



NIBLEY CITY
SPECIAL CITY COUNCIL MEETING AGENDA
Thursday, July 9, 2015 - 6:30 p.m.

Nibley City Hall
455 West 3200 South
Nibley, Utah 84321

Opening Ceremonies
Call to Order/Roll Call

1. Approval of Minutes and Agenda
2. Review of Rules for Appointment Process for Appointing a New City Council Member
3. Interviews of Candidates and Appointment of Interim City Council Member
4. Discussion and Consideration of RESOLUTION 15-07: A RESOLUTION TO HOLD A SECTION 218 REFERENDUM FOR THE PURPOSE OF DETERMINING WHETHER NIBLEY CITY WILL PARTICIPATE IN THE STATE OF UTAH'S SECTION 218 AGREEMENT AND PROVIDE SOCIAL SECURITY BENEFITS TO CITY EMPLOYEES (First Reading)
5. Council and Staff Reports

Adjourn Meeting

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 752-0431 A MINIMUM OF 24 HOURS BEFORE THE MEETING.



Nibley City Council Agenda Report for July 9, 2015

Agenda Item #: 2

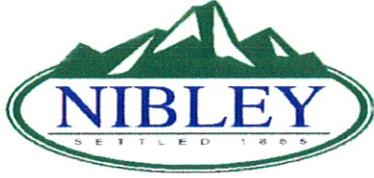
Description	Review of Rules for Appointment Process for Appointing a New City Council Member
Department	City Council
Presenter	Mayor
Sponsor	Mayor
Applicant	n/a
Background	The Council will have the opportunity to review the rules used last time to appoint a council member. They council may want to simplify the rules considering that there are only three applicants this time. For example, the council might skip the first round, since the purpose of that round was to narrow the field to the top three candidates.
Recommendation	A motion for adoption of the rules would be in order after any changes are suggested.
Financial Impact	n/a
Reviewed By	Mayor, City Manager

Agenda Item #: 3

Description	Interviews of Candidates and Appointment of Interim City Council Member
Department	City Council
Presenter	Mayor
Sponsor	Mayor
Applicant	n/a
Background	City Council member Amber Whittaker moved out of Nibley on June 12. According to State law, the Council must appoint a replacement within 30 days. Also according to State law, the Council must both interview the candidates for appointment and make an appointment in open session. Three candidates have applied for the position. All three candidates also filed to run for election in the fall. This appointment will only be for approximately six months, until the candidates elected in the fall take office.
Recommendation	Interview the candidates and make an appointment.
Financial Impact	n/a
Reviewed By	Mayor and City Manager

Agenda Item #: 4

Description	Discussion and Consideration of RESOLUTION 15-07: A RESOLUTION TO HOLD A SECTION 218 REFERENDUM FOR THE PURPOSE OF DETERMINING WHETHER NIBLEY CITY WILL PARTICIPATE IN THE STATE OF UTAH'S SECTION 218 AGREEMENT AND PROVIDE SOCIAL SECURITY BENEFITS TO CITY EMPLOYEES (First Reading)
Department	City Council
Presenter	City Manager
Sponsor	City Manager
Applicant	n/a
Background	<p>At the last City Council meeting, the Mayor mentioned that he had received a letter from the IRS about an upcoming compliance review. Staff has since completed that review with the IRS. The IRS reviewed many aspects of the City's financial and payroll operations. The only discrepancy that was found was that the IRS was unable to locate a record with the Social Security Administration indicating whether or not the City had ever elected to participate in the Social Security program.</p> <p>Prior to 1951, state and local government employees were excluded from Social Security coverage because of a legal issue regarding the right of the federal government to tax state and local governments. However, in 1951, Congress authorized states to enter into voluntary agreements known as Section 218 Agreements with the federal government to provide Social Security coverage to state and local government employees. Because Nibley City participates in the Utah Retirement Systems ("URS"), Utah's Section 218 Agreement could be extended to Nibley City employees; however, the City is not automatically covered by Utah's Section 218 Agreement. In order for the state's Section 218 Agreement to be extended to Nibley City employees, employees must vote in a referendum by secret ballot on the question of whether employees covered by the URS should be included in the Social Security system.</p> <p>It is likely that employees would want to continue participating in the program, since they have already been participating and, if the City does not elect to participate, some employees may lose contributions already made to the system.</p> <p>The Council may wish to waive the second reading to allow the City to move forward more quickly with coming into compliance.</p>
Recommendation	Approve the resolution to allow employees to vote on the continuation of participation in the Social Security system.
Financial Impact	n/a
Reviewed By	Mayor and City Manager



