

**APPROVED**

**CACHE COUNTY  
COUNCIL MINUTES  
AUGUST 23, 2011**

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**August 23, 2011**

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**CACHE COUNTY COUNCIL MEETING**  
**August 23, 2011**

The Cache County Council convened in a regular session on August 23, 2011 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

**ATTENDANCE:**

**Chairman:** Jon White  
**Vice Chairman:** Craig "W" Buttars  
**Council Members:** H. Craig Petersen, Val Potter, Kathy Robison, Cory Yeates & Gordon Zilles.  
**County Executive:** M. Lynn Lemon  
**County Clerk:** **Jill N. Zollinger absent**  
**County Attorney:** James Swink

**The following individuals were also in attendance:** Janeen Allen, Marie Archibald, Sheldon Archibald, Patti Brockman, Rachel Christensen, Rosemary Christiansen, Denise Ciebien, Darrell Erickson, Kendon Godfrey, Margaret Griffin, Chris Harrild, Sharon L. Hoth, Director Kristine Johnson, Dave Nielsen, John Powell, Director Josh Runhaar.

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

Council member Petersen gave the opening remarks and led those present in the Pledge of Allegiance.

**REVIEW AND APPROVAL OF AGENDA**

Executive Lemon asked that a discussion of the agenda for the Joint Councils Meeting on August 30, 2011 be added as Item 13C.

**ACTION:** Motion by Vice Chairman Buttars to approve the agenda with Item 13c-*Discussion-Agenda for Joint Councils Meeting-August 30, 2011* – added. Yeates seconded the motion. The vote was unanimous, 7-0.

**REVIEW AND APPROVAL OF MINUTES**

**ACTION:** Motion by Council member Yeates to approve the minutes of the August 09, 2011 Council Meeting as written. Robison seconded the motion. The vote was unanimous, 7-0.

**REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON**

**APPOINTMENTS:** There were no appointments.

**WARRANTS:** Warrants for the period 08-05-2011 to 08-11-2011 were given to the Clerk for filing.

**OTHER ITEMS**

- North American Weather Consultants** has issued a summary report for 2010 and 2011 that is available for the Council's review in Executive Lemon's office.
- TV Translator** – Mike Braegger notified the county that KBYU and CW30 are now installed on Clarkston Peak and Braegger has filed for licenses for Mt. Pisgah for the same two stations. It is hoped that approval will be received by the end of the year.
- Cloud Seeding** – Executive Lemon has received a letter from the state asking if Cache County wants to be part of the cloud seeding program for the upcoming year. Lemon said he will place this discussion on a future agenda.
- Mayor Hall Letter** – Executive Lemon reported that Mayor Hall has arranged for Senator Mike Lee and U.S. Representative Rob Bishop to conduct a question and answer session in the Council Chambers on Monday, August 29, 2011 at 10:00 a.m. and invited the Council to attend.
- NRCS** wants to wait until they receive the ROD (Record of Decision) on the proposed canal project before meeting with the Councils of all the cities involved; therefore, that item has been removed from the August 30, 2011 Joint Councils Meeting agenda.

**UNIT OR COMMITTEE REPORTS**

- ★ **Road Department – Darrell Erickson** summarized the department's summer work including:

- Flood damage
- Chip/seal work
- Asphalt work
- Changing road signs to high intensity retro-reflective
- Road striping to begin

Executive Lemon noted that there is a 1:00 p.m. meeting with FEMA on Thursday, August 25, 2011 for cities affected by the flooding this year.

- ★ **Weed Department – Joel Merritt** reported on the work of the County Weed Department:

- Mowing & Spraying
- Railroad work
- Airport
- Hardware Ranch
- FFA students – collected bio-control insects
- Medusahead

Council member Zilles asked if spraying is beneficial this time of year? Merritt responded that some spraying is more effective when done in the fall on some perennial weeds such as Canadian Thistle

- ★ **Senior Citizen Center Building Project – Kristine Johnson** reported that the \$50,000.00 in the 2011 budget for the Senior Citizen Center will be used for cosmetic changes in the gift shop, painting, carpeting and placing a window in the front entrance. The approximate \$39,000.00 received from RAPZ/Restaurant Tax will be used to install a beam and accordion doors in the recreation room enabling groups to use both areas at the same time. United Way has committed to send volunteers to clean up the area outside the building by the sign by trimming bushes, replacing bark, etc.

