

CRAIG W BUTTARS
COUNTY EXECUTIVE / SURVEYOR

199 NORTH MAIN
LOGAN, UTAH 84321
TEL: 435-755-1850
FAX: 435-755-1981



CACHE COUNCIL
GREGORY MERRILL, CHAIR
DAVID L. ERICKSON, VICE CHAIR
VAL K. POTTER
KATHY ROBISON
JON WHITE
CORY YEATES
GORDON A. ZILLES

May 6, 2016

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, MAY 10, 2016**

AGENDA

- 5:00 p.m.**
1. **CALL TO ORDER**
 2. **PRESENTATION OF COLORS / PLEDGE** – Cache County Sheriff’s Office Honor Guard
OPENING – Cory Yeates
 3. **REVIEW AND APPROVAL OF AGENDA**
 4. **REVIEW AND APPROVAL OF MINUTES** (April 26, 2016)
 5. **MINUTES FOLLOW-UP**
 6. **REPORT OF COUNTY EXECUTIVE**
 - a. Appointments
 - b. Warrants
 - c. Other Items
 - d. **Set 2nd CDBG Public Hearing for May 24, 2016 at 5:15 p.m.**
 7. **CONSENT AGENDA**
 8. **ITEMS OF SPECIAL INTEREST**
 - a. **Proclamation** – Law Enforcement Week / Peace Officers Memorial Day
 9. **UNIT OR COMMITTEE REPORTS**
 10. **BUDGETARY MATTERS**
 11. **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**
 - a. **Set Public Hearing for May 24, 2016 at 5:30 p.m. – Service Area No. 1 Resolution 2016-01**
Adjustment of Solid Waste Collection and Disposal Fees and Mandatory Curbside Recycling
 - b. **Public Hearing -- Resolution 2016-11** – Vacating a Public Street, Right-of-Way, or Easement
- 5:30 p.m.***

12. **PENDING ACTION**
 - a. **Resolution 2016-11** – Vacating a Public Street, Right-of-Way, or Easement

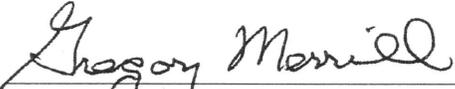
13. **INITIAL PROPOSALS FOR CONSIDERATION OF ACTION**
 - a. **Ordinance 2016-06 – Amending Section 3.16.060** – Interlocal Cooperation Agreements
 - b. **Ordinance 2016-07 – Amending and Superseding Title 6.08** – Dog Licensing and Kennels
 - c. **Resolution 2016-13 – Amending Resolution 89-11** – Road Special Service District
 - d. **Resolution 2016-14 – Amending the Cache County Corporation Personnel Policy and Procedure Manual Section II** – Equal Employment Opportunity
 - e. Recommendations of Restaurant / RAPZ Tax Committee

14. **OTHER BUSINESS**
 - a. Smithfield Health Days Parade – Saturday, May 14, 2016 at 10:00 a.m.
 - b. Richmond Black & White Days Parade – Saturday, May 21, 2016 at 5:00 p.m.
 - c. County Employees’ Day of Service – Tuesday, May 24, 2016, 1-5 p.m. at The Family Place
 - d. Employee Appreciation Day – Wednesday, May 25, 2016, 11 a.m. to 2 p.m. County Quad

15. **COUNCIL MEMBER REPORTS**

16. **EXECUTIVE SESSION** – Utah Code 52-4-205(1)(c) – Discussion of pending litigation

17. **ADJOURN**



Gregory Merrill, Chairman

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

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Janeen Allen at 755-1850 at least three working days prior to the meeting

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PROCLAMATION

WHEREAS, the Congress and President of the United States have designated May 15, 2016 as Peace Officers Memorial Day, and the week of May 15 – 21, 2016 as National Law Enforcement Week; and

WHEREAS, the members of the Cache County Sheriff's Office play an essential role in safeguarding the rights and freedoms of Cache County; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the Cache County Sheriff's Office unceasingly provide a vital public service;

NOW THEREFORE, in recognition of all law enforcement officers and in particular the men and women in the Cache County Sheriff's Office, be it resolved that the Cache County Council and the Cache County Executive, County of Cache, State of Utah, hereby proclaim the week of May 15 through May 21, 2016 as

LAW ENFORCEMENT WEEK

and call upon all citizens of Cache County and all patriotic, civic and educational organizations to observe this week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens,

and Sunday, May 15, 2016 as

PEACE OFFICERS MEMORIAL DAY

and further call upon all citizens of Cache County to honor those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

In witness thereof, as Chair of the County Council and County Executive, we have hereunto set our hand this 10th day of May, 2016.