City Council Vacancy Application

Application Deadline: 12:00 p.m., Friday June 26, 2015

Late submissions will not be accepted

Personal Information

Name Andrew Larry
Last First MI

Address 535 West 3750 South

Telephone 435-753-5104 435-881-5018
Home Work Cell

E-mail larryandrew@yahoo.com Date of Birth 25 Dec. 1947

Resident of Nibley City: 29 years

Please Note:

Your application is a public document and will be kept on file for one year. If you would like additional information, please call the City Office at (435) 752-0431.

Please see the supplemental instructions on page 2 of this application. Incomplete applications will not be accepted.

By signing below, you agree to the following, and understand that misrepresentation of either requirement is cause for non-consideration of the application:

1. You are eligible for appointment to the Nibley City Council, as outlined in Utah State Code §10-3-301, specifically:
 - a. You are a registered voter in Nibley City.
 - b. You have resided in Nibley City and for a minimum of 12 months prior to the appointment.
 - i. In this situation, that would require that you have resided in Nibley City since at least July 9, 2014.

Larry Andrew
Signature

June 26, 2015
Date

LARRY ANHDER
535 West 3750 South
Nibley, Utah

435-753-5104
435-881-5018

TO: Nibley City Council and Mayor

Re: Statement of Qualifications for City Council position

Master of Public Administration with emphasis in City Administration and Public Finance

Director of Administration, Logan City

Nibley City Manager for 15 years

Cache County Council member for 12 years

Complete understanding of municipal finance

Familiar with nearly every development of the city and its infrastructure

Education and experience in City Planning

Understand the laws governing cities in Utah

Understand how councils work and parliamentary procedure

Retired and have the time to dedicate to the community—for the love of the community, not as a job!

I have a knowledge of the City that few others possess and am willing and eager to serve the community and my fellow citizens. This opportunity will allow me to pay back a little to Nibley City.



City Council Vacancy Application

Application Deadline: 12:00 p.m., Friday June 26, 2015

Late submissions will not be accepted

Personal Information

Name Ramirez Timothy A
Last First MI

Address 2565 S 1100 W Nibley UT 84321

Telephone 435-668-6103 453-994-0323
Home Work Cell

E-mail tramirez7875@gmail.com Date of Birth 8/31/1981

Resident of Nibley City: 7 years

Please Note:

Your application is a public document and will be kept on file for one year. If you would like additional information, please call the City Office at (435) 752-0431.

Please see the supplemental instructions on page 2 of this application. Incomplete applications will not be accepted.

By signing below, you agree to the following, and understand that misrepresentation of either requirement is cause for non-consideration of the application:

1. You are eligible for appointment to the Nibley City Council, as outlined in Utah State Code §10-3-301, specifically:
 - a. You are a registered voter in Nibley City.
 - b. Your have resided in Nibley City and for a minimum of 12 months prior to the appointment.
 - i. In this situation, that would require that you have resided in Nibley City since at least July 9, 2014.


Signature

6/26/15
Date

TIM RAMIREZ

2565 S 1100 W Nibley, UT, 84321
Phone 435-994-0323
tramirez7875@gmail.com

SUMMARY

I am seeking a position as council member with Nibley City. I am always looking for ways to better myself and serve the community. In brief the following are some of the qualifications, accomplishments, and leadership experience I have obtained in throughout my professional career which have prepared me for this position.

