

SANPETE COUNTY COMMISSION MEETING

December 15, 2015, 2:00 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

Present are: Commission Chair Claudia Jarrett, Commissioners Scott Bartholomew, County Attorney Brody Keisel, and County Clerk Sandy Neill. Commissioner Steve Frischknecht is excused.

Meeting is called to order by Commission Chair Claudia Jarrett.

CLAIMS

Auditor Ilene Roth is present. Motion is made by Commissioner Bartholomew to approve payment of claims #337564 through #337660. The motion is seconded by Commissioner Jarrett, and the motion passes.

SHERIFF BRIAN NIELSON: APPROVAL FOR CAR WASH AND CELL PHONE STIPENDS AND CREDIT CARD FOR PATROL DEPUTY TROY LEWIS; APPROVAL TO EXPEND EMPG SEARCH AND RESCUE IMPROVEMENT PROJECT IN THE AMOUNT OF \$5,000 WITH A \$5,000 MATCH; APPROVAL TO HIRE ZACH BARNES AS A PART-TIME PATROL DEPUTY

Sheriff Nielson is present. Motion is made by Commissioner Bartholomew to approve a car wash stipend of \$10 per month, and a cell phone stipend of \$38 per month and a credit card with a \$1,000 limit for Deputy Troy Lewis. The motion is seconded by Commissioner Jarrett, and the motion passes. Motion is made by Commissioner Bartholomew to approve the expenditure of the EMPG search and rescue improvement project in the amount of \$5,000 with a \$5,000 match to be paid by the Sheriff's Office. The motion is seconded by Commissioner Jarrett, and the motion passes. Motion is made by Commissioner Bartholomew to approve hiring Zach Barnes as a part-time patrol deputy at \$14.20 per hour. The motion is seconded by Commissioner Jarrett, and the motion passes.

FRED JOHNSON: APPROVAL OF THE 2016 UTAH FFSL BUDGET

Fred Johnson and Ronald Torgerson are present. Mr. Johnson states that the budget may be reduced after more calculations are made. Motion is made by Commissioner Bartholomew to approve the Forestry, Fire, & State Lands budget for 2016. The motion is seconded by Commissioner Jarrett, and the motion passes.

APPROVAL TO PAY THE STATE OF UTAH FOR THE INDIGENT CAPITAL DEFENSE TRUST FUND

Motion is made by Commissioner Bartholomew to approve the payment of \$10,998 to the State of Utah for Sanpete County's participation in the Indigent Capital Defense Trust Fund. The motion is seconded by Commissioner Jarrett, and the motion passes.

APPROVAL OF THE PUBLIC DEFENDER AGREEMENT WITH DAVID ANGERHOFER

Motion is made by Commissioner Bartholomew to approve the public defender agreement with David Angerhofer for 2016 and 2017 in the amount of \$58,000 per year with built in incentives. The motion is seconded by Commissioner Jarrett, and the motion passes.

APPROVAL TO POST RADIO HOLIDAY GREETINGS

The charges for this are ineligible for public funds, and will be handled by the Commissioners.

CONSIDERATION AND PASSAGE OF ORDINANCE #12-15-2015, AN ORDINANCE ENACTING THE COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS AND PUBLIC TRANSIT, AUTHORIZED BY 2015 HB 362

Motion is made by Commissioner Bartholomew to enact Ordinance #12-15-2015, an ordinance enacting the county option sales and use tax for highways and public transit, authorized by 2015 HB 362. The motion is seconded by Commissioner Frischknecht who appears by phone, and the motion passes.

JEFF JARMAN WITH THE SANPETE PANTRY: APPROVAL TO UPGRADE THE HEATING AND AIR CONDITIONING SYSTEM AT THE PANTRY

Jeff Jarman, President of the Sanpete Pantry is present. The building is owned by Sanpete County and is being leased by the Sanpete Pantry. They wish to change client traffic by opening into an adjacent warehouse, but the heating and air conditioning system won't be sufficient for the larger area. They are currently serving about 400 families. They have been able to make other repairs and improvements on their own with money received from fund raisers. The current method of heating the building is quite expensive to maintain. The budget has been set for the year, and the County does not have the funds to help. The Commissioners will see if they can help through personal donations. The Commissioners also suggest that Mr. Jarman meet with the mayors and commissioners to see if the cities can ask for help from their citizens for this purpose. They also recommend asking the CDBG for funding.

APPROVAL OF SANPETE COUNTY COMMISSION MEETING SCHEDULE FOR 2016

Motion is made by Commissioner Bartholomew to approve the Sanpete County Commission meeting schedule for 2016. The motion is seconded by Commissioner Jarrett, and the motion passes.

DISCUSSION AND APPROVAL OF THE COURTHOUSE HOURS

The new courthouse hours will be 8:00 AM - 6:00 PM Monday through Thursday and 1:00 PM - 5:00 PM (changed to Noon to 4:00 PM after the meeting) on Fridays for the Assessor, Auditor, County Clerk, Treasurer and Recorder. The building inspection office hours will remain at 7:00 AM - 6:00 PM Monday through Thursday. The road department's schedule remains unchanged. The District Court and County Attorney's office hours will remain at 8:00 AM - 5:00 PM Monday through Friday.

APPROVAL OF MINUTES

Motion is made by Commissioner Bartholomew to approve the minutes from December 1, 2015 with minor corrections. The motion is seconded by Commissioner Jarrett, and the motion passes. Motion is made by Commissioner Bartholomew to approve the minutes from December 8, 2015 with no corrections. The motion is seconded by Commissioner Jarrett, and the motion passes.

EXECUTIVE SESSION

No executive session was needed.

