

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
FEBRUARY 11, 2014**

**CACHE COUNTY COUNCIL
FEBRUARY 11, 2014**

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**CACHE COUNTY COUNCIL MEETING
February 11, 2014**

The Cache County Council convened in a regular session on February 11, 2014 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

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

The following individuals were also in attendance: Janeen Allen, Chris Harrild, Sharon L. Hoth, Kristine Johnson, Mark Maughan, Scott Moake, Sharon Moake, Tyler Moake, Dave Nielsen, Director Josh Runhaar, Chris Slater, Steven Taylor, **Media:** Shannon Nielsen (Herald Journal), Jenny Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Council member Zilles to approve the agenda as written. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Buttars to approve the minutes of the January 28, 2014 Council meeting as written. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were no appointments.

WARRANTS: Warrants for the periods 12-14-2013 to 12-20-2013 and 01-25-2014 to 01-31-2014 were given to the Clerk for filing.

OTHER ITEMS:

- RAPZ/Restaurant Tax** – Executive Lemon announced that applications for RAPZ/Restaurant Tax funding are now available on line and are due back by March 7, 2014 at 5:00 p.m. Lemon will notify Mayors by email.

- **Cloud Seeding Report** – Executive Lemon said the latest report shows Cache County at 103% of snow water and 92% of water year to date.

UNIT OR COMMITTEE REPORTS

- **Senior Citizens Center – Kristine Johnson** reported the following for 2013:
 - 35,000 meals on wheels
 - 11,685 seniors served meals at the Center
 - Transportation offered to 1,477 seniors
 - New activities – Breakfast Club, Pickle ball, Wii Tournament, Senior University, tax preparation assistance
 - Volunteers – Meals on Wheels(6,371 hours), Center(860 hours), Quilters(4,494 hours)

Johnson thanked the IT Department for its help with their web page and invited Council members to visit the Center.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: FEBRUARY 25, 2014 – 5:45 P.M.-OPEN 2014 BUDGET

ACTION: Motion by Council member Zilles to set a Public Hearing for February 25, 2014 – 5:45 p.m. to Open 2014 Budget. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PENDING ACTION

- **Moake Rezone from A10 to RU2** – Scott and Sharon Moake requesting approval for the rezoning of 10 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located approximately 13975 North 400 West, Beaver Dam.

Director Runhaar provided proposed costs and revenues of a Special Improvement District to help defray expenses for roads in the area. Runhaar believes the costs are prohibitive.

Council member Zilles observed this underscores the need for a serious discussion on the RU2 and RU5 zones.

Council member Buttars left the meeting at 5:44 p.m.

Council member Merrill remarked that the applicant meets the current requirements. A new/revised master plan would address such issues and is sorely needed.

(Attachment 1)

ACTION: Motion by Council member Zilles to approve the Moake Rezone from A10 to RU2; with the understanding that the Cache County Council will not entertain any other zone changes until the Council arrives at an agreement on the use of the zones. Merrill seconded the motion. The motion passed, 4 aye – Merrill, Potter, Robison & Zilles and 1 nay - White. Buttars & Yeates absent.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2014-01 – Governing the Reporting of Campaign Finance**
(NO ACTION TAKEN) – Attorney Swink stated the code indicates that an ordinance governing campaign finance reporting shall be instituted by a county and he is writing such. It will be available for the Council to review in the near future. The county is currently operating under the requirements in Utah's Lieutenant Governor Code.

Chairman Potter asked Attorney Swink to include a one-page summary of the ordinance when it is presented at the next meeting.

- **Resolution No. 2014-03 – Authorizing the Creation of a Water Conservancy District Plan** – Executive Lemon and Bob Fotheringham indicated the Bureau of Reclamation requires the county pass this resolution creating a plan that shows there are matching funds available.

(Attachment 2)

ACTION: Motion by Council member Zilles to waive the rules and approve Resolution No. 2014-03-Authorizing the Creation of a Water Conservancy District Plan. White seconded the motion. The vote was unanimous, 5-0. Buttars & Yeates absent.

- **Resolution No. 2014-04 – Amending Personnel Policy & Procedure Manual, Section VII Personnel Management** – Executive Lemon said this is to formally adopt the section of the personnel policy and procedures manual that establishes the make up of the Employee Compensation Committee.

(Attachment 3)

ACTION: Motion by Council member White to waive the rules and approve Resolution No. 2014-04 – Amending Personnel Policy & Procedure Manual, Section VII Personnel Management. Zilles seconded the motion. The vote was unanimous, 5-0. Buttars & Yeates absent.

- **Resolution No. 2014-05 – Deferred Compensation through Utah Association of Counties (UAC)** – Executive Lemon indicated there is a retirement plan with the Utah Retirement System. The UAC board has adopted another compensation plan. This resolution would give Cache County's support of the UAC adopted plan.

Chairman Potter said this does not commit the county to the plan; it simply allows the plan to be presented as an option for the County. Lemon said employees can opt to contribute to it, but the County will not provide any funding for the plan.

Vice Chair Robison expressed reservations about the manner in which the plan has been promoted by a close family member of the party offering the plan.

(Attachment 4)

Council member Buttars returned to the meeting at 6:12 p.m.

ACTION: Motion by Council member White to waive the rules and approve Resolution No. 2014-05 – Deferred Compensation through Utah Association of Counties (UAC). Zilles seconded the motion. The motion passed, 4 aye – Buttars, Merrill, Potter & White and 2 nay – Robison & Zilles. Yeates absent.

- **Property Tax Deferral Request** – This item was moved to the February 25, 2014 Council meeting awaiting supporting documentation.
- **Approval of Personal Property Tax Delinquency Abatements** – Executive Lemon stated these are abatements recommended by the County Assessor and the reasons are listed on the document given to the Council. *(Details are on file in the Cache County Assessor's Office.)*

ACTION: Motion by Council member Buttars to approve the recommended Personal Property Tax Delinquency Abatements. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Discussion – Construction of Storage Building at Fairgrounds** – Executive Lemon reminded the Council this has been discussed previously, but it is now cost effective. Director Runhaar displayed a fairgrounds map on the screen to show the Council where the building will be located.

The Sheriff has expressed a desire to consider a building that would also address his storage needs; however, Runhaar and others observed that the Sheriff's storage needs are much different from the Clerk's, the Fire Department's and the miscellaneous items to be stored in the proposed building. It is believed that the Sheriff's storage needs require a much more expensive building than the metal structure currently proposed.

Runhaar will obtain some firmer bids on the current proposed building.

Other concerns were raised about Logan City's ownership of any new buildings on the fairgrounds site and Chairman Potter asked that those issues be resolved before this building is approved.

OTHER BUSINESS

- ✓ **Meetings with Legislators during Legislative Session** – Saturdays at 7:30 a.m. beginning February 1, 2014 and running through March 8, 2014-Cache County Administration Building Multipurpose Room. Executive Lemon remarked attendance has been good with thirty people at the last meeting.

COUNCIL MEMBER REPORTS

Gordon Zilles asked for an Executive Session at the February 25, 2014 Council meeting to receive an update on pending litigation. Chairman Potter directed Allen to schedule the Executive Session.

Executive Lemon asked how Council members using tablets for this meeting felt about that option. The consensus was supportive of the tablets. Council members may purchase their own and turn in the receipts for reimbursement from the County.

Val Potter offered the following: Contrary to a news report the County has not sold any North Logan property to the Cache County School District; PILT funding received a one-year extension; and Potter received information from UAC regarding elected officials' compensation that he asked the Council to review for comment.

Attorney Swink reminded the Council that the Lincoln Day Dinner will be Friday, February 21, 2014 at the Riverwoods Conference Center and many State and Federal office holders will be in attendance.

ADJOURNMENT

The Council meeting adjourned at 6:55 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Val Potter
Chairman

STAFF REPORT: MOAKE REZONE

10 December 2013

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: Steven C. Taylor

Parcel ID#: 12-046-0003

Staff Recommendation: None

Planning Commission Recommendation: Approval

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION

Reviewed by: Chris Harrild, Planner II

Project Address:

13975 North 400 West
Beaver Dam, Utah 84306

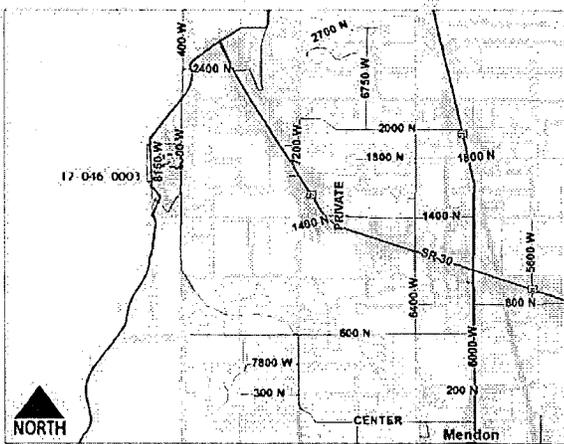
Current Zoning:

Agricultural (A-10)

Acres: 10

Surrounding Uses:

North – Agricultural/Rural 2/Box Elder County
South – Agricultural/Rural 2/FR40
East – Agricultural/Residential
West – Rural 2/Box Elder County/Residential



PURPOSE, APPLICABLE ORDINANCE, AND SUMMARY

Purpose:

To review and make a recommendation to the County Council regarding the proposed Moake Rezone; a request to rezone the 10 acre parcel number 12-046-0003 currently zoned Agricultural (A10) to the Rural 2 (RU2) Zone.

Ordinance:

The current Cache County Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone. The Cache County Comprehensive Plan does not currently support the Rural 2 (RU2) Zone.

The Cache County Ordinance Title §17.08.030[C][3] requires that development within the Rural 2 (RU2) Zone must be appropriately served by suitable public roads, have access to necessary water and utilities, and have adequate public service provision.

Any impacts related to permitted development and conditional uses allowed within the Rural 2 (RU2) Zone will be addressed as part of each respective approval process required prior to site development activities.

Summary:

Staff has identified general information as pertains to the context of the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map and in the following text:

Property Context: There is an existing home on this property. The requested rezone would allow up to five lots, four additional dwellings, on the 10 acre property. This parcel is adjacent to a 70 acre property that was rezoned to the RU2 zone. However, the incremental expansion of high density areas should not be based upon this association alone.

There are also two parcels, ten acres in size that may also anticipate the option to rezone to the RU2 Zone due to their proximity to the 70 acre parcel and this parcel. If rezoned, there is the potential for an additional 10 developable lots and 8 additional dwellings on those two parcels.

Directly to the east of this property, across 8000 West, is the 349 acres of property that recently requested a rezone to the RU2 Zone. That request was denied by the Planning Commission and tabled by the County Council.

Density (see map): Within a one-mile radius of this parcel, the surrounding vicinity is comprised of parcels with an average parcel size of 19.8 acres. Of the parcels that have homes on them the average parcel size is 28.26 acres. This provides an indication of the principally agricultural surroundings.

Zone Placement: As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of said zone was the areas of the unincorporated county adjacent to municipalities. This proposed rezone does not reflect that initial intent as this property is not adjacent to a municipality.

Maintenance Capability: The approval of the RU2 Zone in locations that are distant and/or not adjacent to municipalities increases the maintenance burden and cost to the county. The county is not currently capable of maintaining the existing county roadway systems, and therefore this increased burden is likely to impact the maintenance of all county roads. Consideration of the long term cost to maintain and serve high density areas in the unincorporated county is an appropriate tool when determining necessary action regarding such requests.

Access: Access to this property is from 8000 W and is adequate. This access is a 22' wide paved road with 2' wide gravel shoulders. The access road and water supply to the property for fire protection is adequate.

Public Comment:

Notices were mailed to the property owners located within 300 feet of the subject property. At this time no public comment regarding this proposal has been received by Development Services.

STAFF DETERMINATION

This report has been provided to the Planning Commission and County Council to assist them in their review of this rezone request. No determination or finding(s) of fact has been identified by staff, however all relevant information regarding the rezone request has been provided.

Staff recommends that the Planning Commission and County Council strongly consider the intended location of the RU2 Zone and the long term cost and burden to the county associated with the maintenance of road systems that serve high density areas, and arrive at a determination based on finding(s) of fact prior to any legislative action. Staff will assist in the drafting of a determination and finding(s) of fact once they have been identified by the Planning Commission and/or County Council.

PLANNING COMMISSION DETERMINATION AND FINDINGS OF FACT (4)

It is the Planning Commission's determination that the Moake Rezone located at approximately 13975 North 400 West with parcel number 12-046-0003 is in conformance with the Cache County Ordinance and should be recommended for approval to the Cache County Council. This determination is based on the following findings of fact:

1. The location of the subject property is compatible with the purpose of the proposed Rural 2 zoning district and is appropriately served by suitable public roads, has access to necessary water and utilities, and has adequate public service provision.
2. The subject property is suitable for development within the proposed Rural 2 zoning district without increasing the need for variances or special exceptions.
3. The subject property is suitable as a location for all of the permitted uses within the proposed Rural 2 zoning district as there is an existing cluster of homes in the immediate area.
4. The subject property, when used for the permitted uses in the Rural 2 zoning district, would be compatible with adjoining land uses.



Average Parcel Size: 19.8 Acres
Average Parcel Size With a Home: 28.26 Acres

Legend

- Parcels With Homes
- One Mile Buffer
- Proposed Rezone
- Parcels



**CACHE COUNTY
RESOLUTION NO. 2014 - 03**

**A RESOLUTION AUTHORIZING THE CREATION OF A
WATER CONSERVANCY DISTRICT PLAN FOR CACHE COUNTY**

WHEREAS, Cache County sees the need to prepare a **Water Conservancy District Plan** to bring together entities throughout the County to increase water conservation and delivery efficiency,

WHEREAS, The County desires to obtain grant funding from the Bureau of Reclamation through the **Water Conservation Field Services Program**.

