

**APPROVED**

**CACHE COUNTY  
COUNCIL MEETING  
MINUTES  
SEPTEMBER 24, 2013**

**CACHE COUNTY COUNCIL  
SEPTEMBER 24, 2013**

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**CACHE COUNTY COUNCIL MEETING**  
**September 24, 2013**

The Cache County Council convened in a regular session on September 24, 2013 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

**ATTENDANCE:**

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

**The following individuals were also in attendance:** Janeen Allen, Rosemary Christiansen, Chris Harrild, Sharon L. Hoth, Eric Jorgensen, Cheri Mickelson, Dave Nielsen, Rick Rowberry, Director Josh Runhaar, Brad Slater, Annette Summers, **Media:** Shannon Nielsen (Herald Journal), Jenny Christensen (KVNU).

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

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

**REVIEW AND APPROVAL OF AGENDA**

**ACTION:** Motion by Council member Yeates to approve the agenda as written. Robison 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 September 10, 2013 Council Meeting as written. Buttars seconded the motion. The vote was unanimous, 7-0.

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

<b><u>APPOINTMENTS:</u></b>	Dustin Cordell Batt	Cache County Deputy Sheriff
	Brandon Daniel Egbert	Cache County Deputy Sheriff
	Nicholas David Wood	Cache County Deputy Sheriff

**ACTION:** Motion by Council member Zilles to approved the recommended appointments. White seconded the motion. The vote was unanimous, 7-0.

**WARRANTS:** Warrants for the period 09-01-2013 to 09-09-2013 were given to the Clerk for filing.

**OTHER ITEMS:**

- **Millville Fire Report** – Executive Lemon asked Director Josh Runhaar to report on proposed post fire issues of the Millville Canyon fire. Runhaar explained that he is reporting in place of Fire Chief Hammer who could not attend tonight. Runhaar said there have been meetings with the DWR, NRCS, County Fire Department and the County Emergency Response Team. Heavy runoff from rains after a fire is a concern. Most of the canyons in the area are not a concern; however, there are some areas that have a potential to damage homes and the river below from debris and sediment runoff. The DWR will grant permission to cut a fire break from Blacksmith Fork to Millville Canyons. Each of the problem areas will have reinforced silt fencing installed. The NRCS will provide 75% of the funding needed and the other 25% will come from the state. There will be about a week's worth of work by the Road Department on the project.

Council member Zilles asked how much more work is left on the Blacksmith Fork River project. Runhaar said there is about two months' of work left on the Blacksmith Fork.

- **Board of Equalization Additional Hearing Dates** – Executive Lemon indicated a need for two more dates for appeal hearings and recommended October 01 and 03, 2013 both morning and afternoon.

**ACTION: Motion by Council member Zilles to set the mornings and afternoons of October 01 and October 03, 2013 for additional appeal hearings. White seconded the motion. The vote was unanimous, 7-0.**

**UNIT OR COMMITTEE REPORTS**

- ★ **Cache County Library – Cheri Mickelson** reported on the County Library's operations including:
  - Five librarians
  - 30,000 items in collection
  - 97,000 items circulated a year (includes Bookmobile)
  - Wifi service
  - Student programs
  - Summer reading program
  - Book sale
  - Access to state's ebook collection

**(Attachment 1)**

- ★ **Amendments to Travel Policy and Personnel Policy & Procedures Manual, Section VII Personnel Management** – Executive Lemon proposed the policy for per diem rates be a flat \$50.00 for anywhere in Utah and IRS rates will apply for any out-of-state travel.

Executive Lemon explained that the outlined make up of the Employee Compensation Committee has not been followed for the last couple of years and recommends changing the description to match the present committee structure in use which is three Council members, the County Executive and

the Human Resources Director. The Personnel Manual indicates there should be a seven-member Cache County Compensation Committee consisting of two full-time merit employees, one Department Head, one representative from Workforce Services, two human resource professionals from with the community and one business representative or citizen from the local community.

Council member Robison observed that some elected officials feel like the present structure shuts them out of the process.

Potter, Zilles, Yeates and Buttars favor Lemon's proposal.

Council member White said if he were an employee he would wonder who represented him on the committee if it is only Council members, the Executive and HR Director. There should be at least one employee on the committee.

Discussion centered on various committee and subcommittee structures with some comments on how pay increases are implemented by Department Heads.

Vice Chairman Petersen said there are more than two choices; there could be a committee entirely different from the current structure and the Personnel Policy Manual's description and suggested using the current structure (three Council members, County Executive and HR Director) with an employee and Department Head added. Petersen agreed with White and Robison that the perception is that the employee's are not represented on the committee as it is currently functioning.

Robison favors Petersen's suggested committee structure.

Buttars noted that the Council can form any committee or subcommittee it wants to, but the fewer people involved the more gets done. The Council has to weigh the priorities of the employees and Department Heads against what it will cost the citizens.

## **BUDGETARY MATTERS**

### **◆ Intra-Departmental Transfers**

Jail

Transfer \$29,000.00 from  
*Prisoner Supplies*  
to  
*Capitalized Equipment*  
For security door and pod night lighting

County Fair

Transfer \$8,385.00 from  
*Overtime (\$3,795.00), Employee Benefits (\$1,590.00) and Prize Money & trophy (\$3,000.00)*  
to  
*Temporary Employees (\$313.00), Office Expense (\$110.00), Equipment Supplies & Maint (\$6,262.00) and Security and Judges (\$1,700.00)*  
to cover expenses for County Fair

Rodeo

Transfer \$3,500.00 from  
*Special Rodeo Events*  
to  
*Overtime (\$1,396.00), Temporary Employees (\$114.00), Employee Benefits (\$182.00) and Security and Judges (\$1,808.00)*  
to cover expenses for Rodeo

**(Attachment 2)**

**ACTION: Motion by Council member Robison to approve the intra-departmental budget transfers. Yeates seconded the motion. The vote was unanimous, 7-0.**

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

**PUBLIC HEARING: SEPTEMBER 24, 2013 – 5:30 P.M. – VACATING A SECTION OF COUNTY ROAD AND RIGHT-OF-WAY – 11000 North near 3400 East, east of Richmond** – Chris Harrild stated this is tied to the Cherry Creek Ski area. Ski runs will cross the current county road and it is proposed that the current road (which is in very bad condition) be vacated and realigned to a better position. The proposed road would end at a parking area for trailhead parking and then become a twelve-foot wide area that will be graded to a six-foot wide trail to access the wilderness area. Director Runhaar said the six-foot width is to discourage vehicular traffic on that quarter mile of road to the wilderness area. The realignment will take the road out of the creek bed and provide parking and a better trail for hikers. Surrounding property owners are in agreement with the vacating and realignment of the road.

Chairman Potter opened the Public Hearing and invited public comment.

John Chadwick (Cherry Creek Ski Area Developer) said the width of the realigned road does not matter to the developers if the county wants the twelve-foot width road. Chadwick also pointed out that the proposed spillover parking lot for the ski area will be available for trailhead parking as well.

There was no further public comment.

**ACTION: Motion by Council member Yeates to close the Public Hearing. Petersen seconded the motion. The vote was unanimous, 7-0.**

Director Runhaar said this will be back on the October 08, 2013 Council meeting agenda for a decision and he will allow the developer to continue with work in the meantime if the Council concurs.

Council member Zilles said he wants to be certain that the realignment is in place before the current road is vacated. Runhaar assured him that will be the case.

**PUBLIC HEARING: SEPTEMBER 24, 2013 – 6:00 P.M. – AMENDMENTS TO TITLES 10 AND 12** – Director Runhaar observed that these sections were written in the 70's and most of the amendments are a clean up of language and deal with the following:

- County Executive (position did not exist in the 70's)
- Roadway acceptance
- Rights-of-way, roadways and transportation facilities
- Closure of roads
- Road signs
- Off-road vehicles
- Private property
- Damage to roadways
- Penalties
- Road standard section – violation of road standards
- Non-posted speed limit

There was discussion over the proposed 30 mph speed limit on unposted county roads with the feeling that was too low. Council member Zilles asked for the opinion of Deputy Sheriff Brad Slater who was in attendance. Slater said law enforcement will do what it is asked to do, but agreed that many rural roads would support a 35-45 mph speed limit.

Chairman Potter opened the Public Hearing and invited public comment. There was none.

**Council member Buttars left the meeting.**

**ACTION: Motion by Vice Chairman Petersen to close the Public Hearing. Yeates seconded the motion. The vote was unanimous, 6-0. Buttars absent.**

**Council member Buttars rejoined the meeting.**

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

**PUBLIC HEARING SET: OCTOBER 08, 2013 – 5:40 P.M. – SPRINT-CROW MOUNTAIN REZONE – Requested Rezone of area surrounding the existing three (3) facility pad sites (~0.75 acres) located on the 183-acre parcel number 08-020-0001 and the entirety of parcel number 08-020-0010 (1 acre) currently zoned Agricultural (A10) Zone to include the Public Infrastructure (PI) Overlay Zone located approximately 7603 North 1000 East, north of Smithfield on the top of Crow Mountain**

**ACTION: Motion by Council member White to set a Public Hearing – October 08, 2013-5:40 p.m. – Sprint-Crow Mountain Rezone, etc. Zilles seconded the motion. The vote was unanimous, 7-0.**

**PENDING ACTION**

- **Budget Priorities - Discussion** – Executive Lemon distributed and reviewed several handouts including: 2014 Property Tax Revenue Forecast, history of past County tax increases, 2014 Revenue Budget Forecast-Schedule of Sales and Use Taxes, Cache County payroll forecast for period ended September 07, 2013, 2013 Department Budgets – 5% Proposed Cut and 2014 Payroll Budget Proposals 2% and 3% Increases and asked the Council to review them as they consider budget priorities.