Johnson said that the BRAG fiscal money has been cut \$106,000.00. She has rolled over \$42,000.00 for this next year lowering the cut to \$64,000.00. There will be about \$30,000.00 additional money from the state to be divided among the four senior centers.

Chairman White asked how many people eat at the Center? Johnson said they serve from 45 to 130 people depending on the day and most people are regulars.

Johnson applied for the Logan CDBG funds but didn't receive any.

#### **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**

**ACTION: Motion by Vice Chairman Buttars to convene as a Board of Equalization. Petersen seconded the motion. The vote was unanimous, 7-0.**

#### **THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION.**

#### **BOARD OF EQUALIZATION**

- **Set Hearing dates for August and September 2011** – Council members signed up to attend Hearings on the morning of August 25, 2011 and all day on September 1, 6, 8, 14, 15 and 20, 2011.

Council member Petersen asked how this year's requests compare to last year? Executive Lemon replied there are fewer requests.

**ACTION: Motion by Council member Petersen to set the Board of Equalization Hearing dates of August 25, 2011 (a.m. only) and September 01, 06, 08, 14, 15 and 20, 2011. Zilles seconded the motion. The vote was unanimous, 7-0.**

- **Property Tax Hardship Applications** – The Council reviewed hardship applications and asked for further information on No. 02-099-0010. *(Details are on file in the Office the Cache County Auditor)*

**ACTION: Motion by Council member Yeates to approve the property tax hardship application for No. 14-002-0009. Buttars seconded the motion. The motion passed, 6 aye – Buttars, Potter, Robison, White, Yeates & Zilles and 1 nay – Petersen.**

**ACTION: Motion by Vice Chairman Buttars to approve the property tax hardship request for No. 02-186-0003. Yeates seconded the motion. The vote was unanimous, 7-0.**

**ACTION: Motion by Council member Robison to approve the remainder of the property tax hardship applications except No. 02-099-0010. Buttars seconded the motion. The vote was unanimous, 7-0.**

**ACTION: Motion by Council member Yeates to adjourn from the Board of Equalization. Zilles seconded the motion. The vote was unanimous, 7-0.**

**THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION**

**PUBLIC HEARING: AUGUST 23, 2011- 5:30 P.M. – CONSIDER SURPLUS PROPERTY, PARCEL 13-034-0029 IN NEWTON** – Chairman White opened the public hearing and invited public comment.

**Margaret Griffin** asked where the property is and why the county wants to surplus it. Executive Lemon said the property is in Newton and came back to the county when the taxes were not paid in 1942 and has been in the county's name since. It is .41 acres and not buildable. An adjacent property owner wants to run a water line through the property and it is easier to sell the property to him rather than go through the easement process. The value is about \$1,600.00 to \$2,000.00. The property must be designated as surplus county property in order to sell it. This hearing is to notify the public of the county's proposed actions.

There was no other public comment.

**ACTION: Motion by Council member Zilles to close the Public Hearing – August 23, 2011-5:30 p.m.-Consider surplus property, parcel 13-034-0029 in Newton. Yeates seconded the motion. The vote was unanimous, 7-0.**

**PUBLIC HEARING SET: SEPTEMBER 13, 2011 AT 5:30 P.M.-LOGAN LITTLE MOUNTAIN COMMUNICATION TOWER REZONE** – Eric Woody requesting to amend leased area of parcel from A-10 to include Public Infrastructure (PI) Overlay Zone, located on Little Mountain, west of Trenton.