Highlights

- **SWAT Team Leader;** Experience leading live call outs
 - **Undercover operations (Drug Task Force);** Lead agent in hundreds of operations, 80 hour Basic Narcotics Officer Course
 - **Experience working with community leaders;** Hyrum Town Car, Paradise Star Deputy, GOP Nibley 1 Chair, GOP Leg 5 Co-Chair
 - **Defense Tactics Instructor;** Instructor for BATC police academy
 - **Management of large scale high risk operations;** Warrant service, High Risk SWAT operations, Apprehension of armed criminals
 - **Experience working alongside other state and federal agencies;** DEA, FBI, ICE, ISP, Utah Attorney General's Office and multiple instate task forces
 - **Highly qualified in criminal law;** Years of Investigations experience, experience in homicide investigations
 - **Asset Forfeiture Officer;** Experience in civil laws and in handling large amounts of seizure money
-

Accomplishments and Awards

- Academic Achievement Award from Weber State Corrections Academy, 2004
- Letter of commendation from the Cache County Attorney Bruce Ward, 2006
- Letter of commendation from Sgt. T. Duncombe CCSO, 2006
- Deputy of the Year Cache County Sheriff's Office, 2012
- Deputy of the Year Utah Sheriff's Association, 2013
- UNOA Unit Citation Award for Cache/Rich Drug Task Force, 2014
- BATC Police Academy Instructor Award, 2013, 2014, 2015

Career Experience

Corrections Deputy, Cache County Sheriff

Logan, Utah — 2004-2007

Accomplishments in position

- Inmate Disciplinary Hearing Officer (IDHO)
- Defensive Tactics Instructor
- Transport Deputy
- SERT Team Member
- Field Training Officer

Patrol Deputy, Cache County Sheriff

Cache County, Utah — 2007-2010

Accomplishments in position

- Bicycle Patrol Deputy
- SWAT Team Member
- Paradise Town Star Deputy

Investigations, Cache County Sheriff

Cache County, Utah — 2010-2015

Accomplishments in position

- Drug Task Force Agent
- Asset Forfeiture Officer (AFO)
- Property Crimes Detective
- SWAT Team Leader

Hyrum Town-Car, Cache County Sheriff

Cache County, Utah — 2015-Current

Professional Courses and Certifications

- POST Correctional Officer and Peace Officer Certifications
- POST Certified Defensive Tactics Instructor
- Read Interview Techniques
- Leadership Development Workshop
- SWAT Tactical Leadership Course
- IPIMBA Bike Patrol Certified
- State Certified Field Identification Drug Officer (FIDO)
- Attended Dixie State College



City Council Vacancy Application

Application Deadline: 12:00 p.m., Friday June 26, 2015

Late submissions will not be accepted

Personal Information

Name Bernhardt Tom
Last First MI

Address 2364 S 770 W Nibley

Telephone 435-755-2886
Home Work Cell

E-mail tombenhardt@g.com Date of Birth 08/31/1974

Resident of Nibley City: 7 1/2 years

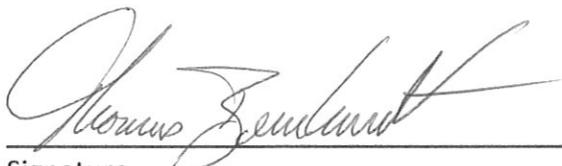
Please Note:

Your application is a public document and will be kept on file for one year. If you would like additional information, please call the City Office at (435) 752-0431.

Please see the supplemental instructions on page 2 of this application. Incomplete applications will not be accepted.

By signing below, you agree to the following, and understand that misrepresentation of either requirement is cause for non-consideration of the application:

1. You are eligible for appointment to the Nibley City Council, as outlined in Utah State Code §10-3-301, specifically:
 - a. You are a registered voter in Nibley City.
 - b. Your have resided in Nibley City and for a minimum of 12 months prior to the appointment.
 - i. In this situation, that would require that you have resided in Nibley City since at least July 9, 2014.


Signature

6/19/2015
Date

Nibley City Council Application

My name is Tom Bernhardt and I am interested in applying for the city council vacancy. I have been a resident of Nibley since December 2007 and have been involved as a coach or assisted coaching with my kids local recreational soccer and baseball teams.

