

CACHE COUNTY COUNCIL MEETING

March 25, 2003

The Cache County Council convened in a regular session on March 25, 2003, in the Cache County Council Chamber at 120 North 100 West, Logan, Utah.

ATTENDANCE:

Chairman: H. Craig Petersen
Vice Chairman: Cory Yeates
Council Members: Brian Chambers, Paul Cook, Darrel Gibbons, John Hansen, and Kathy Robison.
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger

The following individuals were also in attendance: Dianne R. Baumain, Lorelee Bishop, Case Crockett, Rob Cruz, Attorney George Daines, Darrell Erickson, Nicole Foust, Sue Hoffman, Sue How, Timmie John, Jeana Lee, Mindi Maxfield, Elaine Moffitt, John Nelson, Evelyn Palmer, Pat Parker, Kelly Pitcher, Jim Smith, Auditor Tamra Stones, Mark Teuscher, Preston Ward, Adrea Zeller.
Media: Joe Rowley (Herald Journal) Jennie Christensen (KNVU)

CALL TO ORDER:

Chairman Petersen called the meeting to order at 5:00 p.m.

INVOCATION:

The invocation was given by Council member Hansen.

PLEDGE OF ALLEGIANCE:

Chairman Petersen lead those present in the pledge of allegiance.

REVIEW AND APPROVAL OF AGENDA:

The agenda had a minor change under item No. 11a. The number on Resolution No. 2003-05 "Adjustments to the 2003 Budget" was changed to Resolution No. 2003-09.

The agenda was approved as amended.

REVIEW AND APPROVAL OF MINUTES:

Minutes of the Council meeting for March 11, 2003, were reviewed, corrected and approved.

The Council was asked by the Clerk, Jill Zollinger if it would be all right to forego sending the attachments with the Council minutes. It was felt that printing and postage costs could be saved as a result. The Council agreed with the suggestion. Council member Robison, who proofreads the minutes for the Council and the Executive's office, would still receive a copy along with their drafts for reviewing page references of the attachments to the minutes.

REPORT OF COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS:

Executive Lemon recommended the following appointments.

Jon White	Agriculture Protection Area Advisory Board
Craig Petersen	TRCC Advisory Board
Brian Chambers	TRCC Advisory Board
Lanny Ballard	Benson Planning District
Wayne Maughan	Benson Planning District
Darrel Gibbons	Transfer of Development Rights (TDR)- Ad Hoc Committee
LaMar Clements	Transfer of Development Rights (TDR)- Ad Hoc Committee
Mark Teuscher	Transfer of Development Rights (TDR)- Ad Hoc Committee
Lorene Greenhalgh	Transfer of Development Rights (TDR)- Ad Hoc Committee
George Daines	Transfer of Development Rights (TDR)- Ad Hoc Committee
James Jonathan Astle	Deputy County Sheriff

(See Attachment No. 1)

ACTION: Motion by Council member Cook to approve the recommended appointments. Yeates seconded the motion. The vote was unanimous, 7-0.

WARRANTS: The warrants for the periods of 02-28-03 to 03-06-03; 03-07-03 to 03-13-03; and 03-14-03 to 03-20-03 were given to the Clerk for filing.

OTHER ITEMS:

- 1. Countywide Mosquito Abatement District.** The formation of a Countywide Mosquito Abatement District was under discussion with the City Mayors.

Time Table for the Countywide Abatement District: (Spearheaded by Elmer Kingsford.) **1)** The County and the Cities each need to adopt a resolution to put this on the ballot by May 15, 2003. **2)** Public Hearing to be held before June 30, 2003. **3)** Notify the Clerk in the County and the Recorders in each City, about a need for an election. **4)** Election November 4, 2003. ***(Executive Lemon noted that there was no budget for a County election this year; the county would have to find a way to fund this. Also, to be effective all cities and unincorporated areas would need to participate.)***

- 2. HB. 112.** The Governor has signed House Bill 112. It would go into effect May 5, 2003. This was the County Correctional Facilities' bill. It allows the County to bill individuals who are incarcerated in the County Jail facility, if they have the ability to pay.
- 3. Representative Rob Bishop meeting.** Representative Bishop would like to meet with the County Elected officials. The Council set Thursday, April 24, 2003 to meet with Representative Bishop. Arrangements will be made for the time and place of the evening meeting.

4. **Scoping Letter - Forest Service.** The purpose of the letter was to inform the Council of several small projects the Logan Ranger District is proposing for the Summer of 2003. Copies were given to the Council.
5. **County Logo.** The County logo had been narrowed down to three. Executive Lemon asked the Council for their input. The Council members suggested using County products or other items that might depict the County's resources. More ideas would be drafted.

PROCLAMATION: "NATIONAL COUNTY GOVERNMENT WEEK"

Vice Chairman Yeates read the proclamation:

"Be it resolved that the Cache County Council and the Cache County Executive, County of Cache, State of Utah hereby proclaims April 6-12, 2003 as "National County Government week" and urges all citizens to visit county government offices and become more aware of the importance of the services rendered."

(See Attachment No. 2)

ACTION: Motion by Council member Hansen to approve the proclamation. Cook seconded the motion. The vote was unanimous, 7-0.

PROCLAMATION: "CHILD ABUSE PREVENTION MONTH"

Council member Robison read the proclamation:

(See Attachment No. 3)

"Be it resolved that the Cache County Council and the Cache County Executive, County of Cache, State of Utah, hereby proclaims April 2003, as Child Abuse Prevention Month and urges all of our citizens to become more aware of the impact of child abuse and to join in working for its prevention within our communities."

ACTION: Motion by Vice Chairman Yeates to approve the proclamation. Hansen seconded the motion. The vote was unanimous, 7-0.

CHILD AND FAMILY SUPPORT CENTER REPORT: SUE HOFFMAN

Sue Hoffman read a statement on child abuse in Cache County and presented the Council and the Executive with a blue ribbon pin to symbolize "Child Abuse Prevention Month," which was to be worn during the month of April in an effort to increase awareness of child abuse and its prevention in Cache County.

(See Attachment No. 4)

Sue Hoffman: The Family Support Center has been a shelter for abused and neglected children for 20

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years in Cache County. We do a lot of prevention services. The Crisis Respite Nursery is one of our main services so parents can come and bring their children to the Family Support Center 24 hours a day every day of the year at no notice. We're working in the Crisis Respite Nursery with approximately 300 to 400 families who are in need of our additional support. Just under 1,200 children in Cache County will come through the Crisis Respite Nursery. That doesn't include the counseling that we have for victims of abuse and neglect which are parent support groups, parent education classes and a home-visiting program.

In the last couple of years, we have been going into Cache County and Logan City school districts and presenting a program to children from preschool to sixth grade on sexual abuse prevention and awareness. On an average, we are reaching approximately 2,000 to 2,500 children a year by going into the schools and teaching children about sexual abuse and what it is; how to prevent it and in case it does happen, who can help you; and that their body is their own and they have a right to say "no" to inappropriate touches and things that make them feel uncomfortable.

Family Support Center Activities: This was the first time we have initiated a proclamation. We are pleased that you responded positively to that. We will be doing some public awareness activities. We are going to be having a fund raiser activity. With the PTA we have a poster contest in five elementary schools where children are doing a poster on "What's Special About Me." The winner's posters will be displayed in businesses.

FOREST PLAN DISCUSSION: ROB CRUZ

Forest Ranger, Rob Cruz addressed the Council and stated that after four long years the Forest Revision Plan was ready to be released to the public. Alternative #7 was the alternative that was selected by the Region. High points of the plan were **1) Recreation - Summer and Winter, 2) Wilderness impact, 3) Livestock grazing, 4) Fire, 5) Timber management.** Maps were displayed of the forest areas.

ROB CRUZ: We incorporated a closure in the White Pine drainage/Franklin Basin area, east of White Pine Lake. We tried to incorporate that with some big-game closures and provide some options for non-motorized recreational use. We also have two small closures, one on the west side of Swan Peak and by the Limber Pine trail head and then down into Garden City to the Forest boundary.

As far as wilderness in the Logan/Ranger District, we have two small additions to the wilderness. There is a 40-acre parcel near Sherwood Hills area we recommended to be part of Wellsville's wilderness. There is a small sliver of land at the top of Mt. Naomi wilderness up against the Idaho boarder that we are recommending to be placed in wilderness. For the Logan ranger district, we are only looking at 540 acres of additional recommended wilderness. That doesn't become wilderness until Congress acts on it. It is just a recommendation. If Congress never acts on it, it never becomes wilderness.

Livestock grazing is a continued use that we want to see on the National forests. Lands that are in good condition will be allowed to be grazed at 50%.

Fire is going to be an important component of the national forest. We will be doing more vegetative treatments using natural fire and prescribed fire to try and bring back our vegetative communities. Where you will see that a lot will be with our Aspen treatment. We will be trying to bring back the Aspen component into the National forest. Over the last 100 years, scientists have figured that we have lost about 60% of our natural Aspen stand because of the exclusion of fire and some other activities that have occurred.

Timber management will continue to be a tool that we will be using on the National forest. On the Logan/Ogden Ranger District, it is mainly the Eastern part of the district. We will continue to have mineral exploration on the National Forest, mainly out of Evanston and Mt. View area.

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We have committed to work on the Bonneville Shoreline Trail and also the Shoshone ATV Trail system that was proposed by Representative Hansen.

INTRA DEPARTMENTAL BUDGET TRANSFER:

The Fire Department requested an intra-departmental budget transfer of \$2,180.00 to pay for a part-time secretary from the LEPC Grant.

(See Attachment No. 5)

ACTION: Motion by Vice Chairman Yeates to approve the budget transfer. Gibbons seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING SET: DECLARE SURPLUS PROPERTY

It was proposed to set a public hearing for April 8, 2003 at 6:00 p.m. to receive public comment on declaring County property surplus.

ACTION: Motion by Council member Robison to set the public hearing. Cook seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING: OPEN 2003 BUDGET

AUDITOR TAMRA STONES recommended the following budget changes:

Fund 10 General Fund:

- Item 1: Reduction of grant money for the EMS Coordinator of \$6,000.00.** *"There is an offset amount in the Auditor's budget value's category."*
- Item 2: Request of an increase of Sundry Revenue of \$5,500.00** *"This is to close a prior year P.O. that was made to a different lender than what they want to use now. We have to put that back in the budget and that would be in the Recorder's budget for equipment."*
- Item 3: Reduction in the Bookmobile and Books Subscription's fund and transferring that as a contribution to the Library Fund.** *"This was recommended at a Library Board meeting that we went to. The State consultant indicated that it was their feeling that the combined resources of this Library special revenue's fund and the general fund amounts going toward the book collection since it is now the County's collection fee located in the special revenue's fund; then if we don't spend every dollar of it that money would be safeguarded for appropriation at a later time."*

Fund 24 Council on Aging Fund:

- Item 1: A foot-care grant still needs to be appropriated for in the amount of \$2,194.**
- Item 2: Albuquerque/Balloon Trip anticipated revenues.** *"They are planning to do some Senior trips. As a fund raiser. They are planning an Albuquerque New Mexico trip to coincide with the Balloon Festival. They anticipate revenue of \$19,000 and \$18,000 of that is to go into expended services. Not all of it will be expended there but we have to make the revenues and the budgets match. One-thousand dollars of that increase would go to offset building and grounds maintenance cost"*

in the access budget.”

Fund 28 Library Special Revenue Fund:

Item 1: Federal LSTA Grant of \$6,012. *“We would like to recognize that revenue for the Public Use PC & Printer grant. They have to purchase that through the Gateway Company for the bill and some of the Gate’s Foundation. The expense would go to pay for that.”*

Item 2: Recognize a contribution to the Book Collection of \$13,500. *“The book collection account number would be 210 not 485.”*

Fund 40 Capital Projects Fund:

Item 1: We finalized our Capitalized 2003 bonds for \$3,345,000.00 *“Our anticipated increase was a little bit higher than that when we adjusted the budget for this in December of 2002. This is a housekeeping matter where we have adjusted the appropriation to the actual amount. Basically we are reducing the appropriations \$103,616.00.”*

Item 2: Jail Complex. *“We need to appropriate approximately \$15,000.00 to cover the cost of the telephone system changes for that facility. There was a savings of just a little more than \$10,000.00 on the bond issuance cost; so, I have appropriated that into equipment. I’ve reduced the 13.1-Million dollar appropriation for the building jail complex by \$3,382.00 In line 40-4983-990, there were still \$1468.00 in that budget and I propose making that budget zero to offset the balance.”*

Fund 77 Logan-Cache Airport Authority:

Item 1: A request to increase the appropriated surplus by \$10,000.00. *“That money could be used for professional services.”*

CHAIRMAN PETERSEN OPENED THE MEETING TO PUBLIC COMMENT.

There were no public comments made.

ACTION: Motion by Council member Gibbons to close the public hearing. Vice Chairman Yeates seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL MOVED INTO THE BOARD OF EQUALIZATION

TAX EXEMPTION REQUESTS:

Chairman Petersen reviewed the following tax exemption requests:

Providence Place Housing Corporation (formerly known as Neighborhood Nonprofit Housing Corporation)

Daughters of the Utah Pioneers Museum (*Note: Auditor Tamra Stones commented that this was a cancellation request for their share of the space they occupy in the Chamber of Commerce. It would be better to handled that as a separate item as it was not really an exemption; it was a cancellation.*)

Cache Community Food Pantry

Planned Parenthood

Daughters of the Utah Pioneers Leavitt Layne Camp

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Citizens Against Physical and Sexual Abuse (CAPSA)
Somebody's Attic
Neighborhood Nonprofit Housing Corporation
Grace Baptist Church
Roman Catholic Church
Logan Church of Church of Christ
Church of Jesus Christ of Latter-day Saints
Full Gospel Fellowship

ACTION: Motion by Council members Gibbons to approve all tax exemption requests listed above with the exception of Planned Parenthood. Vice Chairman Yeates seconded the motion. The vote was unanimous, 7-0.

Discussion on Planned Parenthood:

Council member Cook: What do they do at this location that qualifies them?

Auditor Stones: They provide educational materials and counseling for people.

Council member Yeates: It is only for personal property as well; it's not for real property.

Stones: That's correct.

Cook: So we are dealing with personal property not the real property?

Yeates: Yes. I think they lease their office space; so, the building itself is taxed.

Stones: Yes and I would assume that they have been approved Statewide as an exempt organization.

Cook: Tamra, do you know (if) all the materials have to be related to educational?

Stones: It is either educational, charitable or religious.

Cook: So, they are saying that everything that is in there specifically relates to some educational value.

Stones: All I can say is this is what they told me in their application: *"They provide Utahns with the means to voluntarily determine the number and spacing of their children consistent with the person's well-being and value system. The principal methods used to achieve the purpose are direct provisions of services, education and acts.*

Cook: I would like them to come and speak with us. I have a problem with it.

Yeates: Paul, I have voted against this one every year I've been on the Council and so I appreciate having some support on this.

Cook: I have a problem with it as well.

Yeates: What Tamra says is true. Even if we turn them down, they will appeal to the State. The State will go ahead and grant it.

Cook: I would like some demonstration that they have nice little educational materials in all of their file cabinets and desks. I just find that really hard to believe.

Yeates: That's not a bad idea.

ACTION: Motion by Council member Gibbons to approve the "Planned Parenthood" request for tax exemption. Chambers seconded the motion. The vote was 5-2. (Cook and Yeates voted "no.")

