

CRAIG W BUTTARS
COUNTY EXECUTIVE / SURVEYOR

199 NORTH MAIN
LOGAN, UTAH 84321
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COUNTY COUNCIL
KATHY ROBISON, COUNCIL CHAIR
GREG MERRILL, COUNCIL VICE CHAIR
DAVID L. ERICKSON
VAL K. POTTER
JON WHITE
CORY YEATES
GORDON A. ZILLES

March 20, 2015

PUBLIC NOTICE is hereby given that the Cache County Council of Cache County, Utah will hold a **REGULAR MEETING** in the Cache County Historic Courthouse, County Council Chambers, 199 North Main, Logan, Utah 84321 at **5:00 p.m.** on **TUESDAY, MARCH 24, 2015**

AGENDA

3:30 p.m. COUNTY COUNCIL TOUR OF COUNTY EMERGENCY OPERATIONS CENTER

- 5:00 p.m.**
1. **CALL TO ORDER**
 2. **OPENING / PLEDGE** – Jon White
 3. **REVIEW AND APPROVAL OF AGENDA**
 4. **REVIEW AND APPROVAL OF MINUTES** (March 10, 2015)
 5. **REPORT OF COUNTY EXECUTIVE**
 - a. Appointments
 - b. Warrants
 - c. Other Items
 6. **CONSENT AGENDA**
 7. **ITEMS OF SPECIAL INTEREST**
 - a. Proposed Amendment to Wildland Urban Interface Ordinance – Ted Black, State Fire Marshall’s Office
 - b. Update and 6f Conversion of Cache Recreational Complex – Lance Anderson
 - c. *Proclamation* – National Service Recognition Day – April 7, 2015
 8. **UNIT OR COMMITTEE REPORTS**
 - a. Fairgrounds and RAPZ Tax Projects – Bart Esplin
 9. **BUDGETARY MATTERS**
 10. **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**
 - a. **Board of Equalization**
 1. Property Tax Exemption Request

11. **PENDING ACTION**

12. **INITIAL PROPOSALS FOR CONSIDERATION OF ACTION**

- a. **Ordinance 2015-03 – Amendments to Title 17 of the Cache County Ordinance regarding Kennels**
Titles 17.07 Definitions, 17.09 Uses, and 17.10 Development Standards
- b. **Ordinance 2015-04 – Amending Ordinance 2014-10**
- c. **Ordinance 2015-05 – Purchasing, Public Improvements, and Contracts**
- d. **Ordinance 2015-06 – Amendments to Title 8.28 – Weed Control**
- e. Review of Deferral Agreements
- f. Cache County Roads Review – County Attorney’s Office

13. **OTHER BUSINESS**

- a. Joint Council Meeting with Logan City – Tuesday, March 31, 2015 at 5:30 p.m. – Logan City Council Chambers
 - **Landfill Update / Garbage Collection / Sewage**
 - **Local Option for Sales Tax for Transportation**
 - **Fairgrounds Ownership Separation**
 - **Trails**
 - **Tour of Utah**
- b. 2015 UAC Management Conference – April 29, 30, May 1, 2015 – Utah Valley Convention Center
Craig Buttars, Cory Yeates, Cory Wood
- c. Health Days Parade – Saturday, May 9, 2015 at 10:00 a.m.
Craig Buttars, Val Potter, Greg Merrill, Kathy Robison

14. **COUNCIL MEMBER REPORTS**

15. **ADJOURN**


Kathy Robison, Chair

*Citizens desiring to be heard at a public hearing are encouraged to submit their messages in writing prior to or during the hearing



PROCLAMATION

2015

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's county executives are increasingly turning to national service and volunteerism as a cost-effective strategy to meet county needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our cities and counties, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 60,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with county executives nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, City of Service, and mayors across the country to recognize the impact of service on the County Day of Recognition for National Service on April 7, 2015.

THEREFORE, BE IT RESOLVED that I, Craig Butters, Executive of Cache County, Utah, do hereby proclaim April 7, 2015, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our county; to thank those who serve; and to find ways to give back to their communities.

A handwritten signature in blue ink that reads "Craig Butters". The signature is written in a cursive style and is positioned above a horizontal line.

Cache County Executive Craig Butters

ORDINANCE NO. 2015-03

CACHE COUNTY, UTAH

AMENDMENTS TO TITLE 17

AN ORDINANCE AMENDING AND SUPERSEDING CHAPTERS 7, 9, AND 10 OF TITLE 17 OF
THE CACHE COUNTY ORDINANCE REGARDING KENNELS

WHEREAS, the State of Utah has authorized Cache County to adopt Land Use Ordinances and Maps, and;

WHEREAS, the purpose of this ordinance is to provide fair, consistent, and equitable land use regulations for all land owners, and;

WHEREAS, the purpose of this ordinance is to provide clarity and ease of use of the County's Zoning Ordinance for all citizens, and;

WHEREAS, on October 2, 2014 at 6:15 P.M., the Planning Commission held a public hearing for the amendments to Title 17, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed rezone, and;

WHEREAS, on February 5, 2015, the Planning Commission recommended the approval of said amendments and forwarded such recommendation to the County Council for final action, and;

WHEREAS, the County Council caused notice of the hearing and the amendments to Title 17 of the Cache County Ordinance to be advertised at least ten (10) days before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County, and;

WHEREAS, on March 10, 2015, at 5:30 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 17 of the Cache County Ordinance. The County Council accepted all comments, and;

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement these ordinances.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapters 7, 9, and 10 of Title 17 of the Cache County Ordinance are hereby amended and superseded as follows:

1. STATUTORY AUTHORITY

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3 (1953, as amended to date).

Disclaimer: This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

2. PURPOSE OF PROVISIONS

The purpose of this ordinance is to amend and supersede Chapters 7, 9, and 10 of Title 17 of the Cache County Ordinance regarding kennels, and to insure compatibility with surrounding land uses, conformity with the Cache County Comprehensive Plan, consistency with the characteristics and purposes stated for the zones, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

3. FINDINGS

- A. The amendments to Title 17 of the Cache County Ordinance are in conformity with Utah Code Annotated, §17-27a Part 5 (1953, as amended), which requires compliance with standards set forth in an applicable ordinance.
- B. The amendments to Title 17 of the Cache County Ordinance are necessary to establish accurate standards for kennels.
- C. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 17 of the Cache County Ordinance be approved.

4. EXHIBITS

- A. Chapters 7, 9, and 10 of Title 17 of the Cache County Ordinance are amended as follows: See Exhibit A

5. PRIOR ORDINANCES, RESOLUTIONS, POLICIES AND ACTIONS SUPERSEDED.

This ordinance amends and supersedes Chapters 7, 9, and 10 of Title 17 of the Cache County Ordinance, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

6. EFFECTIVE DATE.

This ordinance takes effect on April 9th, 2015. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 24th day of March, 2015.

| | In Favor | Against | Abstained | Absent |
|----------|----------|---------|-----------|--------|
| Potter | | | | |
| Erickson | | | | |
| White | | | | |
| Merrill | | | | |
| Robison | | | | |
| Yeates | | | | |
| Zilles | | | | |
| Total | | | | |

CACHE COUNTY COUNCIL:

ATTEST:

Kathy Robison, Chair
Cache County Council

Jill Zollinger
Cache County Clerk

Publication Date:

_____, 2015

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Ordinance 2015-03: Amendments to Chapters 7, 9, and 10 of Title 17 Regarding Kennels

17.07.030: Use Related Definitions

Delete:

~~**6150—ANIMAL SHELTER:** A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.~~

Add/Amend:

~~**7200 ANIMAL BOARDING FACILITY:** A series of stables, barns, paddocks, and/or other shelters and exercising facilities in which farm animals are fed, exercised and/or cared for on a short or long term basis for a fee.~~

~~**1. Kennel:** Any establishment at which four (4) or more dogs are bred or raised for sale, boarded, or cared for.~~

BOARDING FACILITY: A series of stables, barns, paddocks, and/or other shelters and exercise facilities in which livestock, including cattle, sheep, goats, swine, horses, mules, poultry, etc., are fed, exercised, and/or cared for on a short or long term basis for a fee.

7210 HOUSEHOLD PET: Animals ordinarily kept in a dwelling for personal use and not for commercial purposes. This includes up to six (6) adult dogs.

7220 HOME BASED KENNEL: Any establishment, accessory to a dwelling unit and/or adjacent to a neighboring parcel under the same ownership, at which seven (7) or more adult dogs are boarded, groomed, bred, raised, and/or otherwise kept. This excludes a single, incidental litter in a 12 month period. A home based kennel must comply with the following requirements:

1. A home based kennel shall consist of no more than 12 adult dogs. More than 12 dogs may be permitted as a home based kennel if it is otherwise shown by the applicant that:
 - a. Impacts can be mitigated by distance, vegetation, geography, and/or structures.
 - b. The kennel is secondary to the home and not primarily for commercial purposes.
2. All kennel facilities must be a minimum of 50 feet from the property boundary.
3. Noise levels from the kennel shall not exceed 10 decibels (dBA) above the ambient noise levels at the property line. A sound level impact and assessment report prepared and signed by a qualified professional must be provided at the time of application to support the same.

7230 COMMERCIAL KENNEL/ANIMAL SHELTER: Any establishment at which the boarding, grooming, breeding, raising, and/or otherwise keeping of 13 or more adult dogs or cats is the primary use of a legal parcel as determined by the Director or Planning Commission, or the requirements of a home based kennel cannot be met. A commercial kennel/animal shelter must comply with the following requirements:

1. All kennel facilities must be a minimum of 50 feet from the property boundary and a minimum of 20 feet from a Caretaker's Residence.

Ordinance 2015-03: Amendments to Chapters 7, 9, and 10 of Title 17 Regarding Kennels

2. Noise levels from the kennel shall not exceed 10 decibels (dBA) above the ambient noise levels at the property line. A sound level impact and assessment report prepared and signed by a qualified professional must be provided at the time of application to support the same.

17.07.040: General Definitions

Add:

DOG, ADULT: A dog is considered an adult when it is six (6) months of age or older.

CAT, ADULT: A cat is considered an adult when it is six (6) months of age or older.

