APPROVE AND AUTHORIZE AN AGREEMENT WITH SOLTIS INVESTMENT ADVISORS, LLC, TO CONDUCT AN INDEPENDENT AUDIT AND ANALYSIS OF UTAH COUNTY RETIREMENT BENEFITS (Continued from the November 1, 2016 Commission meeting)

(Track A, 31:30)

Commissioner Ellertson mentioned there are concerns in moving forward with this, and Utah County Personnel Director Cammie Taylor pointed out the county has not entered into a confidentiality agreement – needed to protect county employees' information from a third party with which the county is not currently conducting business – with Soltis Investment Advisors. Utah County Deputy Attorney noted the draft contract does have a confidentiality portion, with some language borrowed from the current FirstWest agreement. Ms. Taylor also expressed concern in signing a contract to provide information to a company which will use said information for a sales pitch to the county. Commissioner Lee countered the agreement is for an audit, but there would be potential for selling goods based on the results of that audit.

Cammie Taylor asked about the parameters of the proposed audit, and Robert Moore replied it would be in relation to the county retirement benefits. Commissioner Lee added this has been done previously with Prudential; Prudential is on board. Mr. Moore suggested Soltis Investment Advisors could present to the Board to answer their questions regarding the audit. Utah County Purchasing Manager Robert Baxter added his concerns over confidentiality, and also the appropriateness of the contract – Soltis has offered to conduct a free audit, but what will they expect to gain in return? Commissioner Lee pointed out the usual cost for such an audit is \$14,000. Soltis would want to participate in an RFP [Request for Proposals] if the county gets to that point. Mr. Baxter reiterated that is part of his concern: Soltis may be getting an unfair advantage by already having access to all of the county's information. Commissioner Ellertson suggested the Board members meet individually with Soltis. Commissioner Lee stated the Board has a responsibility to research any opportunities to provide better service to county employees. Commissioner Lee noted he understands the confidentiality concerns.

Commissioner Lee made the motion to continue Regular Agenda Item No. 3 regarding an agreement with Soltis Investment Advisors, LLC for five weeks to the December 13, 2016 session of the Board. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

CONTINUED TO DECEMBER 13, 2016

8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MEMORANDUM OF UNDERSTANDING WITH PROVO CITY HOUSING AUTHORITY FOR CLIENTS TO PARTICIPATE IN THE VOUCHER PROGRAM

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(Track A, 40:55)

Robert Johnson of the Utah County Department of Drug and Alcohol Prevention and Treatment explained the county enters into memorandums with the Utah County Housing Authority, and the Provo City Housing Authority, showing collaboration on substance abuse services so that those entities can receive funding. Affordable housing is a huge problem for substance abuse residents locally. Commissioner Ellertson and Mr. Johnson summarized clients are given a list of housing facilities which participate in the program; the individuals still pay portions, and can be disqualified by background checks, legal issues, or even low vacancy thresholds. The Housing Authority manages the program, but Utah County is helping with the substance abuse issues.

Commissioner Lee made the motion to approve the Memorandum of Understanding with Provo City Housing Authority as specified in Regular Agenda Item No. 8. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

NAY: None

AGREEMENT NO. 2016-795

10. APPROVE OR DENY A REQUEST FROM THE CHILDREN’S JUSTICE CENTER TO WAIVE THE REQUIREMENTS OF SECTION 1.6.A OF THE UTAH COUNTY FACILITY USE POLICY, AND AUTHORIZE THEM TO CONDUCT A FUNDRAISER BOUTIQUE SALE IN ROOMS 1600 AND 1601 OF THE HEALTH AND JUSTICE BUILDING ON WEDNESDAY, NOVEMBER 2, 2016

(Track A, 45:34)

Utah County Public Works Director Richard Nielson clarified there is no fee waiver needed for this request – only a policy variation. The county has granted this request in the past for the Children’s Justice Center.

Commissioner Lee made the motion to approve the request from the Children’s Justice Center to waive the requirements of Section 1.6.A of the Utah County Facility Use Policy as detailed in Regular Agenda Item No. 10. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

NAY: None

AGREEMENT NO. 2016-796

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 10:01 A.M. to go into closed meetings. The public meeting reconvened at 12:12 P.M.

(Track B, 00:01)

Commissioner Lee made the motion to adjourn the November 8, 2016 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

NAY: None

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There being no further business nor public comment, the meeting adjourned at 12:12 P.M. The minutes of the November 8, 2016 Commission meeting were approved as transcribed on December 13, 2016.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor