

**APPROVED**

**CACHE COUNTY  
COUNCIL MEETING  
MINUTES  
MAY 10, 2016**

# COUNTY COUNCIL MEETING

## May 10, 2016

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**CACHE COUNTY COUNCIL MEETING  
May 10, 2016**

The Cache County Council convened in a regular session on May 10, 2016 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

**ATTENDANCE:**

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

**The following individuals were also in attendance:** Janeen Allen, Attorney Stevan Baxter, Dan Cox, Howard F. Creed, Attorney Lee Edwards, Gary Gettman, Suzanne Gettman, Erin Griffeth, Karen Guymon, Steve Guymon, Alton Hebdon, Sharon L. Hoth, David W. Mathews, Debbie Miles, Dave Nielsen, LaRue Olsen, Susan J. Packer, Director Josh Runhaar, Dianna Schaeffer, Jay Stocking, Robert Theurer, Scott Theurer, Brenda Thurston, Lynn Thurston, Brady Turner, Karl Ward  
**Media:** Clayton Gefre (Herald Journal), Jennie Christensen (KVNU).

**The Colors were presented and the audience was led in the Pledge of Allegiance by the Cache County Sheriff's Office Honor Guard.**

**Chairman Merrill turned the time to Lieutenant Mike Peterson who explained the origin and purpose of National Law Enforcement Week and Peace Officers Memorial Day which was established by the U.S. Congress in 1962 to recognize those officers who have lost their lives in the line of duty. Memorials will be held during Law Enforcement Week for Cache County Officers Alma Sorenson (1959), James Merrill (1974), Charles Dickey, Jr. (1984) and Von Williamson (2004).**

**OPENING REMARKS**

Council member Robison gave the opening remarks.

**REVIEW AND APPROVAL OF AGENDA**

Chairman Merrill requested that Item 8 – *Proclamation-Law Enforcement Week/Peace Officers Memorial Day* – be moved to Item 3 on the agenda.

**ACTION: Motion by Vice Chair Erickson to approve the agenda with Item 8 – *Proclamation-Law Enforcement Week/Peace Officers Memorial Day* – moved to Item 3 on the agenda. Potter seconded the motion. The vote was unanimous, 5-0. Yeates & Zilles absent.**

**ITEMS OF SPECIAL INTEREST**

- ***Proclamation- Law Enforcement Week and Peace Officers Memorial Day***– Chairman Merrill read the Proclamation to the Council.

**(Attachment 1)**

**ACTION:** Motion by Council member Potter to accept *Proclamation – Law Enforcement Week (week of May 15, 2016)* and *Peace Officers Memorial Day (May 15, 2016)*. Robison seconded the motion. The vote was unanimous, 5-0. Yeates & Zilles absent.

**REVIEW AND APPROVAL OF MINUTES**

**ACTION:** Motion by Council member Robison to approve the minutes of the April 26, 2016 Council Meeting as written. White seconded the motion. The vote was unanimous, 5-0. Yeates & Zilles absent.

**MINUTES FOLLOW-UP:** There was none.

**REPORT OF THE COUNTY EXECUTIVE: CRAIG “W” BUTTARS**

**APPOINTMENTS:** There were no appointments.

**WARRANTS:** Warrants for the period 04-23-2016 to 04-29-16 were given to the Clerk for filing.

**OTHER ITEMS:**

- Water Conservancy District** – Executive Buttars reported ten cities have passed the resolution in support of placing the water conservancy district question on the ballot and have noticed public hearings on the matter. Some communities will be joining with the Cache County public hearing on May 24, 2016 at 7:00 p.m. in the Cache County Council Chambers.
- 2<sup>nd</sup> CDBG Public Hearing** – Executive Buttars asked the Council to set a Public Hearing for the 2<sup>nd</sup> CDBG Public Hearing May 24, 2016 at 5:15 p.m.

**ACTION:** Motion by Council member White to set the 2<sup>nd</sup> CDBG Public Hearing – May 24, 2016 – 5:15 p.m. Potter seconded the motion. The vote was unanimous, 5-0. Yeates & Zilles absent.

- Assessor Kathleen Howell – 40-year Service Award** – Executive Buttars presented Assessor Kathleen Howell with a 40-year Service Award certificate and commended Howell on her excellent service noting that she is well respected statewide. Assessor Howell thanked the county and said she has particularly enjoyed the association with the citizens of Cache County.

**Chairman Merrill thanked Human Resources Director Cory Wood and the county employees who participated in the Day of Service for The Family Place.**

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

**PUBLIC HEARING SET:** May 24, 2016-5:30 p.m.- Service Area No. 1 – Resolution No. 2016-01-Adjustment of Solid Waste Collection and Disposal Fees and Mandatory Curbside Recycling

**ACTION: Motion by Council member Potter to set a Public Hearing – May 24, 2016-5:30 p.m.-Service Area No. 1-Resolution No. 2016-01-Adjustment of Solid Waste Collection and Disposal Fees and Mandatory Curbside Recycling. White seconded the motion. The vote was unanimous, 5-0. Yeates & Zilles absent.**

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Ordinance No. 2016-06 – Amending Section 3.16.060-Interlocal Cooperation Agreements** – Attorney Edwards explained the ordinance allows the county to conform with state law with respect to interlocal agreements.

**(Attachment 2)**

**ACTION: Motion by Council member White to waive the rules and approve Ordinance No. 2016-06 – Amending Section 3.16.060-Interlocal Cooperation Agreements. Erickson seconded the motion. The vote was unanimous, 5-0. Yeates & Zilles absent.**

**Ordinance No. 2016-06:** The motion passed 5-0. Yeates & Zilles absent.

	<u>ERICKSON</u>	<u>MERRILL</u>	<u>POTTER</u>	<u>ROBISON</u>	<u>WHITE</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X	X	X	X	X			5
NAY								0
ABSTAINED								0
ABSENT						X	X	2

- **Ordinance No. 2016-07 – Amending and Superseding Title 6.08 – Dog Licensing and Kennels** – Director Runhaar said this will bring the land use portion of the county code and the dog licensing portion in accord.

**(Attachment 3)**

**ACTION: Motion by Council member Potter to waive the rules and approve Ordinance No. 2016-07 – Amending and Superseding Title 6.08-Dog Licensing and Kennels. Erickson seconded the motion. The vote was unanimous, 5-0. Yeates & Zilles absent.**

**Ordinance No. 2016-07:** The motion passed 5-0. Yeates & Zilles absent.

	<u>ERICKSON</u>	<u>MERRILL</u>	<u>POTTER</u>	<u>ROBISON</u>	<u>WHITE</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X	X	X	X	X			5
NAY								0
ABSTAINED								0
ABSENT						X	X	2

- **Resolution No. 2016-13 – Amending Resolution No. 89-11 – Road Special Service District** – Director Runhaar observed that the amendments make the membership and terms of office compliant with state code. Executive Buttars asked for clarification of what the board does. Runhaar responded when the money is received, the board meets to discuss how the money can be used on Class B eligible projects and sends its recommendations to the Council for approval.

(Attachment 4)

**ACTION: Motion by Vice Chair Erickson to waive the rules and approve Resolution No. 2016-13-Amending Resolution No. 89-11 – Road Special Service District. Potter seconded the motion. The vote was unanimous, 5-0. Yeates & Zilles absent.**

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

**PUBLIC HEARING: May 10, 2016-5:30 p.m.- Resolution No. 2016-11-Vacating a Public Street, Right-of-Way or Easement** – Attorney Lee Edwards stated 2100 South Street between Providence, Millville and Cache County is a substandard 15-foot wide road. The county has provided snow removal on the road. There is current litigation on the road between Providence City and property owners on the south side of the road and Cache County. The road does not provide a connection to another road and is not a significant road for east/west travel. Providence City has annexed only a portion of the road fronting a current development. Private parties have used the road to access homes. If the road is vacated, Cache County would be dismissed from the lawsuit.

Chairman Merrill opened the Public Hearing and invited public comment.

Stevan Baxter, Attorney representing property owners on the south side of 2100 South Street, is willing to work with the county on the dismissal of litigation and indicated Cache County has been cooperative and helpful. The matter is scheduled to come before Judge Willmore on May 31, 2016 and Baxter prefers the county vacate the road.

Bill Bower scolded the county for not having a definitive answer to the ownership of the road.

Dan Cox, landowner of development on the north side of 2100 South Street, is anxious to proceed with his development and remarked that plats from 1870 show the road existed and he knows of no abandonment of it. As the developer he understands he will have to improve the road to an acceptable standard.

There was no other public comment.

**ACTION: Motion by Council member Potter to close the Public Hearing - May 10, 2016-5:30 p.m. - Resolution No. 2016-11-Vacating a Public Street, Right-of-Way or Easement. Robison seconded the motion. The vote was unanimous, 5-0. Yeates & Zilles absent.**

**PENDING ACTION**

- Resolution No. 2016-11 – Vacating a Public Street, Right-of-Way, or Easement**  
Executive Buttars said he does not believe Providence did due diligence when the

development that empties onto this roadway was approved and feels Providence could amend their building requirements to allow a cul-de-sac for the northern development.

Attorney Swink said he has tried to resolve the problem with Providence's attorneys, but the City is not willing to amend its development requirements. The county needs to decide if this is a road the county wants to carry the liability on and if the litigation is worth it.

Attorney Edwards recommends vacating the road and letting the court rule on the points of contention between the remaining parties.

**(Attachment 5)**

**ACTION: Motion by Council member Robison to approve Resolution No. 2016-11 – Vacating a Public Street, Right-of-Way, or Easement. Erickson seconded the motion. The motion passed, 4 aye – Erickson, Merrill, Potter & Robison and 1 abstention – White. Yeates & Zilles absent.**

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Resolution No. 2016-14 – Amending the Cache County Corporation Personnel Policy and Procedure Manual Section II – Equal Employment Opportunity –** Director Cory Wood explained this will bring the anti-nepotism section in conformance with state policy. Presently, relatives (as defined in code) may not work in the same department. The change allows relatives to work in the same department, but not be supervised or evaluated by a relative.

**Council member Zilles arrived at the meeting at 6:22 p.m.**

Sheriff Jensen spoke in favor of the amendment stating his office has had individuals who want to apply for positions in his office, but have a relative who is an employee in the Sheriff's department.

Council member White spoke in support of the amendment.

**(Attachment 6)**

**ACTION: Motion by Council member Potter to waive the rules and approve Resolution No. 2016-14-Amending the Cache County Corporation Personnel Policy and Procedure Manual Section II – Equal Employment Opportunity. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

- **Recommendations of Restaurant/RAPZ Tax Committee** – Council member Potter apologized for a misinterpretation by the committee which resulted in not funding Cache County Development Services Legal Survey of Upper and Middle Canals (\$13,800.00). Director Josh Runhaar explained that some sections of piping are leaving a 12-foot wide access road on the surface. These have been used historically as rights-of-way for people trying to access trails. The survey is the last

step to be able to have fully accessible trails in those areas. Executive Buttars said the issue can be corrected by the next Council meeting when the recommendations will be on the agenda for a final decision.

The Council reviewed the recommendations and commented what a great benefit the RAPZ/Restaurant Tax funds are to the citizens of Cache County. Chairman Merrill stated there was \$4,112,532.00 in requests and \$2,469,853.00 awarded.

### **OTHER BUSINESS**

- ✓ **Smithfield Health Days Parade – Saturday, May 14, 2016 at 10:00 a.m.** – Erickson, Buttars, Allen, possibly Merrill will attend.
- ✓ **Richmond Black & White Days Parade – Saturday, May 21, 2016 at 5:00 p.m.** – Erickson, Merrill will attend.
- ✓ **Water Conservancy District** – Executive Buttars said they will be putting water conservancy district magnetic signs on the sides of trucks for parades and distributing candy and balsa wood airplanes with the water conservancy logo on them. Council members questioned if it is okay to place water conservancy info on county vehicles Attorney Lee Edwards said the League of Cities and Towns has guidelines for what the county can and cannot do in this regard that he recommends adopting. Advocacy groups can spend money on promotion of an issue, but no public funds may be used.
- ✓ **County Employees Day of Service – Tuesday, May 24, 1:00 to 5:00 p.m. – The Family Place**
- ✓ **Employee Appreciation Day – May 25, 2016 – 11:00 a.m. – 2:00 p.m. – County Quad**

### **COUNCIL MEMBER REPORTS**

**Val Potter** reminded the Council of the Sheriff's law enforcement week reception May 17, 2016 at 6:00 p.m. with dinner following.

Legislators from the area will hold a Town Hall Meeting May 19 in the Council chambers for a discussion of medical marijuana.

**Jon White** thanked the RAPZ Committee for their work

### **EXECUTIVE SESSION**

**ACTION:** Motion by Council member Zilles to adjourn to an Executive Session for a discussion of pending litigation (Utah Code 52-4-205(1)(c)). Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

The Council adjourned to an Executive Session at 7:05 p.m.

**ACTION:** Motion by Council member Potter to adjourn from the Executive Session at 7:44 p.m. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Cache County Council  
05-10-2016

**ACTION: Motion by Council member Zilles to adjourn from the Council meeting at 7:45 p.m. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

**ADJOURNMENT**

The Council meeting adjourned at 7:45 p.m.

