

## SANPETE COUNTY COMMISSION MEETING

February 4, 2014, 1:00 P.M.

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

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

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 #332808 through #332822 and #332823 through #332893. The motion is seconded by Commissioner Frischknecht, and the motion passes.

### STEVE KELLER: APPROVAL TO SEND SCOTT RASMUSSEN, BRAD AAGARD, AND STEVE KELLER TO TRAINING ON FEBRUARY 18<sup>TH</sup> AND 19<sup>TH</sup>

Motion is made by Commissioner Frischknecht to approve sending Scott Rasmussen, Brad Aagard, and Steve Keller to noxious weed training on February 18 and 19, 2014. The motion is seconded by Commissioner Bartholomew, and the motion passes.

### REQUEST FOR COMMISSION APPROVAL TO INCLUDE SANPETE COUNTY IN THE AMICUS CONCERNING KITCHEN VS HERBERT AND AMENDMENT 3

The proponents of this amicus are asking for support from the counties. This is not funding support. The case that has been filed is asking the 10<sup>th</sup> Circuit Court to overturn the decision to require Utah to issue same sex marriage licenses. Motion is made by Commissioner Bartholomew to include Sanpete County in the amicus concerning Kitchen vs Herbert and Amendment 3. The motion is seconded by Commissioner Frischknecht. Robert Buckner is present. He is concerned about the message that this approval of the amicus gives. He states that 75% of the citizens of Utah support at least a civil union. He states that amendment 3 is mean spirited and aimed toward gay people in the society. He states the message that is sent tells the gay people that they have no value in our society. Brody Keisel states that the amicus doesn't say that we are pro or anti gay, it just expresses that the court misread the Windsor decision, and did not consider Amendment 3. Sanpete County Commissioners state that they value all citizens of Sanpete County equally. This is a matter of the Federal Government's overreaching arm over our State rights. When asked if they agree with Amendment 3, the Commission responds that they feel they need to vote the will of the people. In the past, the Federal government has time after time taken away rights from the people. A vote is taken on the motion to include Sanpete County in the amicus, and the motion passes.

### CONSIDERATION AND APPROVAL OF RESOLUTION ENCOURAGING STATE AND FEDERAL LEADERS TO FUND \$1.2 MILLION 2013-2014 PAYMENT IN LIEU OF TAX (PILT) PAYMENTS TO SANPETE COUNTY

It appears that PILT will likely be funded this year in the farm bill, but this needs to be taken care of for longer than just this year. Motion is made by Commissioner Bartholomew to approve Resolution #02-04-2014 as amended. The motion is seconded by Commissioner Frischknecht, and the motion passes. (See the attached resolution.)

### APPROVAL TO ADVERTISE FOR A VICTIMS' ADVOCATE

A grant that provides for 1 part-time position for a person to work for victims has been approved. This will be of use to the law enforcement community. The advocate will be trained to direct the victim through the system. There is no obligation to continue the position after the grant ends. Other funds can be sought to continue the program after this grant ends, and it may even be reinstated. Motion is made by Commissioner Frischknecht to approve advertising for a part-time victim's advocate. The motion is seconded by Commissioner Bartholomew, and the motion passes.

**APPROVAL OF CONTRACT FOR INDIGENT CAPITAL DEFENSE COUNSEL SERVICE FOR STEVEN CRUTCHER**

Motion is made by Commissioner Frischknecht to approve the contract for indigent capital defense counsel service for Steven Crutcher. The motion is seconded by Commissioner Bartholomew, and the motion passes.

**APPROVAL OF AGREEMENT FOR SERVICE AND MAINTENANCE OF THE SANPETE COUNTY COMMUNICATIONS SYSTEM**

Sheriff Nielson is present. He is concerned about the amount of hours allowed and the budget source for the vehicle that is used. Discussion is held about training someone as a back up. This matter is tabled while the contract is reviewed.

**SHERIFF NIELSON: APPROVAL TO HIRE PART-TIME PATROL DEPUTY ADAM R. LEWIS; APPROVAL TO HIRE CASSIE HANSEN FOR PART-TIME VIDEO VISITATION IN THE JAIL; APPROVAL TO EXPEND NG911 GRANT IN THE AMOUNT OF \$182,151.44**

Motion is made by Commissioner Bartholomew to approve hiring Deputy Adam R. Lewis as a part-time patrol deputy at \$13.79 per hour. The motion is seconded by Commissioner Frischknecht, and the motion passes. Motion is made by Commissioner Frischknecht to approve hiring Cassie Hansen as a part-time employee to work with video visitation in the jail at the rate of \$12.05 per hour. The motion is seconded by Commissioner Bartholomew, and the motion passes. The NG911 grant is a 100% grant with no match required. Motion is made by Commissioner Bartholomew to approve the expenditure of the NG911 grant in the amount of \$182,151.44. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**JOHN FAIRCHILD: REVIEW WILDLIFE ISSUES IN SANPETE COUNTY; PRESENT IN LIEU OF TAX PAYMENT**

John Fairchild is present. Colby Jones and John Mower are also present. Mr. Fairchild presents a check for \$12,469.33 for in lieu of tax payment for land the Division of Wildlife Resources owns in Sanpete County. UDOT is working on mitigation planning for 2014 to reduce deer hits on the highway. In 2013 there were 526 wildlife-vehicle collisions from Milburn to Mayfield. Seventy two percent of those (376) were from Manti to Mt Pleasant. The Sanpete extended archery hunt was started to keep bachelor elk herds from crossing Highway 89. They will have an open house this summer for discussion on changing the method for handling the herds. The central mountain deer herd has shown a slight upward trend. Hunters had a 27% success this past season. The coyote control program had a 7% increase this past year. The Commission mention that there are a lot of deer in the valley. Various programs are in effect around the state for controlling the deer. Currently there is a 2 year pilot program with Highland City to authorize expert bow hunters to take care of the deer. The meat is donated. Mayor Keith Jensen from Wales asks how many volunteers are helping to thin the herds in the valley. The Commission ask Mr. Fairchild to send someone to represent DWR on our lands counsel to work on our resource management plan.

**APPROVAL OF MINUTES**

Motion is made by Commissioner Frischknecht to approve the minutes from January 21, 2014 with minor corrections. The motion is seconded by Commissioner Bartholomew, and the motion passes.

**EXECUTIVE SESSION**

No executive session was needed.

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

The meeting is adjourned at 2:36 P.M.

ATTEST: *Sandy Neill*  
Sandy Neill  
Sanpete County Clerk

APPROVED: *Claudia Jarrett*  
Claudia Jarrett  
Commission Chair

**RESOLUTION NO. 02-04-2014**

***Be it resolved by the Sanpete County Commission:***

WHEREAS, the federal Payment in Lieu of Taxes (PILT) program was established in 1976 to offset costs incurred by counties for services provided to the federal government and to the users of public land;

WHEREAS, according to state Tax Commission data and report prepared by the state Automated Geographic Research Center (AGRC), the percent of federal land in Sanpete County that the county cannot tax (BLM, U.S. Forest Service, National Park Service, and Fish & Wildlife Service) is 51.40%, all of which the County still provides services for or upon.

WHEREAS, according to the average of estimates from the National Association of Counties, PILT funding in 2013 was about \$0.66 per acre of federal lands land to which PILT applies, far below the amount those lands would return through value based taxation if those lands and their facilities were subject to county taxation;

WHEREAS, annual PILT payments to Utah counties, which exceeded \$35.3 million total in 2013, have become an important component of county budgets, ensuring that Utah counties are able to provide necessary basic services on federal lands ranging from search and rescue to law enforcement activities;

WHEREAS, removal of this annual \$35.3 funding stream for 2014 will prove detrimental to many counties in Utah, who have budgeted assuming they would receive at least this much for 2014;

WHEREAS, the 2013 PILT payment to Sanpete County is \$1,244,980; and all property tax receipts (county portion only) received in 2013 are \$6,666,646. Therefore, 2013 PILT payments are equal to 38% of total county portion property taxes received in 2013. In other words, if PILT payments are cancelled in 2014, this will represent a reduction equal to 38% of all property taxes received (county portion only)."

