

**COMMISSION MEETING**

**PACKET**

**DATE:**

**November 24, 2020**



# NOTICE AND AGENDA OF A MEETING OF THE KANE COUNTY COMMISSION

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**PUBLIC NOTICE IS HEREBY GIVEN** that the Commissioners of Kane County, State of Utah, will hold a **Commission Meeting** in the Commission Chambers at the Kane County Courthouse, 76 N Main St., Kanab Utah on **Tuesday November 24, 2020** at the hour of **10:00** am

**WE WELCOME EVERYONE TO ATTEND ELECTRONICALLY BY PHONE.**

**CALL IN INFORMATION: Meeting call in # 435-676-9000 participant code 168030#**  
**(This is a local call within the South Central service area)**

**CALL MEETING TO ORDER**

**WELCOME**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA:**

Check Edit Report

Approval of Commission Meeting Minutes for October 16, 2020, November 10, 2020 and November 17, 2020.

**REGULAR SESSION:**

1. Appoint Kris Ramsay as a 401k Trustee to Replace Out-Going Lou Pratt/ Devin Reed
2. Approval of Kane County Resolution # R-2020-27 Approving the Kane County Emergency Operations Plan/ Alan Alldredge
3. Approval of Kane County Resolution # R-2020-28 Appointment of Executive Committee Members to the Southwest Regional Response and Coordinating Team/ Alan Alldredge
4. BOE Item- Approval of Factual/ Inadvertent Errors on Parcel #'s 2-4-35-1 and 2-4-26-1 for Moving the Improvement to the Correct Parcel in Behalf for Vermillion View LLC/ Ryan Maddux

5. BOE Item- Approval of Factual/ Inadvertent Errors on Parcel #'s G-2-11-5 Annex and G-2-11-4B Annex for Moving the Improvement to the Correct Parcel in Behalf of Sam R Chamberlain and Forrest C & Cassandra L McMahon/ Ryan Maddux
6. BOE Item- Approval of Factual/ Inadvertent Errors on Parcel # O-1-7-4-20-3 to Correct the Construction Type from Metal Moment Frame to Galvanized Metal Stud Construction/ Ryan Maddux
7. Activate Fund 10 Account Payroll Only for Fund 11 Payroll Only and Allow for Payment of the Balance of 2020 Assessing and Collecting Payroll from Fund 10/ John Livingston
8. Approval of Kane County Resolution # R-2020-29 a Resolution Giving Notice of Intent to Annex the Towns of Big Water and Alton into the Kane County Human Resources Special Service District/ Attorney Van Dyke
9. Approval of Kane County Resolution # R-2020-30 a Resolution Giving Notice of Intent to Convert the Administrative Control Board of the Cedar Mountain Fire Protection District from an Elected Board to an Appointed Board/ Attorney Van Dyke
10. Approval of Kane County Resolution # R-2020-31 a Resolution Giving Notice of Intent to Include Road Dust Mitigation as a Service of the Cedar Mountain Fire Protection District/ Attorney Van Dyke
11. Approval of Kane County Resolution # R-2020-32 a Resolution Giving Notice of Intent to Create the Kane County EMS SSD/ Attorney Van Dyke
12. Approval of Kane County Resolution # R-2020-33 Commission Assignments for 2021/ Attorney Van Dyke
13. Approval of Kane County Resolution # R-2020-34 a Resolution Amending the Hiring Policy/ Attorney Van Dyke
14. Approval of Real Estate Contract for East Zion Initiative / Attorney Van Dyke
15. Setting a Commission Meeting Time and Date for Timely Consideration for Planning and Zoning Projects to Allow for 2020 Recordation/ Karla Johnson
16. Approval of Kane County Resolution # R-2020-35 A Joint Resolution of Kane County, Utah and Kanab City Proposing the Creation of the Zion Area Public Transit District Kane County, State of Utah

## 17. Transfer of Chairmanship / Commissioner Smith

### **Other Business:**

- Reports
- Schedules
- Assignments
- Financial Policy and Internal Control

### **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.

### **NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS:**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Karla Johnson at (435) 644-2458. Agenda items may be accelerated or taken out of order without notice as the Administration deems appropriate. All items to be placed on the agenda must be submitted to the Clerk's office by noon Thursday, prior to the meeting.

# CONSENT AGENDA

Minutes of:

Commission Meeting October 16, 2020, November 10,  
2020 and November 17, 2020

**MINUTES  
OF THE KANE COUNTY  
BOARD OF COMMISSIONERS' MEETING  
October 16, 2020  
IN THE KANE COUNTY COMMISSION CHAMBERS,  
76 NORTH MAIN, KANAB, UTAH**

Present: Chairman Lamont Smith, Commissioner Andy Gant, Commissioner Brent Chamberlain, Attorney Rob Van Dyke, Clerk/Auditor Karla Johnson, Deputy Clerk Auditor Candice Brown

**CALL MEETING TO ORDER:** Commissioner Lamont Smith

**INVOCATION:** Commissioner Smith

**PLEDGE OF ALLEGIANCE:** Commissioner Chamberlain

**WELCOME:** Commissioner Lamont Smith

**REGULAR SESSION**

**1. Decision on Mask Wearing / Attorney Rob Van Dyke**

Attorney Van Dyke made a statement explaining that he is only explaining the law and that he is not an anti-masker he does believe in the science, that it is some form of mitigation. What is the government's duty to regulate to science? This body does not have the ability to impose this within the municipalities, and if they have authority within the unincorporated areas it is up to the health department?

The Governor changed to a state of health of emergency effective as of October 15<sup>th</sup> even though we are still under a current state of emergency. The health emergency

allows the COVID to become a reportable event, which has already happened. He issued health guidance levels; which changed from colors; to transmission levels. Section 2 discusses masks. A business may absolutely require masks in its business. High Transmission Levels: masks are required, Medium Transmission Levels: masks required until the 23<sup>th</sup> and then are not required but strongly recommended. Low Transmission Levels: not required but strongly recommended under the direction of the board of health.

The relevant section for Kane County is Low Transmission Levels: the Health Department will review the numbers weekly in our area and reassess our Transmission levels.

See the list attached for Health Guidance Levels:

A discussion occurred about who has the legislative authority to require masks. The Commissioners have limited legislative authority, but there is no specific constitutional precedence.

Commissioner Smith said forcing masks is violating State and the US Constitution to force mask wearing.

Attorney Van Dyke said if the State Board of Health goes through the legislature and goes through the process then there is a criminal process.

Events will have signs that encourage handwashing and mask, signing and warning at risk of COVID 19.