I currently am employed at the Space Dynamics Laboratory (SDL). I have been with SDL since October 2007 and initially started working there as a software engineer. In September of 2008 I accepted the position as a Program Manager at SDL and have been involved with several projects of various sizes. As a Program Manager I am responsible for: working with potential customers to develop cost estimates for the work that they need done, providing the cost estimates to the customers and working through concerns that they may have with the estimates, identify resources at SDL to work on the project, ensuring that the engineers execute on the project within the defined budget and time constraints, resolve any misunderstandings between the customer and engineers, and lastly ensuring close communication with the customers so they know the overall progress and status of the project.

I believe that the experience that I have gained over the last several years as a Program Manager and Software Engineer qualifies me for serving on the City Council. The experience as a Program Manager has allowed me to understand the importance of close communication with the people that I need to. I spend a lot of time providing status to many different people.

For example, I provide status reports to my supervisor, customers, and engineers. in terms of the things that I'm working, challenges that I am seeing within the project, and overall progress being made. By working with and creating reports for these different groups (supervisors, customers, and engineers) I've learned the importance of keeping people appropriately informed. Each group requires the same core of information but some groups require more information than others. This information allows people to understand the progress of the programs such that they can ask informed questions.

I believe that this experience has allowed me to understand the importance of keeping people appropriately informed. I believe that communication is critical to the position of the City Council because people will want to know what issues the Council is faced with, understand what decisions were made, and understand why decisions were made. Not every decision will be a unanimous decision but it will be important for citizens to understand the position I would take on the various issues.

I'm excited for the opportunity to be considered as a candidate for the City Council. There may be times that due to business travel I will not be able to attend City Council meetings. However, I will do my best to ensure that I am available at all meetings and be available to support other communication methods to ensure that the needs of the City of Nibley are being met.

Tom Bernhardt
2364 S 770 W
Logan, UT 84321
(435)755-2886
e-mail: tombernhardt@q.com

To obtain a position on the Nibley City Council

EDUCATION

Graduate Studies

Master's in Software Engineering
Southern Methodist University

Graduated (2004)
Dallas, TX

Undergraduate Studies

Bachelor's in Computer Science
Utah State University

Graduated (2000)
Logan, UT

EMPLOYMENT

Utah State University—Space Dynamics Lab
Program Manager

Sept. 2008-Present

Currently responsible for managing multiple programs using various software development methodologies, including Agile. Responsibilities include presentation of capabilities to customers as part of business development, eliciting requirements with customers and coordinating efforts with the development team to ensure the requirements are met and that the product meets expectations, submitting status reports to customers showing status of projects, and eliciting feedback from customers.

Utah State University—Space Dynamics Lab
Software Engineer

Oct. 2007-Sep. 2008

Supported multiple programs developing software within the C4ISR division. Responsible for developing new solutions and updating and maintaining various software products within the division.

Raytheon
Test Engineer/Embedded Software Engineer/Software Lead

Sept. 2000-Oct. 2007

Software lead for multiple programs. Designed, implemented, and tested embedded software for system components. Responsible for creating and maintaining tests for product testing.

REFERENCES

Available upon request



City Council Appointment Procedure

In accordance with the requirements of Utah Code 20A-1-510, and based on the process the Council adopted when appointing Councilmember Hellstern, the following is the proposed procedure for selecting Councilmember Amber Whittaker's replacement.

Each Council member will be provided with a paper which has been pre-printed with Council member and candidate names.

- 1) **First Round Candidate Presentations to the Council:** Candidates will be permitted to present a brief (3 minute time limit) statement of interest to the Council prior to the first round of voting. The order candidates present in is determined by the Master Ballot Position List adopted by the Office of the Lieutenant Governor.
- 2) **First Round Voting:** After the presentations are complete, each Council member (excluding the Mayor) shall:
 - a. Mark their top 3 candidates (Council members must cast three votes)
 - b. The Mayor will call for and collect all votes simultaneously
 - c. All votes will be shown to the public and read by the City Manager
 - d. Votes will be tallied by the City Manager on a publically visible whiteboard
 - e. Votes will be read into the record by the Mayor
 - f. The top 3 candidates as determined by # of votes shall advance
 - g. Exceptions:
 - i. If the first round voting produces a three way tie
 1. Hold a second vote for those three candidates with one vote per council member to narrow it to two candidates
 - ii. If the first round voting produces a first place candidate and a tie for second place
 1. First place candidate advances
 2. Council holds a second vote with one vote per council member
 - a. A majority of three votes is required to advance a candidate; a plurality without a majority (2-1-1 vote in the case of three candidates) does not advance a candidate.
 - b. The Mayor shall vote to break a tie
 - c. In the event of a plurality, the vote shall be repeated until a majority is obtained.