**ACTION: Motion by Council member Yeates to set a Public Hearing for September 13, 2011 at 5:30 p.m.-Logan Little Mountain Communication Tower Rezone. Buttars seconded the motion. The vote was unanimous, 7-0.**

**PUBLIC HEARING SET: SEPTEMBER 13, 2011 AT 5:45 P.M.-NORTH VALLEY LANDFILL REZONE** – Issa Hamud requesting rezone of 320.36 acres from A-10 to Public Infrastructure (PI) Overlay Zone, located off Stink Creek Road north of Clarkston.

**ACTION: Motion by Council member Zilles to set a Public Hearing for September 13, 2011 at 5:45 p.m.-North Valley Landfill Rezone. Yeates seconded the motion. The vote was unanimous, 7-0.**

**PENDING ACTION**

- **Cache County Roadway Standards – Ordinance 2011-12-Amendments to Title 12.04, 12.08, 16, 17.02.070 regarding roadway standards and Resolution 2011-20 – to adopt the Cache County Manual of Roadway Design and Construction Standards (NO ACTION TAKEN)** – Director Runhaar observed that these have been through the County Attorney’s Office. A couple of sections have been added on chip/seal and inspection. The rural road standard has been changed to an ADT of 30, there is some grammatical clean up and some language problems have been fixed.

Runhaar presented eight scenarios of previous subdivision requests and how they would have fared under the proposed amendments including:

- Hunz-Acres
- Blue Hawk
- Eagle Rock Phase I and II & West Bench Vista
- Estancia I, II, III and IV
- Godfrey
- Hideout at Scare Canyon
- Deep Spring/Longstroth
- Wellsville Mt. Reserve I (a/b) & II

A summary of what the requirements would have been under the proposed amendments concluded that:

Changes for subdivisions which were largely unaffected:

- Road widths
- Surfacing requirements

Changes for subdivisions with moderate changes:

- Road shoulder improvements

Changes for subdivisions with large changes:

- Base construction standards (subgrade preparation, design and layout, drainage, etc.)
- Inspection and accountability
- Acceptance of public roadways within development

The proposed change to a 500-foot long cul-de-sac was prompted by the fire code.

Council member Petersen asked if Runhaar, when reviewing previous subdivision requests, had found any instances where the new proposals wouldn’t work? Runhaar said he did not.

Petersen also asked if the Planning Commission is comfortable with these proposals and what changes Runhaar foresees in the future? Runhaar noted that the biggest discomfort for the Planning Commission is the break between a rural road and a local road and what the prompt will be for paving a road.

Executive Lemon asked what the vote on the 200 trip number was? Runhaar said it was a split vote.

Council member Petersen asked what the differential is from gravel to chip/seal? Darrell Erickson responded gravel is about \$2.00 per square yard and chip/seal is \$4.00 - \$4.50 above the gravel cost and asphalt is 2-3 times above the cost of chip/seal.

Council member Zilles commented that when homes are approved to be built on gravel roads and the road is eventually paved, the taxpayers end up paying for the improvement.

Director Runhaar said he will return with resolution and ordinance language at the next Council meeting.

- **Resolution No. 2011-17 – Setting the amount of reimbursements for travel and per diem costs for county employees and officers** – Attorney Swink said the Ordinance Review Committee met yesterday and made a few minor changes.

**(Attachment 1)**

**ACTION: Motion by Council member Robison to approve Resolution No. 2011-17-Setting the amount of reimbursements for travel and per diem costs for county employees and officers. Potter seconded the motion. The vote was unanimous.**

**INITIAL PROPOSAL FOR CONSIDERATION**

- **Delinquent Property Tax Settlement/Deferral** – Executive Lemon explained that this individual applied previously for a hardship property tax abatement and didn't understand he needed to apply every year. This approves abatement for the time he didn't apply but would have qualified. He will still pay penalties and interest. *(Details are on file in the Office of the County Auditor.)*

**ACTION: Motion by Council member Yeates to waive the rules and approve the Delinquent Property Tax Settlement/Deferral. Buttars seconded the motion. The vote was unanimous, 7-0.**

- **Discussion on Road Priorities** – Executive Lemon indicated there are more road improvements to make than there is funding and invited the Council to designate a process to determine priorities. The Council and Planning Commission need to be more involved in the Capital Improvements plan.