Lemon noted that the Utah House did pass a one-year extension of the Secure Rural Schools Bill for 2015 and the Utah Senate passed an extension for 2014 so there may be a one-year extension of the funding.

**Vice Chairman Petersen left the meeting at 6:50 p.m.**

There was additional discussion concerning employee compensation and salaries for elected officials and the Council's role in those issues. Chairman Potter said he has heard over and over again that the elected officials want input on the compensation committee; however, there are essentially two matters the Council is charged with – legislative issues and budget and the Council doesn't have the opportunity to get involved with the elected officials' offices, should elected officials have that much input in what the Council does with its decisions? Potter favors allocating an amount instead of a percentage for wage adjustments.

Lemon said capital projects have not been included in past budgets, but have always been funded by budget savings realized during the year and asked if the Council wants to continue to do that. Chairman Potter said if it has worked before, Lemon should do it again.

Chairman Potter and the Council asked Executive Lemon to inform Department Heads to come to the budget meetings that begin next week with the following information: job description, accomplishments, budget, problem areas, proposed budget for upcoming year, specific requests, increases or decreases in personnel and general statistics for their offices.

Executive Lemon said he usually meets with the smaller offices that are not general fund departments first and does the larger offices last.

- **Upcoming Departmental Budget Workshops – Discussion** – Executive Lemon proposed October 01 and October 08, 2013 at 5:00 p.m. as Budget Workshop dates. Chairman Potter asked Executive Lemon to email the Council the retirement and health cost increases prior to the first meeting.

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Resolution No. 2013-19 – Authorizing the County Executive to Execute the Renewal of an Interlocal Lease Agreement with Trenton, Amalga, Cornish and Newton for the use and operation of the Trenton Gravel Pit** – Executive Lemon said the County has had a long-term lease with these communities and it is expiring soon.

(Attachment 3)

**ACTION:** Motion by Council member Yeates to waive the rules and approve Resolution No. 2013-19 – Authorizing the County Executive to Execute the Renewal of an Interlocal Lease Agreement with Trenton, Amalga, Cornish and Newton for the use and operation of the Trenton Gravel Pit. Zilles seconded the motion. The vote was unanimous, 6-0. Petersen absent.

**Discussion on the motion:**

Council member White feels the cities should pay something for the use of the gravel pit. Lemon and other Council members explained that the gravel is not good quality and cannot be used by the county for its projects.

- **Resolution No. 2013-20 – Setting the Amount of Reimbursement for Travel and Per Diem Costs for County Employees and Officers (a Revision of Resolution No. 2011-17)**

(Attachment 4)

**ACTION:** Motion by Council member Buttars to waive the rules and approve Resolution No. 2013-20 – Setting the Amount of Reimbursement for Travel and Per Diem Costs for County Employees and Officers (a Revision of Resolution No. 2011-17). Robison seconded the motion. The vote was unanimous, 6-0. Petersen absent.

- **Resolution No. 2013-21 – Amending Personnel Policy & Procedures Manual, Section VII Personnel Management** *(NO ACTION TAKEN)*
- **Property Tax Abatement Request** – Executive Lemon explained the circumstances of the request and recommended approval. *(Details are on file in the Cache County Auditor's office.)*

**ACTION:** Motion by Council member Yeates to approve the Property Tax Abatement Request. Robison seconded the motion. The vote was unanimous, 6-0. Petersen absent.

**OTHER BUSINESS**

- ✓ **USACCC 2013 Fall Conference – September 25-27, 2013 – Midway** – Buttars, Potter, Robison & Yeates will attend.

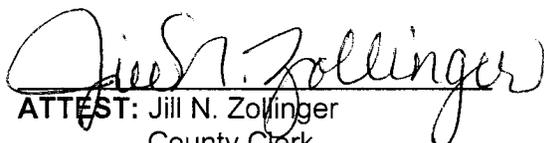
- ✓ UAC 2013 Annual Convention – November 13-15, 2013 – St. George –  
Buttars, Lemon, Potter, Robison, Yeates & Zilles plan to attend.

**COUNCIL MEMBER REPORTS**

**Gordon Zilles** asked if the gate that was reported across Franklin Basin Road had been checked on. Deputy Slater said it was checked out and he will check it again tomorrow to be sure there isn't a problem. Council member Yeates arranged to accompany Slater and will report back to Zilles on their findings.

**ADJOURNMENT**

The Council meeting adjourned at 7:35 p.m.

  
ATTEST: Jill N. Zollinger  
County Clerk

  
APPROVAL: Val Potter  
Chairman

Cheri Mickelson  
Director  
Cache County Library

1. **We have 5 County librarians...** Nadine Hall, Cindy Bishop, Jean Harris, myself, and Shurie, Bailey.