CACHE COUNTY

Attest:

Gregory Merrill, Cache County Council Chair

Jill N. Zollinger, County Clerk/Auditor

Craig W Buttars, Cache County Executive

**CACHE COUNTY
RESOLUTION 2016 – 11**

RESOLUTION VACATING A PUBLIC STREET, RIGHT-OF WAY, OR EASEMENT

WHEREAS Utah Code Section 17-27a-208 provides the process to vacate a public street, right of way or easement; and,

WHEREAS, in 1939, Cache County deeded the western portion of 2100 S. to Utah State University; and

WHEREAS, 2100 S. is a substandard, dead end road that is not currently suited for additional traffic flow; and

WHEREAS, Cache County has held a public hearing and given notice as required by law; now

THEREFORE, the Cache County Council, after holding a public hearing, resolves that any interest of Cache County in the right of way, better described in “Exhibit A” shall be vacated. This resolution takes effect immediately upon adoption.

Dated this _____ day of May, 2016.

ATTESTED TO:

CACHE COUNTY COUNCIL

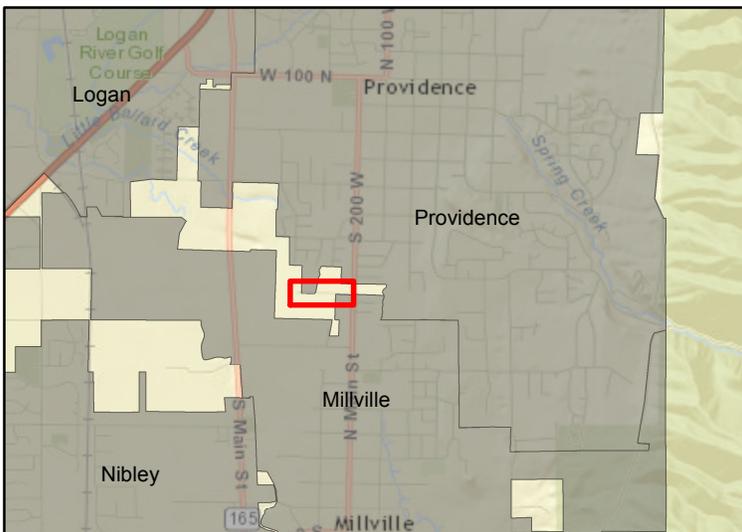
Jill N. Zollinger
Cache County Clerk/Auditor

Greg Merrill
Council Chair



Exhibit A

Beginning at the NE corner of the NW1/4 of section 15 running thence S 1° 20' W 1,839.3 ft to the true point of beginning, being in the north Right of way line of county road 2100 south. Thence N 88° 49' W 1,995.6 ft. Thence south 49.5 ft to the south right of way line of 2100 south. Thence S 88° 49' E 1,995.6 ft to the east side of 200 west street. Thence N to the true point of beginning



**CACHE COUNTY
ORDINANCE NO. 2016 - 06**

**AN ORDINANCE OF THE COUNTY COUNCIL OF CACHE COUNTY, UTAH,
AMENDING SECTION 3.16.060 RELATING TO INTERLOCAL COOPERATION
AGREEMENTS**

WHEREAS, Utah Interlocal Cooperation Act provides the circumstances in which Interlocal Cooperation Agreements require approval by the legislative body and Cache County Code Section 3.16.100 provides that interlocal agreements must be in compliance with the provisions of the Utah Interlocal Cooperation Act; and,

WHEREAS, an amendment to the Cache County Code is required to make Cache County Code consistent with Utah Code regarding legislative approval of Interlocal Agreements; and,

WHEREAS, the Cache County Council finds that this ordinance is in the best interest of Cache County and its citizens,

NOW, THEREFORE, The County Legislative Body of Cache County ordains as follows:

SECTION 1:

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 requiring approval of the county council pursuant to state law may be entered or executed without the adoption of a resolution of approval by the county council.

SECTION 2:

PRIOR ORDINANCES, RESOLUTIONS, POLICIES AND ACTIONS SUPERSEDED

This ordinance amends and supersedes 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.

PASSED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS ____
Day of _____, 2016.