Commission asked for any comments:

Brit Roth: Business Owner and she puts on the Kanab Film Festival at her business and they host events. She believes that it is an individual's right and is a violation of our right if it is made mandatory. It should be an option and choice. It should be whatever kind of environment we choose to create.

Catherine Van Hagen: It would put a huge hampering to put this enforcement out. Let businesses make their own choices.

Mary Beth Kuntz: She is the organizer for the Western Legend Barbeque. What she took away from two meetings was, that if we are not going to social distant then we should mask. She is a firm believer of masks and why can't we social distance.

Celeste Meyers: she loves what our County has done so far. She loves our "above and beyond promise". Our highest record is because of our respect for agency. And for individual responsibility. She would like to see us set aside mask mandates in our area.

We are close to being out of low transmission that the state has set the matrix way low for a small population like ours.

Does the tourism positives count toward their positive rate for the hospital that include travelers count toward our numbers? No they do not.

Attorney Van Dyke: We currently do not have any community spread.

**Motion** that we consider the health department recommendations but we allow the organizer of an event with-in the County, which we have jurisdiction, businesses and other entities to make their decision for their event. Whether they make masks required or not and we do encourage social distancing and those things that are recommended by the Health Department made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

Commissioner Gant: We are blessed to live where doe do and have the ability to do what we do.

Commissioner Chamberlain: It has been so good at this time for our businesses to recover. We are about 42% of our economy based on tourism and we have them hear and we have been able to manage with that.

Commissioner Smith: said he wasn't going to make a law saying we have to wear a mask.

**2. Approval of Policy that New Positions that Increase the Workforce are to be Reviewed by Finance Committee Prior to Submitting them to the Commissioners / Commissioner Chamberlain**

Attorney Van Dyke said that we had a decision about this subject last meeting but it wasn't on the agenda so you couldn't formally make a decision. Then from what is on

the agenda he thought that what the Commission wanted was a little more broad. It's not just new positions but also replacing positions, filling vacancies whether it is to do with retirement or termination.

Commissioner Smith likes the idea of everyone knowing what's going on and it reduces friction.

I would like to give VerJean a chance to at least address the Commission again so it meets our policy to go on for budgeting.

Attorney Van Dyke said that is the policy but what you are considering is whether or not somebody has to first go to the Finance Committee before they come to the Commission.

**Motion** to approve policy that new positions that increase the workforce are to be reviewed by the Finance Committee prior to submitting them to the Commissioners made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

**Other Business:**

- Reports
- Schedules
- Assignments
- Financial Policy and Internal Control

**Motion** to adjourn was made by Commissioner Gant and motion carried with all Commissioners present voting in favor.

**WHERE UPON MEETING WAS ADJOURNED**

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Lamont Smith Chairman

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Karla Johnson Clerk/Auditor

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October 16, 2020

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MINUTES  
OF THE KANE COUNTY  
BOARD OF COMMISSIONERS' MEETING  
November 10, 2020  
IN THE KANE COUNTY COMMISSION CHAMBERS,  
76 NORTH MAIN, KANAB, UTAH

Present: Chairman Lamont Smith, Commissioner Andy Gant, Commissioner Brent Chamberlain, Attorney Rob Van Dyke, Clerk/Auditor Karla Johnson and Deputy Clerk/Auditor Tanya Meeks, Deputy Clerk/Auditor Candice Brown

Also Present: Budget John Livingston, Sheriff Tracy Glover, Care & Share Craig Hansen, Kresta Blomquist, Treasure Kevin Blomquist, Wade Heaton, Assessor Ryan Maddux, Rhonda Gant.

Also present Congressmen Stewarts representative Adam Snow

**CALL MEETING TO ORDER:** Commissioner Lamont Smith

**INVOCATION:** Commissioner Smith

**PLEDGE OF ALLEGIANCE:** Commissioner Chamberlain

**WELCOME:** Commissioner Lamont Smith

**CONSENT AGENDA:**

**Check Edit Reports: Approval of the Commission Minutes for October 27, 2020**

**Motion** to approve Commission Minutes for October 27, 2020 and Check Edit Reports made by Commissioner Gant and motion carried with all Commissioners present voting in favor.

## REGULAR SESSION

### 1. Add a 33-35 on salary wage skill with a 1% increase / Kevin Blomquist

The Wage salary skill is a policy that was put in place a long time ago in Kane County. The Finance Committee felt like it needed a couple of small changes. The Wage Salary Skill for 33-35 year hasn't had an increase at all in Kane county for a long time. The Finance Committee took a look at it and gave it a 1% increase.

Rhonda said the salary schedule has an automatic anniversary years of service. At 15 years it goes to every five years. 30 years was set because that was when Utah Retirement System set there 30 year retirement. Now under the tier two system it goes to 35 years so we felt we needed to add it to the schedule for our tier two employees. We are not looking at 33 years just 35.

**Motion** to approve the recommendation for salary wage skill increase of 1% for the 35 year anniversary for employees made by Commissioner Chamberlain and motion carried with all Commissioners in favor.

### 2. Review assessing collecting tax rate every two years and adjust accordingly / Kevin Blomquist

Kevin said he didn't know who was going to do this but is there a way to flag this so we will know when the two year period comes up.

Rhonda said that we were asking the commissioners will make recommendation and have them review it every two years. Then it can be reflected in the minutes.

Ryan said as their county assessor he would be more than happy to be involved in keeping that on track.

Commissioner Smith ask Attorney Van Dykes what his recommendation is on this.

Attorney Van Dyke said that it would be good to have a formal vote and then you know it is clear and he could follow through with the formal resolution..

Sheriff Glover asked would it be appropriate to make it an ordinance so future Commissioners would be required to review it every two years.

Attorney Van Dyke said yes that is a good idea.

Commissioner Gant said for him that the focus is that the ongoing commissions will continue to look at this.

**Motion** to create a policy that would have the Commissioners look at the tax rate every two years on assessing and collecting made by Commissioner Gant and motion carried with all Commissioners present voting in favor.

**3. Discontinue the practice of paying 401K benefit on cashed out leave / Kevin Blomquist**

This is another thing that was brought up in our Financial Committee and it is something that has been in place for a long time. This isn't even heard of in other counties. So we are going adjust it back to the way it should be.

Rhonda said that right now, if an employee leaves for any reason or retires, they get to cash out their vacation and if they retire they get 25% of their sick leave. In the past, we have been paying the 401k benefit on that as if it was earned salary. We looked at that and we decided to discontinue having 401k percent paid on cash out leave. We are paying a benefit on a type of severance benefit. We would like this effective January 1, 2021.

