

AGENDA
OF THE KANE COUNTY
BOARD OF COMMISSIONERS' MEETING
October 20, 2014
IN THE KANE COUNTY COMMISSION CHAMBERS,
76 NORTH MAIN, KANAB, UTAH

The items listed under Consent Agenda will be considered as a group and acted upon by one motion with no separate discussion of said items, unless the Commission so requests. In that event, the item will be removed from the Consent Agenda for separate discussion.

The Commission meeting will begin at **10:00 am**

CALL MEETING TO ORDER:

PRAYER

PLEDGE OF ALLEGIANCE:

WELCOME:

CITIZEN PUBLIC INPUT:

CONSENT AGENDA:

Check Edit Reports:

Approval of: September 22, 2014 Work & Regular Meetings Minutes, and October 14, 2014 Special Meeting Minutes.

REGULAR AGENDA:

1. Approve/ Adopt Revised Number for Resolution 2014-17, a Schedule A-Road Maintenance Agreement between Kane County & Dixie National Forest (mistakenly duplicate-numbered 2014-15)/ Commissioner Heaton
2. Adopt Resolution 2014-18, a Resolution of Appointment of a Kane County Representative for the Utah Counties Indemnity Pool (UCIP) Annual Membership Meeting/ Clerk/Auditor Karla Johnson
3. Adopt Resolution 2014-19, an Approval of Submission of Utah Enterprise Zone Application/ Commissioner Clayson
4. Adopt Resolution 2014-20, a Resolution Amending the Bylaws of the Kane County Tourism Tax Advisory Board/ Commissioner Clayson
5. Adopt Resolution 2014-21, a Resolution Supporting the Cowboy Express/ Commissioner Heaton
6. Adopt Resolution 2014-22, a Resolution & letter of Support for Commissioner Phil Lyman, a Commissioner of San Juan County/ Commissioner Matson
7. Church Wells SSD Board Member Appointment/ Commissioner Matson
8. Approval of the 2015 Medical Plan/ HR Rhonda Gant
9. Revisions to Sections 1, 2, 3, & 6 of the Resource Management Plan/ LUA Shannon McBride

Other Business:

- Report
- Schedules
- Assignments

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.

Resolution 2014-17

Schedule A

The following roads will be maintained by Dixie National Forest

Project Name	F.D.R Number	Termini	Miles
Strawberry Ridge	30239	U-14 – 30058	7.5
Stout Canyon Ridge	30061	U-14 – Sec. 18	6.3
Mammoth Creek	30067	U-14 – County Line	2.0
Uinta Flat	30064	U-14 – County Line	4.0
Ice Caves	30059	U-14 – 30058	6.4
*Navajo Lake	30053	U-14 – Forest Boundary	6.6

* Kane County agreed to take over maintenance after the Forest Service upgrades the road to a higher standard.

Schedule A

The following roads will be maintained by the Dixie National Forest and Kane County, State of Utah

Project Name	F.D.R Number	Termini	Miles
East Fork Sevier	30087	County line – 30092	4.96
Crawford	30092	30087 – Private	4.76
Local	30203	30092 – 30092	6.8

Schedule A

The following roads will be maintained by Kane County, State of Utah

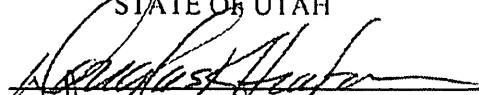
Project Name	F.D.R Number	Termini	Miles
Strawberry Point	30058	U-14 – Strawberry Peak	9.0
Swains Creek	30060	U-14 – Forest Boundary	6.3
Stout Canyon	30063	U-14 – Forest Boundary	7.0
Navajo Lake	30053	End of oil near TeAh Campground Sec. 2 – Forest Boundary (North Fork Road)	0.5
Harris Rim	30062	SH14 - 30060	12.2
Harris Rim	30698	30060 - 30062	2.3
Uinta Flat	30064	U-14 - 30371	3.5
Aspen Mirror Estates	32216	U-14 – Private Property	.3
Dry Valley	30370	U-14 - 30054	1.6
Cascade Falls – Pink Cliff	30054	30053 - End	2.8
	30227	U-14 to Private	.09
Duck Creek Ridge Road*			
Willis Creek*	30195	S Boundary of Private – N boundary of Private	.25