2. **We have about 30,000 items in our collection of books, audio books, and videos.** We are so enjoying our new shelves so we can keep our collection updated with the **latest best sellers and most requested titles.** Between the bookmobile and the library itself, **we circulate more than 97,000 items a year.** That is **5 times the number of households in Cache County outside of Logan City.** (Keep in mind, this is with 6 city libraries in Cache County and we still have these kind of numbers.)



3. **We have 8 computers and provide WIFI services.** Out of the eight computers, one is a catalog computer and two are for children to use. The children computers have games on them for the children to play. We are looking forward to getting new computers for the children and a laptop computer to connect to our big screen T.V.

A. **We proctor tests** for many students from Weber State as well as high school students.

B. **We assist in the utilization of our computers.**

C. **We are receiving training** to help patrons download books to their own devices.



5. We have access to books that are not in our collection. We can order them through the **Inter-Library Loan System**. If another library has a book that a patron wishes to borrow, we can acquire it for them for just the cost of the return postage. The State will be taking over the Inter-Library Loans and then the patrons can receive the books for free.

6. **We offer field trips to various groups.** We have many scout groups that come in for tours. We had 12 classes (close to 300 students) come from Providence Elementary to tour our library in May. We issued 83 new library cards in the last 2 weeks of May.

7. Did you read of the success of our **Summer Reading Program** in the newspaper? We had almost 90 patrons that came in weekly for the preschool story time. We had 60 children that came in weekly for the elementary age activities. We had fun with books, worm races, dinosaur digs, and invited guests from the Willow Park, the Dinosaur Park in Ogden, and from the community. We are excitedly looking forward to next year's Science theme.

8. We average more than **90 people a week that come in for our preschool story time activities**. The songs we sing, the stories, the predictions the children make about what will happen next in the story, the rhyming of words, the saying of words fast and saying them slow are all important pre-reading skills. The children love doing the crafts at the end of story time.



9. We **highlight an author** each week in a display at the circulation desk. We provide activity pages for children to take home that tie into the author's books.



10. We had a **book sale** in June. We so appreciate the generous donations that help us to bring in monies.

**PLEASE COME IN and see what we have to offer to you!**

**REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER**

DEPARTMENT: Jail  
 DATE: 9/19/2013

Amount to be transferred -- (rounded to the nearest dollar) \$29,000.00

Transfer From ---

Line Item No. :	<u>Prisoner Supplies</u>	
Line Description:	<u>100-4230-200</u>	
Original Budget:		<u>\$252,000.00</u>
Current Budget:		<u>\$252,000.00</u>
Expenditures to date:		<u>\$116,565.58</u>
Balance before transfer:		<u>\$135,434.42</u>
Balance after Transfer:		<u>\$106,434.42</u>

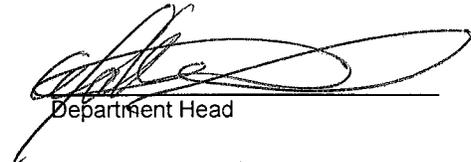
Transfer To ---

Line Item No. :	<u>Capitalized equipment</u>	
Line Description:	<u>100-4230-740</u>	
Original Budget:		<u>\$1,700.00</u>
Current Budget:		<u>\$1,700.00</u>
Expenditures to date:		<u>\$1,466.00</u>
Balance before transfer:		<u>\$234.00</u>
Balance after Transfer:		<u>\$29,234.00</u>

Description of needs and purpose of transfer ---  
for security door and pod night lighting

Recommendation: [  ] Approval [  ] Disapproval  
 Comments:

Date: 9/19/2013

  
 Department Head

Jamra Stones  
 Cache County Auditor

Recommendation: [  ] Approval [  ] Disapproval  
 Comments:

Date: 9/19/2013

  
 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 24<sup>th</sup> day of September, 2013.



John N. Zollinger  
 Cache County Clerk

**REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER**

DEPARTMENT: COUNTY FAIR  
 DATE: 20-Sep-13

Amount to be transferred -- (rounded to the nearest dollar) \$ 8,385

**Transfer From ---**

ACCOUNT	DESCRIPTION	Current Budget	Increase DR	Decrease CR	Amended Budget
100-4620-115	Overtime	\$ 8,000		\$ (3,795)	\$ 4,205
100-4620-240	Employee Benefits	\$ 3,000		\$ (1,590)	\$ 1,410
100-4620-290	Prize Money & trophy	\$ 39,500		\$ (3,000)	\$ 36,500

**Transfer To ---**

100-4620-120	Temporary Employees	\$ 1,500	\$ 313		\$ 1,813
100-4620-240	Office Expense	\$ 600	\$ 110		\$ 710
100-4620-250	Equipment supplies & maint	\$ 22,000	\$ 6,262		\$ 28,262
100-4620-620	Security and Judges	\$ 2,800	\$ 1,700		\$ 4,500
<b>Totals</b>			<u>\$ 8,385</u>	<u>\$ (8,385)</u>	\$ -

Net adjustment \$ -

Description of needs and purpose of transfer ---  
TO COVER EXPENSES FOR COUNTY FAIR.