**Motion** to discontinue the practice of paying 401k benefit on cash out leave effective January 1, 2021 made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

**4. MCAT (Multi County Appraisal Trust) Update / Ryan Maddux**

Ryan said this is an update. MCAT is the Multi County Appraisal Trust and every county is a part of that. As your assessor, I am the represent for the county that sets on that board.

Most of what they are dealing with in relationship to the counties canvas systems which is a computer assisted Master appraisal program that we use in valuing property. A number of years ago the state had put in to law that they wanted a statewide system. So, the MCAT board went with a company called Colorado Custom Ware and their product called Real Ware is the state wide system. So early on we switched to that system

thinking that was going to remain the statewide system. As time went on Colorado Custom Ware, go into financial trouble and ended up going bankrupt. At that time along with some of the troubles, larger counties were having with the commercial piece of that system the MCAT board voted to say we are going away from this system and we are going to develop our own. So, they have been working on that for five or six years. This last year they finally started implementing to where people can go to that system but as part of that process, MCAT was paying what they call Legacy Systems. So our real ware system that we went to, they voted to be a Legacy System because it is going to be now the obsolete system as far as the statewide system is concerned.

The MCAT board back in July had met and had discussions similar to what we have had as far as those funds that are collected to that Multi County assessing and collecting rate are restrictive just as same as they are restrictive in the County. The new statute reads that it doesn't allow for the paying of those Legacy Systems and it wasn't the intent for that to pay for that because it is supposed to be providing the state wide system.

So the board voted to do away with them paying that system putting that back onto the Counties to continuing that payment if they choose to stay on the systems that they are currently are on. We currently are on Real Ware and so that would kick back to the county and it is going to be in the sum of about \$21,000 to continue that contract.

Knowing this system has been moving along and they do have some cutting edge technology is going to be a huge benefit. I requested that we go on to that system back in 2020 but because they had other larger counties in 2020 they couldn't get to us in 2020. So I requested again to go in 2021 hoping that we would get on in the first quarter and if that is the case then we won't be paying the full \$20,000 it will be whatever we use and then that will cut off then that will stop the future payments. So we will have some cost in 2020.

Talking with Dave, I was shooting for more in the first quarter. Dave and I talked and thought maybe we could get it done in November, December and get that ball rolling because it will take time to vet both systems and make sure everything transferred properly so there is little to no effect to the taxpayer so they don't see any changes there. I approached the organization that over see that state system now which is County system services and operate somewhat under UAC to see if that was even possible and they said it was. So we are looking for some time this month or the first of next month to start that process.

Hopefully in the first part of the year we will have everything transferred over and see how that's looking. Then if it looks good we can fully get away from Real Ware but because of the contract there is a 90 day cancelation portion of that so we would still be responsible for the first quarter support payment to Real Ware which is now owned by Harris Govern.

Anyway, up to this point everything is looking real good. So just wanted to give you that update.

**5. Picking Up Proportional Tax for Parcels 2-6-32-2, 2-7-2-1 and 2-7-16-1 / Ryan Maddux**

This is a legislation action

These when from SITLA's ownership into private ownership and so this proportional tax is just charging the tax for the time of year that they owned the property. These properties will qualify for green belt. So Ryan said so my overall market for 2-7-16-1 the market value he has is for 2.1 million but the taxable value being FAA is only \$3,200. Then he breaks that down to days 365 days a year so he can only charge for the remaining days. In this one the owners have only owned it for 146 days out of the year making their proportional tax \$1,280. So we will charge the tax amount on that.

For the parcel 2-6-32-2 my 2020 market value had it been for the full year \$996,000. Then the same 146 days owned which changes their taxable proportional Tax to \$761.00. Which generates \$7.00 in tax.

Then for 2-7-2-1 is the remaining parcel and it is another large parcel being close to 680 acres. This one is \$2,000,093 on that one. After proportional tax their taxable value is \$1,233 with the new tax of \$11.00.

This takes a legislation action to access those taxes to the property owner. These were the SITLA properties that are now owned by Best Friends.

**Motion** to follow Ryan's recommendation for picking up the proportional tax for parcels 2-6-32-2, 2-7-2-1 and 2-7-16-1 made by Commissioner Gant and motion carried with all Commissioners present voting in favor.

**6. BOE Item- Factual Error Removing Shed form Parcel 8A-B-8 / Ryan Maddux**

**Motion** to convene the Board of Equalization to consider the matters made by Commissioner Chamberlain motion carried with all Commissioners present voting in favor.

So these next two items that Ryan brought to the table is what is referenced as a Factual or inadvertent Error in the code book. Sometimes it is just because of the unknown not a real error In some circumstances it can be because of lack of information.

In order for it to be a Factual Error it takes the agreement of the assessor and the taxpayer to say this really is an error and it has to be something that doesn't require an option or judgement it has to be pretty strait forward.

So parcel # 8A-B-8 was being charged for a shed on this parcel when it actually belonged to the parcel to the north.

**Motion** to implement the recommendation of removing the shed from 8A-B-8 and adjust the tax according made by Commissioner Gant and motion carried with all Commissioners present voting in favor.

**7. BOE Item- Factual Error for 2-5-23-3 / Ryan Maddux**

This is dealing with a super old singlewide home that was built before Hud standard's. The owner came in on this and said he had a renter in this home but now the renter has moved out. The owner went inside of the property and saw the condition of the building. As the owner and the assessor talked, it was evident that it is not a livable structure. We usually have a salvage value on these. So this is reducing the value of the property because of the condition of the building which will change the value. Also the owner will be removing the building before next year.

**Motion** to approve the assessment that the Factual Error as provided by our assessor Mr. Maddux on property # 2-5-23-3 made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

Commissioner Smith declared us out of BOE and back in regular session.

**8. Resolution No. R-2020-26 Joint Resolution of Kane County, Utah and Kanab City Proposing the Creation of the Zion Area Public Transit District Kane County, State of Utah / Commissioner Chamberlain**

Steve Neeleman is in the process in getting on the phone.

In the process of moving forward with the East Zion components one of those being transportation, that is what we have been working on with this DOE Grant. This would

be for a test for the shuttle going out and into the park to create an agency that is capable of receiving funds from State and Federal entities ect... You do have to have an authority to do this.

Steve Neeleman employed an attorney in St. George. Greg Hardiman has drafted the resolution. He is an attorney for Kane County. We have had a couple of revisions and Attorney Van Dyke has been involved in those discussions.

What this does is establishes a district which creates a legal entity. This does not establish any taxing at this point in time. He said that it is through private donations, local, State and Federal Grants. There are no provisions in this for taxing at this time. It would be up to a board and various entities, such as the Commission. This resolution if signed is something we can start with.