NOW THEREFORE, BE IT RESOLVED that the Cache County Council, agrees and authorizes that:

1. The Water Conservation Field Services application prepared by J-U-B Engineers, Inc. has been reviewed by the Council and supports the contents therein;
2. Cache County is capable of providing the amount of funding specified in the funding plan; and
3. If selected for a Water Conservation Field Services Grant, the County will work with the Bureau of Reclamation to meet established deadlines for entering into a cooperative agreement.

APPROVED THIS 11th DAY OF FEBRUARY 2014, AT THE MEETING OF THE CACHE COUNTY COUNCIL.

ATTEST:



By: Jill N. Zollinger
Jill N. Zollinger, County Clerk

CACHE COUNTY

By: Val K. Potter
Val K. Potter, Council Chairman

SF424 – Application for Federal Assistance

Application for Federal Assistance SF-424

*** 1. Type of Submission:**

- Preapplication
 Application
 Changed/Corrected Application

*** 2. Type of Application:**

- New
 Continuation
 Revision

*** If Revision, select appropriate letter(s):**

*** Other (Specify):**

*** 3. Date Received:**

02/07/2014

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*** a. Legal Name:**

Cache County

*** b. Employer/Taxpayer Identification Number (EIN/TIN):**

87-6000302

*** c. Organizational DUNS:**

0500372090000

d. Address:

*** Street1:**

199 North Main Street

Street2:

*** City:**

Logan

County/Parish:

Cache

*** State:**

UT: Utah

Province:

*** Country:**

USA: UNITED STATES

*** Zip / Postal Code:**

84321-9998

e. Organizational Unit:

Department Name:

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Mr.

*** First Name:**

Robert

Middle Name:

*** Last Name:**

Fotheringham

Suffix:

P.E.

Title:

Cache County Water Manager

Organizational Affiliation:

*** Telephone Number:**

(435) 755-1854

Fax Number:

(435) 755-1981

*** Email:**

bob.fotheringham@cachecounty.org

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

B: County Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

U.S. Department of the Interior, Bureau of Reclamation

11. Catalog of Federal Domestic Assistance Number:

15.530

CFDA Title:

Water Conservation Field Services Program

*** 12. Funding Opportunity Number:**

R14SF94001

* Title:

Water Conservation Field Services Program

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Cache County, Utah

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

Cache County Water Conservancy District Planning

Attach supporting documents as specified in agency instructions

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text" value="25,000.00"/>
* b. Applicant	<input type="text" value="35,065.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="60,065.00"/>

* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?

- a. This application was made available to the State under the Executive Order 12372 Process for review on
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)

- Yes
- No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: * First Name:
Middle Name:
* Last Name:
Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative: 

* Date Signed:

SF424B Assurances

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

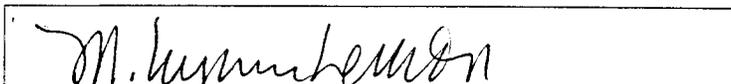
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE Cache County Executive
APPLICANT ORGANIZATION Cache County, Utah	DATE SUBMITTED 02/07/2014

Title Page



WATER CONSERVATION FIELD SERVICES

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Technical Proposal

Element A. Scope of Work/Narrative/Executive Summary

Describe in detail the project and work to be carried out.

In 2012 Cache County worked closely with all water users in northern Utah to find the best solutions to avoid the loss of valuable water opportunities. One of the most important water opportunities of northern Utah is the Bear River. Some say that the Bear River is one of the last untapped water resources left in the State of Utah. With the passing of the "Bear River Development Act (Act)," a mandate requiring the Division of Water Resources (DWR) to "develop the surface waters of the Bear River and its tributaries" was enacted. This Act states that "through planning and construction of reservoirs and associated facilities..." the DWR is authorized to own and operate the facilities constructed and market the developed water." The Act allocates 220,000 acre-feet of water to be distributed to the Jordan Valley and Weber Basin Water Conservancy Districts (50,000 acre-feet each), Bear River Water Conservancy District (60,000 acre-feet) and Cache County and any water conservancy district in Cache County (60,000 acre-feet). The act was passed over 20 years ago and the pressure to move forward with the DWR plans is being sought by both the Jordan Valley and Weber Basin Conservancy Districts where growth is high. These districts have initiated the purchase of a water treatment plant site and right-of-way to construct a conveyance system southward through Weber and Davis Counties to Salt Lake County.

As Cache County participated and attended the meetings with the Bear River Work Group they understood the pressure these districts feel from growth. Cache County has experienced the same pressures from growth. They understand and recognize that utilizing water to its fullest potential is of utmost importance. These pressures moved Cache County to develop a county wide Water Master Plan in 2012. This Plan allowed the County to bring hundreds of stakeholders (cities, towns, canal companies, University experts, Rural Water, environmental advocates and others) together to evaluate the current and future water needs for the County. Within this plan the stakeholders all came together, at the end of the planning process, to make and document priority projects for the plan. One of the highest priority projects was to complete the necessary steps to create a water conservancy district in Cache County that will encompass all the water providers in the County.

Cache County had a population of just over 91,000 in 2000 and an estimated population in 2009 at just over 113,000. That was a 24% increase in population over a period of nine years. The County's population is estimated to reach 274,527 by 2050 and 331,594 by 2060, assuming an average annual growth rate of 2.2%. Historically, Cache County has tended to grow more quickly than projected. Cache County is made up of 1173-sq. miles and includes 23 incorporated cities: Amalga, Benson, Clarkston, College Ward, Cornish, Cove, Hyde Park, Hyrum, Lewiston, Logan, Mendon, Millville, Newton, Nibley, North Logan, Paradise, Providence, Richmond, River Heights, Smithfield, Trenton, Wellsville and Young Ward. It is projected that the water demand in the county will exceed the water supply by year 2040 without more water supply or improved water conservation.

The Water Conservancy District Planning project will permit Cache County to establish consensus for a water district which will be able to enact county-wide conservation efforts and inform water



users from all areas of the County on practical water and energy conservation practices. The Planning Project will help inform local water policy makers of the County water needs. It will also help the County understand the current public opinions about the formation of a water conservancy district and give them direction on how to proceed in order to be successful in the development of a conservancy district for the County. Years ago, in 1998, the County tried to develop a conservancy district but the formation of a district was voted down. Many lessons were learned from past difficulties. One important lesson was that the County did not do a very good job educating and informing the public why a conservancy district was necessary. Stakeholders, irrigators, and city officials did not understand the role the District would play, how it would be set up, or how they would be represented in the district, nor did they understand the need for the district. One of the main concerns of the public was having an entity that allowed for taxation without representation by having board members that could only be appointed. Since that time, the state code has been changed to allow for district board members to either be appointed or elected.

With the development of the Cache County Water Master Plan beginning in 2012, a better understanding of why a conservancy district is so important to the sustainability and conservation of the water in the County has been started. Times have changed since the 1998 vote, issues with drought, faster than estimated growth within the county, pressure from the other Wasatch Front Conservancy Districts that want to develop the Bear River, and the effect on environmental and wildlife habitats has the stakeholders, cities, the public, and irrigators concerned.