Swains Creek*	30060	U-14 – Private on N end	1.4
Strawberry Point*	30058	U-14 – East Strawberry Valley Subdivision	.46

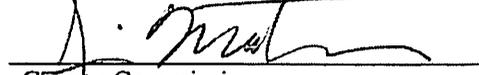
* May be maintained for public travel year round. This includes snow plowing a double lane road leaving 2-4 inches of snow on road surface and maintaining appropriate snowmobile ingress and egress by sloping banks.

KANE COUNTY
STATE OF UTAH

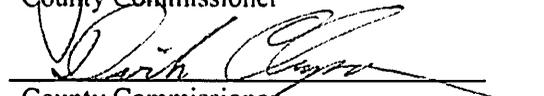
USDA FOREST SERVICE
DIXIE NATIONAL FOREST

By 
Chairman, County Commission

By _____
Forest Supervisor

By 
County Commissioner

Date: _____

By 
County Commissioner

By _____
County Commissioner

Date: 9-22-14

RESOLUTION OF APPOINTMENT OF A KANE COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL ANNUAL MEMBERSHIP MEETING

WHEREAS, the Governing Body of Kane County, Utah, is the proper authority to appoint a qualified person to act as the official representative for Kane County at the Utah Counties Indemnity Pool Membership Meeting to be held on November 13, 2014; and

WHEREAS, the Governing Body of Kane County, Utah, has been informed that the By-laws of the Utah Counties Indemnity Pool require that the official representative and an alternate representative for Kane County must be an elected or appointed officer or employee of a Member and must be appointed by majority vote of the Governing Body of the Member to be the Member's official representative for the purposes of the Pool

NOW, THEREFORE, be it resolved that the Governing Body of Kane County, Utah, hereby appoints _____ as the official Kane County representative for the Utah Counties Indemnity Pool Membership Meeting to be held on November 13, 2014, with _____ as an alternate representative.

RESOLVED ADOPTED AND ORDERED this _____ day of _____, 2014.

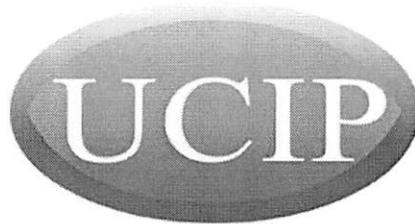
GOVERNING BODY
KANE COUNTY, UTAH

ATTEST:

By: _____

APPROVED AS TO FORM:

By: _____



September 23, 2014

Karla Johnson
Kane County Clerk-Auditor
76 North Main Street
Kanab, UT 84741

RE: Annual Membership Dinner Meeting

Dear Karla:

The Utah Counties Indemnity Pool Annual Membership Meeting will be held at 5:30 p.m. on Thursday, November 13, 2014 at the Rib & Chop House in St. George.

Pursuant to the Pool Bylaws, Article 4.7, Members shall have the obligation to: (b) Designate in writing a representative and one or more alternate representatives for the Membership Meetings. Each representative and alternate representative must be an elected or appointed officer or employee of a Member and must be appointed by majority vote of the governing body or by the county executive...of the Member to be the Member's official representative for the purposes of the Pool. An alternate representative may exercise all the powers of a representative during a Membership Meeting, in the absence of the representative.

Please have the Kane County Governing Body appoint a representative and an alternate representative, who will attend the Membership Meeting on November 13, **by adopting the attached resolution** at the **next Commission meeting**. Please fax/email the signed resolution to me at 801-568-0495/sonva@ucip.utah.gov.