Kanab City is prepared to sign it. If Kane County approves this resolution, it will encompass the County entirely, excluding any municipalities that do not sign on. If they don't sign on, there wouldn't be any services to those entities. Not that we are providing any service to any municipalities at this time.

Steve Neeleman: as you know I am not a lawyer so I paid for Greg Hardman Services. We have reached out and talked to a lot of the folks in northern Utah and asked what is the best avenue to establish and doing funding. The information that we have received from the Utah Transportation Commission, is different than state and legislators. We have also talked to the Cache County Valley Transportation District and they went through the same process. They get a lot of their maintenance costs through grants, so they can provide a free service.

Steve asked Greg to put together a resolution and he worked with our Kane County attorney. This doesn't provide any taxing authority right now, that can be addressed later. We don't want to make this an economic burden on the people of Kane County at all.

Then when we go to the State of Utah and continue to work with the park on this, we can say look the Designer of the Public Transit District has been established.

If Zion National Park chooses to be a part of this public transit district, they could. Chamberlain said that other entities can join, when the East Side Zion is up and working.

**Motion** to approve resolution R-2020-26 a joint resolution of Kane County Utah and Kanab City purposing the creation of Zion Area Transit District made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

**9. Discuss Gathering Information Concerning the Possible Creation of a Housing Authority/ Commissioner Chamberlain**

Going forward with the RDA and the TIF financing for the East Side Visitor Center we will be collecting moneys to set aside for debt service. 10% of the moneys collected has to go toward what is defined as affordable housing.

Commissioner Chamberlain continued to talk about concerns and the possible creation of a Housing Authority.

Not very long ago Washington County created a housing authority and Zion Bank has met and talked about that and they are willing to spend some time showing us how that's done and what they did. This would be a first step  
If you like, I will set up something with the folks down there and send out an invite.

Sometime in the future we need to know how to move forward. If it is in the interest of everyone, we need to just start talking about it.

**10. Discuss the HR SSD/Hospital Intent to Construct an Ambulance Facility / Commission Chamberlain**

Commissioner Chamberlain said that MS services have gaps in it.  
The hospital is about to complete their remodel project and they will have money left. They have been talking about an ambulance barn because they need somewhere to park the ambulances and have a training bay. They are going to do this. Most likely we will get to the point of establishing an SSD that would run the ambulances. We do need to carefully consider who will house the license though.

There was more discussion on this but the item was just for information.

**11. 1:00 pm Public Hearing Regarding the Annexation of the Towns of Big Water and Alton to the Kane County Human Resources Special Service District Which Changes the Present Boundaries of the Kane county Human Resources special Service District from all Real Property within Kane County Less and Excluding the Incorporated Areas within the Townships of Alton and Big Water to the New Boundary of all Real Properties within the Boundaries of Kane County / Attorney Van Dyke**

POSTPONED

12. 1:00 pm Public Hearing to Add the Additional Service of Dust Mitigation to the Cedar Mountain Fire Protection District for the Health and Convenience of the Residents of the Districts / Attorney Van Dyke

POSTPONED

13. 1:00 pm Public Hearing To Discuss the Conversion of the Administrative Control Board of the Cedar Mountain Fire Protection District from and Elected Board to an Appointed Board / Attorney Van Dyke

POSTPONED

We have postponed the public hearing and we hope to have the public hearings January 12<sup>th</sup> at 6pm.

**Other Business:**

- Reports

Wade gave a report on CMFP clerk report. We do have water to station 1 now and station 3 has footings in. They hope for a roof before the season hits.

Our snow contract people are up and running and in place.

Our Wildland Fire crew are deployed to California for now.

Wade said that he has tried to get hold of the people for the board to set up a zoom call but he hasn't been able to reach everyone yet.

Commissioner Smith said we need to work hard on this SSD

There was a long discussion on the SSD

- Finance Team Report
- Schedules
- Assignments
- Financial Policy and Internal Controls

John said he had a proposed contract for Southwest Utah Public Health office. He handed a copy to each of the Commissioners.

John talked with Jeff Shumway the finance director and he was concerned. Commissioners and John discussed the fund balance on the spreadsheet he handed out for the Southwest Utah Public Health.

Also there was some discussion on insurance and benefit costs.

**Motion** to adjourn was made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

**WHERE UPON MEETING WAS ADJOURNED**

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Lamont Smith Chairman

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Karla Johnson Clerk/Auditor

**MINUTES  
OF THE KANE COUNTY  
BOARD OF COMMISSIONERS' MEETING  
November 17, 2020  
IN THE KANE COUNTY COMMISSION CHAMBERS,  
76 NORTH MAIN, KANAB, UTAH**

Present: Chairman Lamont Smith, Commissioner Andy Gant, Commissioner Brent Chamberlain, excused, and replaced with Assessor Ryan Maddux as per state statute, Attorney Rob Van Dyke excused, Clerk/Auditor Karla Johnson and Deputy Clerk/Auditor Tanya Meeks and Candice Brown Deputy Clerk

**CALL MEETING TO ORDER:** Commissioner Lamont Smith

**INVOCATION:** Commissioner Andy Gant

**PLEDGE OF ALLEGIANCE:** Assessor Ryan Maddux

**WELCOME:** Commissioner Lamont Smith

**REGULAR SESSION**

1. Canvas of the November 3, 2020 General Election/ Heather Narramore

Deputy Clerk Auditor Heather Narramore as Election Specialist presented the Canvas of Elections as follows.

Heather stated they sent out ballots October 13, 2020.

Early Voting began October 20, 2020. There were 140 in person voters and 49 Provisional Voters.

Heather explained that Provisional Ballots allows someone to vote who isn't registered but can prove residency and identity.

Heather provided the daily and total votes cast verifying that the numbers of voters voting matched the number of ballots cast for early voting. We used the DS 200 to count ballots in early voting.

Heather reviewed the by mail ballots and absentee ballots which are counted on the DS 450, which are counted in batches of 100 which are ready to upload on Election Day. She explained the adjudication process which two election judges review voter intent and provide a corrected ballot for any unclear marks or damaged ballots and the ballots are permanently attached to each other for audit purposes. There were over 160 ballots for adjudication.

Heather presented the zero reports for Election Day and how the reports for the end of the day votes cast matched the number of check-ins and the number of ballots issued matched the number of check-ins plus the spoiled ballots. Our system will print out a statement showing the ballot the voter should receive and the judges verify that the voter gets the correct ballot. Those also match the number of ballots issued.

After the polls close we have a special team of poll workers come in and verify all the numbers and counts and makes sure the records all balance and that the security seal numbers all match.

Every election we send our batch numbers to the Lieutenant Governor's office and they randomly pick a percent of our batches to verify the count on the ballot was right and that the signatures match and the audit results are certified and sent back.