Council member Zilles asked if a notification paragraph for those requesting to build on a gravel road stating that they understand they will be subject to dust, mud, etc. can be developed and included somewhere in the subdivision application process? Runhaar said he could put in a gravel road clause with a note on the plat and on the zoning clearance.

Director Runhaar distributed a map with all the proposed capital improvements through 2014.

Council member Zilles asked how to add a road to the capital improvements plan? Specifically, 4300 South road by the Caine Dairy. If this road is continued to the highway, it will take a lot of pressure off of 3200 South where Miller's trucks go by many residences.

Lemon speculated that the road Zilles is speaking of has not been included because congestion relief has been the top priority for capital improvements.

Council member Zilles also wondered if Ruby Pipeline can be asked to improve some of the roads they may have damaged during the pipeline work. Runhaar said Ruby Pipeline has been very responsive to repairing roads that were adversely affected by their vehicles and work, but it must be proved that the damage was inflicted by them.

Lemon also referred to the bridge on the road to Maple Rise, the Lofthouse road and the Airport road as possible priorities. The county receives \$1.1 million each year in Class B road money to fund the Road Department and has about \$4 million in reserve.

Engineer Zollinger asked permission to look into a possible source of funding from non-urban federal aid funds. The preliminary engineering would cost about \$1,000.00. Executive Lemon supported Zollinger's request. Zilles agreed and recommended Zollinger write up the request and submit it to the Council.

Director Runhaar displayed a map denoting the functional classification of county roads that can be used as a tool to determine priorities for road improvements.

Executive Lemon reiterated the desire to have the Planning Commission and Council more involved in the capital improvements plan.

Council member Zilles suggested a road improvement committee be set up to review and establish priorities to be brought before the Council. Executive Lemon said he will bring a recommendation for the committee to the next Council meeting.

- **Response to State of Utah regarding Hyrum State Park** – Executive Lemon said the state legislature is proposing that many state parks be transferred to local governments and Lemon received the figures for the operation of the Hyrum Dam State Park. His response would be “no.” The Council concurred citing the expenditures versus revenue of the state figures.

Council member Potter said he would like to see a breakdown of the costs that were received by the county.

**ACTION: Motion by Council member Petersen directing Executive Lemon to send a letter to the state stating that the Cache County Council opposes transferring the Hyrum Dam State Park to Cache County. Robison seconded the motion. The vote was unanimous, 7-0.**

### OTHER BUSINESS

- ✓ **Wellsville Founders' Day Parade – Monday, September 5, 2011 at 10:00 a.m.**  
– Council member Zilles and Chairman White and, possibly, Executive Lemon will attend.
- ✓ **River Heights Apple Days Parade – Saturday, September 10, 2011 at 3:00 p.m.** – Council member Zilles and Executive Lemon will attend.
- ✓ **USU Homecoming Parade – September 24, 2011** – Council member Potter asked about the USU Homecoming Parade and Executive Lemon said the county has not yet received an invitation to participate.
- ✓ **Discussion – Agenda for the Joint Councils Meeting on August 30, 2011 at 5:30 p.m. – Logan City Offices** – Executive Lemon noted that with NRCS not on the agenda, the only item for discussion will be the landfill and asked Chairman White to update the Council on their meeting with the Box Elder County Commissioners.

Chairman White reported that Box Elder told them to send a written proposal to them and they are not interested in anything that does not include ownership. Lemon concurred with White's report and said that discussion about the written proposal should be addressed at the Joint Councils Meeting on August 30, 2011.

Council member Yeates questioned why ownership of the landfill should be so important to Logan City? White and Lemon both said that Box Elder has the same attitude concerning ownership – they will not consider anything Box Elder does not own due to liability issues. Yeates still questions the necessity of ownership to avert liability problems.

Lemon stated that Logan Council member Dean Quayle has asked that a report on the Air Quality SIP also be an agenda item on the Joint Council meeting.

Council member Zilles expressed concern about the congestion on the streets surrounding the Fairgrounds during the Fair and Rodeo and recommended the county look into developing some parking in the old racetrack area.