The Planning Project will allow the County to develop an information gathering, consensus building, and educational distribution for the water conservation strategies and district structure. Many of the program level water users (irrigation water masters, city public works staff, etc.) in the county participated in the water master plan. Continuing the process is to inform the water policy makers, such as city councils and public water users of the County's water situation and needs.

The results of this project will be:

- An established consensus for a water district and conservation efforts
- Establishment of how the conservancy district would be formed, how the board would be chosen – if the board would have elected officials or would be made up of appointed representative's i.e. city elected officials, irrigators, etc., and the number of representatives on the board
- Water policy makers in the County that understand the current and future County water needs
- A written draft resolution for the formation of a water conservancy district
- Understanding of the current opinions of the public about the formation of a water conservancy district
- Knowledge, direction and guidance from water stakeholders and policy makers of how to develop the best policies for forming a water conservancy district



Identify the major tasks and include an activity schedule.

Task 1 - Information Dissemination (August 2014 – August 2015)

Includes the preparation of tools for the County to use during the water conservation and management information effort to update and educate water policy makers, stakeholders, and the public in the County. Including the following activities.

(A) Information Presentation (August 2014)

The presentation will:

- provide an overview of the process followed to create the Water Master Plan
- overview current and future water supply and demands
- outline the Master Plan recommendations
- emphasize the importance of water conservation
- give tips for improved conservation
- outline why a conservancy district is needed to implement the goals of the Water Master Plan
- introduce the process to form a water conservancy district
- introduce the draft conservancy district resolution
- ask for commitment from water policy makers to attend future planning meetings
- seek input from water policy makers

(B) Create Informational Website (August 2014 – August 2015)

Build a website to educate and inform about the purpose and need for a Conservancy District, answer frequently asked questions, connect to a stakeholder database and invite people to participate in the process by signing up for continued information. Comments submitted through the website will be tracked with 3P Visual (an electronic informational mapping tool) for themes and general location. The website will be maintained for the duration of the project.

Task 2 – Consensus Building (August 2014 – February 2015)

Will gather input from stakeholders and build consensus on water conservation strategies and district structure.

- **Meet with Cache County (August 2014)**
Meet with County staff to review input gathered from the water policy makers and plan the Steering Committee Meeting.
- **Information Formation (August 2014 – February 2015)**
Gather and process information needed for presentations to stakeholders in individual meetings, steering committee meetings, and sub-committee meetings. This is a continual effort while all of the other tasks are being completed.
- **Steering Committee Meeting (September 2014)**



Prepare for and meet with the master plan steering committee along with water policy makers. The meeting will be used to review the process to form a district and the decisions needed for the organizational makeup of the district as well as developing the mission statement/purpose of the district. The steering committee will be used as a tool to identify water conservation strategies to implement and to discuss strategies that are relatively easy to implement that yield positive conservation results.

- **Public Poll (August 2014 – July 2015)**

Develop a poll to be posted online for the public to take and the County to monitor. This poll will be used to gauge current feelings about water conservation and the level of support for a water conservancy district among various groups of stakeholders. The poll will be open to the public from September 2014 to November of 2014. The results of the poll will be summarized for review with County staff.

- **Sub-Committee Meetings (September 2014 – February 2015)**

Meet with smaller groups of stakeholders to receive further input on the formation of the district and on water conservation strategies. The following meetings will be held:

- a. Municipal Meeting
- b. Irrigators Meeting
- c. Utah State University Meeting
- d. Special Interest Groups (SIG) Meetings – Assume 2 meetings for SIG

Input collected from these meetings will help shape the final resolution to be adopted by each of the municipal councils.

- **Process Facilitation (August 2014 – August 2015)**

Manage and educate additional individual stakeholders and answer questions as needed during the public education campaign.

- **Steering Committee Update Meeting (March 2015)**

Hold a steering committee meeting to provide an update and report on the sub-committee meetings and overview of input gathered from other stakeholders. Include water policy leaders in the meeting. Report any water conservation strategies and input about the formation of a district.

- **Quarterly Updates to the County Council (November 2014, February 2015, May 2015)**

Give three quarterly progress updates to the County Council on water conservation and the district organization efforts.

- **Video (September 2014 – February 2015)**

Create an informational video to explain the need for a water conservancy district. Include interviews with prominent citizens of the water community voicing support for the district. Post and promote across available social media platforms.

Please highlight innovative elements of the activity.

Cache County has always been forward-thinking in water conservation and public involvement efforts. This project is innovative in the following ways:

- Implementing **public involvement** in the planning process to gain consensus and buy-in and to educate the public about water conservation needs and actions to be taken.
- Creating and maintaining an **informational website** to educate and inform about the purpose and need for a district. **Interactive maps** will be created using a GIS-based tool, 3P Visual wherein public input can be visualized on an area map.
- **Establishing the partnership** of more than 50 irrigation companies, 22 municipalities, and other water users in creating the Cache Water Conservancy District.

Element B. Supplemental Questions

Water Management Planning Activity

1. What Reclamation project is associated to your project and how is it associated?

Two Reclamation projects are located in Cache County: the Newton Reservoir and Hyrum Reservoir. In 2011, Cache County received funding through the WaterSMART: System Optimization Review Grant Program to complete a county-wide water master plan. That project was very successful in bringing about cooperation between the entities that will be involved with this ongoing effort to create a special service district.

2. Would you complete this project if no federal assistance is available?

This is a very high-priority project for the County. To continue the momentum of the Water Master Plan efforts, the County is taking the next planning steps. The County has moved forward with preparing legal documents and other information necessary and has begun holding preliminary meetings with stakeholders and cities. These elements will be funded by the County so they will be ready to move forward with the Reclamation water management planning activities upon entering into an agreement with Reclamation.

The Reclamation funding request includes a large majority of the ongoing public involvement and consensus building. If these activities are not funded, the County will be very limited on what it can accomplish. These steps are the most important elements in having an open and transparent process which can either make or break the success in forming a conservancy district. If these activities are not funded, the scope will need to be reduced and important elements will be eliminated from the project. Without Reclamation funding of the public involvement and consensus building tasks, Cache County cannot move ahead with the subsequent step which will be the continuation of



the public information to get ready for a citizen vote on the forming of a conservancy district in a coming election. The County anticipates funding those final tasks.

3. Why do you need financial assistance from Reclamation to complete the activity?

Working with the Bureau of Reclamation on its Water Master Plan project, Cache County sees that it would be beneficial to have the BOR involved in this planning effort. Cache County has been proactive in this effort and is putting forth its own funding, but will not be able to complete all necessary steps without additional funding from Reclamation.

4. What steps will be followed in the development of the plan?

Task 1 - Information Dissemination

Includes the preparation of tools for the County to use during the water conservation and management information effort to update and educate water policy makers in the County. Including the following activities.