The Board of Trustees request that you encourage the Commissioners to attend this meeting, which will once again be held in conjunction with the Utah Association of Counties Annual Convention. Register for the event at: membermeet.eventbrite.com.

Sincerely,

A handwritten signature in cursive script that reads "Sonya White".

Sonya White
Chief Financial Officer

UTAH COUNTIES INDEMNITY POOL

PO Box 95730, South Jordan, UT 84095-0730
Phone (801)565-8500 ☎ Fax (801)568-0495 ☎ www.ucip.utah.gov

Resolution No. 2014-19

APPROVAL OF SUBMISSION OF UTAH ENTERPRISE ZONE APPLICATION.

Whereas Kane County is interested in supporting local businesses to the greatest possible extent;

Whereas designation of Kane County as a Utah Enterprise Zone would provide qualifying local businesses access to certain state income tax credits should such a zone were created:

Whereas a joint application involving Kane County, Alton Town, Orderville Town, Glendale Town and Big Water Town encourages coordination between these entities and reduces the administrative burden on the town boards;

Whereas the Kane County Commission has reviewed the application for Utah Enterprise Zone status entitled "Utah Enterprise Zone Application: Kane County, Orderville Town, Glendale Town, Alton Town and Big Water Town: November 1, 2014" (hereinafter referred to as "the Application");

Whereas the Application was discussed in a duly posted open meeting of the Kane County Commission and public input was solicited;

Whereas the Kane County Commissioners support the submission of the Application to the Governors Office of Economic Development;

NOW LET IT BE RESOLVED BY THE KANE COUNTY COMMISSION THAT WE SUPPORT THE CREATION OF AN ENTERPRISE ZONE IN KANE COUNTY AND AUTHORIZES THE SUBMISSION OF "UTAH ENTERPRISE ZONE APPLICATION: KANE COUNTY, ORDERVILLE TOWN, GLENDALE TOWN, ALTON TOWN AND BIG WATER TOWN: November 1, 2014 TO THE GOVERNORS OFFICE OF ECONOMIC DEVELOPMENT.

PASSED, APPROVED AND ADOPTED THIS ___ DAY OF _____, 2014.

Signature and Title

Signature and Title

October 1, 2014

Delynn Fielding
Utah Enterprise Zone Coordinator
Governors Office of Economic Development
Salt Lake City, UT 84111

Dear Mr. Fielding:

Thank you for your efforts in guiding Kane County's efforts in submitting the enclosed application for Utah Enterprise Zone designation. This application requests designation for all unincorporated areas of Kane County as well as all properties within Alton, Glendale, Orderville and Big Water Towns. Each of the above entities has passed a resolution in open, duly posted public meeting supporting this application. Justification for providing Enterprise Zone benefits to these areas is included in the application.

Please be aware that, during the process of the open meetings regarding this issue, we learned of many businesses that will benefit from this designation. Consequently, we are excited for the value Enterprise Zone designation will bring to Kane County's business community.

Upon approval of our application, please send official notification to:

Karla Johnson
Kane County Clerk
76 North Main St.
Kanab UT, 84741

We would also appreciate your sending an email to Kelly Stowell at Stowell@dixie.edu as soon as our application is approved. Should there be any modifications or additional information required, please contact Mr. Stowell at the above email address or by phone at (435) 899-0443 since he is providing technical support regarding our application.

As always, thank you for your efforts in promoting rural Utah's economy.