When signatures don't match or we need ID we call the voter and email and mail a letter. The problem is considered cured when we have verification from the voter.

We had 9 voters that despite attempts to contact them did not respond to cure their ballot so it could be counted. We had 8 more ballots didn't count because they were postmarked to late.

The commission complimented Heather on a job well done

**Motion** to adjourn was made by Commissioner Gant and motion carried with all Commissioners present voting in favor.

**WHERE UPON MEETING WAS ADJOURNED**

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Lamont Smith Chairman

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Karla Johnson Clerk/Auditor

# AGENDA ITEMS

# ITEM # 1

Appoint Kris Ramsay as a 401K Trustee to Replace Out-  
Going Lou Pratt  
Devin Reed

# ITEM # 2

Approval of Kane County Resolution # R-2020-27  
Approving the Kane County Emergency Operations  
Plan  
Alan Alldredge

**RESOLUTION NUMBER R-2020-27**

**A RESOLUTION APPROVING THE KANE COUNTY  
EMERGENCY OPERATIONS PLAN**

WHERE AS, Kane County desires to prepare for emergency situations which may arise within its borders, and,

WHERE AS, Kane County desires to comply with requirements of the National Incident Management System,

NOW THEREFORE, it is hereby resolved by the County Commissioners of Kane County, Utah, as follows:

At the request of Kane County Emergency Services, the following Emergency Operations Plan be accepted by the Kane County Board of Commissioners as an all hazards plan to be referenced in case of natural or man-made emergencies within the borders of Kane County. The plan will be maintained and updated by the Office of Emergency Services, with all changes being approved by the Kane County Board of Commissioners not later than December 31<sup>st</sup> every two years. The plan will be NIMS compliant.

VOTED UPON AND PASSED BY THE KANE COUNTY COMMISSION AT A MEETING OF THE KANE COUNTY COMMISSION HELD ON THE 24th DAY OF NOVEMBER, 2020.

KANE COUNTY

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Lamont Smith, Chair  
Kane County Commission

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Andy Gant  
Commissioner

ATTEST:

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KARLA JOHNSON  
Kane County Clerk-Auditor

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Brent Chamberlain  
Commissioner

# ITEM # 3

Approval of Kane County Resolution # R-2020-28  
Appointment of Executive Committee Members to the  
Southwest Regional Response and Coordinating Team  
Alan Alldredge

**RESOLUTION NUMBER R-2020-28**

**A RESOLUTION APPOINTING EXECUTIVE COMMITTEE MEMBERS  
TO THE SOUTHWEST REGIONAL RESPONSE AND COORDINATING TEAM**

WHERE AS, Kane County participates in the Southwest Regional Response and Coordinating Team, and

WHERE AS, Kane County may appoint two voting members to the Executive Committee for a term of two years,

NOW THEREFORE, it is hereby resolved by the County Commissioners of Kane County, Utah, as follows:

1. Alan Alldredge is hereby appointed to fill a term of office as a member of the Executive Committee of the Southwest Regional Response Team, which will expire on December 31, 2022.
2. Joe Decker is hereby appointed to fill a term of office as a member of the Executive Committee of the Southwest Regional Response Team, which will expire on December 31, 2022.

VOTED UPON AND PASSED BY THE KANE COUNTY COMMISSION AT A MEETING OF THE KANE COUNTY COMMISSION HELD ON THE 24th DAY OF NOVEMBER 2020.

KANE COUNTY

\_\_\_\_\_  
Lamont Smith, Chair  
Kane County Commission

ATTEST:

\_\_\_\_\_  
Andy Gant  
Commissioner

\_\_\_\_\_  
KARLA JOHNSON  
Kane County Clerk-Auditor

\_\_\_\_\_  
Brent Chamberlain  
Commissioner

# ITEM # 4

BOE Item- Approval of Factual/ Inadvertent Errors on  
Parcel #'s 2-4-35-1 and 2-4-26-1 for Moving the  
Improvement to the Correct Parcel in Behalf for  
Vermillion View LLC  
Ryan Maddux

**FACTUAL/INADVERTENT ERRORS**

**CHANGES TO BE MADE AFTER BOARD OF EQUALIZATION**

Parcel Number 2-4-35-1 Account Number 0050040

Name Vermillion View LLC Date 11-13-2020

Problem To Be Corrected Moving the improvement to the correct parcel, 2-4-26-1.

Reason The owners own both 2-4-35-1 and 2-4-26-1. The improvement has been assessed on parcel 2-4-35-1 for years but it actually belongs on parcel 2-4-26-1. We are correcting this for the 2020 tax year at the request of the owner.

Change(s) To Be Made By Treasurer Make changes to the following codes for the 2020 tax year.

12A - \$36,703 to 12CA- \$0

12D - \$348 to 12D - \$0

05W - \$24,300 to 05W - \$0

All other codes remain the same.

Change(s) To Be Made By Assessor Check on the property for the 2021 tax year and move all improvements to parcel 2-4-26-1.

Approved By Assessor \_\_\_\_\_ (Date)

Approved By Commission \_\_\_\_\_ (Date)

Tax District \_\_\_\_\_ Delivered to Treasurer \_\_\_\_\_ (Date)

Current Taxable Value \$65,128  
Tax Rate 0.009262  
Current Tax Amount \$603.22

New Taxable Value \$3,777  
Tax Rate 0.009262  
New Tax Value \$34.98

Treasurer \_\_\_\_\_ (Date)

**FACTUAL/INADVERTENT ERRORS**

**CHANGES TO BE MADE AFTER BOARD OF EQUALIZATION**

Parcel Number 2-4-26-1 Account Number 0050032

Name Vermillion View LLC Date 11-13-2020

Problem To Be Corrected Moving the improvement from parcel 2-4-35-1 to parcel 2-4-26-1.

Reason The owners own both 2-4-35-1 and 2-4-26-1. The improvement has been assessed on parcel 2-4-35-1 for years but it actually belongs on parcel 2-4-26-1. We are correcting this for the 2020 tax year at the request of the owner.

Change(s) To Be Made By Treasurer Make changes to the following codes for the 2020 tax year.

Add a 12A - \$36,703

Add a 12D - \$348

Add a 05W - \$24,300

Change 05P - \$1,440 to \$1,420. All other codes remain the same.

Change(s) To Be Made By Assessor Check on the property for the 2021 tax year and move all improvements to parcel 2-4-26-1 from 2-4-35-1.