	In Favor	Against	Abstained	Absent
David L. Erickson				
Val K. Potter				
Greg Merrill				
Kathy Robison				
Jon White				
Cory Yeates				
Gordon A. Zilles				
Total				

CACHE COUNTY

By: _____
Greg Merrill, Chairman

ATTEST:

Jill N. Zollinger, County Clerk / Auditor

ORDINANCE NO. 2016-07
CACHE COUNTY, UTAH
AMENDMENTS TO TITLE 6.08

AN ORDINANCE AMENDING AND SUPERSEDING TITLE 6.08
OF THE CACHE COUNTY ORDINANCE REGARDING
DOG LICENSING AND KENNELS

WHEREAS, the Cache County code 17.07.030(A) - 7220 HOME BASED KENNEL has been amended to require the review of kennels by the Land Use Authority for seven (7) or more adult dogs, and;

WHEREAS, the Cache County code 17.07 defines an adult dog as six (6) months and older, and;

WHEREAS, the County Council caused notice of the amendments to Title 6.08.130 of the Cache County Code 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 this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapter 8 of Title 6 of the Cache County Code is hereby amended and superseded as follows:

1. STATUTORY AUTHORITY

The statutory authority for enacting this ordinance is the Utah Code Annotated §17-53-201 & 223 (1953, as amended).

2. PURPOSE OF PROVISIONS

The purpose of this ordinance is to amend and supersede Chapter 8 of Title 6 of the Cache County Code regarding dog licensure and kennels.

3. FINDINGS

- A. The amendments to Title 6.08 of the Cache County Code are necessary to remove conflicts that exist within the County code.
- B. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 6.08 of the Cache County Code be approved.

4. EXHIBITS

Title 6.08 of the Cache County Code is amended as follows:

6.08.010: LICENSING OF DOGS

C. Dogs are required to be licensing at the age of six (6) months.

6.08.130 DOG KENNELS

It shall be unlawful for any person to board, groom, breed, raise, and or otherwise keep, seven (7) or more adult dogs without the approval of the County Land Use Authority as defined in Title 17, the Cache County Land Use Ordinance.

ORDINANCE NO. 2016-07
CACHE COUNTY, UTAH
AMENDMENTS TO TITLE 6.08

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

This ordinance amends and supersedes Title 6.08.130 of the Cache County Code, 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 May 20th, 2016. 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 10th day of May, 2016.

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

CACHE COUNTY COUNCIL:

ATTEST:

Gregory Merrill, Chair
Cache County Council

Jill Zollinger
Cache County Clerk

Publication Date:

_____, 2016

RESOLUTION NO. 2016-13

CACHE COUNTY, UTAH

AMENDING RESOLUTION 89-11 ROAD SPECIAL SERVICE DISTRICT

A RESOLUTION AMENDING THE EXISTING RESOLUTION 1989-11 THAT ESTABLISHED THE ROAD SPECIAL SERVICE DISTRICT.

WHEREAS, the County Council of Cache County, Utah, in a regular meeting, lawful notice of which had been given, finds that it is appropriate and necessary that the Membership and Terms of Office for the Administrative Control Board, established under the Road Special Service District, be amended, and;

WHEREAS, Utah Code Section 17D Chapter 1 outlines the governance of Special Service Districts and their associated Administrative Control Boards, and;

WHEREAS, the remainder of Resolution 1989-11 remains in force (Exhibit A), with only Sections 6 and 7 being amended.

NOW, THEREFORE, BE IT RESOLVED that the Cache County Council hereby adopts the following resolution:

Section 6. Membership

The membership of the Administrative Control Board of the Road Special Service District shall consist of three (3) members that meet the requirements of Utah Code Section 17D-1-304 which are appointed by the County Council in conformance with Utah Code Section 17D-1-301.

Section 7. Terms of Office

The term of office for each member of the Administrative Control Board shall be 4 years. Any vacancies or expiration of terms shall be filled by appointment by the County Council.

APPROVED AND ADOPTED this 10th day of May, 2016.

CACHE COUNTY COUNCIL

ATTEST:

Greg Merrill, Chair
Cache County Council

Jill Zollinger
Cache County Clerk

CACHE COUNTY

RESOLUTION NO. 89-11

A RESOLUTION ESTABLISHING THE CACHE COUNTY ROADS SPECIAL SERVICE DISTRICT FOR THE PURPOSE OF CONSTRUCTING, REPAIRING, AND MAINTAINING ROADS WITHIN THE UNINCORPORATED TERRITORY OF CACHE COUNTY.

The Cache County Council in a duly convened regular meeting, lawful notice of which was given, pursuant to Section 11-23-11(1), Utah Code Annotated, 1953 as amended, finds that Cache County Resolution No. 89-01 adopted by this Council declared that the public health, convenience, and necessity require the establishment of a special service district; a public hearing was held on February 7, 1989, following the publication and notice in the manner required by law; all protests have been taken into consideration; more than 15 days have elapsed since the public hearing; less than 50% of the voters or owners of 50% of the taxable value of property located within the proposed district have protested the creation of the proposed special service district or the services to be provided by it in writing; and in order to be eligible to receive funds under Sections 59-21-1 and 59-21-2, Utah Code Annotated, 1953 as amended, from the Utah State Mineral Lease account, a special service district must be established for the purpose of constructing, repairing, and maintaining roads within the county; and that it would be in the best interest of the county to establish the proposed district and be eligible for such funds.