Sincerely,

Commissioner Dirk Clayson
Chairman, Kane County Commission

KANE COUNTY RESOLUTION NO. 2014 – 20

**A RESOLUTION AMENDING THE BYLAWS OF
THE KANE COUNTY TOURISM TAX ADVISORY BOARD**

WHEREAS, The Kane County Tourism Tax Advisory Board (“Travel Council”), is an advisory board serving at the pleasure and under the direction of the Kane County Board of Commissioners (“Commission”); and

WHEREAS, the Travel Council was established under the authority of Utah Code §17-31-8 advise the Commission on the best use of revenues collected from the tax allowed under Utah Code § 59-12-301 (Transient Room Tax) and Utah Code § 59-12-603 (TRCC or Restaurant Tax); and

WHEREAS, the Commission desires to further promote the effective and efficient governance of the activities of the Travel Council by updating and amending the current bylaws;

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

The Bylaws of The Kane County Tourism Tax Advisory Board or Travel Council are amended as set forth in the following attached bylaws (three pages). Any further amendment to these bylaws shall be by resolution of the Commission.

ADOPTED this 20th day of October, 2014.

ATTEST:

DOUG HEATON, Chair,
Board of Commissioners,
Kane County

KARLA JOHNSON
Kane County Clerk/Auditor

Commissioner Clayson voted _____
Commissioner Matson voted _____
Commissioner Heaton voted _____

By Laws of the Kane County Tourism Tax Advisory Board

ARTICLE I

KANE COUNTY TOURISM TAX ADVISORY BOARD

The Kane County Tourism Tax Advisory Board (“Travel Council” or “Board”), is an advisory board functioning under the direction of the Kane County Board of Commissioners (“Commission”) and established under the authority of Utah Code §17-31-8. The Travel Council serves all of Kane County and its principle office is located at the Kane County Office of Tourism, 78 South 100 East, Kanab, Ut 84741.

ARTICLE II

BOARD DUTIES AND STRUCTURE

- A. Duties. The Kane County Tourism Tax Advisory Board (“Travel Council” or “Board”) is an advisory board serving at the pleasure and direction of the Commission with the primary purpose of advising the Commission on the best use of revenues collected from the tax allowed under Utah Code § 59-12-301 (Transient Room Tax) and Utah Code § 59-12-603 (TRCC or Restaurant Tax), by providing the Commission with a priority listing for proposed expenditures based on projected available tax revenues supplied to the Travel Council by the Commission on an annual basis. Additionally, the Travel Council will provide assistance, guidance and advice to the Director of the Kane County Office of Tourism in the promotion of tourism in Kane County.
- B. Board Composition.
1. The Travel Council shall consist of seven members who are appointed by the Commission. In making the appointments the members of the board shall satisfy the below requirements of Utah Code §17-31-8(3):
 - i. All members shall be residents of Kane County;
 - ii. At least four members (a majority) shall be currently employed by an entity located in Kane County that is subject to the Transient Room Tax or Restaurant Tax; and
 - iii. Those who are not employees of an entity subject to the above taxes shall be employees of recreational facilities, convention facilities, museums, cultural attractions, or other tourism related industries located within Kane County.
 2. It is recommended that the Board also meet the following suggestions:
 - i. One member who is a resident of Orderville, Alton, Glendale, Mt. Carmel, Duck Creek, Cedar Mountain, or Bull Frog;
 - ii. One member who is a resident of Kanab or Big Water;
 - iii. One members who represent the lodging business;
 - iv. One member who represents the restaurant business; and
 - v. One member who represents the public lands sector;
- C. Term of Service. Each Board member shall serve for a two year term. The terms of board members shall be staggered so that an even number of Board members are appointed in even numbered years and an odd number of Board members are appointed in odd years. Board members may not serve more than three consecutive terms.
- D. The Commission shall assign one Commissioner as a liaison to the Travel Council who shall act as an “ex-officio” member of the Board.