Create Informational Website – Build a website to educate and inform about the purpose and need for a Conservancy District and water conservation, answer frequently asked questions, connect to a stakeholder database and invite people to participate in the process by signing up for continued information. Comments submitted through the website will be tracked with 3P Visual (an electronic informational mapping tool) for themes and general location. The website will be maintained for the duration of the project.

Task 2 – Consensus Building

- Gather input from stakeholders and build consensus on water conservation strategies and district structure.
- Develop a poll to be posted online for the public to take and the County to monitor. This poll will be used to gauge current feelings about water conservation and the level of support for a water conservancy district among various groups of stakeholders. The results of the poll will be summarized for review with County staff.
- Manage and educate additional individual stakeholders and answer questions as needed during the public education campaign.
- Hold a steering committee meeting to provide an update and report on the sub-committee meetings and overview of input gathered from other stakeholders. Include water policy leaders in the meeting.
- Report any water conservation strategies and input about the formation of a district.
- Give three quarterly progress updates to the County Council on water conservation and the district organization efforts.
- Create an informational video to explain the need for a water conservancy district and water conservation. Include interviews with prominent citizens of the water community voicing support for the district. Post and promote across available social media platforms.



5. How will the public and outside participants be involved in the planning process?

Public involvement comprises a significant part of this project. Information will be given to water policy makers to help them understand the need for the conservancy district organization and need to protect water allocated for use in Cache County. A steering committee has been part of the Cache County Water Master Plan project (CCWMP) which laid the groundwork for the creation of this Water Conservation Field Services project. Cache County will work to create consensus and buy-in in this process and receive input from municipal leaders.

Another element of this project is to promote water conservation in the County by educating the public and water users on the County's water needs and potential shortfalls. The County will look to municipal leaders to educate their constituents of water conservation goals and the efforts to attain those goals.

The CCWMP has been very successful at involving and informing the public and the momentum and organization from that effort will help meet the goals of the upcoming steps.

6. How does this activity satisfy other critical obligations for example: BSA, Water Quality, Fish and Wildlife Coordination Act, Indian Trust Assets etc.?

With a county-wide conservancy district in place, the County will be able to address issues related to water quality, endangered species, and cultural assets on a county-wide basis rather than leaving it up to the small, individual entities. This will create a consistent approach to satisfying these obligations and the District can work to bring all areas of the County into compliance.

7. What resources in addition to Reclamation's financial assistance will be used, partners if any?

The County will be using its own funding for this project.

8. What is your vision for developing a water management / conservation plan?

Cache County would like to move forward with the planning process for the creation of a county-wide water conservancy district. Water conservation education and policies can be implemented and coordinated throughout the Cache Valley and to allow a District to incorporate projects permitting the County to preserve their allocation of water from the Bear River Development Act.



Element C. Budget Proposal Narrative

Budget Narrative Format

Cache County estimates the total cost of the project to be **\$60,065.00**. This estimate was developed based on the cost of preparing the Cache County Water Master Plan in 2013.

a. Salaries and Wages

All work will be contractual and no Cache County staff time is included in the budget.

b. Fringe Benefits

No fringe benefits are included in the budget.

c. Travel

There will be no travel necessary for this project.

d. Equipment

No equipment will be necessary for this project.

e. Materials and Supplies

No materials and supplies will be needed for this project.

f. Contractual

J-U-B ENGINEERS, Inc. and The Langdon Group (a public involvement firm) will continue work on the Water Conservancy District Planning. The personnel from these firms successfully provided the engineering and public involvement for the work that has been completed to date on the Water Master Plan. They are familiar with the stakeholders, municipalities and entities involved and will build on those relationships to make this Water Conservancy District Planning an efficient and effective use of Reclamation funding. Cache County considers their rates to be reasonable.

The contractual costs are detailed in the "Budget Proposal" table on the following page.

g. Environmental and Regulatory Compliance Costs

There will be no environmental and regulatory compliance costs associated with this project.

h. Reporting

The cost to complete reporting will be incurred outside of the project budget.

i. Other

j. Indirect Costs



CACHE COUNTY Water Conservancy District Planning

Budget Proposal

BUDGET ITEM DESCRIPTION	COMPUTATION		TOTAL COST	RECIPIENT FUNDING	RECLAMATION FUNDING
	\$/Unit and Unit	Quantity			
SALARIES AND WAGES	-	-	-	-	-
FRINGE BENEFITS	-	-	-	-	-
TRAVEL	-	-	-	-	-
EQUIPMENT	-	-	-	-	-
SUPPLIES/MATERIALS	-	-	-	-	-
CONTRACTUAL			\$60,065.00	\$35,065.00	\$25,000.00
Project Manager	\$135/hr	65	\$8,775.00		
Project Principal	\$190/hr	42	\$7,980.00		
Public Involvement Specialist	\$115/hr	275	\$31,625.00		
Administrative	\$63/hr	95	\$5,985.00		
Graphic Design	\$92/hr	35	\$3,220.00		
GIS Manager	\$122/hr	5	\$610.00		
GIS Technician	\$85/hr	22	\$1,870.00		
ENVIRONMENTAL AND REGULATORY COMPLIANCE	-	-	-	-	-
OTHER			-	-	-
TOTAL DIRECT COSTS			\$60,065.00	\$35,065.00	\$25,000.00
INDIRECT COSTS - __%			\$0	\$0	\$0
TOTAL PROJECT COSTS			\$60,065.00	\$35,065.00	\$25,000.00



Element D. Funding Plan

Funding Plan

ENTITY	PERCENTAGE	AMOUNT CONTRIBUTED
Cache County	58.4%	\$35,065.00
Bureau of Reclamation – Water Conservation Field Services Program	41.6%	\$25,000.00
	TOTAL COST	\$60,065.00

Point of Contact

M. Lynn Lemon, Cache County Executive
199 Main Street, Logan, Utah 84321
(435) 755-1500



SF424A – Budget Form



Official Resolution



Anticipated Water Management Benefits and Volume of Water Conserved

Since the Governor of Utah set a goal to conserve 25%, the state as whole has conserved about 18%. Cache County has only reached about 6% conservation. This is due largely to a lack of an organization within the county that has the resources needed to make conservation campaigns happen. Ultimately, the formation of a conservancy district will allow Cache County to have more resources to put towards the education of the need to conserve water. Areas in Utah with Conservancy Districts in place have been more effective in conserving water and working toward the Governor's goal.

The efforts outlined in the proposed scope of work will inform the water policy makers and water users in the county of the current and projected water supply and demand numbers for the County. It will help everyone understand the need of and value of improved conservation. If the water users in the county can reach the state conservation goal of 25% the number of communities that are projected to have water shortages in the next 11 years is reduced from 12 to 6. Also, 5,705 acre-feet of water would be conserved each year. This effort over the next year will not allow us to reach the 25% goal, but it is an excellent start.

Environmental Compliance

As this is a planning project, there will be no NEPA compliance requirement.



**CACHE COUNTY
RESOLUTION 2014-04**

**A RESOLUTION AMENDING THE CACHE COUNTY CORPORATION
PERSONNEL POLICY AND PROCEDURE MANUAL SECTION VII:
PERSONNEL MANAGEMENT**

WHEREAS, the Cache County Council on February 11, 2014, in a regular meeting of which lawful notice had been given, considered amending Section VII of the Cache County Corporation Personnel Policy and Procedure Manual which describes Personnel Management; and

WHEREAS, on February 11, 2014, the Cache County Council approved the proposed amendments to Section VII of the Cache County Corporation Personnel Policy and Procedure Manual; and

WHEREAS, the Cache County Council finds that it is necessary, appropriate, and in the best interest of the County and its personnel that the Cache County Corporation Personnel Policy and Procedure Manual be amended;

NOW THEREFORE, BE IT RESOLVED that the County Council approves the adoption of the following resolution:

1. **Amendments:** The Cache County Corporation Personnel Policy and Procedure Manual is hereby amended as set forth in the attached Exhibit A.
2. **Application:** The amendment to the Cache County Corporation Personnel Policy and Procedure Manual shall apply to all current and future county employees.
3. **Prior Resolution and Policies:** This Resolution and the amendments specified in Exhibit A to the Cache County Corporation Personnel Policy and Procedure Manual supersede all previously adopted resolutions and policies to the extent that they are in conflict with the specified provisions of this Resolution and the attached Exhibit A.
4. **Effective Date:** This Resolution shall be effective immediately upon its adoption.

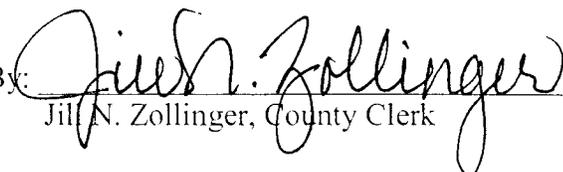
Adopted by the County Council of Cache County, Utah, this 11th day of February, 2014.

CACHE COUNTY COUNCIL

By: 
Val K. Potter, Chairman



ATTEST:

By: 
Jill N. Zollinger, County Clerk

CACHE COUNTY

EXHIBIT A

Section VII -- Personnel Management

A. Compensation Plan

Cache County has a compensation plan that aligns with fair market wages & salaries, and is performance based. Cache County Corporation annually reviews with eight other counties and five cities in the State of Utah regarding wage and salary information, benefit plans, and general personnel policies and practices for the purpose of establishing a fair market value for positions within the participating counties and cities.

1. Cache County Corporation will endeavor to offer fair market wages & salaries to employees at a level of parity equal to the market's mid-point (average rate of pay), based on their level of performance, and their length of service within their job classification. Any exceptions must be based on sound market justification and approved by the Director of Human Resources and the County Executive.

B. Job Descriptions

Each position shall have a written job description drafted by the Department Head and Human Resources. The job description shall include: job title; department; responsibilities; tasks performed under each of the responsibilities; and the knowledge or education, skills, and abilities required to fulfill the job.

The job description shall state all job related minimum requirements, which all successful candidates should meet to be eligible for appointment or promotion.

C. Reclassification

When the responsibilities of a position have increased substantially as to the kind and/or level of work, the Department Head may request a reclassification. The reclassification of a position must be justified based on a substantial change in duties and new responsibilities. The request must be submitted in writing to Human Resources accompanied by an updated job description.

1. The reclassification of a position is subject to budgetary limitations and must be approved by the Director of Human Resources and the County Executive.

D. Wage/Salary Administration

The Director of Human Resources shall be responsible for administering an equitable and adequate compensation plan. Benefits are administered with wage/salary plans as part of the total compensation plan.

1. The Director of Human Resources and the Cache County Compensation Committee shall make a combined recommendation to the County Executive which shall include:
 - a. A recommended wage/salary adjustment for merit and market increases, and
 - b. A recommended benefits program.
2. The County Executive shall consider these recommendations as department budgets are developed for the next calendar year.
3. The County Council shall adopt wage/salary and benefit plans after considering the recommendations of the Cache County Compensation Committee, the Director of Human Resources, and the County Executive, based on the financial and economic conditions of the County.

E. Merit Increases

A merit increase is an increase in pay for an employee who has given sustained acceptable service through the past year. A merit increase is to be based on an employee's performance

during the past year, along with their wage/salary position in relation to what the job market would pay for comparable duties, required education/training, and years of applicable experience.

1. *All merit increases are subject to the approval of funds for such increases by the County Council and budgetary limitations.*
2. The performance appraisal form is submitted to Human Resources with a recommendation from the Department Head concerning a merit increase. Merit increases will be effective in mid-January, with the performance appraisal process occurring prior to that time. Merit increases become effective at the beginning of the pay period after the approval process is completed. The Department Head, the Director of Human Resources and the County Executive must approve the merit increase before it is forwarded to the payroll specialist.

F. Probationary Review And Adjustments

At the completion of an employee's probationary period (refer to Section IV), the Department Head is required to conduct a formal performance appraisal and evaluation of the employee's performance. A merit employee who successfully completes the probationary period is eligible to receive a wage/salary *adjustment subject to budget limitations*. The Department Head may recommend an adjustment between zero (0) and three (3) percent. The employee's status will change from "merit employee on probation" to "full merit status".

G. Performance Appraisal and Evaluation

The performance of each employee shall be appraised and evaluated at least annually. Merit employees on probation shall be evaluated at the end of the probationary period as previously outlined. In accordance with the merit principles, the County may appraise and evaluate any employee's performance at any time deemed appropriate by the Department Head or the Director of Human Resources.

1. The objective of the performance appraisal and evaluation is to ensure compliance with merit principles and thereby allow for proper wage/salary adjustments, discipline, classification changes, improved communication, job satisfaction, and clarified job expectations and job goals. Furthermore, the County's performance appraisal process is designed to stimulate an open environment for coaching between the Department Head and/or immediate supervisor and the employee.
2. It is the responsibility of the Department Head to ensure each employee participates in a performance appraisal and evaluation interview. The Cache County Performance Appraisal Form should be completed at least annually during one of the interviews.
3. The performance appraisal and evaluation will be used to determine and justify wage and salary adjustments made through the merit increase process, as well as promotions, demotions, or disciplinary actions.
4. The performance appraisal and evaluation process should emphasize the assessment of overall performance and cover the entire appraisal period but shall not reflect values inconsistent with valid occupational criteria.

H. PERFORMANCE IMPROVEMENT POLICY

It is the policy of the County that there be a consistent program of progressive actions to help employees and Department Heads address and resolve performance deficiencies or employee misconduct. The program shall include corrective actions and disciplinary actions as necessary and appropriate.

1. As a minimum, employees are required to abide by the rules and regulations which are

established herein, to protect the employees and the County and to promote a harmonious and efficient work environment. Due to the nature of the work, some departments may define department rules and regulations that are more rigorous and exact than the rules and regulations contained herein.