Approved By Assessor \_\_\_\_\_ (Date)

Approved By Commission \_\_\_\_\_ (Date)

Tax District \_\_\_\_\_ Delivered to Treasurer \_\_\_\_\_ (Date)

Current Taxable Value \$3,290

Tax Rate 0.009262

Current Tax Amount \$30.47

New Taxable Value \$64,621

Tax Rate 0.009262

New Tax Value \$598.52

Treasurer \_\_\_\_\_ (Date)

# ITEM # 5

BOE Item- Approval of Factual/ Inadvertent Errors on  
Parcel #'s G-2-11-5 Annex and G-2-11-4B Annex for  
Moving the Improvement to the Correct Parcel in Behalf  
of Sam R Chamberlain and Forrest C & Cassandra L

Mcmahon

Ryan Maddux

**FACTUAL/INADVERTENT ERRORS**

**CHANGES TO BE MADE AFTER BOARD OF EQUALIZATION**

Parcel Number G-2-11-5-Annex Account Number 181113

Name Sam R Chamberlain Date 11-13-2020

Problem To Be Corrected Moving the improvement from parcel G-2-11-5-Annex to parcel G-2-11-4B-Annex.

Reason Their was some confusion with property lines and we picked up the improvement on this parcel but it belongs on parcel G-2-11-4B-Annex.

Change(s) To Be Made By Treasurer Make changes to the following codes for the 2020 tax year.  
12A - \$41,655 to 12A - \$0  
05W - \$41,700 to 05W - \$0  
All other codes remain the same.

Change(s) To Be Made By Assessor Check on the property for the 2021 tax year and move all improvements to the correct parcel.

Approved By Assessor \_\_\_\_\_ (Date)

Approved By Commission \_\_\_\_\_ (Date)

Tax District \_\_\_\_\_ Delivered to Treasurer \_\_\_\_\_ (Date)

Current Taxable Value	<u>\$83,876</u>	New Taxable Value	<u>\$521</u>
Tax Rate	<u>0.011185</u>	Tax Rate	<u>0.011185</u>
Current Tax Amount	<u>\$938.15</u>	New Tax Value	<u>\$5.83</u>

Treasurer \_\_\_\_\_ (Date)

**FACTUAL/INADVERTENT ERRORS**

**CHANGES TO BE MADE AFTER BOARD OF EQUALIZATION**

Parcel Number G-2-11-4B-Annex Account Number 181113

Name Forrest C & Cassandra L McMahon Date 11-13-2020

Problem To Be Corrected Moving the improvement from parcel G-2-11-5-Annex to parcel G-2-11-4B-Annex.

Reason Their was some confusion with property lines and we picked up the improvement on parcel G-2-11-5-Annex but it belongs on this parcel.

Change(s) To Be Made By Treasurer Make changes to the following codes for the 2020 tax year.

Add a 12A - \$41,655

Add a 05W - \$41,700

Change 05K - \$504 to 05K - \$495

Change(s) To Be Made By Assessor Check on the property for the 2021 tax year and move all improvements to the correct parcel.

Approved By Assessor \_\_\_\_\_ (Date)

Approved By Commission \_\_\_\_\_ (Date)

Tax District \_\_\_\_\_ Delivered to Treasurer \_\_\_\_\_ (Date)

Current Taxable Value \$504

Tax Rate 0.011185

Current Tax Amount \$5.64

New Taxable Value \$83,850

Tax Rate 0.011185

New Tax Value \$937.86

Treasurer \_\_\_\_\_ (Date)

# ITEM # 6

BOE Item- Approval of Factual/ Inadvertent Errors  
on Parcel # O-1-7-4-20-3 to Correct the  
Construction Type from Metal Moment Frame to  
Galvanized Metal Stud Construction  
Ryan Maddux

**FACTUAL/INADVERTENT ERRORS**

**CHANGES TO BE MADE AFTER BOARD OF EQUALIZATION**

Parcel Number O-1-7-4-20-3 Account Number 0025356

Name Robert Spencer Date 11-18-2020

Problem To Be Corrected Correct the construction type from metal moment frame to galvanized metal stud construction.

Reason The metal garage/shop building was ran at a higher type and quality for the garage type.

Change(s) To Be Made By Treasurer Make changes to the following codes for the 2020 tax year.  
12A - \$25,245 to 12A - \$0  
12E - \$7,440 to 12E - \$24,240  
All other codes remain the same with a new total value of \$49,740.

Change(s) To Be Made By Assessor Check on the property and improvements for the 2021 tax year.

Approved By Assessor \_\_\_\_\_ (Date)

Approved By Commission \_\_\_\_\_ (Date)

Tax District \_\_\_\_\_ Delivered to Treasurer \_\_\_\_\_ (Date)

Current Taxable Value	<u>\$58,185</u>	New Taxable Value	<u>\$49,740</u>
Tax Rate	<u>0.011491</u>	Tax Rate	<u>0.011491</u>
Current Tax Amount	<u>\$668.60</u>	New Tax Value	<u>\$571.56</u>

Treasurer \_\_\_\_\_ (Date)

# ITEM # 7

Activate Fund 10 Account Payroll Only for Fund  
11 Payroll Only and Allow for Payment of the  
Balance of 2020 Assessing and Collecting Payroll  
from Fund 10  
John Livingston

# ITEM # 8

Approval of Kane County Resolution # R-2020-29 a  
Resolution Giving Notice of Intent to Annex the  
Towns of Big Water and Alton into the Kane County  
Human Resources Special Service District  
Attorney Van Dyke

**KANE COUNTY RESOLUTION NO. R 2020 – 29**

**A RESOLUTION GIVING NOTICE OF INTENT TO ANNEX  
THE TOWNS OF BIG WATER AND ALTON INTO THE  
KANE COUNTY HUMAN RESOURCES SPECIAL SERVICE DISTRICT**

**WHEREAS**, the Kane County Human Resources Special Service District (“District”) is a Special Service District in Kane County, established on August 14, 1989 by Kane County Resolution No. 1989-4; and

**WHEREAS**, present boundaries of the District are as follows:

All real property within the boundaries of Kane County, Utah, less and excluding the incorporated areas within the townships of Alton and Big Water; and

**WHEREAS**, the towns of Alton and Big Water have expressed a desire to now be included in the boundaries of the District and the Kane County Commission desires to include them within the boundaries of the District; and

**WHEREAS**, the public health, convenience, and necessity require the inclusion of the towns of Alton and Big Water within the boundaries of the District; and

**WHEREAS**, Kane County intends to annex the towns of Alton and Big Water into the boundaries of the District, which would result in a legal description of the boundaries of the District as, follows:

All real property within the boundaries of Kane County, Utah; and

**WHEREAS**, Kane County previously adopted Kane County Resolution No. R 2020-16, which already gave notice of this intended annexation, however, due to the timelines of notices and public hearings required by Utah Code, this notice of intent must be authorized again;

**NOW THEREFORE BE IT HEREBY RESOLVED BY THE KANE COUNTY BOARD OF COMMISSIONERS, IN AND FOR KANE COUNTY, STATE OF UTAH, AS FOLLOWS:**

1. Kane County hereby gives notice of its intent to annex the towns of Alton and Big Water into the boundaries of the Kane County Human Resources Special Service District.
2. The Kane County Clerk is directed to publish notice as set forth in Utah Code 17D-1-205, to schedule one or more public hearings regarding the annexation of the towns of Alton and Big Water in the District as set forth in Utah Code 17D-1-207, and accept any and all comments or protest from residents of the county as set forth in Utah Code 17D-1-206.

