COMMISSIONERS' MINUTES – DAVIS COUNTY

WORK SESSION MINUTES

December 23, 2021

The Board of Davis County Commissioners met for a Work Session at 10:30 a.m. on December 23,2021, in room 306 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah. Notice of this meeting was given under the requirements of UCA §52-4-202.

AGENDA AS POSTED

Roll Call

10:30 a.m. **CLOSED SESSION**—Motion to adjourn to Closed Session for reasons permitted under Utah Code Annotated §52-4-205 (1)(c) for strategy sessions to discuss pending or reasonably imminent litigation

Adjournment

DISCLAIMER

The meeting was an open dialogue. Critical points in the discussion have only been briefly summarized. The reader may refer to the audio recording for further clarification of the content. The audio recording for this meeting is available based upon the County's current retention schedule.

ROLL CALL

Davis County Commissioners in attendance: Randy B. Elliott, Vice-Chair; and Lorene Miner Kamalu. Bob J Stevenson, Chair joined via Google Meet at 11:01 a.m.

Davis County Staff in attendance were: Mike Kendall, Sr. Civil Counsel; Tony Thompson, Property Manager; Jeff Oyler, Planning Manager, and Shairise Bills, DeputyClerk/Auditor.

There were no members of the public in attendance.

The meeting commenced at 10:55 a.m.

WORK SESSION DISCUSSION

Closed Session

Commissioner Kamalu read a statement regarding the Notice of Claim the County received on July 14, 2021, from Jon Hansen's legal counsel. In summary, Jon claimed the County owed him a total of $220,223.33 for unpaid contract services with Davis County over the last five years. The contract states that the County will pay Jon "80% of plan fees," and any attempt to convert this payment structure to an hourly payment during the last few months of the contract would be improper. To settle the claim, Davis County met with Mr. Hansen on November 18, 2021, and participated in an all-day mediation, with no resolution, but another mediation session was scheduled for December 16, 2021. Mr. Hansen's legal counsel informed Mr. Kendall by telephone on December 3, 2021, that Mr. Hansen would not accept anything less than $220,223.33 to resolve the Notice of Claim. Based on this information, Davis County determined that further mediation would be futile, so the mediation session scheduled for December 16, 2021, was canceled.

The Commission met today to receive legal and practical counsel regarding the Notice of Claim. If deemed appropriate, they will determine an approval, partial approval, denial, or partial denial of the Notice of Claim.

Commissioner Kamalu moved to a closed session as permitted under UCA §52-4-205(1)(c) for strategy sessions to discuss pending or reasonably imminent litigation. Commissioner Elliott seconded the motion, and all voted aye.

The Commission moved out of the closed session and resumed the open meeting at 12:03 p.m.

Commissioner Kamalu asked for a motion to approve, partially approve, deny, or partially deny the Notice of Claim. Commissioner Elliott motioned to partially approve the Notice of Claim for claims and damages of $2,550.72 for plan review services, $1,899.74 for inspection services, and as a measure of good faith and in an attempt to resolve the matter, an additional $20,000.00, for a total of $24,450.46. Commissioner Stevenson seconded the motion, and they unanimously voted aye.

ADJOURNMENT The meeting adjourned at 12:10 p.m.

Minutes prepared by:
Shairise Bills
Deputy Clerk/Auditor

Minutes approved on: 1/11/2022

/s/ Curtis Koch
Curtis Koch
Davis County Clerk/Auditor

/s/ Randy B. Elliott
Randy B. Elliott
Commission Chair