- E. Compensation. Board Members and Officers shall serve without compensation or benefits. Board Members and Officer may receive per diem and reimbursement of expenses incurred in the performance of their official duties, in accordance with the Kane County Employee Handbook. Board Members and Officer shall in no way be considered employees of Kane County except as further described herein.
- F. Vacancies. In the event that a board member fails to complete their term of service, the Commission shall appoint an individual to serve the remainder of the unexpired term. Any individual so appointed shall comply with the requirements of sections B and C above. Before the expiration of any term of service when there is a vacancy, the Board shall recommend to the Commission at least three individuals to fill the vacant or expiring position.
- G. The Board shall elect officers as set forth in Article III. The Board may establish such sub-committees, as it determines from time to time which may be necessary to carry out its duties and responsibilities. The committees may make recommendations to the Board, and the Board may accept or reject those recommendations but such sub-committees shall have no power to make decisions that shall be binding on the Board or the County.
- H. The Board may, from time to time, propose to the Commission for approval additional policies and procedures for the continued operation and maintenance of the Board.
- I. Each Board member and officer of the Board now or hereafter serving as such shall be indemnified by Kane County against any and all claims and liabilities that arise while or after serving, by reason of serving, or having served as Board members or officers, or by reason of any action alleged to have been taken, omitted, or neglected by him/her as such Board member or officer, so long as the claim or liability is the result of actions or omissions arising from the scope of the board members service and not due to willful misconduct or gross negligence.

ARTICLE III
OFFICERS

- A. The Board shall elect from its voting members a Chairman and a Vice-Chairman, which shall hold office for a term of one year. Each officer shall be elected, or re-elected annually at the first regularly scheduled meeting of the calendar year.
- B. The Chairman shall preside and conduct all meetings of the Board and shall see that all orders and resolutions of the Board are carried out. The Chairman shall vote only in the event of a tie vote.
- C. The Vice-Chairman shall assume the duties of the Chairman in the absence of the Chairman.
- D. The Kane County Office of Tourism will provide a Kane County Employee to act as a Secretary for the Board and shall perform the following duties:
 - i. Attend the meetings of the Board and keep records and minutes of the proceedings;
 - ii. Maintain a properly indexed record of all contracts, purchases and agreements made on behalf of the Board.
- E. The Director of the Office of Tourism shall serve and assist the Board as the Executive Director. The Director shall remain at all times an employee of Kane County subject to the policies of

Kane County employment. The Director is hired and fired by the Commission in accordance with Kane County Personnel Policies.

- F. The Chair of the Commission or his designated fellow commissioner shall act as the Administrator of the Board. The Kane County Clerk/Auditor shall act as the Chief Financial Officer. All auditing and financial management activities shall be performed in accordance with Kane County policies administered by the Kane County Clerk/Auditor.

ARTICLE IV
MEETINGS

- A. Open Meetings Act. As an advisory board for Kane County, the Travel Council is subject to all the requirements of Utah Code § 52-4-101 et. al. as amended, the Open and Public Meetings Act. Members of the Board shall be trained at least annually on the requirements of the Act.
- B. The Board will hold regular meetings on the first Thursday of each month at 3 p.m., unless otherwise publically noticed. Special meetings of the Board may be called by the Chairman or upon written request of at least two board members. Written notice of each special meeting shall be mailed to all Board members no later than five (5) calendar days prior to the meeting, unless such notice is not possible due to an emergency, in which case notice shall be given to the Board members as soon as possible by the best means practical under the circumstances.
- C. Six of the twelve Board meetings may be held at tourism related locations in Kane County and at least six Board meetings shall be held at the Kane County Commission Chambers. All meetings are open to the public. A majority four (4) of the voting Board members constitutes a quorum for purposes of transacting business.
- D. All meetings of the Board shall be conducted in accordance with Robert's Rules of Order as modified by the Board, to the extent that the same are not inconsistent with Utah State Law.
- E. Board members are required to attend all meetings of the Board in person or by phone. Failure of a Board member to attend at least nine scheduled meetings per year shall be reason for removal from the Board either by a vote of the Board or the Commission.
- F. Regarding any issue before the Board, each Board member shall declare any and all perceived conflicts of interest to the Board and shall abstain from voting on the issue.

ARTICLE V
AMENDMENTS

These Bylaws may be altered, amended, replaced or added to at the discretion of the Kane County Board of Commissioners.