2. The Department Head along with the Director of Human Resources should help the employee identify problems and improve performance or behavior issues.
3. Disciplinary action may be taken by the Department Head if the improvement steps have not adequately or appropriately resolved the problem, or resulted in an acceptably improved performance or conduct, or if disciplinary action is deemed reasonable and necessary in the circumstances.
4. The Department Head will notify any employee against whom disciplinary action is initiated and give that employee a reasonable opportunity to be informed of the proposed action and to respond.
5. ***The steps for disciplinary action are set forth below and are to be construed as general guidelines. The Department Head may elect to omit or combine any of the steps in appropriate circumstances with the approval of the Director of Human Resources.***
 - a. Disciplinary Step 1 shall be a VERBAL WARNING:
 1. The Department Head issues a verbal warning. The verbal warning should include a review of pertinent job requirements with the employee to ensure his/her understanding of them.
 2. The employee should be asked to review what has been discussed to ensure his/her understanding of the seriousness of the problem and the corrective action necessary. A verbal warning should be noted in the employees personnel file.
 3. If the unacceptable performance or behavior continues, the next step should be a written warning. Circumstances such as violation of widely known policy or safety requirements may justify a written warning without first using Step 1.
 - b. Disciplinary Step 2 shall be a WRITTEN WARNING:
 1. The Department Head should issue a written warning describing the problem and how it may be corrected. The seriousness of the problem should be emphasized. The written warning shall indicate that probation, suspension from work without pay, or termination may result if improvement is not observed.
 2. Two copies of the written warning are issued to the employee by the Department Head. The employee shall acknowledge receipt of such by signing and returning one copy to the Department Head. The written warning shall become part of the employee's personnel file.
 - c. Disciplinary Step 3 shall be DISCIPLINARY PROBATION:
 1. If the problem has not been nor is likely to be resolved through verbal or written warnings and circumstances warrant, the employee should be placed on probation.
 - Probation is a serious action in which the employee is advised that termination will occur if improvement in performance or conduct is not achieved within a probationary period.
 2. The Director of Human Resources and the Department Head, after a review of the employee's performance improvement documentation, will determine the length and conditions of probation. The probation period should be at least two (2) weeks and no longer than sixty (60) calendar days, depending on the circumstances.

3. A written probationary notice to the employee will be prepared by the Department Head and Director of Human Resources. The letter should include a statement of the following:
 - The specific unsatisfactory situation;
 - A review of verbal and written warnings;
 - The length of the probationary period;
 - The specific behavior modification or acceptable level of performance;
 - Suggestions for improvements;
 - A scheduled review session(s) during the probationary period; and
 - A statement that further action, including suspension without pay or termination, may result if the required improvement or behavior modification does not result during probation.
 4. The Department Head and the Director of Human Resources shall meet with the employee to discuss the probationary letter and answer any questions. The employee shall acknowledge receipt by signing the letter. If the employee refuses to sign, the Department Head and the Director of Human Resources will sign attesting that it was delivered to the employee and identifying the date of delivery. The probationary letter becomes part of the employee's personnel file.
 5. On the established probation review session date(s), the employee and Department Head will meet to review the employee's progress in correcting the problem which led to the probation. Brief written summaries of these meetings should be prepared by the Department Head with copies provided to the employee and Human Resources.
 6. At the completion of the probationary period, the Department Head and the Director of Human Resources will meet to determine whether the employee has achieved the required level of performance and to consider removing the employee from probation, extending the period of probation, or taking further action. Further action may include, but is not limited to suspension without pay or termination.
 7. The employee is to be advised in writing of the decision. Should probation be completed successfully, the employee should be commended, though cautioned that any future recurrence may result in further disciplinary action. Should termination be required, the employee will be advised of the decision as soon as possible.
 8. There will not be any change in pay or benefits while on probation although responsibilities may change.
- d. Disciplinary Step 3B shall be suspension:
1. A suspension may be justified when circumstances reasonably require an investigation of a serious incident in which the employee was allegedly involved. A suspension may also be warranted when employee safety, welfare, or morale may be adversely affected if a suspension is not imposed.
 2. In addition, and with prior approval of the Director of Human Resources, suspension without-pay may be imposed for such proven misconduct as intentional violation of safety rules, intentional destruction of property, violation of the law, criminal charges, etc. These examples do not limit Cache County's use of suspension with or without-pay in other appropriate circumstances, such as the need to investigate a serious incident.

3. In implementing a suspension, a written report should set forth the circumstances justifying the suspension. The report becomes part of the employee's personnel file.
- e. Disciplinary Step 4 shall be involuntary termination:
1. Involuntary termination is reserved for those cases that cannot be resolved by verbal or written warning, probation, suspension, or in those cases where a major violation has occurred that renders continued employment unacceptable or unsuitable.
 2. The involuntary termination notice shall be signed by the Department Head, concurred with by the Director of Human Resources and approved by the County Executive. The subject employee shall be notified of the termination by the Department Head, and given the notice.
 3. The involuntary termination notice shall contain:
 - Employee name
 - Reason for termination
 - Effective date
 - Additional comments as required
 - Signature of Department Head
 - Signature of the Director of Human Resources

I. ANNIVERSARY DATE

An employee's anniversary date is based upon the first day that the employee started working as a merit employee. It is not the date an employment offer is accepted or the date the necessary employment documents are signed. An employee who begins their employment with the county as a non-merit employee does not receive years of service credit until such time they may become a merit employee through the county's merit hiring process (refer to section VI Employee Classification and Status)

1. Employees who are transferred between departments retain their original anniversary date.

J. FAIR LABOR STANDARDS ACT

It is the policy of Cache County to comply with the Fair Labor Standards Act (FLSA) and applicable federal and state laws, rules, and regulations. The FLSA is federal law establishing the minimum wage level and overtime provisions. Each Department Head is responsible for ensuring compliance with the FLSA in their department.

2. Employees with Exempt Status

The FLSA regulations on exemptions address the actual job duties of the employee and are not concerned with job titles, civil classifications or other group identifications. Two independent FLSA tests can be applied to determine if an employee qualifies for exempt status. The "long test" or the "short test" sets forth conditions related to the employee's duties and an employee whose duties satisfy either the long or short test will be deemed exempt from FLSA minimum wage and overtime standards.

3. Under the FLSA regulations, an employer may dock an exempt employee's pay only in limited circumstances. These include:
 - Absences from work for a day or more for personal reasons, other than sickness or accident;
 - Absences of a day or more for sickness or disability, if the employer has a plan, policy, or practice of compensating employees for wage loss due to sickness and

disability, or if the employee is receiving other wage loss benefits (e.g., workers' comp, or disability insurance payments);

- Leave under the Family and Medical Leave Act
 - The employer imposes penalties on the employee in good faith for major safety violations;
4. In accordance with the FLSA, exempt employees who are away from work for a full work day or more are required to use personal leave, unless the nature of the absence is due to county business (refer to Section VI).

K. OVERTIME

Employees covered by the overtime provisions of the FLSA shall be entitled to overtime compensation. Any amount of time worked in excess of forty (40) hours in any one work week will be considered overtime except for 207(k) exemption employees (Public Safety) with 28-day work periods as provided in the FLSA. In lieu of compensatory time off, Cache County may elect to pay Public Safety personnel overtime pay at one and one-half times their regular hourly rate for each hour of overtime worked in excess of 80 hours in a 14 day work period.