*Gene Zollinger*  
 Department Head

Recommendation:  Approval  Disapproval

Date: 20-Sep-13

*Jamra Stones*  
 Cache County Auditor

Recommendation:  Approval  Disapproval

Date: 20-Sep-13

*M. Lynn Benson*  
 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 24<sup>th</sup> day of September, 2013.



*Gene Zollinger*  
 Cache County Clerk

**REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER**

DEPARTMENT: Rodeo  
 DATE: 20-Sep-13

Amount to be transferred -- (rounded to the nearest dollar) \$ 3,500

**Transfer From ---**

ACCOUNT	DESCRIPTION	Current Budget	Increase DR	Decrease CR	Amended Budget
100-4621-650	Special Rodeo Events	\$ 8,500		\$ (3,500)	\$ 5,000

**Transfer To ---**

100-4621-115	Overtime	\$ 1,000	\$ 1,396		\$ 2,396
100-4621-120	Temporary Employees	\$ 500	\$ 114		\$ 614
100-4621-130	Employee Benefits	\$ 500	\$ 182		\$ 682
100-4621-480	Security and Judges	\$ 1,350	\$ 1,808		

Totals

\$ 3,500   \$ -

Net adjustment

\$ 3,500

Description of needs and purpose of transfer ---  
 TO COVER EXPENSES FOR RODEO.

*Jim Zollinger*  
 Department Head

Recommendation:    Approval    Disapproval

Date: 20-Sep-13

*Jamra Stones*  
 Cache County Auditor

Recommendation:    Approval    Disapproval

Date: 20-Sep-13

*M. Lynn Benson*  
 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 24<sup>th</sup> day of September, 2013.



*Jim Zollinger*  
 Cache County Clerk

CACHE COUNTY  
RESOLUTION NO. 2013-19

A RESOLUTION AUTHORIZING THE CACHE COUNTY EXECUTIVE TO EXECUTE A RENEWAL OF AN INTERLOCAL LEASE AGREEMENT WITH TRENTON TOWN, AMALGA TOWN, CORNISH TOWN AND NEWTON TOWN FOR THE USE, OPERATION, AND CONTROL OF THE TRENTON GRAVEL PIT

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to enter into a renewal of an Interlocal Lease Agreement with Trenton Town, Amalga Town, Cornish Town, and Newton Town for the use, operation, and control of the Trenton Gravel Pit.

NOW, THEREFORE BE IT RESOLVED that the Cache County Executive is hereby authorized to execute a renewal of an Interlocal Lease Agreement as shown in "Addendum A" attached hereto and made a part hereof.

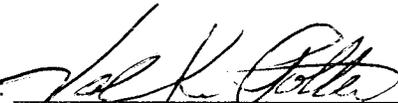
This Resolution shall take effect immediately upon adoption.

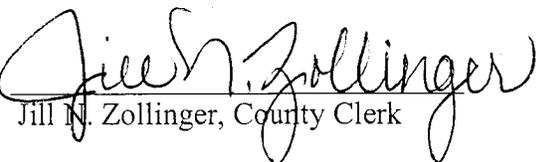
DATED this 24<sup>th</sup> day of September, 2013

CACHE COUNTY COUNCIL



ATTEST:

By:   
Val K. Potter, Chairman

By:   
Jill N. Zollinger, County Clerk

CACHE COUNTY, UTAH

# **ADDENDUM A**

**CACHE COUNTY CONTRACT / AGREEMENT  
EXECUTION CHECKLIST**

County Agreement No.: 14-16

Contracting Parties: TRENTON, AMALGA, CORNISH & NEWTON  
CACHE COUNTY

Description: INTERLOCAL LEASE AGREEMENT FOR THE USE,  
OPERATION AND CONTROL OF THE TRENTON  
GRAVEL PIT

( X ) Agreement is complete with all attachments and ready to be executed

Initials LL Date 10/2/13

( X ) County Clerk's Office has assigned a Contract / Agreement Number

Initials DO Date 2/7/14

( X ) County Attorney's Office has reviewed the contract and rendered a legal opinion

Initials JS Date 10/1/13

( ) Approval of the County Council is required and has been given, or

Initials JA Date 10/2/2013

( X ) Approval of the County Council is NOT required

Initials \_\_\_\_\_ Date \_\_\_\_\_

cc: County Auditor  
County Attorney  
County Executive

TRENTON TOWN, PO BOX 77, 84338

AMALGA TOWN 8254 N 20 WEST, 84335

CORNISH TOWN 4788 W 14300 N, 84308

NEWTON TOWN PO BOX 146, 84327

**THIS RESOLUTION WAS FILED 2/7/14-**

**KEEP WITH RESOLUTION 2013-19**

02/10/2014                      02/10/2014  
Date emailed                      Date scanned

CACHE COUNTY CONTRACT / AGREEMENT  
EXECUTIVE OFFICE EXECUTION CHECKLIST

14-16

Contract Number \_\_\_\_\_

Contracting Parties Trenton Town, Amalga Town, Cornish Town and Newton Town

Cache County

Description: Interlocal Lease Agreement for the Use, Operation and Control of the Trenton Gravel Pit

County Attorney's Office has reviewed the contract and rendered a legal opinion.