### COUNCIL MEMBER REPORTS

**Kathy Robison** asked Lemon about the status of the parking behind the County Administration Building. Lemon said there are only a few spaces and he thinks they will be designated for 30-minute parking.

**Val Potter** asked about using the payment schedule for property tax hardship applicants. Robison explained that only half of the tax is abated.

**Gordon Zilles** thanked Vice Chairman Buttars and Chairman White for a great Summer Social.

Cache County Council  
08-23-2011

**Jon White** said a citizen asked him how an individual gets on a Council agenda? Lemon said they can contact Janeen Allen and she will pass it by the Chairman. Council member Petersen told White it is up to him as Chairman to decide

**ADJOURNMENT**

The Council meeting adjourned at 7:44 p.m.

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**ATTEST:** Jill N. Zollinger  
County Clerk

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**APPROVAL:** Jon White  
Chairman

CACHE COUNTY FISCAL PROCEDURES ORDINANCE

Appendix

CACHE COUNTY  
RESOLUTION NO. 2011 - 17

A RESOLUTION SETTING THE AMOUNT OF REIMBURSEMENTS FOR TRAVEL AND PER DIEM COSTS FOR COUNTY EMPLOYEES AND OFFICERS.

The Cache County Council, in a regular meeting, lawful notice of which has been given, finds that it is in the best interest of the management and administration of the County that rates for reimbursement for travel and per diem costs for county employees, officers, or representatives incurred for the primary purpose of conducting bona fide county business be set.

IT IS THEREFOR HEREBY RESOLVED THAT:

TRAVEL for COUNTY BUSINESS

An employee, officer or representative of the county who incurs travel expenses for an authorized trip for county business such as attendance at a convention, conference, seminar or meeting, such expenses will be paid by the county. An employee, officer, or representative is eligible for an allowance (per diem or actual expense) when:

- They are performing official travel away from their official work station; and
- They incur per diem expenses while performing official travel; and
- They receive no reimbursement from another organization or agency for transportation, mileage, meals, or lodging.

The amounts paid are determined by the County Executive and in relation to the U.S. General Services Administration (USGA) allowances and the United States Internal Revenue Service at the time that the expense or travel is incurred. Initially, an employee's department head must review and approve all travel allowance requests.

1. Mileage. The County will pay for mileage at a rate approved by the County Executive and consistent with the following procedures and provisions:
  - a. The County has a pool of vehicles available for use whether driving within or outside Cache County limits. The vehicle pool should always be used when possible. The vehicle pool is managed by the Executive Secretary to the County Executive or individual offices where a pool of vehicles are used.
  - b. Check with your department head or their designee or the Executive Secretary for county vehicle availability. If a county vehicle is not available, mileage may be reimbursed for mileage driven in a personal vehicle.
    1. Anyone who drives a private vehicle in the conduct of authorized county business may be reimbursed mileage at the rate allowed by the Internal Revenue Service. Payment shall not cover commuting mileage between the county representative's residence and the work site.
    2. Any employee, official, or county representative before driving either a county owned vehicle or a private vehicle for county business, must show that he or she has a valid Utah Driver License and certify that it will be kept current while driving a vehicle on County business. The employee, official, or county representative is subject to loss of

driving privileges or disciplinary action if the drivers' license is not kept current or should they have any Driving Under the Influence (DUI) or impaired driving infractions within the past five (5) years and more than two (2) moving violations within the previous 24 months. A Drivers' License Report will be printed at least annually on each individual conducting business for the county to ensure their driving privileges for the county remain current.

- A. Any employee who drives a county registered vehicle (even if only once per year) must attend and complete a defensive driving course as defined by the County Risk Management Program
  - B. Accidents involving a county vehicle, or a personal vehicle used while on county time, will be subject to review by the Accident Review Board as required in County Ordinance 2000-14.
3. The employee must ensure the private vehicle used for county business is currently insured by a recognized insurance provider.
- c. The County does not reimburse if another agency is paying mileage for the same trip.
  - d. The above steps (a, b, and c) are to be reviewed and approved by the Department Head when requests for reimbursement are submitted for payment.