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

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**APPROVAL:** G. Gregory Merrill  
Chair



## 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.

Attest:



  
Jill N. Zollinger, County Clerk/Auditor

CACHE COUNTY

  
Gregory Merrill, Cache County Council Chair

  
Craig W. Buttars, Cache County Executive

**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 10th  
Day of May, 2016.

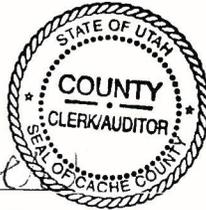
	In Favor	Against	Abstained	Absent
David L. Erickson	X			
Val K. Potter	X			
Greg Merrill	X			
Kathy Robison	X			
Jon White	X			
Cory Yeates				X
Gordon A. Zilles				X
Total	5			2

**CACHE COUNTY**

By: Greg Merrill  
Greg Merrill, Chairman

**ATTEST:**

Jill N. Zollinger  
Jill N. Zollinger, County Clerk / Auditor



Publication Date: May 25, 2016

# ORDINANCE NO. 2016-07

CACHE COUNTY, UTAH

## AMENDMENTS TO TITLE 6.08

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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.

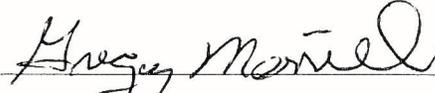
**6. EFFECTIVE DATE.**

This ordinance takes effect on May 25<sup>th</sup>, 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 10<sup>th</sup> day of May, 2016.

	In Favor	Against	Abstained	Absent
Potter	X			
Erickson	X			
White	X			
Merrill	X			
Robison	X			
Yeates				X
Zilles				X
Total	5			2

CACHE COUNTY COUNCIL:

  
Gregory Merrill, Chair  
Cache County Council



ATTEST:

  
Jill Zollinger  
Cache County Clerk

Publication Date:

May 25, 2016

# RESOLUTION NO. 2016-13

CACHE COUNTY, UTAH

## AMENDING RESOLUTION 89-11 ROAD SPECIAL SERVICE DISTRICT

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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

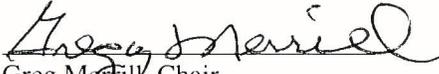
The membership of the Administrative Control Board of the Road Special Service District shall consist of three (3) members that meet the requirements of Utah Code Section 17D-1-304 which are appointed by the County Council in conformance with Utah Code Section 17D-1-301.

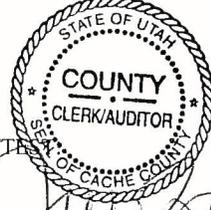
### Section 7. Terms of Office

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 10<sup>th</sup> day of May, 2016.

CACHE COUNTY COUNCIL

  
Greg Merrill, Chair  
Cache County Council

ATTN:   
  
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.

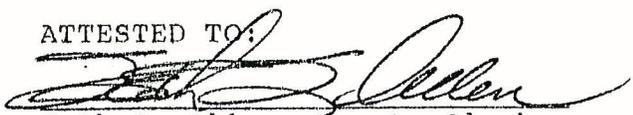
Resolved and adopted this 7th day of March, 1989,  
by the County Council of Cache County, Utah.

CACHE COUNTY

By: \_\_\_\_\_

  
C. Dennis Funk  
Chairman

ATTESTED TO:

  
Seth S. Allen, County Clerk

**CACHE COUNTY  
RESOLUTION 2016 – 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

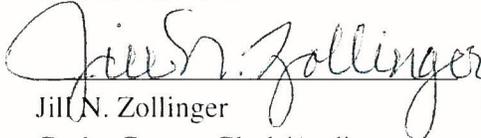
WHEREAS, 2100 S. is a substandard, dead end road that is not currently suited for additional traffic flow; and

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 10<sup>th</sup> day of May, 2016.

ATTESTED TO:

  
Jill N. Zollinger

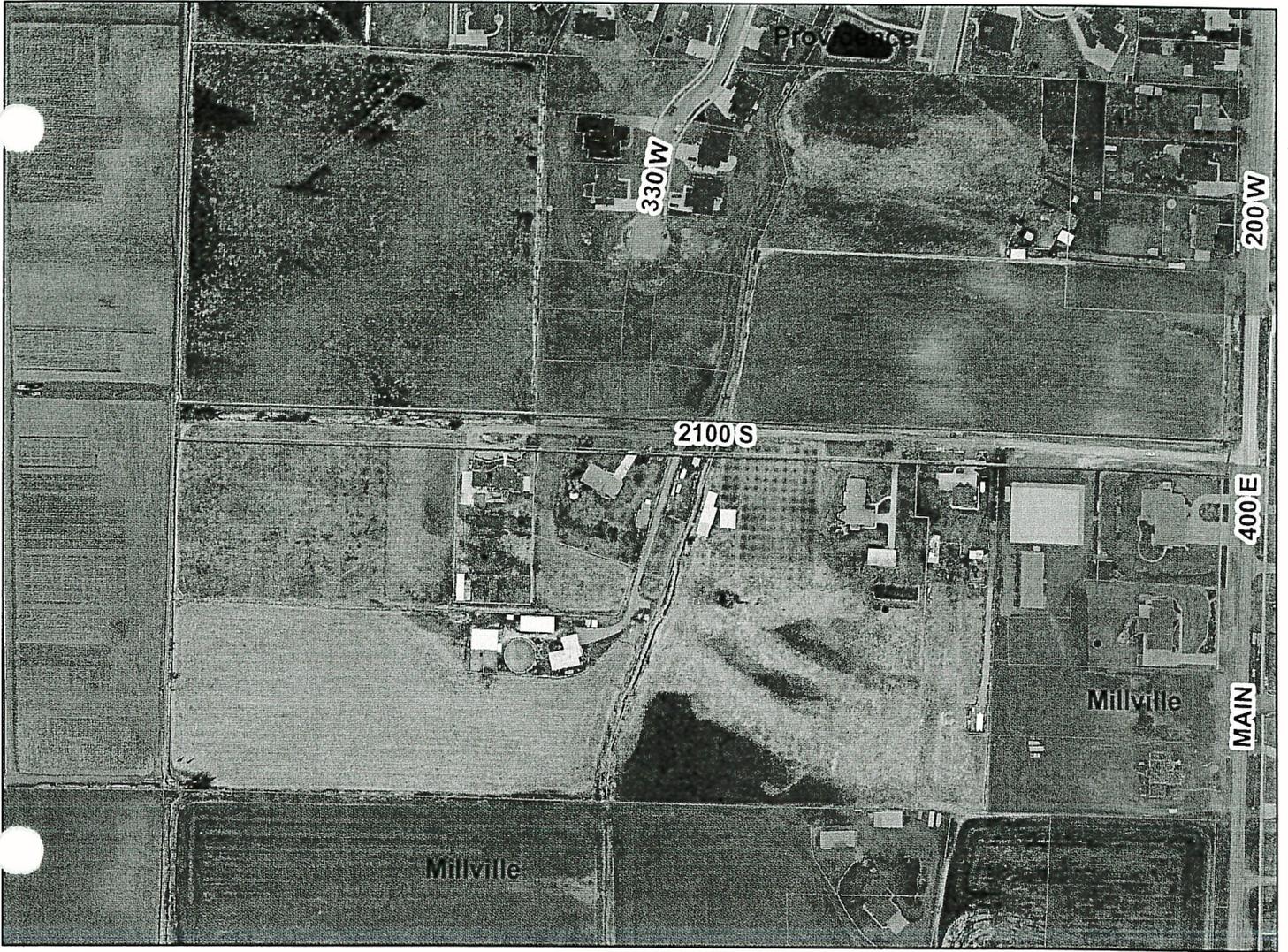
Cache County Clerk/Auditor



CACHE COUNTY COUNCIL

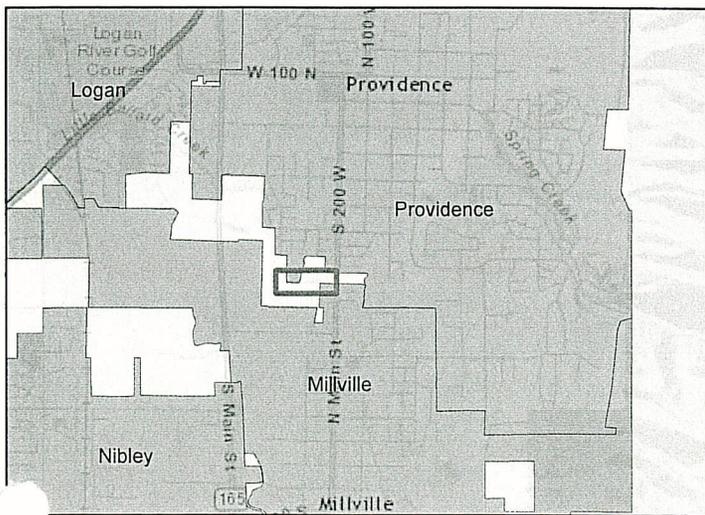


Greg Merrill  
Council Chair



**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  
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 May 10, 2016, 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 10<sup>th</sup> day of May, 2016.

CACHE COUNTY COUNCIL



ATTEST:

By: \_\_\_\_\_

Jill N. Zollinger, County Clerk / Auditor

By: \_\_\_\_\_

Gregory Merrill, Chairman

# 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