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ADOPTED this 24 day of November 2020.

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Lamont Smith, Chair  
Board of Commissioners  
Kane County

ATTEST:

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KARLA JOHNSON  
Kane County Clerk

Commissioner Gant voted \_\_\_\_\_  
Commissioner Chamberlain voted \_\_\_\_\_  
Commissioner Smith voted \_\_\_\_\_

# ITEM # 9

Approval of Kane County Resolution # R-2020-30 a  
Resolution Giving Notice of Intent to Convert the  
Administrative Control Board of the Cedar Mountain Fire  
Protection District from an Elected Board to an Appointed  
Board

Attorney Van Dyke

**KANE COUNTY RESOLUTION NO. R 2020 – 30**

**A RESOLUTION GIVING NOTICE OF INTENT TO CONVERT THE ADMINISTRATIVE CONTROL BOARD OF THE CEDAR MOUNTAIN FIRE PROTECTION DISTRICT FROM AN ELECTED BOARD TO AN APPOINTED BOARD**

**WHEREAS**, the Cedar Mountain Fire Protection District (“District”), a Special Service District in Kane County, was created on October 24, 1994 by Kane County Resolution No. 1994-12; and

**WHEREAS**, initially the Kane County Commission delegated and appointed an Administrative Control Board to serve as the controlling board for the District and then subsequently in 2009, at the request of many residents of the District, the Kane County Commission converted the Administrative Control Board from an appointed board to an elected board; and

**WHEREAS**, the residents of the District expressed “a desire for local governance of [the District]” which would best be accomplished by an election of the Board of the District; and

**WHEREAS**, in at least the last two elections for the Administrative Control Board only one individual filed to run for each open seat, resulting in no choice for local residents; and

**WHEREAS**, recently, a majority of the Board members resigned and the Kane County Commission dissolved the Board to take over as the controlling entity of the District; and

**WHEREAS**, the Kane County Commission can see the benefit in converting the Board to an appointed board, in that the County Commission can actively recruit qualified individuals to apply for appointment to the Board and can actively seek input from the residents of the District; and

**WHEREAS**, Kane County previously adopted Kane County Resolution No. R 2020-18, which already gave notice of this intended action, however, due to the timelines of notices and public hearings required under Utah Code, this notice of intent must be authorized again;

**NOW THEREFORE BE IT HEREBY RESOLVED BY THE KANE COUNTY BOARD OF COMMISSIONERS, IN AND FOR KANE COUNTY, STATE OF UTAH, AS FOLLOWS:**

1. The Kane County Commission gives notice of its intent to convert the Administrative Control Board of the Cedar Mountain Fire Protection District to an appointed board.
2. The Kane County Clerk is directed to publish notice of this intent, to schedule one or more public hearings, and to accept all comments from residents of the District.

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ADOPTED this 24 day of November 2020.

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Lamont Smith, Chair  
Board of Commissioners  
Kane County

ATTEST:

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KARLA JOHNSON  
Kane County Clerk

Commissioner Gant voted \_\_\_\_\_  
Commissioner Chamberlain voted \_\_\_\_\_  
Commissioner Smith voted \_\_\_\_\_

# ITEM # 10

Approval of Kane County Resolution # R-2020-31  
a Resolution Giving Notice of Intent to Include  
Road Dust Mitigation as a Service of the Cedar  
Mountain Fire Protection District  
Attorney Van Dyke

**KANE COUNTY RESOLUTION NO. R 2020 – 31**

**A RESOLUTION GIVING NOTICE OF INTENT TO INCLUDE ROAD DUST MITIGATION  
AS A SERVICE OF THE CEDAR MOUNTAIN FIRE PROTECTION DISTRICT**

**WHEREAS**, the Cedar Mountain Fire Protection District (“District”) is a Special Service District in Kane County, established on October 24, 1994 by Kane County Resolution No. 1994-12; and

**WHEREAS**, the District currently has authority to provide the services of Fire Protection, Emergency Access Snow Removal, and Emergency Medical Services; and

**WHEREAS**, many residents located within the current boundaries of the District have expressed the desire to have Road Dust Mitigation services provided by the District to benefit the public health and convenience of the residents of the District; and

**WHEREAS**, the public health, convenience, and necessity require the inclusion of Road Dust Mitigation as a service of the District; and

**WHEREAS**, Kane County intends to include Road Dust Mitigation as a service of the District; and

**WHEREAS**, the boundaries of the District remain unchanged and are set forth in Kane County Resolution No. 1994-12, which is incorporated as if set forth fully herein; and

**WHEREAS**, Kane County previously adopted Kane County Resolution No. R 2020-19, which already gave notice of this intended action, however, due to the timelines of notices and public hearings required under Utah Code, this notice of intent must be authorized again;

**NOW THEREFORE BE IT HEREBY RESOLVED BY THE KANE COUNTY BOARD OF COMMISSIONERS, IN AND FOR KANE COUNTY, STATE OF UTAH, AS FOLLOWS:**

1. The Kane County Commission hereby gives notice of its intent to include Road Dust Mitigation as a service of the Cedar Mountain Fire Protection District.
2. The Kane County Clerk is directed to publish notice as set forth in Utah Code 17D-1-205, to schedule one or more public hearings regarding the inclusion of Road Dust Mitigation as a service of the District as set forth in Utah Code 17D-1-207, and accept any comments or protest from residents of the District as set forth in Utah Code 17D-1-206.

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ADOPTED this 24 day of November 2020.