Dated: October 20th, 2014

ATTEST:

Doug Heaton
County Commission Chair

Karla Johnson
County Clerk

RESOLUTION 2014-22

DENOUNCING THE ACTIONS OF THE BUREAU OF LAND MANAGEMENT, BLM STATE DIRECTOR JUAN PALMA, US ATTORNEY CARLIE CHRISTENSEN WITH REGARD TO THE PROTEST OF RECAPTURE CANYON IN SAN JUAN COUNTY, UTAH

WHEREAS, Kane county is a political subdivision of the State of Utah;

WHEREAS, over 85.5% of land in Kane County is managed by the federal government, either the BLM or USFS;

WHEREAS, On May 10th 2014 hundreds of protestors gathered in Blanding, Utah and Recapture Canyon near Blanding, Utah for a peaceable protest against the BLM's illegal closure of the Recapture Canyon Road/Trail;

WHEREAS, the BLM and the US District Attorney's office have selectively chosen 5 individuals out of hundreds to charge with Conspiracy and riding ATV's on a closed trail;

WHEREAS, no resource damage was done and no charges were filed for resource damage;

WHEREAS, one of those charged, Commissioner Phil Lyman, is an elected official who was acting on behalf of his oath of office and on behalf of the citizens of San Juan County;

WHEREAS, Acting US Attorney Carlie Christensen, BLM State Director Juan Palma, and the BLM chose to charge an elected official directly vs. challenge San Juan County directly through court proceedings;

WHEREAS, the BLM has had an extremely heavy handed approach to dealing with these types of issues and has been untruthful in many of their claims, findings, and dealings with regard to the road closure;

WHEREAS, Kane County believes this is an attempt to squelch the voice of Elected Officials and Citizens who are willing to take a stand against wrongdoings by federal agencies;

WHEREAS, the first amendment of the US Constitution guarantees the right to free speech and the ability to peaceably assemble, and to petition the Government for a redress of grievances;

WHEREAS, the road driven on May 10th is a pipeline maintenance road and right of way was granted to the Water Conservancy District and permission for the protest ride was granted by the Water Conservancy District;

WHEREAS, BLM documents state they do not claim the road, yet the BLM claims they can close a road they admit is not theirs to close;

WHEREAS, the road driven during the protest is a historic road which has been in use over 100 years and has received the scrutiny of archaeological clearance after clearance;

WHEREAS, the CFR that created the road closure stated it was a temporary and emergency closure and many attempts have been made to negotiate a solution with the BLM, yet the temporary and emergency closure has remained in place since September of 2007;

WHEREAS, it appears in the mind of Acting US Attorney Carlie Christensen, the BLM, and Juan Palma, Political Resistance to the BLM constitutes Criminal Conspiracy;

WHEREAS, the BLM has issued an order for San Juan County to rescind a resolution asserting their claim that the Recapture Canyon Road is a valid and existing road is liken to the King dictating to the peasants;

WHEREAS, isolating 5 out of hundreds of protestors and criminally charging those 5 individuals rather than a civil suit against the county is wrong, unjustifiable, and an act of intimidation and bullying;

NOW, THEREFORE, the Commission of Kane County calls upon the Acting US Attorney Carlie Christensen, BLM State Director Juan Palma, and the BLM to drop all charges against the 4 protestors and Elected Official Phil Lyman.

NOW, THEREFORE, the BLM needs to lift the administrative closure of Recapture Canyon immediately; and

NOW, THEREFORE, the BLM needs to address internally their heavy handed manner in which they deal with issues like this; and

NOW, THEREFORE, the BLM needs to embrace the position of Local Governments as they are elected officials representing the citizens, unlike the BLM which is an overbearing Bureaucratic agency that acts without respect to the citizens or local governments,

KANE COUNTY COMMISSION

Douglas K Heaton, County Commission Chair
October 20, 2014

ATTEST:

Karla Johnson, Kane County Clerk