Delete:

~~ANIMAL CONFINEMENT: Any structure used to house animals or restrict their habitation to a particular area.~~ (This term is also used in 17.10.050[A][2], which is to be deleted)

17.09.030 Schedule of Uses by Zoning District

Add/Amend/Delete/Reserve:

Reserve 6150

Delete Animal Shelter

Amend Schedule of Uses for 6150

Amend Schedule of Uses for 7200 Boarding Facility ME Overlay Zone

Add 7210 Household Pet and Schedule of Uses

Add 7220 Home Based Kennel and Schedule of Uses

Add 7230 Commercial Kennel/Animal Shelter and Schedule of Uses

| Index | Description | Base Zone | | | | | | | Overlay Zone | |
|-------|------------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|----|
| | | RU2 | RU5 | A10 | FR40 | RR | C | I | ME | PI |
| 6150 | Animal Shelter Reserved | N | N | N | N | N | C | C | N | - |
| 7200 | Boarding Facility | C | C | C | N | C | C | N | N | - |
| 7210 | Household Pet | P | P | P | P | P | P | P | - | - |
| 7220 | Home Based Kennel | C | C | C | N | C | C | N | - | - |
| 7230 | Commercial Kennel/Animal Shelter | N | N | N | N | N | C | C | - | - |

Delete:

~~17.10.050 [A][2]: Supplemental Standards~~

~~2. Animal Confinement:~~

~~a. All areas used for animal confinement shall be set back fifty feet (50') from any natural waterway. (Setback is already set by 17.18.050 [A][3][a])~~

~~b. All areas used for animal confinement shall be set back twenty feet (20') from any dwelling unit.~~ (Added to 7230 Commercial Kennel/Animal Shelter)



MEMORANDUM

To: Cache County Council
From: Josh Runhaar, Development Services Director
Date: March 17, 2015
Subject: Ordinance Revisions Title 3.08, 3.12, & 3.16

Purchase Orders are in place to ensure that:

- 1) Goods/services are competitively priced and are the best option available, and
- 2) There is sufficient budget (encumbered) to expend on needed goods/services

Purchasing Policy (§3.08.020)

- 1) Purchase Locally
- 2) Purchases through/from State/Fed require authorization
- 3) Bids required for construction projects
- 4) Purchases of \$1,000 or more require a PO

Bid Requirements (§3.08.040)

- 1) A minimum of 3 bids required (if possible)
 - a. Requires a formal bid process – confused with ‘quotes’
 - b. Written statement for the acceptance of bids required
- 2) Multiple exemptions to the bid process including:
 - o Vendors on the State approved contract/vendor list
 - o Food/Food Services for the Jail
 - o Fuel purchases for the Road & Sheriff’s Offices
 - o All professional services
- 3) Sole Source Purchases allowed if there are not multiple vendor options (§3.08.090)

Issues with the current process:

- 1) Timing – Everyone works to pre-plan projects but field changes occur or resources/projects shift quickly and it typically takes 1 week to get a PO.
- 2) Purchase Limit – \$1,000 no longer accomplishes as much as it used to. This results in most all purchases requiring a PO or “interesting” purchasing processes. Large “blind” POs are opened and used for what is needed on a regular basis.
- 3) Quote Requirements
 - a. Quoting items for individual POs results in re-quoting for similar purchase frequently throughout the year.
 - b. Many items only have 1 source (i.e. Dealer & part suppliers, advertising, etc.)
- 4) Double the management of department budgets: The need to manage budget lines and individual PO budgets for large blind POs

Proposed Ordinance Revisions:

- 1) Increase PO limits to \$2,000 on single items or \$5,000 on orders with multiple items.
- 2) Allow the use of "Approved Vendors" similar to State Policy (§3.08.030[B][4])
 - a. Determine a pool of vendor(s) for all of the most common goods for a fiscal year
 - b. Same Bid/Sole Source process used – just completed once and approved in advance
 - c. One time purchase that don't fit this model can simply use the standard PO process
- 3) PO process cleaned
 - a. Digital PO process to be established by the Finance Department
- 4) Multiple technical corrections throughout the ordinance to deal with standard practices
 - a. Eliminate "Purchasing Agent" throughout
 - b. Clarify a quote vs. bid
 - c. Set new limits on bidding work (\$100,000 for professional services, \$150,000 for construction)
- 5) General ordinance clean up
 - a. Reduce redundancy & condense similar issues into single locations
 - b. Clarify authority (County Executive or designee)
 - c. Minor updates to out of state travel approval

Potential workload changes with ordinance update (based on 130 Road/Weed POs in 2014):

- 52 Eliminated (40%)
- 27 Approved Vendor POs (21%)
- 51 POs Remain (39%) – This figure is artificially high from 2014 because of the number of equipment purchases made during the transition

Goal of every ordinance or policy should be to meet the purpose of the procedure:

- Efficient and effective purchasing
- Avoid process for process sake. The current process is actually leading to cost and/or time inefficiencies.
 - Develop cost effective procedures where the potential reward/savings is not outstripped consistently by the cost of trying to comply (saving \$20 on a \$1,200 purchase but spending 3 hours doing so).

ORDINANCE NO. 2015-05

CACHE COUNTY, UTAH

AMENDMENTS TO TITLE 3

AN ORDINANCE AMENDING AND SUPERSEDING CHAPTERS 8, 12, AND 16 OF TITLE 3 OF THE CACHE COUNTY ORDINANCE REGARDING PURCHASING, PUBLIC IMPROVEMENTS, AND CONTRACTS

WHEREAS, the State of Utah has authorized Cache County to adopt financial procedures and ordinances within the Uniform Fiscal Procedures Act for Counties, and;

WHEREAS, the purpose of this ordinance is to provide clear, effective, efficient, consistent, and equitable fiscal procedures for Cache County Corp., and;

WHEREAS, the County Council caused notice of the amendments to Title 3 of the Cache County Ordinance to be advertised in *The Herald Journal*, a newspaper of general circulation in Cache County, and;

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement these ordinances.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapters 8, 12, and 16 of Title 3 of the Cache County Ordinance are hereby amended and superseded as follows:

1. STATUTORY AUTHORITY

The statutory authority for enacting this ordinance is the Uniform Fiscal Procedures Act for Counties, Utah Code Annotated §17-36 (1953, as amended).

2. PURPOSE OF PROVISIONS

The purpose of this ordinance is to amend and supersede Chapters 8, 12, and 16 of Title 3 of the Cache County Ordinance regarding purchasing procedures, public improvements, and contracts is to provide for efficient and effective government and the promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

3. FINDINGS

- A. The amendments to Title 3 of the Cache County Ordinance are in conformity with the Uniform Fiscal Procedures Act for Counties, Utah Code Annotated §17-36 (1953, as amended).
- B. The amendments to Title 3 of the Cache County Ordinance are necessary to establish effective and efficient fiscal procedures.
- C. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 3 of the Cache County Ordinance be approved.

4. EXHIBITS

- A. Title 3, Chapters 8, 12, and 16 of the Cache County Ordinance is amended as follows: See Exhibit A.

5. PRIOR ORDINANCES, RESOLUTIONS, POLICIES AND ACTIONS SUPERSEDED.

This ordinance amends and supersedes Chapters 8, 12, and 16 of Title 3 of the Cache County Ordinance, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

6. EFFECTIVE DATE.

This ordinance takes effect on April 3rd, 2015. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 24th day of March, 2015.

| | In Favor | Against | Abstained | Absent |
|----------|----------|---------|-----------|--------|
| Potter | | | | |
| Erickson | | | | |
| White | | | | |
| Merrill | | | | |
| Robison | | | | |
| Yeates | | | | |
| Zilles | | | | |
| Total | | | | |

CACHE COUNTY COUNCIL:

ATTEST:

Kathy Robison, Chair
Cache County Council

Jill Zollinger
Cache County Clerk

Publication Date:

_____, 2015

**Chapter 3.08
PURCHASING**

3.08.010: DEFINITIONS

3.08.020: PURCHASE POLICY

3.08.030: PURCHASING PROCEDURES

3.08.040: QUOTE REQUIREMENT EXEMPTIONS

3.08.050: EMERGENCY PROCUREMENT

3.08.060: TRAVEL EXPENSES

3.08.070: PROFESSIONAL SERVICES

3.08.010: DEFINITIONS

OPEN MARKET PROCEDURES: Purchasing goods or services from the open market by, whenever possible, obtaining at least three (3) quotes. This quotes solicitation can be done by department heads, division managers, or their designees. The goal of open market procedures is to obtain substantially equal goods and services at the best value (price, timing, quality, service, etc.).

3.08.020: PURCHASE POLICY

- A. As a general policy, and to the degree reasonable, the county shall endeavor to make all purchases locally; provided, that the items or services purchased are available in the required quantity, quality, and within a reasonable time.
- B. Bids for public improvements and construction projects shall be made in accordance with state law and the provisions of chapter 3.12 of this title.
Purchases shall not be split within the course of a budget year to avoid complying with the provisions of this chapter.

3.08.030: PURCHASING PROCEDURES

The following procedures shall be used with respect to all purchases unless otherwise exempt as set forth in 3.08.040:

- A. Basic Purchase: For individual purchases in an amount equal to or less than two thousand dollars (\$2,000) for single items or five thousand dollars (\$5,000) of collective value for all items, departments may purchase the item(s) and submit the invoice for payment. Such purchases must be approved by the department head and not exceed their respective budget allotment unless approved by the County Executive.
- B. Purchase Orders: All services, contracts, supplies, materials, and equipment in excess of the Basic Purchase limits shall be purchased with the authority of a written purchase order. Written documentation of compliance with Open Market Procedures must accompany all purchase orders unless specifically exempt in this Title.
 - 1. The department head shall file with the Finance Department a request for a Purchase Order including required agreements/contracts, quotes, bids, sole source justification, or other documentation to ensure compliance with this title. Any proposed agreements or contracts that accompany the Purchase Order request shall be executed in compliance with this Title.
 - 2. The Finance Department shall review the documents as submitted by the department head for compliance with this Title.
 - a. If additional information is required, such information shall be provided by the Department Head requesting the Purchase Order.