Signature [Signature] Date 10/1/13

Approval of the County Council **IS** required and has been given

Signature [Signature] Date 10/2/13 Resolution 2013-19

Approval of the County Council **IS NOT** required

Signature \_\_\_\_\_ Date \_\_\_\_\_

Approved and signed by County Executive

Signature [Signature] Date 10/2/13 Copies 2

Agreement is complete with all attachments and ready to be executed.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Comment / Action:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into this 1st day OCTOBER, 2013, by and between CACHE COUNTY, a duly created and existing County Corporation in the State of Utah, hereinafter referred to as "Lessor", and TRENTON, UTAH, a Utah municipal corporation within Cache County, Utah, representing and acting on behalf of Newton, Cornish, and Amalga, Utah, all Utah municipal corporations, hereinafter referred to collectively as Lessees".

THIS LEASE AGREEMENT is made and entered into by the parties based upon the following:

- A. On or about October 31, 1983, the parties entered into a 30-year lease agreement for the leasing by the Lessees of the gravel pit owned by the Lessor located South of Trenton town and being specifically described as follows:

Part of the Southwest quarter of Section 3, Township 13 North, Range 1 West of the Salt Lake Base and Meridian, described as follows:

Beginning at the West quarter corner of said Section 3, and running thence East, 9.00 chains, more or less to its intersection of the West right-of-way line of State Highway No. 23; thence in a Southeasterly direction following the West right-of-way line of said highway to a point that is East, 11.00 chains, from a point South, 6.50 chains from the point of beginning; thence West, 11.00 chains; thence North, 6.50 chains, more or less to the place of beginning. Contains 6.50 acres, more or less.

- B. At its meeting on September 24, 2013, the Cache County Council agreed that the subject property was surplus to County needs and disposal of the gravel pit property was not feasible based on market conditions and not in the public interest; and authorized a new lease agreement to be entered for the continuing use and operation of the gravel pit.
- C. In conformance with Section 3.40.020 (E) of the Cache County Code the subject property is to be offered for lease. The following local communities have expressed interest in leasing the subject property from the County: Trenton Town, Amalga Town, Cornish Town, and Newton Town.

NOW, THEREFORE, in consideration of the terms and covenants contained in this agreement, the parties hereto do hereby agree as follows:

1. The Lessor hereby leases to the Lessees the gravel pit owned by Lessor, said pit being described in the above Paragraph A.
2. The cost of the lease is \$100.00 per year payable to the Lessor and due at the lease signing and by the following January 30 of each calendar year of the lease period.

3. The term of this lease shall be for a period of five (5) years unless terminated sooner by mutual agreement of both parties or by either party for cause which shall be interpreted and defined to mean for a breach of the terms hereof which breach shall remain uncorrected for a period of fifteen (15) days after the service of written Notice of Default, specifying the default, upon the defaulting party by the non-defaulting party.
4. During the term of said lease, the Lessees shall have the right to the use, operation, and control of said gravel pit. Lessees agree to, and hereby do, assume full responsibility as to the said premises for the management of said pit, safety of all persons on or about said premises, removal of gravel from the pit, and the distribution of gravel as well as the collection of revenues therefrom, which revenue shall belong to Lessees.
5. Lessees further covenant and agree that Lessees will hold the Lessor harmless from any liability or responsibility for any injury, accident, or damage incurred by any person upon the leased premises except for any injury, accident or damage resulting from intentional and/or negligent acts of any agent, employee or representative of Lessor, and Lessees further covenant and agree that Lessees will maintain full public liability insurance for the protection of all persons in and about the premises with said public liability insurance being subject to the approval of the Lessor as to coverage, which approval shall not be unreasonably withheld.
6. Lessees further agree to indemnify the Lessor as to any costs or liability incurred by said Lessor as the result of any injury, accident or damage incurred by any person upon the leased premises, subject to the same exception as is set forth in Paragraph 5, above, and specifically in addition thereto, to assume all responsibilities and to indemnify the Lessor for any costs involved with respect to any claims for such injury, damage or accidents, including the defense of any legal action.
7. Lessees specifically agree to file with the Cache County Clerk, upon the execution of this agreement, complete copies of Lessees' public liability insurance policies establishing specific liability coverage on the part of Lessees as to said gravel pit.
8. Upon the termination of this lease, the property shall be returned to the Lessor in good condition with all debris, trash, equipment, materials or otherwise being removed or being disposed of in a manner approved by the Lessor and it is further agreed that the Lessees shall fill in any holes or depressions that have been created on the premises in a reasonable manner subject to the approval, of the Lessor.
9. In the event of the failure of the Lessees to fully perform the terms of this lease and upon the termination of this lease, whether by court order, mutual agreement, for cause, expiration of the lease term, or otherwise, the leased premises together with