3) Second Round Voting

- a. Each Council member and Mayor may ask each candidate one question
 - i. Order of Council/Mayor questions shall be determined by the Master Ballot Position List adopted by the Office of the Lieutenant Governor.
 - ii. Same question shall be posed to all candidates.
 - iii. Each candidate response shall be limited to 2 minutes as timed by the City Manager.
 - iv. Order of answering shall rotate so that each candidate has the opportunity to answer questions first, second, third, etc.
 - 1. The precise order of answering (1-2-3-4, 2-3-4-1, etc.) will be determined by the number of candidates who apply for the vacancy.
 - v. Council will vote for two candidates using ballots as outlined above
 - 1. A majority of three votes is required to advance a candidate; a plurality without a majority (2-1-1 vote in the case of three candidates) does not advance a candidate.
 - 2. The Mayor shall vote to break a tie
 - 3. In the event of a plurality, the vote shall be repeated until a majority is obtained.
 - vi. The top two candidates will advance to the third round

4) Third Round Voting

- a. Council will vote for one candidate by roll call
- b. If necessary, Mayor votes to break a tie

5) Swearing In of new Council member (City Recorder)

A reminder regarding candidate campaigning:

Candidates may contact current Council members outside of Council meetings to campaign or lobby for themselves as a candidate- the law doesn't prohibit direct or indirect communication with voting Council members. Campaign finance and public ethics rules and requirements apply. There is no campaigning within 300' of City Hall the day of the meeting. The meeting will be a public meeting, but no public comment period will be held.

RESOLUTION 15-07

A RESOLUTION OF THE NIBLEY CITY COUNCIL TO HOLD A SECTION 218 REFERENDUM FOR THE PURPOSE OF DETERMINING WHETHER NIBLEY CITY WILL PARTICIPATE IN THE STATE OF UTAH'S SECTION 218 AGREEMENT AND PROVIDE SOCIAL SECURITY BENEFITS TO CITY EMPLOYEES

WHEREAS, prior to 1951, state and local government employees were excluded from Social Security coverage because of a legal issue regarding the right of the federal government to tax state and local governments; and

WHEREAS, in 1951, Congress authorized states to enter into voluntary agreements known as Section 218 Agreements with the federal government to provide Social Security coverage to state and local government employees; and

WHEREAS, because Nibley City participates in the Utah Retirement Systems ("URS"), Utah's Section 218 Agreement could be extended to Nibley City employees; and

WHEREAS, government entities, such as Nibley City, are not automatically covered by Utah's Section 218 Agreement; and

WHEREAS, in order for the state's Section 218 Agreement to be extended to Nibley City employees, employees must vote in a referendum by secret ballot on the question of whether employees covered by the URS should be included in the Social Security system; and

WHEREAS, such referendum must be conducted under the supervision of the state Social Security Administrator; and

WHEREAS, eligible Nibley City employees must be given at least 90 days' notice of said referendum; and

WHEREAS, the Nibley City Council has determined that the Nibley City employees should have the opportunity to determine whether Nibley City participates in the Social Security system.

NOW, THEREFORE, BE IT RESOLVED by the Nibley City Council that the Nibley City Manager is directed to work with state officials to schedule a Section 218 referendum for all eligible Nibley City employees on the question of whether Nibley City will participate in Utah's Section 218 Agreement and provide Social Security.

APPROVED AND ADOPTED by the Nibley City Council this 9th day of July, 2015.

ATTEST

Shaun Dustin, Mayor

David Zook, City Recorder