THEREFORE the Cache County Council resolves as follows:

BE IT RESOLVED that:

Section 1. Establishment of District.

There is hereby established the CACHE COUNTY ROADS SPECIAL SERVICE DISTRICT for the purpose of constructing, repairing, and maintaining roads within the special service district.

Section 2. Boundaries.

The boundaries in the district and the real property contained therein include all the boundaries of and all the property located within the unincorporated territory of Cache County, Utah.

Section 3. Name.

The name of the special service district shall be "Cache County Roads Special Service District".

Section 4. Establishment of Administrative Control Board.

There is hereby established an Administrative Control Board for the district and there is hereby delegated to that board, without limitations, the power to act as the governing authority of the district and to exercise all or any of the powers provided for in the Utah Special Service District Act.

Section 5. Limits on Power of Administrative Control Board.

A. The Administrative Control Board shall not, however, have the power to levy a tax on the taxable property of the district, to issue bonds payable from taxes, or to call or hold an election for the authorization of the tax or bonds without the approval of the County Council.

B. No tax may be levied and no bonds issued unless authorized by a majority of the qualified electors in the district.

Section 6. Membership.

The membership of the Administrative Control Board of the district shall consist of seven (7) members, each of whom shall be a qualified elector of the service district and shall be appointed by the Cache County Executive with the advice and consent of the County Council.

Section 7. Terms of Office.

(A) The term of office of members of the Administrative Control Board shall be four (4) years each; subject, however to Subparagraph B of this section and Section 11-23-4(5), Utah Code.

(B) Three (3) of the initial board members shall be appointed to and shall serve for a two (2) year term and the remaining members shall serve a four (4) year term, the determination of whom shall be in each category to be by lot.

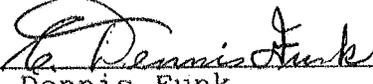
(C) Vacancies of the appointed members of the Administrative Control Board other than by expiration of term, shall be filled by appointment by the County Executive with the advice and consent of the County Council for the unexpired term of the members whose vacancies are filled.

Section 8. Effective Date.

Resolved and adopted this 7th day of March, 1989,
by the County Council of Cache County, Utah.

CACHE COUNTY

By: _____


C. Dennis Funk
Chairman

ATTESTED TO:


Seth S. Allen, County Clerk

**CACHE COUNTY
RESOLUTION 2016 - 14**

**A RESOLUTION AMENDING THE CACHE COUNTY CORPORATION PERSONNEL POLICY AND
PROCEDURE MANUAL SECTION II – EQUAL EMPLOYMENT OPPORTUNITY**

WHEREAS, the Cache County Council on _____, _____, in a regular meeting of which lawful notice had been given, considered amending Section II of the Cache County Corporation Personnel Policy and Procedure Manual which describes Equal Employment Opportunity; and

WEREAS, the proposed amendments to the Cache County Corporation Personnel Policy and Procedure Manual are consistent with State law.

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

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

- 1 **Amendments:** The Cache County Corporation Personnel Policy and Procedure Manual is hereby amended as set forth in the attached Exhibit A.

- 2 **Application:** The amendment to the Cache County Corporation Personnel Policy and Procedure Manual shall apply to all current and future county employees.

- 3 **Prior Resolution and Policies:** This Resolution and the amendments specified in Exhibit A to the Cache County Corporation Personnel Policy and Procedure Manual supersede all previously adopted resolutions and policies to the extent that they are in conflict with the specified provisions of this Resolution and the attached Exhibit A.

- 4 **Effective Date:** This Resolution shall be effective immediately upon its adoption.

Adopted by the County Council of Cache County, Utah, this _____ day of _____, _____.

CACHE COUNTY COUNCIL

By:

Gregory Merrill, Chairman

ATTEST:

By: _____
Jill N. Zollinger, County Clerk / Auditor

EXHIBIT A

Section II – Equal Employment Opportunity

A. Non-Discrimination

Cache County is an equal opportunity employer. The county provides fair and equal access to all available jobs and will not discriminate with respect to the terms and conditions of county employment on the basis of race, color, national origin, sex, age, disability or religion. The county complies with Title VII, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Equal Pay Act and other applicable laws relating to non-discrimination in employment. Employment at Cache County is based upon the applicant or employee's ability to perform the functions of the job.