Motion is made by Commissioner Bartholomew to adjourn. The motion is seconded by Commissioner Jarrett, and the motion passes.

The meeting is adjourned at 2:58 P.M.

ATTEST: *Sandy Neill*
Sandy Neill
Sanpete County Clerk

APPROVED: *Claudia Jarrett*
Claudia Jarrett
Commission Chair

ORDINANCE NUMBER 12-15-2015

AN ORDINANCE ENACTING THE COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS AND PUBLIC TRANSIT, AUTHORIZED BY 2015 HB 362

WHEREAS the Utah State Legislature, in 2015, passed House Bill 362, which, among other things, enacted Utah Code Ann. § 59-12-2219 and authorized counties to impose a new sales and use tax defined in that statute; and

WHEREAS, in accordance with Utah Code Ann. § 59-12-2208, the Board of County Commissioners of Sanpete County submitted an opinion question to the voters of Sanpete County at the November 2015 general election, asking whether the County should be authorized to impose the new sales and use tax; and

WHEREAS the Board of County Commissioners of Sanpete County hereby determines that a majority (51.9%) of the county's registered voters who voted on the imposition of the new sales and use tax voted in favor of the imposition of the tax; and

WHEREAS Utah Code Ann. § 59-12-2208 states that if the legislative body determines that the majority of those who voted on the imposition of the tax voted in favor of the tax, the legislative body "shall impose the sales and use tax";

NOW THEREFORE, the Board of County Commissioners of Sanpete County ordains as follows:

Authority.

The authority for imposing this tax is derived from Sections 59-12-2203, -2208, and -2219, Utah Code Ann. (1953), and the authorization by the majority of the registered voters of Sanpete County who voted in the general election held November 3, 2015, favoring the imposition of the tax.

Purpose of provisions.

The ordinance codified in this ordinance is enacted to provide the county, the cities and towns within the county, and the public transit district operating within the county with a source of revenue to allow these entities to maintain and improve transportation infrastructure and options. The board of county commissioners hereby directs that the provisions hereof be interpreted and construed to accomplish this stated purpose.

Imposition; amount.

In addition to all other taxes imposed, the county does hereby impose and levy for collection a sales and use tax of one-quarter of one percent on the transactions described in Utah Code Ann. § 59-12-103(1), subject to the other provisions of the sales and use tax laws of the state. This tax is imposed upon all sales and uses made in the county, including sales and uses made within the corporate limits of the cities and towns of the county. Provisions of this ordinance shall be subject to the provisions of the sales and use tax laws of the state to which reference is hereinafter made in this ordinance and which are hereby enacted and made a part of this ordinance as though fully set forth herein.

Statutes adopted by reference.

All applicable provisions of state law governing the sales and use tax defined in Utah Code Ann. § 59-12-2219 are hereby incorporated by reference and included in this ordinance. This specifically includes, but is not limited to, all applicable provisions of Title 59, Chapter 12, Parts 1 and 22, Utah Code Annotated (1953).

Administration, collection, and distribution by state.

The taxes imposed under this ordinance shall be administered, collected, and distributed by the Utah State Tax Commission in accordance with the provisions of Title 59, Chapter 12, Part 22, Utah Code Annotated (1953), and any other applicable state laws and regulations.

Use of revenues.

The funds received from the imposition of this tax shall be used and expended as provided for by state statute.

Collection and review of records.

Any records, tax returns, or other information of any person, corporation, company, or other group or organization subject to the taxes imposed by this ordinance, which relate to the calculation, collection, and remittance to the state tax commission of such taxes, shall be subject to review, inspection, and auditing by the county.

Effective Date

This ordinance shall become effective fifteen (15) days after publication. However, the tax imposed by this ordinance shall take effect April 1, 2016, in accordance with Utah Code Ann. § 59-12-2209.

Tax Commission Notification

The Sanpete County Clerk is hereby directed to notify the Utah State Tax Commission before December 31, 2015, that Sanpete County has enacted the new tax and that collection should begin April 1, 2016.

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Passed, adopted, and ordered published this 15th day of December, 2015, by the Sanpete County Board of Commissioners.

BOARD OF COUNTY COMMISSIONERS
OF SANPETE COUNTY



By Claudia Jarrett
Claudia Jarrett - Chair

Commissioner Jarrett voted	<u>Yea</u>
Commissioner Bartholomew voted	<u>Yea</u>
Commissioner Frischknecht voted	<u>Yea</u>

ATTEST:

Sandy Neill
Sandy Neill,
Sanpete County Clerk

SUMMARY OF SANPETE COUNTY ORDINANCE NO. 12-15-2015

SUMMARY OF AN ORDINANCE OF SANPETE COUNTY ENACTING THE COUNTY
OPTION SALES AND USE TAX FOR HIGHWAYS AND PUBLIC TRANSIT THAT WAS
AUTHORIZED BY 2015 HB 362

On December 15, 2015 the Board of County Commissioners of Sanpete County adopted Ordinance No. 12-15-2015, which enacted the sales and use tax for highways and public transit that the Utah Legislature authorized in HB 362 in 2015. At the general election held November 3, 2015, the majority of Sanpete County's registered voters who voted on the imposition of the new sales and use tax voted in favor of the imposition of the tax. The new tax, which is codified in state law in Section 59-12-2219 of the Utah Code Annotated, will have a rate of one-quarter of one percent (0.25%) and will take effect on April 1, 2016.

Commissioners Jarrett, Bartholomew and Frischknecht voted in favor of this ordinance.

No Commissioners voted against this ordinance.

The complete text of the ordinance is available at the Sanpete County Clerk's Office at 160 North Main St, Manti, Utah.