- b. If the request complies with the requirements of this title and the established budget allocation for the department, the Purchase Order shall be issued.
- C. The following are exempt from the requirements of Open Market Procedures (a purchase order is still required):
 - 1. Sole Source Purchases: A purchase may be made without following open market procedures when the department head determines in writing that there is only one source for the required service or item. In that event, although quotes will not be necessary, all other procedures as set forth in this title are required.
 - 2. Approved Vendor: Approved vendors may be established for standard goods and services ordered periodically by one or more departments throughout a fiscal year. Regular and consistent purchases of such items as vehicle parts, pipe, fencing material, gravel, asphalt, etc., are applicable.
 - a. Approved vendors are established by:
 - i. The Finance Director, individual Department Head, and County Executive and are valid for purchases made during that fiscal year.
 - ii. Purchases from State of Utah approved vendors may also qualify as approved vendors without the need for further review.
 - b. Items available for purchase from approved vendors shall allow for some discretion in individual smaller units, generalization of items, and minor variations in cost (market changes up to 5% per year).
 - c. Annual Purchase Orders for approved vendors may be obtained by departments for a fiscal year time period. Annual purchase orders are not for specific items or orders, but are rather eligible to be opened for set amounts of budget for recurring purchases.
 - 3. Purchases from Utah state central stores, federal or state agencies, or Utah state surplus.
 - 4. Purchases from vendors specified in the Utah state approved contract or vendor list.
 - 5. Purchases from GSA vendors (US General Services Administration approved vendors)

3.08.040: PURCHASE ORDER REQUIREMENT EXEMPTIONS

The following type of purchases or acquisitions shall be exempt from the open market and purchase order procedure requirements of this chapter regardless of the expenditure amount:

- A. Regular utility bills.
- B. Salaries, benefits and compensation to and for county employees.
- C. Negotiated contracts encumbered and as provided for in a line item of the general county budget to a single vendor. (Fuel and vehicle fluid purchases by the road/weed departments or sheriff's office)
- D. Seminars, conferences, or other training and reimbursement for travel and per diem expenses.
- E. Professional services unless the county elects to require bidding in compliance with 3.08.070.
- F. Advertising in print or digital media.

3.08.050: EMERGENCY PROCUREMENT

- A. Under emergency conditions where there exists a threat to public health, welfare, safety or property, the county executive, or in the event of his absence or the inability to contact him, the department head in charge of the affected area, may make or authorize an emergency procurement without following open market procedures or obtaining bids, so long as they make reasonable efforts to follow the procedures set forth in this chapter.

- B. Emergency procurement shall be made with as much competition as practicable under the circumstances.
- C. A written determination of the basis for the emergency, for the selection of the particular vendor or contractor, and for the actions of the person making the purchase shall be submitted to the county executive for the purchase to be reviewed.

3.08.060: TRAVEL EXPENSES

All requests for travel to, conventions, seminars and/or conferences to locations that are both out of state and farther than 250 miles from Cache County must be approved by the employee's department head and the county executive in advance.

3.08.070: PROFESSIONAL SERVICES

- A. It is the policy of the county to:
 - 1. Publicly announce all requests for professional services with a projected value of more than \$100,000 unless a contract for services already exists;
 - 2. The County Executive or designee shall be enabled to authorize the issuance of Requests for Proposals (RFPs) on any project.
 - 3. Negotiate contracts for professional services on the basis of:
 - a. Demonstrated competence; and
 - b. Demonstrated qualification for the type of service required; and
 - c. Fair and reasonable prices.
- B. The county executive may designate a selection committee for professional services contracts and such committee shall evaluate the response to requests for proposals (RFPs). The selection committee shall consider no fewer than three (3) firms, unless fewer RFPs are submitted, and then shall make recommendations therefrom of the most highly qualified to provide the services and submit that recommendation to the county executive.
- C. In awarding a contract for professional services, the county executive shall consider the estimated value, the scope, complexity and professional nature of the services to be rendered and shall award the contract only to a qualified firm.
- D. The county executive, in his discretion, is authorized to select alternative methods of procurement of construction contracting management for a particular project as provided for in the Utah Procurement Code. The following rules are hereby adopted to implement this subsection, as follows:
 - 1. The county executive shall select the appropriate method of construction contracting management for a particular project. In connection with the selection of the method, the county executive shall include in the contract file a written statement setting forth the facts which led to the selection of a particular method of construction contracting management for each project.
 - 2. Before choosing a construction contracting management method, the county executive shall consider the following factors:
 - a. When the project must be ready to be occupied;
 - b. The type of project;
 - c. The extent to which the requirements of the procuring agencies and the ways in which they are to be met are known;
 - d. The location of the project;
 - e. The size, scope, complexity, and economics of the project;
 - f. The source of funding and any resulting constraints necessitated by the funding source;

- g. The availability, qualification, and experience of county personnel to be assigned to the project and how much time the county personnel can devote to the project; and
 - h. The availability, qualifications, and experience of outside consultants and contractors to complete the project under the various methods being considered.
- 3. The county executive is hereby expressly authorized, in his discretion, to implement the construction manager/general contractor method as a method of construction contracting management for a particular project. In the implementation of this method, the following rules shall apply:
 - a. The construction manager/general contractor shall be selected using one of the source selection methods provided for in the Utah Procurement Code; and
 - b. When entering into any subcontract that was not specifically included in the construction manager/general contractor's cost proposal submitted under the requirements of subsection D3a of this section, the construction manager/general contractor shall procure that subcontractor in the same manner as if the subcontract work was procured directly by the county.

**Chapter 3.12
PUBLIC IMPROVEMENTS**

3.12.010: DEFINITIONS:**3.12.020: COUNTY PROVISION OF MATERIALS AND SERVICES:****3.12.030: PLANS AND SPECIFICATIONS:****3.12.040: BIDS:****3.12.050: CONTRACTS:****3.12.060: BONDS:****3.12.070: COMPLIANCE WITH LAW:****3.12.080: SUPERVISION:****3.12.090: EMERGENCIES:****3.12.010: DEFINITIONS:**

PUBLIC IMPROVEMENT PROJECT: The planning, construction, repair and maintenance of any public improvement.

PUBLIC IMPROVEMENT: Means and includes the construction or reconstruction of buildings, bridges, roads and other structures or improvements owned, operated, planned or constructed by the county or any other public entity. This does not include standard maintenance activities that are completed by County crews.

3.12.020: COUNTY PROVISION OF MATERIALS AND SERVICES:

Unless specifically required otherwise by the provisions of any applicable state law, the county may provide materials and services for the construction, repair and maintenance of any public improvement as may be reasonable, necessary and feasible to reduce the costs of any public improvement project and the need for private contractors.

3.12.030: PLANS AND SPECIFICATIONS:

- A. No public improvement project may be undertaken without adequate and reasonable detailed plans and specifications.
- B. All plans and specifications shall be prepared by a licensed and qualified engineer or surveyor and reviewed by the appropriate County staff.

3.12.040: BIDS:

Subject to the foregoing sections and applicable state and federal laws, rules, regulations and contract requirements, and unless provided directly by the county, all public improvements shall be erected or repaired by contract and after the completion of the bid process provided by this title. Awards for public improvements shall be let to the lowest responsible bidder who has complied with the requirements of this title.

- A. **Formal Competitive Bidding:** If the purchase price exceeds one hundred fifty thousand dollars (\$150,000.00), formal competitive bidding procedures shall be used. The purchasing agent shall call for competitive bids by giving reasonable notice of the county's intent to receive sealed bids, describing therein the requested property or services needed, and the place where bid blanks and specifications may be obtained as well as the place, date and time when bids will be received and/or opened.
 - 1. **Publication Of Notice:** Unless otherwise required by state law, bids may be invited by one or more of the following: a single publication in a local newspaper (minimum of twice at least five (5) days in advance of the bid opening), by mailing invitations to interested qualified

- bidders, electronic notification (e-mail) to interested vendors, posting of the bid or proposal package on the county website, or posting of the bid or proposal package on an online procurement notification system selected by the purchasing agent. A minimum of three (3) bidders, where applicable, will be solicited. Bids are accepted in a manner determined by the purchasing agent.
2. Firm Bids: All bids submitted to the county shall be open for acceptance for a period of ten (10) days following bid openings.
 3. Rejection of Bids: The county may reject any or all bids including the apparent lowest bidder. A written statement must accompany each or all rejected bids with the reasoning for rejection of the bid.
 4. Payment and Performance Bonds: Before entering into a contract the county may require a payment and performance bond from the successful bidder. The bond must be furnished to the county upon awarding of a contract. A payment and performance bond shall be required on public works construction projects.
 5. Bid Bonds: The county may require as a condition of bidding a bid bond or a cashier's check in lieu thereof in the amount of five percent (5%) of the amount bid. A bid bond shall be required on public works construction projects.
 6. Award Of Bids: Except as otherwise provided in this chapter the county shall accept the bid of the lowest responsible bidder.
 7. Award To Other Than Low Bidder: When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the department head and submitted to the county and filed with the other documents relating to the transaction.
 8. Noncompliant Purchases: Purchases that are not in compliance with the purchasing system must be documented in writing. The documentation must include the reason for the noncompliance and must be signed by the department head, and the county executive. Failure to follow the purchasing system may result in disciplinary action.
 9. Bidder Eligibility: Bidders who are involved in a pending claim or litigation or have threatened same against the county may be disqualified from doing business with the county when determined to be in the best interest of the county. This disqualification may apply to a bidder or a subcontractor or supplier of the bidder.
- B. Notwithstanding the foregoing, alternate methods of procurement of construction contracting management may be utilized at the discretion of the county executive for a particular project as provided in subsection 3.08.070(D) of this title.

3.12.050: CONTRACTS:

- A. All contracts shall be made and entered into subject to the provisions of this title.
- B. All project contracts shall be prepared by the county attorney, unless it is deemed feasible to use documents obtained from other sources or the other contracting party.
- C. All public improvement project contracts shall include copies of specific plans and specifications attached thereto.

3.12.060: BONDS:

- A. Bid bonds or securities shall be required as a condition for the acceptance and approval of any bid for a public improvement project and must comply with the provisions of Utah Procurement Code, and shall be subject to the provisions of that statutory provision.

- B. Performance bonds and payment bonds shall be required as a condition for the approval and entering of any public improvement contract and subject to the provisions of Utah Procurement Code.

3.12.070: COMPLIANCE WITH LAW:

- A. No public improvement or public improvement project may be undertaken or completed, except in full compliance with applicable state and federal laws, rules, regulations and contract provisions, and any applicable codes, such as, but not limited to, the building code, the electrical code, the plumbing code, and fire code as adopted by county ordinance.
- B. No public improvement contract may be entered into which violates the provisions or obligations of any outstanding bonds, contracts or other obligations of the county, or which exceed any debt limits provided by the Utah constitution or state law.

3.12.080: SUPERVISION:

- A. The county executive shall cause all public improvement projects to be managed and supervised by the affected department head and/or a licensed professional retained by the county for the project.
- B. The county executive shall make reports of the progress on any public improvement project to the county council.

3.12.090: EMERGENCIES:

- A. In the event of an emergency (a condition which requires that emergency assistance be provided to save lives and protect property within its jurisdiction in response to a disaster, or to avoid or reduce the threat of a disaster), the county executive or his designee, may contract for repairs, construction, removal, debris removal or maintenance of public improvements or public improvement projects that may be reasonable and necessary as the result of the emergency in order to alleviate the emergency or its consequences without obtaining the prior approval of plans and specifications, bids or bonds, subject to the following:
 - 1. Emergency contracts shall be made with as much competition as practicable under the circumstances.
 - 2. A written determination of the basis for the emergency and the selection of the particular contractor shall be submitted to the county executive as soon as may be reasonably be possible thereafter.

**Chapter 3.16
CONTRACTS**

3.16.010: CONTRACTING PARTY:

3.16.020: SIGNATURES:

3.16.030: WRITING:

3.16.040: RECORDS:

3.16.050: APPROVAL:

3.16.060: COUNTY COUNCIL:

3.16.070: RESTRICTIONS:

3.16.080: COMPLIANCE WITH LAW:

3.16.090: CONTENTS:

3.16.100: INTERLOCAL AGREEMENT:

3.16.010: CONTRACTING PARTY:

All contracts involving the county or any department or agency of the county shall designate "Cache County" as the contracting party. No county contract shall be in the name of any county department, agency or officer.

3.16.020: SIGNATURES:

All county contracts shall be executed by the county executive or designee before becoming effective.

3.16.030: WRITING:

All county contracts shall be in writing in order to be effective. (Ord. 90-16)

3.16.040: RECORDS:

- A. The original fully signed contract shall be filed with, indexed and maintained by the Cache County clerk.

3.16.050: APPROVAL:

No contract shall be entered or signed unless and until:

- A. It has been reviewed and approved by the county attorney (or designee) as to proper form and compatibility with state law.
- B. The budget has been amended by resolution of the county council, if necessary, for expenditures pursuant to any contract not previously provided for in the applicable budget.
- C. All agreements must be signed by the county executive or designee to become effective.
- D. The executed agreement shall be placed in the custody of the county clerk.

3.16.060: COUNTY COUNCIL:

- A. No contract requiring the approval of the county council shall be executed prior to the approval of the county council, with the advice of the county attorney.
- B. No interlocal cooperation agreement may be entered or executed without the adoption of a resolution of approval by the county council.

3.16.070: RESTRICTIONS:

- A. All contracts of an executor nature, i.e., those requiring future performance or payment by the county, must contain a provision to the effect that the contract and any payments thereunder are subject to and conditioned upon future legislative allocation of funds by the county council.
- B. All county contracts must be for a clearly articulated and lawful public purpose.

- C. No county contract may:
 - 1. Be ultra vires (outside the legal authority to act);
 - 2. Bind the county to mandatory arbitration;
 - 3. Limit or delegate any legislative or sovereign powers of the county, the county council, or any county officer;
 - 4. Be contrary to public policy;
 - 5. Be in violation of any applicable state or federal law or county ordinance;
 - 6. Allow or provide for the county to exceed its constitutional or statutory debt limit;
 - 7. Cause the county to violate any existing contract or bond obligations.

3.16.080: COMPLIANCE WITH LAW:

- A. All county contracts shall be made and entered into in compliance with the state constitution and laws, federal laws and county ordinances.
- B. Specifically and in addition to the foregoing, no contract may be entered into which either violates or is not in compliance with the provisions of the Utah County Officers and Employees Disclosure Act or Utah Public Officers and Employees Ethics Act.

3.16.090: CONTENTS:

Every county contract shall contain at least the following:

- A. Names of contracting parties.
- B. Public purpose of the contract.
- C. Duration.
- D. Contract price and method of payment.
- E. Provisions required by county ordinance or state law.
- F. Effective date.
- G. Specific obligations of the parties.

3.16.100: INTERLOCAL AGREEMENT:

No interlocal agreement may be entered by the county except in compliance with the provisions of the Utah Interlocal Cooperation Act.

Chapter 3.08
PURCHASING

3.08.010: ~~PURCHASING AGENT~~ DEFINITIONS

3.08.020: PURCHASE POLICY

3.08.030: PURCHASING PROCEDURES ~~LESS THAN ONE THOUSAND DOLLARS~~

3.08.040: BIDS QUOTE REQUIREMENT EXEMPTIONS

3.08.050: EMERGENCY PROCUREMENT

AGREEMENTS

3.08.060: TRAVEL EXPENSES ~~PURCHASES IN EXCESS OF ONE THOUSAND DOLLARS~~

3.08.070: COUNTY CENTRAL SUPPLIES PROFESSIONAL SERVICES

~~3.08.080: EMERGENCY PROCUREMENT~~

~~3.08.090: SOLE SOURCE PURCHASES~~

~~3.08.100: TRAVEL EXPENSES~~

~~3.08.110: ARCHITECT AND ENGINEER SERVICES~~

3.08.010: DEFINITIONS ~~PURCHASING AGENT~~

OPEN MARKET PROCEDURES: Purchasing goods or services from the open market by, whenever possible, obtaining at least three (3) quotes. This quotes solicitation can be done by department heads, division managers, or their designees. The goal of open market procedures is to obtain substantially equal goods and services at the best value (price, timing, quality, service, etc.).

- A. ~~A county purchasing agent shall be appointed pursuant to Utah Code Annotated section 17-36-20; with such duties and powers as are set forth in chapters 3.04 through 3.56 of this title, the county organic act and applicable state law.~~
- B. ~~The purchasing agent shall comply with the provisions of chapters 3.04 through 3.56 of this title, the county organic act and applicable state law for all purchases and specifically with the provisions of Utah Code Annotated section 17-15-6 through 17-15-9, as amended.~~
- C. ~~Until a purchasing agent is appointed, the county executive or a designee shall act as the purchasing agent for the county. (Ord. 90-16)~~

3.08.020: PURCHASE POLICY

A. ~~A.~~ As a general policy, and to the degree reasonable, the county shall endeavor to make all purchases locally; provided, that the items or services purchased are available in the required quantity, quality, and within a reasonable time.

~~B. All purchases which are made through the Utah state central stores, state or federal agencies, or from Utah state surplus sources shall be approved by the purchasing agent before finalization.~~

~~C.~~ Bids for public improvements and construction projects shall be made in accordance with state law and the provisions of chapter 3.12 of this title.

B. ~~D.~~ Purchases shall not be split within the course of a budget year to avoid ~~meeting complying with the provisions~~ the one thousand dollar (\$1,000.00) approval limit required in section 3.08.030 of this chapter of this chapter. (i.e., component part purchase as a working unit). (Ord. 90-16; amd. Ord. 2000-10; Ord. 2002-20)

3.08.030: PURCHASE PURCHASING PROCEDURES ~~LESS THAN ONE THOUSAND DOLLARS~~

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The following procedures shall be used with respect to all purchases unless otherwise exempt as set forth in 3.08.040:

A. Basic Purchase: For individual purchases in an amount equal to or less than two thousand dollars (\$2,000) for single items or five thousand dollars (\$5,000) of collective value for all items, departments may purchase the item(s) and submit the invoice for payment. Such purchases must be approved by the department head and not exceed their respective budget allotment unless approved by the County Executive.

B. Purchase Orders: All services, contracts, supplies, materials, and equipment in excess of the Basic Purchase limits shall be purchased with the authority of a written purchase order. Written documentation of compliance with Open Market Procedures must accompany all purchase orders unless specifically exempt in this Title.

1. The department head shall file with the Finance Department a request for a Purchase Order including required agreements/contracts, quotes, bids, sole source justification, or other documentation to ensure compliance with this title. Any proposed agreements or contracts that accompany the Purchase Order request shall be executed in compliance with this Title.
2. The Finance Department shall review the documents as submitted by the department head for compliance with this Title.

a. If additional information is required, such information shall be provided by the Department Head requesting the Purchase Order.

b. If the request complies with the requirements of this title and the established budget allocation for the department, the Purchase Order shall be issued.

C. The following are exempt from the requirements of Open Market Procedures (a purchase order is still required):

1. A. For purchases in an amount equal to or less than one thousand dollars (\$1,000.00), the department head need not obtain bids, may purchase the items, and submit the invoice for payment. Such purchases must be approved by the department head and not exceed their respective budget allotment. Sole Source Purchases: A purchase may be made without following open market procedures when the department head determines in writing that there is only one source for the required service or item. In that event, although quotes will not be necessary, all other procedures as set forth in this title are required.

2. Approved Vendor: Approved vendors may be established for standard goods and services ordered periodically by one or more departments throughout a fiscal year. Regular and consistent purchases of such items as vehicle parts, pipe, fencing material, gravel, asphalt, etc., are applicable.

a. Approved vendors are established by:

- i. The Finance Director, individual Department Head, and County Executive and are valid for purchases made during that fiscal year.
- ii. Purchases from State of Utah approved vendors may also qualify as approved vendors without the need for further review.

b. Items available for purchase from approved vendors shall allow for some discretion in individual smaller units, generalization of items, and minor variations in cost (market changes up to 5% per year).

c. Annual Purchase Orders for approved vendors may be obtained by departments for a fiscal year time period. Annual purchase orders are not for specific items or orders, but are rather eligible to be opened for set amounts of budget for recurring purchases.

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- 3. Purchases from Utah state central stores, federal or state agencies, or Utah state surplus.
- 4. Purchases from vendors specified in the Utah state approved contract or vendor list.
- 5. Purchases from GSA vendors (US General Services Administration approved vendors)

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~~B. In no event shall any agreement be executed without the agreement having first been reviewed and an opinion given by the county attorney's office. (Ord. 90-16; amd. Ord. 2000-10; Ord. 2002-20)~~

3.08.040: PURCHASE ORDER REQUIREMENT ~~BIDS~~ EXEMPTIONS

~~When bids are required under the provisions of chapters 3.04 through 3.56 of this title for purchases, the following bidding procedure will be followed:~~

- ~~A. At least three (3) bids shall be required for each purchase.~~
- ~~B. A request for bids or quotes shall be issued for each purchase to at least three (3) separate sources, unless it is unreasonable or impossible in the circumstances to obtain three (3) bids for the desired purchase.~~
- ~~C. The request for bids or quotes shall set forth specifications for all items to be purchased and be in written form with the same request being submitted to all interested vendors.~~
- ~~D. All requests for bids or quotes shall specifically state that:

 - ~~1. The county reserves the right to reject any and all bids for any reason whatsoever.~~
 - ~~2. A bid may be accepted which is not necessarily the lowest bid.~~
 - ~~3. The acceptance of a bid may be based upon the ability of the vendor to make the earliest delivery of the requested item or services or to provide the quantity required.~~~~
- ~~E. Specific reasons for the selection, acceptance or rejection of any particular bid shall be stated in writing and included with the documents forwarded to and maintained by the county auditor's office.~~

~~F. The following type of purchases or acquisitions shall be exempt from the bidding open market and purchase order procedure requirements of this chapter regardless of the expenditure amount:~~

- ~~— 1. Purchases from Utah state central stores, federal or state agencies, or Utah state surplus.~~
- ~~— 2. Purchases from vendors specified in the Utah state approved contract or vendor list.~~

- ~~A. 3. Regular Utility utility billsies.~~
- ~~B. 4. Salaries, benefits and compensation to and for county employees.~~
- ~~— 5. Negotiated contracts encumbered and as provided for in a line item of the general county budget to a single vendor.~~

~~C. Fuel and vehicle fluid purchases by the road/weed departments or sheriff's office)~~

- ~~— 6. Seminars, and conferences, or other training and.~~
- ~~— 7. R reimbursement for travel and per diem expenses.~~

- ~~D.

 - ~~— 8. Law library.~~
 - ~~9. Emergency procurement as specified in this chapter.~~
 - ~~10. Purchases from sole sources as specified in this chapter.~~
 - ~~11. Food and food services for the county jail which may be bid on an annual basis in lieu of a purchase by purchase basis.~~
 - ~~12. Fuel purchases by the road department or sheriff's office which may be bid on an annual basis in lieu of a purchase by purchase basis.~~~~

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~~E. 13. Professional services; provided, that unless the county may elects to require bidding for specific projects or services in compliance with 3.08.070.~~

~~F. Advertising in print or digital media.~~

~~(Ord. 90-16)~~

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3.08.050: AGREEMENTS

~~A. All written agreements shall be approved as to form, content and legality by the county attorney's office before being submitted for final approval to the county executive and before execution.~~

~~B. All agreements must be signed by the county executive to become effective.~~

~~C. The original executed agreement shall be placed in the custody of the county clerk with copies thereof be provided to the county executive, county attorney, county auditor and heads of affected departments. (Ord. 90-16)~~

3.08.060: PURCHASES IN EXCESS OF ONE THOUSAND DOLLARS

~~The following procedures shall be used with respect to all purchases which are, or which are anticipated to be, in excess of one thousand dollars (\$1,000.00):~~

~~A. The department head, or the purchasing agent upon the request of department head, shall:~~

~~1. Determine specifications for the item or services needed.~~

~~2. Prepare a request for bids or quotes based upon and including those specifications as well as the terms and conditions of the bid procedure.~~

~~3. Obtain at least three (3) bids from three (3) separate sources, if reasonable and possible, based upon those specifications and bid instructions.~~

~~4. Submit the specifications and bids received, together with any proposed agreements or other documents relating to the purchases to the purchasing agent with: a) a statement indicating that the purchase is within the department budget; and with b) the purchase requisition prepared by the department head for approval.~~

~~B. The purchasing agent shall:~~

~~1. Review the documents as submitted by the department head.~~

~~2. Make comparisons to other sources, including, but not limited to, the state central stores and state approved contract and vendor list for the same items or services.~~

~~3. Contact the bidders, if reasonable or necessary, to confirm adherence to the specifications and bidding instructions and to clarify any questions concerning the bids.~~

~~4. Determine whether the same items or services are available in other departments within the county or if purchases could be made jointly with other departments in order to obtain better prices.~~

~~5. Submit any proposed agreements to the county attorney for approval.~~

~~6. Make recommendations to the department head and county executive.~~

~~C. The purchasing agent shall, after approval of the purchase and purchase terms by the county attorney and department head, submit a purchase order to the county auditor, together with bid and other documents, including the county attorney's opinion and the purchasing agent's statement of approval.~~

~~D. The county auditor shall approve the purchase as being within the budget for that department and submit the purchase documents, together with an indication of approval to the county executive.~~

~~E. The county executive shall then examine the request and purchase order and either approve or disapprove of the same.~~

~~F. The purchasing agent shall make the purchases, if so requested by the department head, otherwise the purchase shall be made by the department head. The purchasing agent shall oversee and provide any assistance requested by the department head with respect to the delivery and~~

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~~installation of any items purchased or services rendered and, together with the department head, shall monitor adherence to the performance of any agreement. (Ord. 90-16; amd. Ord. 2000-10; Ord. 2002-20)~~

3.08.070: COUNTY CENTRAL SUPPLIES

- ~~A. The purchasing agent shall maintain a list of items available within any county central supply area for use by all departments, and provide this list to all department heads.~~
- ~~B. Department heads may submit requests to the purchasing agent to maintain a stock of particular items in such central supply areas. (Ord. 90-16)~~

3.08.08050: EMERGENCY PROCUREMENT

~~A. Under emergency conditions where there exists a threat to public health, welfare, safety or property, the purchasing agent, or in his absence or in the event of the inability to contact him, the county executive, or in the event of his absence or the inability to contact him, the department head in charge of the affected area, may make or authorize an emergency procurement without following open market procedures or obtaining bids, so long as bids and with they make reasonable efforts to follow the procedures set forth in this chapter.~~

~~A.~~

~~B. Emergency procurement shall be made with as much competition as practicable under the circumstances.~~

~~C. A written determination of the basis for the emergency, for the selection of the particular vendor or contractor, and for the actions of the person making the purchase shall be submitted thereafter by the department head to the purchasing agent and to the county executive for the purchase to be reviewed and approved or disapproved as well as for confirmation that an emergency existed. (Ord. 90-16)~~

3.08.090: SOLE SOURCE PURCHASES

~~A purchase may be made without bidding or competition when the department head and purchasing agent determine in writing that there is only one source for the required service or item and the county attorney gives a written opinion confirming the legality thereof. In that event, although bids will not be necessary, all other procedures as set forth in chapters 3.04 through 3.56 of this title shall be followed. (Ord. 90-16)~~

3.08.10060: TRAVEL EXPENSES

All requests for travel to, ~~and other costs of~~ conventions, seminars and/or conferences ~~out of to~~ locations that are both out of state and farther than 250 miles from Cache County ~~by county employees~~ must be approved by the employee's department head and the county executive in advance. ~~(Ord. 90-16; amd. Ord. 2002-20)~~

3.08.07110: ARCHITECT AND ENGINEER PROFESSIONAL SERVICES

~~A. It is the policy of the county to:~~

- ~~1. Publicly announce all requirements requests for architect and engineer professional services with a projected value of more than \$100,000 unless a contract for services already exists;~~
- ~~2. The County Executive or designee shall be enabled to authorize the issuance of Requests for Proposals (RFPs) on any project, and~~
- ~~3. Negotiate contracts for architect and engineer professional services on the basis of:

 - a. Demonstrated competence; and~~

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- b. Demonstrated qualification for the type of service required; and
- c. Fair and reasonable prices.

~~B. The county executive shall negotiate each contract for architect and engineer services on the basis set forth in subsection A of this section. The county executive may request bids for architect and engineer services in the manner prescribed in section 3.08.040 of this chapter.~~

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~~C. The county executive shall encourage architect and engineer firms to submit annual statements of qualifications and performance data. (Ord. 90-16; amd. Ord. 94-09)~~

~~B. D. The county executive may designate a selection committee for architect and engineer professional services contracts and such committee shall evaluate the current statements of qualifications and performance data on file, together with those that may be submitted by other firms in response to the announcement of the proposed contract requests for proposals (RFPs). The selection committee shall consider no fewer than three (3) firms, unless fewer RFPs are submitted, and then shall make recommendations therefrom of not fewer than three (3) firms deemed to be the most highly qualified to provide the services required and submit those that recommendations to the county executive. (Ord. 2012-05, 4-24-2012, eff. 5-9-2012)~~

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~~C. E. In awarding a contract for architect and engineer professional services, the county executive shall consider the estimated value, the scope, complexity and professional nature of the services to be rendered and shall award the contract only to a qualified firm. (Ord. 90-16; amd. Ord. 94-09)~~

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~~D. F. The county executive, in his discretion, is authorized to select alternative methods of procurement of construction contracting management for a particular project as provided for in the Utah Procurement Code, section 63G-6-501, Utah Code Annotated, 1953, as amended. The following rules are hereby adopted to implement this subsection, as follows:~~

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~~1. 1. The county executive shall select the appropriate method of construction contracting management for a particular project. In connection with the selection of the method, the county executive shall include in the contract file a written statement setting forth the facts which led to the selection of a particular method of construction contracting management for each project.~~

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~~2. 2. Before choosing a construction contracting management method, the county executive shall consider the following factors:~~

- ~~a. a. When the project must be ready to be occupied;~~
- ~~b. b. The type of project;~~
- ~~c. c. The extent to which the requirements of the procuring agencies and the ways in which they are to be met are known;~~
- ~~d. d. The location of the project;~~
- ~~e. e. The size, scope, complexity, and economics of the project;~~
- ~~f. f. The source of funding and any resulting constraints necessitated by the funding source;~~
- ~~g. g. The availability, qualification, and experience of county personnel to be assigned to the project and how much time the county personnel can devote to the project; and~~
- ~~h. h. The availability, qualifications, and experience of outside consultants and contractors to complete the project under the various methods being considered.~~

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3. The county executive is hereby expressly authorized, in his discretion, to implement the construction manager/general contractor method as a method of construction contracting management for a particular project. In the implementation of this method, the following rules shall apply:

~~a.~~ The construction manager/general contractor shall be selected using one of the source selection methods provided for in the Utah ~~procurement~~ Procurement Code, ~~part 4, source selection and contract formation, title 63G, chapter 6, Utah Code Annotated, 1953, as amended;~~ and

a.

~~b.~~ When entering into any subcontract that was not specifically included in the construction manager/general contractor's cost proposal submitted under the requirements of subsection ~~F3a~~ D3a of this section, the construction manager/general contractor shall procure that subcontractor ~~by using one of the source selection methods provided for in part 4, source selection and contract formation, title 63G, chapter 6, Utah Code Annotated, 1953, as amended,~~ in the same manner as if the subcontract work was procured directly by the county. ~~(Ord. 2012-05, 4-24-2012, eff. 5-9-2012)~~

b.

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Chapter 3.12
PUBLIC IMPROVEMENTS

- 3.12.010: DEFINITIONS:
- 3.12.020: COUNTY PROVISION OF MATERIALS AND SERVICES:
- 3.12.030: PLANS AND SPECIFICATIONS:
- 3.12.040: BIDS:
- 3.12.050: CONTRACTS:
- 3.12.060: BONDS:
- 3.12.070: COMPLIANCE WITH LAW:
- 3.12.080: SUPERVISION:
- ~~3.12.090: PAYMENT:~~
- ~~3.12.100: COUNTY COUNCIL:~~
- 3.12.110090: EMERGENCIES:

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3.12.010: DEFINITIONS:
PUBLIC IMPROVEMENT PROJECT: The planning, construction, repair and maintenance of any public improvement.