2. Meal allowance. The County will pay meal allowances for employees away from home on approved County business according to the following chart:

<u>Base Meal</u>	<u>Leave Before</u>	<u>or</u>	<u>Return After</u>
Breakfast	6:00 a.m.		9:00 a.m.
Lunch	11:00 a.m.		2:00 p.m.
Dinner	4:30 p.m.		7:30 p.m.

Travel allowance for Meals and Incidental Expenses (M&IE) are as shown in the following chart:

Breakfast . . . . .	20 percent of the visiting city's total daily M&IE rate
Lunch . . . . .	30 percent of the visiting city's total daily M&IE rate
Dinner . . . . .	50 percent of the visiting city's total daily M&IE rate

- a. Reimbursements for meals shall be only for meals outside of Cache County except for meals in Cache County when accompanying out-of-town business associates who are in the County on business during a meal period. Meal receipts for local dining with out-of-town business associates will be required for meal reimbursements.
3. Lodging Allowance. The County will pay lodging allowances at a rate approved by the County for employees traveling on approved County business. Employees must present a receipt to receive reimbursement. Lodging costs which exceed the approved allowance are the employee's responsibility unless the employee is approved to stay at a specific facility affiliated with a conference or convention. In such instances, the County will pay the actual cost of the room. The County recommends the use of government hotel rates wherever accepted. The following USGA website provides current suggested reimbursement rates for in-state or out of state lodging and meals:

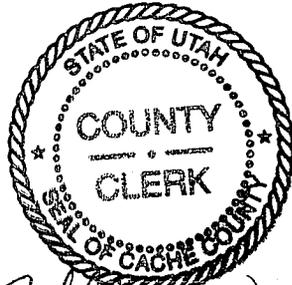
[www.gsa.gov/portal/category/21287](http://www.gsa.gov/portal/category/21287)

4. Out of State Travel. All out of state travel must receive final approval by the County Executive and lodging and meal expenses should be based upon USGA schedules.
- a. The most economical form of transportation should be used when traveling, taking all factors, such as time lost from work, into account. Employees are responsible to arrange for their own transportation;
  - b. On occasion an employee may desire to drive a personal vehicle for out of state travel. To determine the most economical option or to establish costs associated with driving versus flying, the employee will refer to the State of Utah Travel Office for an analysis of travel expenditures. The State of Utah Travel Office will return documentation associated with their analysis and upon receiving said documentation, the employee and their department head will review and make a determination as to which option is most economical for the county. Should the employee wish to drive a personal vehicle, they may do so but will only be reimbursed the amount equal to the lower of the two options of driving versus flying. The following State of Utah website provides current suggested reimbursement analysis:

[www.fleet.utah.gov/travel/](http://www.fleet.utah.gov/travel/)

- Upon opening the above listed webpage, employee should click on the Drive versus Fly Comparison form, enter the requested information, and then submit the information for review. The State of Utah Travel Office will then send an email to the employee with their findings.
- c. If an airline is used, the State of Utah Travel Office will assist the employee in finding the most economical fare. Receipts must be submitted for all air fare.
5. Reimbursement. Employees should submit all requests for reimbursement, together with supporting documentation, within 30 days of the date the expense was incurred.
- a. County funds shall not be used to pay for expenses incurred by individuals who are not County employees.
  - b. Travel expenses must be included in the annual budget for each department anticipating travel, as part of the budget process.
  - c. A County vehicle provided to an employee is not to be used for commuting between work and the employee's residence unless specifically authorized by the Department Head or required under the job description. Emergency vehicles are exempt from this provision.
6. Disclaimer. Cache County reserves the right to make changes in benefits, providers, or other benefit issues at any time.

Adopted on the 23<sup>rd</sup> Day of August 2011.



CACHE COUNTY COUNCIL

By: /s/ Jon White  
Jon White, Chairman

Attested:

/s/ Jill N. Zollinger  
Jill N. Zollinger  
Cache County Clerk