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Lamont Smith, Chair  
Board of Commissioners  
Kane County

ATTEST:

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KARLA JOHNSON  
Kane County Clerk

Commissioner Gant voted \_\_\_\_\_  
Commissioner Chamberlain voted \_\_\_\_\_  
Commissioner Smith voted \_\_\_\_\_

# ITEM # 11

Approval of Kane County Resolution # R-2020-32 a  
Resolution Giving Notice of Intent to Create the  
Kane County EMS SSD  
Attorney Van Dyke

# ITEM # 12

Approval of Kane County Resolution # R-2020-33  
Commission Assignments for 2021  
Attorney Van Dyke

# ITEM # 13

Approval of Kane County Resolution  
# R-2020-34 a Resolution Amending the Hiring  
Policy

Attorney Van Dyke

# ITEM # 14

Approval of Real Estate Contract for East Zion Initiative

Attorney Van Dyke

# ITEM # 15

Setting a Commission Meeting Time and Date for  
Timely Consideration for Planning and Zoning  
Projects to Allow for 2020 Recordation  
Karla Johnson

# ITEM # 16

Approval of Kane County Resolution # R-2020-35 a  
Joint Resolution of Kane County, Utah and Kanab City  
Proposing the Creation of the Zion Area Public Transit  
District Kane County, State of Utah  
Attorney Van Dyke

**R-2020-35**  
**JOINT RESOLUTION OF KANE COUNTY, UTAH AND KANAB CITY**  
**PROPOSING THE CREATION OF THE ZION AREA PUBLIC TRANSIT DISTRICT**  
**KANE COUNTY, STATE OF UTAH**

NOTICE IS HEREBY GIVEN that on \_\_\_\_\_, 2020, the Board of County Commissioners of Kane County and the City Council of Kanab City hereby adopt a Resolution and declare that the public health, convenience, and necessity require the establishment of a public transit district, to be called the “Zion Area Public Transit District,” for the purpose of providing a public transit system that serves Kane County and Kanab City residents and visitors who are visiting Zion National Park and other areas within the District. This Resolution provides for a public hearing on the establishment of the District that will be held in the Kane County Commission Chambers at the Kane County Courthouse, 76 N. Main Street, Kanab City, Utah at 6:00 p.m. on \_\_\_\_\_, 2020.

Description of the Proposed District

The boundaries of the proposed District include all unincorporated areas of Kane County and all of Kanab City. A Map providing a more detailed description is attached as **Exhibit A** hereto.

Proposed Services

The District shall be authorized to provide public transportation services and to exercise those powers that are authorized under Title 17B, Chapter 2a, Sections 803 and 804, Utah Code 1953, excluding the powers to levy and collect a property tax.

Method of Funding

The District is expected to be funded through private donations and through local, state, and federal grants. In addition, the District will have the legal authority to charge fees for services.

The District may not levy taxes upon taxable property or impose a sales and use tax on transactions in the District.

Estimated Average Financial Impact

Based on the funding method of the District, it is estimated that the financial impact to District residents will be \$0.00.

District to be Governed by a Board of Trustees

The District shall be governed by a three-member Board of Trustees who shall be selected in accordance with Utah law.

Publication

The County Clerk shall cause a Notice of Intention to create the District to be published in a newspaper of general circulation in Kane County, once each week for four successive weeks, to be published on the following dates: \_\_\_\_\_ . The published Notice shall read as follows:

**NOTICE OF INTENTION TO CREATE THE ZION AREA  
PUBLIC TRANSIT DISTRICT**

The Board of County Commissioners of Kane County and the City Council of Kanab City hereby declare their intention to create the Zion Area Public Transit District for public transportation and related services within the boundaries described on the map below. The District will not have the authority to levy property taxes or impose a sales and use tax. The District shall have the legal authority to charge fees for services. A public hearing regarding the creation of this District shall be conducted in the Kane County Commission Chambers at the Kane County Courthouse, 76 N. Main Street, Kanab City, Utah at 6:00 p.m. on \_\_\_\_\_, 2020. Any persons desiring to attend and be heard regarding the creation of the District may be present and speak either in favor of or in opposition to creating the District. Protests against the creation of the District may be received, and if protests are received from owners of at least 25% of the total private land within the applicable area, which is equal in value to at least 15% of the value of all private real property within the applicable area, or protests are received from at least 25% of registered voters residing within the applicable area, as measured by

the number of votes cast in the most recent general election for president of the United States, the Board of County Commissioners is obligated to either abandon the creation of the District or exclude the applicable area. The Board of County Commissioners will accept protests against the creation of the District in writing received by the Board of County Commissioners on or before noon on \_\_\_\_\_, 2020. Written protests may be directed to the attention of the Board of County Commissioners, 76 North Main Street, Kanab City, Utah 84741.

Public Hearing on Proposed Establishment of Zion Area Public Transit District

The Board of County Commissioners and Kanab City shall hold a public hearing on the establishment of the District and the providing of public transit services within the District at the Commission Chambers at the Kane County Courthouse, 76 N. Main Street, Kanab City, Utah at 6:00 p.m. on \_\_\_\_\_, 2020. Any interested person may protest the establishment of the District or the furnishing of services therein in writing within 60 days of the hearing. Written protests must be filed with the Kane County Clerk or Kanab City Clerk and may be withdrawn by the protestant any time within 60 days of the hearing.

Any protests signed on behalf of a corporation owning property in the District shall be sufficient if it is signed by the president, vice president, or any duly authorized agent of the corporation. Where title to any property is held in the name of more than one person, each person holding title to the property must join in the signing of the protest.

At said public hearing, the Board of County Commissioners and the Kanab City Council will give full consideration to all protests which have been filed and will hear and consider all interested persons desiring to be heard. The Board of County Commissioners and the City Council may continue the hearing from time to time. After the conclusion of the hearing and protest period (60 days following the last public hearing), the Board of County Commissioners shall either place the question of establishment of the District on the general election ballot or

determine that the establishment of the District should be abandoned, or may, in its discretion, reduce the boundaries of the District and/or reduce the services to be provided by the District and place the question of the establishment of a modified District on the general election ballot for this year.

If by noon on \_\_\_\_\_ 2021, protests against the creation of the District or its services by owners of at least 25% of the total private land within the applicable area, which is equal in value to at least 15% of the value of all private real property within the applicable area, or at least 25% of the registered voters residing within the applicable area, as measured by the number of votes cast in the last general election for governor, are received by the County Clerk, the Board of County Commissioners is obligated by law to either abandon the proposed creation of the District, eliminate the types or type of services objected to from the District, or exclude the applicable area.

APPROVED AND ADOPTED in Kanab City, Kane County, Utah this \_\_\_\_ day of \_\_\_\_\_, 2020.

**BOARD OF KANE COUNTY  
COMMISSIONERS**

\_\_\_\_\_  
Lamont Smith, Chair

ATTEST:

\_\_\_\_\_  
KARLA JOHNSON  
Kane County Clerk

**KANAB CITY, UTAH**

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**Mayor Robert Houston**

**ATTEST:**

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**Kanab City Clerk**

# ITEM # 17

Transfer of Chairmanship  
Commissioner Smith