PUBLIC IMPROVEMENTS: Means and includes [the construction or reconstruction of](#) buildings, bridges, roads and other structures or improvements owned, operated, planned or constructed by the county or any other public entity. [This does not include standard maintenance activities that are completed by County crews.](#) ~~(Ord. 90-16)~~

3.12.020: COUNTY PROVISION OF MATERIALS AND SERVICES:
Unless specifically required otherwise by the provisions of any applicable state law, the county may provide materials and services for the construction, repair and maintenance of any public improvement as may be reasonable, necessary and feasible to reduce the costs of any public improvement project and the need for private contractors.
~~(Ord. 90-16)~~

- 3.12.030: PLANS AND SPECIFICATIONS:**
- A. No public improvement project may be undertaken without adequate and reasonable detailed plans and specifications.
 - B. All plans and specifications shall be prepared by a licensed and qualified engineer or surveyor and reviewed by the ~~county surveyor, county executive, affected department head and road supervisor where applicable~~ [appropriate County staff](#).
 - ~~C. Where the estimated expenditure for a public improvement project exceeds ten thousand dollars (\$10,000.00), the plans and specifications must be approved by the county council prior to the obtaining of any bids or entering of any contracts for the project. (Ord. 90-16)~~

3.12.040: BIDS:
[Subject to the foregoing sections and applicable state and federal laws, rules, regulations and contract requirements, and unless provided directly by the county, all public improvements shall be erected or repaired by contract and after the completion of the bid process provided by this title. Awards for public improvements shall be let to the lowest responsible bidder who has complied with the requirements of this title.](#)

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A. Formal Competitive Bidding: If the purchase price exceeds one hundred fifty thousand dollars (\$150,000.00), formal competitive bidding procedures shall be used. The purchasing agent shall call for competitive bids by giving reasonable notice of the county's intent to receive sealed bids, describing therein the requested property or services needed, and the place where bid blanks and specifications may be obtained as well as the place, date and time when bids will be received and/or opened.

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1. Publication Of Notice: Unless otherwise required by state law, bids may be invited by one or more of the following: a single publication in a local newspaper (minimum of twice at least five (5) days in advance of the bid opening), by mailing invitations to interested qualified bidders, electronic notification (e-mail) to interested vendors, posting of the bid or proposal package on the county website, or posting of the bid or proposal package on an online procurement notification system selected by the purchasing agent. A minimum of three (3) bidders, where applicable, will be solicited. Bids are accepted in a manner determined by the purchasing agent.

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2. Firm Bids: All bids submitted to the county shall be open for acceptance for a period of ten (10) days following bid openings.

3. Rejection of Bids: The county may reject any or all bids including the apparent lowest bidder. A written statement must accompany each or all rejected bids with the reasoning for rejection of the bid.

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4. Payment and Performance Bonds: Before entering into a contract the county may require a payment and performance bond from the successful bidder. The bond must be furnished to the county upon awarding of a contract. A payment and performance bond shall be required on public works construction projects.

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5. Bid Bonds: The county may require as a condition of bidding a bid bond or a cashier's check in lieu thereof in the amount of five percent (5%) of the amount bid. A bid bond shall be required on public works construction projects.

6. Award Of Bids: Except as otherwise provided in this chapter the county shall accept the bid of the lowest responsible bidder.

7. Award To Other Than Low Bidder: When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the department head and submitted to the county and filed with the other documents relating to the transaction.

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8. Noncompliant Purchases: Purchases that are not in compliance with the purchasing system must be documented in writing. The documentation must include the reason for the noncompliance and must be signed by the department head, and the county executive. Failure to follow the purchasing system may result in disciplinary action.

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9. Bidder Eligibility: Bidders who are involved in a pending claim or litigation or have threatened same against the county may be disqualified from doing business with the county when determined to be in the best interest of the county. This disqualification may apply to a bidder or a subcontractor or supplier of the bidder.

~~A. Subject to the foregoing sections and applicable state and federal laws, rules, regulations and contract requirements, see subsection H of this section, and unless provided directly by the county, all public improvements shall be erected or repaired by contract and after the completion of the bid process provided by chapters 3.04 through 3.56 of this title. (Ord. 2012-05, 4-24-2012, eff. 5-9-2012)~~

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~~B. Contracts for public improvements shall be let to the lowest responsible bidder who has complied with the requirements set forth in the bid documents and bidding instructions, including the provision of the required bid bond.~~

- ~~C. The county shall reserve its right in all bidding procedures to reject any and all bids, including the apparent lowest bid.~~
- ~~D. The county may take into account when awarding a bid, whether to the apparent low bidder or otherwise, whether duly licensed, the financial and business reliability of the bidder, the professional qualifications of the bidder, the qualities of the preferred goods and services, the capacity, experience, efficiency and reputation of the bidder. In all events, the county must not award a contract unless it is in the best interest of the county to do so.~~
- ~~E. Bidding documents shall be prepared and approved by the county attorney, or if other proposed bidding documents are submitted, then the county attorney shall review and approve such bid documents prior to any notice or request for bid is given.~~
- ~~F. The bid process shall be essentially as follows:

 - ~~1. Bid documents, including plans and specifications, shall be approved as set forth in chapters 3.04 through 3.56 of this title.~~
 - ~~2. Notice shall be given by publication at least once a week for three (3) consecutive weeks in a local newspaper of general circulation and through other publications or posting as may be appropriate. The county clerk shall be responsible for the placing of a notice, approved by the county attorney and the project engineer, in the newspaper. (Ord. 90-16)~~
 - ~~3. Bid openings shall be conducted in the Cache County council chambers, unless specified otherwise and shall be open to the public. All or any of the following may represent the county at the bid opening: the county executive, county surveyor, road superintendent (if applicable), county auditor, county clerk, county attorney, and/or any architect or engineer retained by the county, or their designees. (Ord. 2012-05, 4-24-2012, eff. 5-9-2012)~~
 - ~~4. All bids shall be recorded as received with indication thereon of the date and time of receipt. All bids, as opened, shall be recorded.~~
 - ~~5. Following the bid opening, all bids will be reviewed to determine that they have met the qualifications set forth in the bid documents, there are no mathematical errors, and all required bonds have been provided. (Ord. 90-16)~~
 - ~~6. Upon the qualification of the bid and absent any rejections, a notice of award will be issued by the county executive with copies of that notice being given to the auditor, affected department, county attorney, or any engineer or architect retained by the county. (Ord. 90-16; amd. Ord. 2012-05, 4-24-2012, eff. 5-9-2012)~~~~
- ~~G. All bids received, together with the proof of advertisement of publication or otherwise of the notice for bids, shall be filed and retained in the office of the county clerk for a period of three (3) years following the letting of a project contract. (Ord. 90-16)~~
- ~~H.B. Notwithstanding the foregoing, alternate methods of procurement of construction contracting management may be utilized at the discretion of the county executive for a particular project as provided in subsection 3.08.1103.08.070(FD) of this title. (Ord. 2012-05, 4-24-2012, eff. 5-9-2012)~~

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3.12.050: CONTRACTS:

- A. All contracts shall be made and entered into subject to the provisions of chapter 3.16 of this title.

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- B. All project contracts shall be prepared by the county attorney, unless it is deemed feasible to use documents obtained from other sources or the other contracting party, ~~and shall also be approved by the county auditor and county executive.~~
- C. All public improvement project contracts shall include copies of specific plans and specifications, attached thereto.
- ~~D. Contracts for the services of an architect or engineer for the project shall be made and entered into subject to the provisions of chapter 3.16 of this title and may, at the discretion of the county executive, unless instructed otherwise by the county council, without the necessity of a bid process. A bid process is required, then the provisions of this chapter with respect to bidding shall be followed. (Ord. 90-16)~~

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3.12.060: BONDS:

- A. Bid bonds or securities shall be required as a condition for the acceptance and approval of any bid for a public improvement project and must comply with the provisions of Utah Procurement Code ~~Annotated section 63-56-37, as amended~~, and shall be subject to the provisions of that statutory provision.
- B. Performance bonds and payment bonds shall be required as a condition for the approval and entering of any public improvement contract and subject to the provisions of Utah Procurement Code ~~Annotated section 63-56-38, as amended~~.
- ~~C. No bond or security document may be accepted by the county unless reviewed and approved by the county attorney. (Ord. 90-16)~~

3.12.070: COMPLIANCE WITH LAW:

- A. No public improvement or public improvement project may be undertaken or completed, except in full compliance with applicable state and federal laws, rules, regulations and contract provisions, and any applicable codes, such as, but not limited to, the building code, the electrical code, the plumbing code, and fire code as adopted by county ordinance. ~~(Ord. 90-16; amd. Ord. 2011-04, 5-24-2011, eff. 6-4-2011)~~
- B. No public improvement contract may be entered into which violates the provisions or obligations of any outstanding bonds, contracts or other obligations of the county, or which exceed any debt limits provided by the Utah constitution or state law. ~~(Ord. 90-16)~~

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3.12.080: SUPERVISION:

- A. The county executive shall cause ~~All~~ public improvement projects ~~shall to~~ be managed and supervised ~~by the county executive or a designee with assistance from~~ by the affected department head, ~~county surveyor, building inspector and~~ or any architect or engineer a licensed professional retained by the county for the project.
- B. The county executive shall make ~~regular periodic~~ reports, ~~at least monthly~~, of the progress on any public improvement project to the county council. ~~(Ord. 90-16)~~

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3.12.090: PAYMENT:

- ~~A. Payments shall be made under public improvement project contracts in accordance with the provisions of those contracts, applicable funding grants, applicable bond obligations, and chapters 3.04 through 3.56 of this title.~~
- ~~B. Any payments on a contract with a private contractor for a public improvement project that is retained or withheld shall be placed in an interest-bearing account subject to the provisions of applicable state law. (Ord. 90-16)~~

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3.12.100: COUNTY COUNCIL:

- A. ~~The plans and specifications, contract and changes to any plans or specifications shall be first approved by the county council by unanimous vote.~~
- B. ~~The county council may adopt a policy or procedure to delegate authority or approval to a county employee or officer. (Ord. 90-16)~~

3.12.110090: EMERGENCIES:

- A. ~~For the purposes of this section, "emergency" includes a localized disaster as defined by Utah Code Annotated section 63-5a-2, as amended; a disaster as defined by Utah Code Annotated sections 63-5-2(1) and 63-5a-2(1), as amended; a state of emergency as defined by Utah Code Annotated section 63-5a-2(6), as amended; a local emergency as defined by Utah Code Annotated section 63-5a-2(7), as amended; or any other situation in which there exists a threat to public health, welfare, safety or property under emergency conditions.~~
- B. A. In the event of an emergency, a condition which requires that emergency assistance be provided to save lives and protect property within its jurisdiction in response to a disaster, or to avoid or reduce the threat of a disaster, the county executive or his designee, may contract for repairs, construction, removal, debris removal or maintenance of public improvements or public improvement projects that may be reasonable and necessary as the result of the emergency in order to alleviate the emergency or its consequences without obtaining the prior approval of plans and specifications ~~by the county council~~, bids or bonds, subject to the following:
 1. Emergency contracts shall be made with as much competition as practicable under the circumstances.
 2. A written determination of the basis for the emergency, and the selection of the particular contractor, ~~and the actions of the county executive or his designee in entering the contract~~ shall be submitted to the county ~~council~~ executive as soon as may be reasonably be possible thereafter. ~~(Ord. 90-16; amd. Ord. 94-05)~~

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Chapter 3.16
CONTRACTS

- 3.16.010: CONTRACTING PARTY:
- 3.16.020: SIGNATURES:
- 3.16.030: WRITING:
- 3.16.040: RECORDS:
- 3.16.050: APPROVAL:
- 3.16.060: COUNTY COUNCIL:
- 3.16.070: RESTRICTIONS:
- 3.16.080: COMPLIANCE WITH LAW:
- 3.16.090: CONTENTS:
- 3.16.100: INTERLOCAL AGREEMENT:

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3.16.010: CONTRACTING PARTY:

All contracts involving the county or any department or agency of the county shall designate "Cache County" as the contracting party. No county contract shall be in the name of any county department, agency or officer. ~~(Ord. 90-16)~~

3.16.020: SIGNATURES:

All county contracts shall be executed by the county executive or designee before becoming effective. ~~(Ord. 90-16)~~

3.16.030: WRITING:

All county contracts shall be in writing in order to be effective. (Ord. 90-16)

3.16.040: RECORDS:

A. The original fully signed contract shall be filed with, indexed and maintained by the Cache County clerk.

~~B. Copies of each fully signed contract shall be given to the following county officers and persons:~~

- ~~1. County auditor;~~
- ~~2. County attorney;~~
- ~~3. County executive;~~
- ~~4. Department head of affected department. (Ord. 90-16)~~

3.16.050: APPROVAL:

No contract shall be entered or signed unless and until:

A. It has been reviewed and approved by the county attorney (or designee) ~~and a legal opinion rendered and approved by the attorney~~ as to proper form and compatibility with state law. ~~The county attorney shall assign a number to the contract in the same manner as ordinances are numbered.~~

~~B. It has been reviewed and approved by the county auditor as being within the appropriate county budget limits.~~

~~C. B.~~ The budget has been amended by resolution of the county council, if necessary, for expenditures pursuant to any contract not previously provided for in the applicable budget.

~~(Ord. 90-16)~~

~~D. All written agreements shall be approved as to form, content and legality by the county attorney's office before being submitted for final approval to the county executive and before execution.~~

~~B. All agreements must be signed by the county executive or designee to become effective.~~

~~C.~~

~~E. C. The original executed agreement shall be placed in the custody of the county clerk, with copies thereof be provided to the county executive, county attorney, county auditor and heads of affected departments. (Ord. 90-16)~~

~~D.~~

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3.16.060: COUNTY COUNCIL:

~~A. No county contract requiring the approval of the county council shall be entered or executed prior to the granting of approval by of the county council, if such approval is required with the advice of the.~~

~~B. A. The county council may not take action upon any contract without first having received the legal opinion of the county attorney and recommendations of the county auditor and county executive.~~

~~C. B. No interlocal cooperation agreement may be entered or executed without the adoption of a resolution of approval by the county council. (Ord. 90-16)~~

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3.16.070: RESTRICTIONS:

- A. All contracts of an executor nature, i.e., those requiring future performance or payment by the county, must contain a provision to the effect that the contract and any payments thereunder are subject to and conditioned upon future legislative allocation of funds by the county council.
- B. All county contracts must be for a clearly articulated and lawful public purpose.
- C. No county contract may:
 1. Be ultra vires (outside the legal authority to act);
 2. Bind the county to mandatory arbitration;
 3. Limit or delegate any legislative or sovereign powers of the county, the county council, or any county officer;
 4. Be contrary to public policy;
 5. Be in violation of any applicable state or federal law or county ordinance;
 6. Allow or provide for the county to exceed its constitutional or statutory debt limit;
 7. Cause the county to violate any existing contract or bond obligations. (Ord. 90-16)

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3.16.080: COMPLIANCE WITH LAW:

- A. All county contracts shall be made and entered into in compliance with the state constitution and laws, federal laws and county ordinances.
- B. Specifically and in addition to the foregoing, no contract may be entered into which either violates or is not in compliance with the provisions of the Utah ~~county~~ County officers ~~Officers~~ and ~~employees~~ Employees ~~disclosure~~ Disclosure act ~~Act~~ or Utah ~~public~~ Public officers ~~Officers~~ and ~~employees~~ Employees ~~ethics~~ Ethics act ~~Act~~ as set forth in the Utah Code Annotated and the Utah interlocal cooperation act. (Ord. 90-16)

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3.16.090: CONTENTS:

Every county contract shall contain at least the following:

- A. Names of contracting parties.
- B. Public purpose of the contract.

- C. Duration.
- D. Contract price and method of payment.
- E. Provisions required by county ordinance or state law.
- F. Effective date.
- G. Specific obligations of the parties. ~~(Ord. 90-16)~~

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3.16.100: INTERLOCAL AGREEMENT:

No interlocal agreement may be entered by the county except in compliance with the provisions of the Utah ~~interlocal~~ Interlocal cooperation ~~Cooperation act~~ Act ~~as currently set forth in Utah Code Annotated title 11, chapter 13, as amended, or any modifications thereto and with the provisions of chapters 3.04 through 3.56 of this title.~~ (Ord. 90-16)

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ORDINANCE NO. 2015-06
CACHE COUNTY, UTAH
AMENDMENTS TO TITLE 8.28

AN ORDINANCE AMENDING AND SUPERSEDING CHAPTER 28 OF TITLE 8
OF THE CACHE COUNTY ORDINANCE
REGARDING WEED CONTROL

WHEREAS, the State of Utah has required Cache County to enforce the Noxious Weed Act, and;

WHEREAS, the purpose of this ordinance is to provide clear ordinances and procedures for the enforcement of the Utah Noxious Weed Act, and;

WHEREAS, the County Council caused notice of the amendments to Title 8 of the Cache County Ordinance to be advertised in *The Herald Journal*, a newspaper of general circulation in Cache County, and;

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement these ordinances.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapter 28 of Title 8 of the Cache County Ordinance is hereby amended and superseded as follows:

1. STATUTORY AUTHORITY

The statutory authority for enacting this ordinance is the Utah Noxious Weed Act, Utah Code Annotated §4-17 (1953, as amended).

2. PURPOSE OF PROVISIONS

The purpose of this ordinance is to amend and supersede Chapter 28 of Title 8 of the Cache County Ordinance regarding weed control to ensure compliance with the Utah Noxious Weed Act.

3. FINDINGS

- A. The amendments to Title 8.28 of the Cache County Ordinance are in conformity with the Utah Noxious Weed Act, Utah Code Annotated §4-17 (1953, as amended).
- B. The amendments to Title 8.28 of the Cache County Ordinance are necessary to establish effective weed control procedures.
- C. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 8.28 of the Cache County Ordinance be approved.

4. EXHIBITS

- A. Title 8 Chapter 28 of the Cache County Ordinance is amended as follows: See Exhibit A.

ORDINANCE NO. 2015-06

CACHE COUNTY, UTAH

AMENDMENTS TO TITLE 8.28

5. PRIOR ORDINANCES, RESOLUTIONS, POLICIES AND ACTIONS SUPERSEDED.

This ordinance amends and supersedes Chapter 28 of Title 8 of the Cache County Ordinance, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

6. EFFECTIVE DATE.

This ordinance takes effect on April 3rd, 2015. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 24th day of March, 2015.

| | In Favor | Against | Abstained | Absent |
|----------|----------|---------|-----------|--------|
| Potter | | | | |
| Erickson | | | | |
| White | | | | |
| Merrill | | | | |
| Robison | | | | |
| Yeates | | | | |
| Zilles | | | | |
| Total | | | | |

CACHE COUNTY COUNCIL:

ATTEST:

Kathy Robison, Chair
Cache County Council

Jill Zollinger
Cache County Clerk

Publication Date:

_____, 2015

Chapter 8.28 WEED CONTROL

8.28.010: DEFINITIONS:

8.28.020: POWER OF COUNTY WEED SUPERVISOR:

8.28.030: NOTICE AND CONTROL OF WEEDS:

8.28.040: APPEAL OF NOXIOUS WEED NOTIFICATION:

8.28.010: DEFINITIONS:

“Supervisor” means Cache County weed control supervisor(s) which are employed by Cache County consistent with the Utah Noxious Weed Act.

“Noxious Weeds” means any plant as identified and adopted by either the State of Utah or by Cache County as a noxious weed.

“County Weed Board” means a board appointed by the County Council, in compliance with the Utah Noxious Weed Act, that helps to enforce the Utah Noxious Weed Act and county weed policy.

8.28.020: POWER OF COUNTY WEED CONTROL SUPERVISOR(S):

Supervisors’ powers and duties are as provided by the Utah Noxious Weed Act.

8.28.030: NOTICE AND CONTROL OF WEEDS:

The County shall follow the requirements as established within the Utah Noxious Weed Act for the enforcement of all noxious weeds within the County. More specifically, the process for notification and enforcement of the Utah Noxious Weed Act shall be as follows:

- A. The county weed control board shall post a general notice of adopted noxious weeds prior to May 1 of each year:
 1. In at least three public places within the County; and
 2. Publish the notice on at least three occasions in a newspaper or other publication of general circulation and as required by the Utah legal notice publication requirements.
- B. Supervisors shall patrol the county to determine the location and severity of infestation for noxious weeds on private and public ground, rights-of-way, easements, and any other real property. Supervisors are authorized to perform other duties as allowed by the Utah Noxious Weed Act.
- C. If noxious weeds are present, supervisors shall send initial notices to the property owner (additional copies may be sent to lessees, easement or rights-of-way owners, etc.) which indicate what noxious weeds exist on their property and what options are available to them for control of noxious weeds. Property owners shall have 15 days from the issuance of the initial notice to respond to the initial notice indicating a preferred method of control.
- D. If there is no response or a failure to control noxious weeds within 15 days from the issuance of the initial notice, supervisors shall send a final notice providing an additional 15 days from the issuance of the final notice to respond to the final notice of noxious weeds.
- E. If the notified property owner fails to respond or to appropriately control noxious weeds, supervisors shall forward the subject property to the county weed board for review. The county weed board may then declare the property a public nuisance and properly notify the land owner of said declaration.
 1. The county weed board may require weed control by supervisors consistent with the Utah Noxious Weed Act after declaration of public nuisance and proper notification.
 2. Any expense incurred by the county in controlling the noxious weeds shall be paid by the property owner of record or the person in possession of the property pursuant to the Utah Noxious Weed Act.