WHEREAS, the Department of Interior in April, 2013 made an annual budget request of Congress for approximately \$410 million nationwide for PILT, *See Dept. of Interior 2014 Budget in Brief, page BH-108*. A deficit neutral placeholder for Interior's PILT request was set to be included in the 2014 Consolidated Appropriations Act, H.R. 3547, 113<sup>th</sup> Congress;

WHEREAS, actual PILT funding, however, was *not* included in the final version of the bill that Congress passed January 16, 2014 and the President signed into public law 113-076 on January 17, 2014;

WHEREAS, it is unprecedented that Congress has failed to include PILT funding in its major consolidated appropriations legislation;

WHEREAS, Congress did appropriate \$740.9 million in the 2014 Appropriations Act for wildland fire management activities, more than tripling BLM's initial fire management budget request of \$201.3 million, and representing approximately 77% of the \$956.9 million Congress appropriated for BLM's 2014 basic operating budget, *See April, 2013 Dept. of Interior 2014 Budget in Brief at Appendix A; Public Law 113-076, Division G – Dept of Interior Appropriations Act 2014;*

WHEREAS, it appears that Department of Interior's initial 2014 funding request of \$410 million for PILT and other funds were absorbed without explanation into Department of Interior's final appropriation for wildland fire management, swelling that account by \$539 million from \$201.3 million requested, to \$740.9 million appropriated;

WHEREAS, Department of Interior's wildland fire management budget would not be nearly so large if Department of Interior would manage its lands responsibly for multiple use and sustained yield, as the state of Utah and Utah's counties have continually urged, and as the 1976 Federal Land Policy Management act directs;

WHEREAS, Counties in Utah are required to provide law enforcement, search and rescue, emergency medical services, road building and maintenance, and other community services on, or associated with tax-exempt federal public lands, and failure to provide a revenue source to such as PILT places a large, unsustainable burden squarely on the back of County tax payers, imposing a critical impact to the budget process and solvency of some public land counties;

WHEREAS, a bi-partisan effort in Congress is currently developing to include PILT funding in the pending 2014 Farm Bill, *H.R. 2642 Agriculture Reform, Food and Jobs Act of 2013; Senate Version S. 954 same title;*

WHEREAS, beside the pending 2014 Farm Bill, there do not appear to be significant FY 2014 authorizing bills with bi-partisan support left in Congress for carrying 2014 PILT to full funding; and

WHEREAS, Congress, including members of Utah's delegation, should prudently and practically give serious consideration to that major authorizing bills in Congress, including the pending 2014 Farm Bill, that are calculated to most likely carry PILT forward to full funding for FY 2014, in order to protect Utah counties from economic and fiscal harm;

WHEREAS, Congress should legislate and authorize full PILT funding in multi-year blocks to give Utah counties stability and predictability when setting their upcoming calendar year operating budgets.

NOW, THEREFORE, BE IT RESOLVED that the Sanpete County Commission,

- recognize the unprecedented failure of Congress to fund PILT in the 2014 Appropriations Bill;
- recognize the serious financial hardship many Utah counties face if they do not receive FY 2014 PILT payments by June of 2014;
- recognize the vital need of Utah counties to have PILT funding certainty while engaged in their annual county budget processes;
- call on Congress and members of Utah's Congressional Delegation to give serious consideration to those current pending legislative vehicles, including the pending 2014 Farm bill, which are best calculated to successfully carry PILT to full 2014 funding at the earliest opportunity; and
- especially calls on Congress to establish reliable multiyear funding authorization for PILT, so counties may have certainty in their annual budget processes.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

Adopted this 4th day of February, 2014

Sanpete Board of County Commission

Attest:

Sandy Neill  
County Clerk

Claudia Jarrett  
Commission Chairman

Steve Hruschknecht  
Commissioner

Scott Anderson  
Commissioner