The county will enact affirmative action plans and programs as required by law under the direction of the County Council and County Executive.

B. Anti-Nepotism

1. Compliance with State law

It shall be the policy of Cache County to comply fully with the provisions of Sections 52-3-1 and 52-3-2, Utah Code Annotated, prohibiting employment of relatives. Any public officer who violates the provisions of Section 52-3-1 or 52-3-2, Utah Code Annotated, is guilty of a misdemeanor (52-3-3).

- a. No public officer may directly supervise an appointee who is a relative when the salary, wages, pay, or compensation of the relative will be paid from public funds except as allowed by State law.

~~2. Relatives May Not Work in the Same Department~~

~~No relative may be hired to work in a department where a relative is already a county employee in that department.~~

~~Exceptions may be made in exigent circumstances as determined by the County Executive. In no instance shall a relative work more than 480 hours.~~

- ~~a. Relative means a father, mother, husband, wife, married same sex partner, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother in law, father in law, brother in law, sister in law, son in law, daughter in law, or grandchild.~~
- ~~b. Department means a county department, office, or agency.~~

C. Personal Relationships Policy

The county strongly believes that an environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business. Although this policy does not prevent the development of friendships between coworkers, it does establish boundaries regarding relationships during working hours and within the working environment. The policy also impacts off-duty conduct by prohibiting romantic or sexual relationships between supervisors and subordinates and by prohibiting marriage or marriage-like relationships between employees in the same office or department.

1. Personal Relationships in General:

- a. During working time and in working areas employees are expected to keep personal

- exchanges limited so that others are not distracted or offended by such exchanges and so that productivity is maintained.
- b. During non-working time, such as lunches and before and after work periods, employees are not precluded from having appropriate personal conversations in non-work areas as long as their conversations and behaviors would not offend a reasonable person.
 - c. Employees are strictly prohibited from engaging in physical contact that would be deemed inappropriate by a reasonable person while anywhere in or on County property, whether during working hours or not.
2. Personal Relationships between Supervisors and Subordinates:
 - a. Supervisor/subordinate in the same department.

Any public officer in a supervisory capacity must disclose the existence of a relationship with any department subordinate if the relationship has progressed beyond a platonic relationship. Disclosure must be made to the immediate supervisor and the HR Director. A public officer who fails to disclose as directed is subject to discipline, including termination.
 - b. Influential decision maker/subordinate in any department.

Decision makers in sensitive or influential positions must disclose the existence of a relationship with a subordinate county employee if the decision maker is in a position to influence the subordinate's job. Disclosure must be made if the relationship has progressed beyond a platonic friendship and should be made to the County Executive and the HR Director. An influential decision maker who fails to disclose as directed is subject to discipline, including termination.
 - c. Where problems or potential risks are identified, the Director of Human Resources will work with the parties involved to consider options for resolving the conflict. The initial solution will be to make sure that the parties involved no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance management, compensation, financial transactions, etc. are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage.
 - d. In some cases other measures may be necessary such as transfer to other positions or departments. The individual with the highest-ranking position may be considered for transfer but the final decision will be based on the overall best interests of the County.
 3. Marriage and Marriage-like Relationships in the Same Department.
 - a. Employees in the same department must report to their supervisor or the HR Director if they plan to marry, live in a marriage-like arrangement or if they otherwise are in a marriage-like arrangement. HR will make the final determination of whether a marriage-like relationship exists.
 - b. If a marriage or marriage-like arrangement gives rise to a conflict or disruption that negatively affects the workplace, HR will:
 - i. If appropriate, considering the specific conflict or disruption, work with employees to determine if openings are available in other departments for which they may qualify. If this option is not available, one of the employees—as determined by the County in its best interests—may have to leave County employment.
 - ii. Depending on the specific conflict or disruption, discipline--up to and including termination--may be necessary for either or both employees.
 - c. Refusal of reasonable alternative positions, if available and offered, will be deemed a voluntary resignation.
 - d. Continued failure to work with the County to resolve such a situation in a mutually agreeable fashion may ultimately be deemed insubordination and therefore serve as cause for termination under the County's disciplinary policy.
 4. The provisions of this policy apply regardless of the sexual orientations of the parties involved.

5. Where doubts exist as to the specific meaning of the terms used above, employees should make judgments on the basis of the overall spirit and intent of this policy and should consult the HR Director.
6. If an employee allows any personal relationship to significantly interfere with County business, appropriate disciplinary action will be taken, up to and including termination.
7. Any employee who believes this policy is not being adhered to should contact the County Executive or the Director