any improvements, including any fixtures, fences, signs or other improvements, placed thereon by Lessees during the term of this lease shall revert to the Lessor which shall be entitled to the exclusive ownership and possession thereof.

10. Neither this lease nor the subject property may be assigned, sub-let, or transferred without the prior written consent of the Lessor. Any assignment, sub lease, or transfer made without such consent shall be deemed a default and grounds for termination of this lease. The failure of the Lessor to exercise its rights to declare a default in one instance shall not prevent it from exercising its rights in other situations.
11. This lease is conditioned upon the use of the premises as a gravel pit for the benefit of Trenton Town, Newton Town, Cornish Town, Amalga Town, and the unincorporated areas of the County in that general area, subject to control of the same by Lessees as set forth in Paragraph 3, above. No other uses are permitted, and Lessor shall pay for any gravel it extracts from said gravel pit according to the then current fee schedule.
12. Each of the individual Lessees named in paragraph 11, above, recognize the difficulty to be anticipated if the Lessor were to deal with them all individually with respect to problems that may arise hereunder. For this reason, they collectively agree to designate the duly elected and acting Mayor of Trenton Town as their agent and representative for the purposes of this Lease Agreement and as their liaison with Lessor. Said mayor agrees to contact the other Lessees on any questions or problems that may arise and to then deal with Lessor for and on behalf of all Lessees. Lessor need only contact said representative and agent who shall then contact the other Lessees for response and input. By executing this Agreement, all Lessees agree to this arrangement and to all the terms and conditions hereof. A new representative can be designated by Lessees, provided written notice thereof is delivered to Lessor at least thirty (30) days prior to the effective date of such change.
13. The terms and conditions of this lease shall be binding upon and are for the benefit of the parties and their assigns, and successors in interest, if any.
14. The County Executive who signs this agreement was duly authorized under a resolution duly adopted by the County Council at lawful meeting duly held and attended by the Council members.
15. The Mayors who sign this agreement were duly authorized under resolutions duly adopted by their respective Town or City Councils at lawful meetings duly held and attended by the Council members.

IN WITNESS WHEREOF, the parties have executed this agreement which shall be effective as of the 1st day of October, 2013.

CACHE COUNTY

By M. Lynn Lemon  
M. Lynn Lemon, County Executive

ATTEST:

Jill Zollinger  
Jill Zollinger, County Clerk



TRENTON TOWN

By \_\_\_\_\_  
Ed Cottle, Mayor

ATTEST:

\_\_\_\_\_  
Town Recorder

NEWTON TOWN

By Clair Christiansen  
Clair Christiansen, Mayor

ATTEST:

Karl R. Fager  
Town Recorder

CORNISH TOWN

By \_\_\_\_\_  
Joseph Hansen, Mayor

ATTEST:

\_\_\_\_\_  
Town Recorder

AMALGA TOWN

By \_\_\_\_\_  
David Wood, Mayor

ATTEST:

\_\_\_\_\_  
Town Recorder

CACHE COUNTY

By M. Lynn Lemon  
M. Lynn Lemon, County Executive

ATTEST:

Jill Zollinger  
Jill Zollinger, County Clerk



TRENTON TOWN

By Edward Lee Cottle  
Ed Cottle, Mayor

ATTEST:

Marall Smith  
Town Recorder

NEWTON TOWN

By \_\_\_\_\_  
Clair Christiansen, Mayor

ATTEST:

\_\_\_\_\_  
Town Recorder

CORNISH TOWN

By \_\_\_\_\_  
Joseph Hansen, Mayor

ATTEST:

\_\_\_\_\_  
Town Recorder

AMALGA TOWN

By David Wood  
David Wood, Mayor

ATTEST:

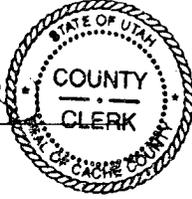
Maria S. [Signature]  
Town Recorder

CACHE COUNTY

By M. Lynn Lemon  
M. Lynn Lemon, County Executive

ATTEST:

Jill Zollinger  
Jill Zollinger, County Clerk



TRENTON TOWN

By Edward Lee Cottle  
Ed Cottle, Mayor

ATTEST:

Marall Smith  
Town Recorder

NEWTON TOWN

By \_\_\_\_\_  
Clair Christiansen, Mayor

ATTEST:

\_\_\_\_\_  
Town Recorder

CORNISH TOWN

By Joseph Hansen  
Joseph Hansen, Mayor

ATTEST:

Mitchell  
Town Recorder

AMALGA TOWN

By \_\_\_\_\_  
David Wood, Mayor

ATTEST:

\_\_\_\_\_  
Town Recorder

**CACHE COUNTY GOVERNMENT  
179 NORTH MAIN  
LOGAN UT 84321  
435-755-1700**

Receipt No: **3.020874**

Dec 06, 2013

TRENTON

100-36-20000 RENTS & CONCESSIONS  
GRAVEL PIT ANNUAL LEASE PMT

100.00

Total:

100.00

CHECK CVB Chk No: 04216

100.00

Total Applied:

100.00

Change Tendered:

.00

12/10/2013 10:25

CACHE COUNTY FISCAL PROCEDURES ORDINANCE

Appendix

CACHE COUNTY  
RESOLUTION NO. 2013 - 20

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 is 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 or 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 charts:

<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.

***Meal Per Diem's shall not be charged on any county credit cards!***

Travel allowance for Meals and Incidental Expenses (M&IE) are as follows:

- a. ANY LOCATION WITHIN THE STATE OF UTAH:
  - Breakfast \$10
  - Lunch \$15
  - Dinner \$25
- b. ANY LOCATION OUTSIDE THE STATE OF UTAH:
 

Meals and Incidental Expenses (M&IE) will follow the United States General Services Administration (GSA) Per Diem rates:

  1. Go to the website GSA.gov (<http://gsa.gov>)
  2. Under Links choose *Per Diem Rates*
  3. On the map of the United States, click the state to be visited
  4. If the town/city to be visited is available, identify the per diem amount for *Meals & Incidental Expenses* OR use the *Standard Rate*
  5. Click on the *Meals & Inc. Exp.* at the top of the column
  6. Identify the per diem amount for the town/city to be visited OR the *Standard Rate* and the corresponding breakdown of dollar allocation for breakfast/lunch/dinner (see chart below).
  7. Print a copy of per diem chart showing the amount for the town/city to be visited and attach the copy to the per diem request.

**Example:** If you are visiting San Antonio, Texas for a conference, and the per diem rate is \$66; the breakfast/lunch/dinner for meal allowance is as follows:



M&IE Total	\$46	\$51	\$56	\$61	\$66	\$71
Continental Breakfast/ Breakfast	\$7	\$8	\$9	\$10	\$11	\$12
Lunch	\$11	\$12	\$13	\$15	\$16	\$18
Dinner	\$23	\$26	\$29	\$31	\$34	\$36
Incidentals	\$5	\$5	\$5	\$5	\$5	\$5

NOTE: A shortcut to this page is [www.gsa.gov/mie](http://www.gsa.gov/mie).

- c. 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. Per Diems may be paid in advance with the approval of the department head.
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. If government rates or conference rates are not available the county will reimburse the GSA rate plus a \$50.00 cap and not to exceed hotel room cost. The following GSA website provides suggested reimbursement rates for in-state lodging and 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 GSA 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.
  - d. Reimbursements will be paid in conjunction with the next payday.
6. Disclaimer. Cache County reserves the right to make changes in benefits, providers, or other benefit issues at any time.

Adopted on the 24th day of September 2013.



CACHE COUNTY COUNCIL

By: /s/ Val Potter  
Val Potter, County Council Chairman

Attested:

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

# CACHE COUNTY FISCAL PROCEDURES ORDINANCE

## Appendix

### CACHE COUNTY RESOLUTION NO. 2011 - 17 - revision

#### 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.

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  - 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.
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Under the Influence (DUI) or impaired driving infractions within the past five (5) years or 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.

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Dinner	4:30 p.m.		7:30 p.m.

**Meal Per Diem's shall not be charged on any county credit cards!**

Travel allowance for Meals and Incidental Expenses (M&IE) are as follows: 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. ANY LOCATION WITHIN THE STATE OF UTAH:

- Breakfast     \$10
- Lunch         \$15
- Dinner         \$25

b. ANY LOCATION OUTSIDE THE STATE OF UTAH:

Meals and Incidental Expenses (M&IE) will follow the United States General Services Administration (GSA) Per Diem rates:

1. Go to the website GSA.gov (<http://gsa.gov>)
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  - 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:

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  - d. Reimbursements will be paid in conjunction with the next pay day.
6. Disclaimer. Cache County reserves the right to make changes in benefits, providers, or other benefit issues at any time.

Adopted on the \_\_\_\_\_.

CACHE COUNTY COUNCIL

By: /s/ \_\_\_\_\_  
Val Potter, County Council Chairman

Attested:

/s/ \_\_\_\_\_

Jill N. Zollinger, Cache County Clerk