8.28.040: APPEAL OF NOXIOUS WEED NOTIFICATION:

Any landowner of property issued a notice of noxious weeds may appeal the notice or the requirements therein in compliance with the Utah Noxious Weed Act.

8.28.070: ACCESS TO PROPERTY AND SETBACKS:

- A. Each purchaser, occupier, owner of the premises or those possessing an easement or right of way across the property shall provide access for treatment of noxious weeds along irrigation canals. Except as provided herein, no building, tree or accessory structure, equipment, or other structure or property interfering with the continuous unobstructed access shall be located within ten feet (10') of the top inside edge of any irrigation canal bank where maintenance, repair, upkeep, etc., is provided or serviced by a canal company or others other than the individual property owner.
- B. Notwithstanding the above, a fence may be constructed across a right of way or easement, provided an adequate operable gate of no less than ten feet (10') in width is maintained for continual access along the canal bank. (Ord. 79-11)

Chapter 8.28 WEED CONTROL

8.28.010: COUNTY WEED SUPERVISOR DEFINITIONS:

8.28.020: POWER OF COUNTY WEED SUPERVISOR:

8.28.030: NOTICE AND CONTROL OF WEEDS:

8.28.040: REQUEST FOR HEARING APPEAL OF NOXIOUS WEED NOTIFICATION:

8.28.050: HEARING BY COUNTY WEED BOARD:

8.28.060: ABATEMENT OR REMOVAL OF NUISANCES:

8.28.070: ACCESS TO PROPERTY AND SETBACKS:

8.28.080: EMERGENCY:

8.28.090: VIOLATION; PENALTIES:

8.28.010: COUNTY WEED SUPERVISOR DEFINITIONS:

"Supervisor" means ~~The office of the e~~Cache County weed control supervisor(s) ~~is~~ which are ~~created~~ employed by Cache County consistent with the Utah Noxious Weed Act.

"Noxious Weeds" means any plant as identified and adopted by either the State of Utah or by Cache County as a noxious weed.

"County Weed Board" means a board appointed by the County Council, in compliance with the Utah Noxious Weed Act, that helps to enforce the Utah Noxious Weed Act and county weed policy. ~~state law, which consists of a person or persons appointed to such office by the county council of Cache County, state of Utah. (Ord. 79-11)~~

8.28.020: POWER OF COUNTY WEED CONTROL SUPERVISOR(S):

~~In addition to the Supervisors' powers and duties are as provided by state law the Utah Noxious Weed Act, the county weed supervisor is granted the power to find and determine whether any yard, street, right of way, easement, canal bank or other real property is a nuisance because it contains injurious, annoying or noxious weeds as determined by the Cache County weed board consistent with state law. (Ord. 79-11).~~

8.28.030: NOTICE: NOTICE AND CONTROL OF WEEDS:

The County shall follow the requirements as established within the Utah Noxious Weed Act for the enforcement of all noxious weeds within the County. More specifically, the ~~following~~ process for notification and enforcement of the Utah Noxious Weed Act ~~by Supervisors~~ shall be as follows:

A. ~~The county weed control board shall p~~Post a general notice of adopted noxious weeds prior to May 1 of each year:

1. In at least three ~~clearly seen~~ public places within ~~areas of~~ the County; and

2. ~~Published~~ the notice on at least three occasions in a newspaper or other publication of general circulation and as required by the Utah legal notice publication requirements ~~in the Herald Journal a minimum of three (3) times.~~

B. Supervisors shall patrol the county to determine the location and severity of infestation for noxious weeds on private and public ground, rights-of-way, easements, and any other real property. Supervisors are authorized to perform other duties as allowed by the Utah Noxious Weed Act.

C. If noxious weeds are present, ~~s~~Supervisors shall send initial notices to the property owner (additional copies may be sent to lessees, easement or rights-of-way owners, etc.) which indicate what noxious weeds exist on their property and what options are available to them

for control of noxious weeds. Property owners shall have 15 days from the issuance of the initial notice to respond to the initial notice indicating a preferred method of control.

D. If there is no response or a failure to control noxious weeds within 15 days from the issuance of the initial notice, Ssupervisors shall send a final notice providing an additional 15 days from the issuance of the final notice to respond to the final notice of noxious weeds.

E. If the notified property owner fails to respond or to appropriately control noxious weeds, Ssupervisors shall forward the subject property to the Ccounty wWeed bBoard for review. The county wWeed bBoard may then declare the property a public nuisance and properly notify the land owner of said declaration.

1. The county wWeed bBoard may require weed control by sSupervisors consistent with the Utah Noxious Weed Act after declaration of public nuisance and proper notification.

0.2. Any expenses incurred by the county in controlling the of the control of noxious weeds shall be paid borne by the property owner of record or the person in possession of the property pursuant to the Utah Noxious Weed Act.

~~If the county weed supervisor determines that property contains injurious, annoying or noxious weeds which should be abated, he shall declare the same to be a nuisance and request corrective action, either by the purchasers, occupiers, owners of the premises or those possessing an easement or right of way access across the property. Notice of the determination and requested corrective action and right to a hearing shall be given by personal service on any purchasers, occupiers, owners of the premises, or those possessing an access across the property, who is/are over the age of fourteen (14) years, or by mailing the same, postage prepaid, to the person's last known address. One notice shall be sufficient on any lot or parcel of property for the entire season of weed growth during that year. (Ord. 79-11)~~

8.28.040: ~~REQUEST FOR HEARING~~ APPEAL OF NOXIOUS WEED NOTIFICATION:

Any landowner of property issued a notice of noxious weeds may appeal the notice or the requirements therein in compliance with the Utah Noxious Weed Act.

~~If the purchasers, occupiers, owners of the premises or those possessing an easement or right of way access across the property disagree with the county weed supervisor's finding of the existing of the nuisance or the reasonableness of his requested action, either or any of them may, within ten (10) days from the date of the notice, request that the county weed board review the county weed supervisor's finding or action. Thereafter, the county weed board shall set a time and place to hear the matter which shall be within thirty (30) days from the date of the request for a review. (Ord. 79-11; amd. Ord. 79-11A)~~

8.28.050: ~~HEARING BY COUNTY WEED BOARD:~~

~~At the time set for hearing by the county weed board, they shall meet and hear the matter and receive evidence. The county weed board shall find and determine whether a nuisance exists, and if so, what repair or alteration or other action is necessary to remove or abate the nuisance. The county weed board shall also determine and find the length of time necessary to complete any such repair, alteration or other action, such time to begin to run upon the making of a determination of findings by the county weed board. Any person above described may appeal the decision of the county weed board to the county council within seven (7) days from the determination and finding of the county weed board. (Ord. 79-11)~~

8.28.060: ~~ABATEMENT OR REMOVAL OF NUISANCES:~~

~~A. Every yard, street, right of way, easement, canal bank or other real property found by the county weed supervisor, county weed board or county council to constitute a nuisance shall, if not repaired, altered or otherwise abated within the time allowed by and in accordance with the findings of the county weed supervisor, county weed board or county council, may thereafter be~~

~~abated summarily by the county weed supervisor, who may employ any necessary assistance to cause such repair, alteration or other action necessary to abate or remove the nuisance.~~

~~B. The county weed supervisor shall prepare an itemized statement of all expenses incurred in abating the nuisance and shall mail a copy thereof and notice of charges to the purchasers, occupiers, owners of the premises or those possessing an easement or right of way access across said property demanding payment within twenty (20) days from the date of mailing. Said notice shall be deemed delivered when mailed by certified mail addressed to the persons last known address.~~

~~C. In the event the purchasers, occupiers, owners of the premises or those possessing an easement or right of way access across the property fail to make payment of the account set forth in the statement to the county weed department within ninety (90) days, the county weed supervisor, on behalf of the county, may:~~

~~1. Cause suit to be brought in an appropriate court of law. In the event the collection of the costs are pursued through the court, suit shall be commenced on behalf of the county for all of the costs, removal or abatement, together with reasonable attorney fees, interest and court costs; or~~

~~2. Refer the matter to the county treasurer and county recorder as hereinafter provided. In the event the county weed supervisor elects to refer the matter to the county treasurer for inclusion in the tax notices of the property owner, as set forth in Utah Code Annotated section 4-17-8, as amended, he shall make in quadruplicate an itemized statement of all expenses incurred in the removal and destruction of the noxious weeds and a copy of the notice of charges as sent to the property owner. He shall deliver three (3) copies of the statement and notice to the county treasurer and to record the necessary documents, including the notice of charges, as may be necessary to effectuate the lien provided under said Utah Code Annotated section 4-17-8. (Ord. 79-11; amd. Ord. 79-11A)~~

8.28.070: ACCESS TO PROPERTY AND SETBACKS:

A. Each purchaser, occupier, owner of the premises or those possessing an easement or right of way across the property shall provide access for treatment of noxious weeds along irrigation canals. Except as provided herein, no building, tree or accessory structure, equipment, or other structure or property interfering with the continuous unobstructed access shall be located within ten feet (10') of the top inside edge of any irrigation canal bank where maintenance, repair, upkeep, etc., is provided or serviced by a canal company or others other than the individual property owner.

B. Notwithstanding the above, a fence may be constructed across a right of way or easement, provided an adequate operable gate of no less than ten feet (10') in width is maintained for continual access along the canal bank. (Ord. 79-11)

8.28.080: EMERGENCY:

~~Nothing contained in this chapter shall construed as limiting the power of the county to act in emergency situation when authorized by law. (Ord. 79-11)~~

8.28.090: VIOLATION; PENALTIES:

~~Any purchasers, occupiers, owners of the premises or those possessing an easement or right of way access across said property who shall violate any provisions of this chapter or who shall fail to comply with any order made thereunder, or who shall fail to comply with such order as affirmed modified by the weed supervisor, weed board, or by a court of competent jurisdiction within the time affixed herein, shall for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor and, upon conviction thereof, shall be fined a sum not to exceed two hundred ninety nine dollars (\$299.00) or by imprisonment for a term not to exceed six (6) months in the county jail, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or~~

~~remedy such violation or defects within a reasonable time; and when not otherwise specified, each ten (10) days constitute a separate offense. Nothing contained herein shall be constituted as limiting the right to enjoin any person or persons from continuing such violation. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 79-11)~~