1. All overtime should be *approved in advance* and specifically assigned by an employee's Department Head or supervisor except in emergency situations when overtime is unavoidable and the Department Head or supervisor cannot be contacted for approval.
2. Only hours actually worked in any one week will be used in determining overtime. In accordance with the law, holidays or paid leave shall not be counted as time worked for purposes of overtime.
3. Complete, accurate records of all overtime worked must be kept by each department and submitted to the payroll specialist with a Cache County Time Sheet.
4. Overtime is compensated either by payment of wages at the rate of one and one-half (1½) times the regular rate of pay or by the accrual of compensatory hours at the rate of one and one-half (1½) times the number of hours worked. The Department Head, subject to budget limitations, has the option to either pay for overtime or allow for compensatory time.

L. COMPENSATORY TIME

The FLSA authorizes compensatory time off in lieu of monetary overtime compensation. Compensatory time off must be approved by the Department Head and used within 30 days of being earned and before the calendar year ends. An employee should carry no more than 40 hours of compensatory time, except in an emergency situation as declared by the County Executive. If an employee accumulates more compensatory time than the limits provided for in the FLSA, payment for overtime must be made for those hours over the FLSA limits.

1. Compensatory time earned and used shall be reported by the department head for each pay period on a Cache County Time Sheet.
 - a. Compensatory Time is to be used first before Personal Leave Time (PLT)
2. An employee, covered under the overtime provisions of the FLSA, who leaves the county's employment for any reason will be compensated for any compensatory time accrued as of the date of termination.

M. EFFECTIVE DATE

All wage/salary, benefit, and personnel status changes which affect the payroll must be completed and submitted to Human Resources prior to the beginning of the pay period. All changes shall become effective on the first day of the pay period following the change.

N. DEDUCTIONS

The following taxes are automatically deducted from an employee's paycheck: Federal withholding taxes; Social security taxes (FICA); and Utah State withholding taxes. Eligible employees will also have any of the following items deducted from their paychecks:

- Health insurance premiums
- Dental insurance premiums
- Life insurance premiums
- Flexible Spending Account (FSA) monies
- Health Savings Account (HSA) monies
- 401k and 457 plan contributions
- Employee association dues

No other payroll deductions will be allowed unless at least seventy-five (75%) percent of all employees affirmatively approve and participate in the deduction.

O. PAYDAY and PAY CHECKS

Employees will be paid on the Friday following the end of each pay period. If the pay day falls on an official holiday, pay check print-outs will be issued on the last working day prior to that holiday.

1. All employees and elected officials will be paid by the direct deposit system. Paycheck print-outs may be picked up by the Department Head at the office of the Treasurer after 8:00 a.m. on pay day.
2. The county shall not pay an advance to or on behalf of any employee on any wage or salary earned or to be earned.
3. The employee is responsible to ensure that his/her payroll records are current and accurate. This includes hours worked, holidays/specials, changes in Personal Leave accrual rate, insurance coverage, 401k contributions, Health Savings Account (HSA), or Flexible Spending Account information (FSA).
4. Changes in an employee's wage/salary must be reported to Human Resources on a Payroll Change of Status form; HR will submit changes to the payroll specialist.

P. PAYROLL SCHEDULE

The payroll is administered on a bi-weekly schedule. Each payroll period commences on Sunday morning at 12:00 a.m. for a two week period and ends on the second Saturday night thereafter at 12:00 p.m.

Q. TIME SHEETS and LEAVE REPORTS

All employees, other than Exempt employees, are required to submit a "Cache County Time Sheet" for each payroll period. Time sheets are due no later than Monday following the end of the pay period. If an employee fails to submit a time sheet on a timely basis the employee will be paid for that "missed" payroll period with the following payroll period. All time sheets must be signed by the employee and the department head.

1. An employee who falsifies their hours worked on their timesheet will be disciplined which may include termination from employment with the County.

R. UNIFORM ALLOWANCES

An employee who is required by County policy to wear a special uniform will be paid a uniform allowance for the purpose of purchasing and maintaining the uniform. The amount of the uniform allowance shall be recommended by the Department Head and approved by the County

Executive. The uniform allowance may vary from one department to another depending on the requirements.

S. TERMINATION PAY

Employees who leave County service of their own volition will be paid the wages due them at the next regularly scheduled pay day. The County will also pay terminating employees for accrued Personal Leave Time or compensatory time that may be due. If the County initiates the termination of employment, and the County deems it in the spirit of better business practices, the County may choose to settle the employee's wages due at the time of employment separation.

Cache County
RESOLUTION NO. 2014 - 05

**Regarding Deferred Compensation Retirement Plan Options Offered
Through Utah Retirement Systems, UAC and Other Sources**

WHEREAS

1. Cache County currently provides its employees with the ability to choose from certain 401(k) and 457(b) Internal Revenue Code retirement plan options offered through the Utah Retirement Systems (URS); and
2. Cache County has the opportunity to provide its employees the ability to choose from additional 401(k), ROTH 401(k), 457(b), 401(a) Internal Revenue Code retirement plan options and ROTH IRA options offered through the Utah Association of Counties (UAC) in the name of Cache County, not in lieu of, but in addition to, those currently offered through URS; and
3. Cache County intends to give any one employee of Cache County the ability to choose from any one or all of the URS options, and the options offered through UAC in the name of Cache County.

**NOW THEREFORE, CACHE COUNTY, BY AND THROUGH ITS COUNTY
COUNCIL, RESOLVES AS FOLLOWS:**

1. Cache County will, at a future date, adopt the UAC Deferred Compensation Group Trust created under Revenue Ruling 81-100 for the benefit of its employees;
2. Cache County will not interrupt any current retirement plan benefit offered to employees by the County without further consideration of options and costs and benefits to employees;
3. Cache County will pursue the following steps toward implementing this resolution:
 - A. Convene a meeting of County representatives to design a Plan in coordination with UAC representatives;
 - B. Develop, draft, and execute plan documents according to the County's specific goals and plan design;

- C. Open enrollment for the plan in a manner consistent with design meeting decisions and county needs.
- D. Consider conversion of existing plan offerings through evaluation of costs, potential benefits, and respecting the interests of county employees.

APPROVED THIS 11th DAY OF FEBRUARY 2014, AT THE MEETING OF THE CACHE COUNTY COUNCIL.

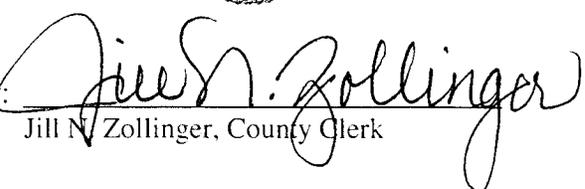
CACHE COUNTY

By: 

Val K. Potter, Council Chairman

ATTEST:



By: 

Jill N. Zollinger, County Clerk