(See Attachment No. 6)

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

ADMINISTRATION BUILDING UPDATE:

Executive Lemon submitted the "NEXUS Architectural Project Schedule" which outlined the Administration Building project dates.

(See Attachment No. 7)

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Bids for the demolition of the Council/Court building would go out by May 15. Bids should come back between June 15th and July 1st and demolishing of the building would be between July 1st and August 1st. Once approved, work would then start on the parking lot.

County Offices will begin the process of moving Friday, May 30th at 5:00 p.m. and will be open for business the following Tuesday morning. County Offices will be closed on June 2, 2003. A ribbon cutting ceremony was tentatively set for May 27th before Council meeting. An open house would be scheduled for a later date.

COUNTY JAIL UPDATE:

Sheriff Nelson, provided a written, detailed report of the jail. The report highlights 1) Construction Progress, 2) Design Changes, 3) Budget Issues and 4) Summary

(See Attachment No. 8)

Council member Robison related a couple of issues that came up during the Jail Committee meeting. She said there were still some questions on the kitchen and laundry facilities' equipment and the sewage grinder. It had not been determined who would pay for these items. These larger ticket items might actually affect the GMP.

AGENDA AMENDMENT:

WITH NO OBJECTIONS FROM THE COUNCIL THE AGENDA WAS AMENDED TO ADD UNDER ITEM 11-g. RESOLUTION 2003-10 AND ITEM 11 h. RESOLUTION 2003-11 WHICH CONCERNED TWO LEASE AGREEMENTS WITH THE LAW ENFORCEMENT COMPLEX.

These resolutions had just been received at 4:30 p.m. today. The County Attorney felt there was some urgency in having those approved this evening and he would discuss this in more detail during the Executive session.

Executive Lemon noted that these resolutions were the lease agreements that had been negotiated with the State on Adult Probation and Patrol and the Highway Patrol leasing the third floor of the Sheriff's administration building.

RESOLUTION NO. 2003-09: ADJUSTMENTS TO THE 2003 BUDGET

(See Attachment No. 9)

ACTION: Motion by Council member Cook to suspend the rules and approve the proposed changes to the Budget. Gibbons seconded the motion. The vote was unanimous, 7-0.

RESOLUTION NO. 2003-06: APPOINTMENTS TO THE MOSQUITO ABATEMENT DISTRICT

APPOINTMENTS:

Executive Lemon recommended the following appointments.

Brad Tolman - College-Young Mosquito Abatement Dist.
Roger Norr - College-Young Mosquito Abatement Dist.

(See Attachment No. 10)

ACTION: Motion by Vice Chairman Yeates to suspend the rules and approve Resolution No. 2003-06. Robison seconded the motion. The vote was unanimous, 7-0.

RESOLUTION 2003-07: DESIGNATION OF AT-WILL EMPLOYEES

Attorney George Daines: The pattern in almost all government is to have policy making and senior supervisory personnel "At Will Employees" or "Elected Employees." The thought being that people who determine policy as a matter of practice should be subject to some kind of administrative control.

The current method of managing "Department Heads" in our County really stands different than that. It just doesn't clarify that the Department Heads are treated any differently than the line employees. If you look at the County "Personnel Management Act" that is passed by the State that applies to larger Counties, they have all of the Department Heads, Chief Deputies and one Private Secretary for each Elected Official "At Will Employees."

Because our County is smaller with probably 50-60 employees short of having to conform to that act, I'm recommending that you not include Chief Deputies or a Personal Secretary within that category. If you reach the level where you had 200 employees, (we would have to conform). We are well short of that. In any event that is the reason for the change. We have included the Department Heads that you currently have in that category; we identified 12 (employees). You can chose to distinguish between Department Heads in some way. You could determine, for example, that if you choose to, that the Assistant County Surveyor is not going to be treated as an equivalent to a Department Head or that the Manager of Data Processing isn't a Department Head. You can choose who you so classify as a Department Head.

By making them an At-Will employee, essentially you would set up a situation in which Lynn Lemon, as your Chief County Executive, has the power to hire with your permission and the power to fire and has the administrative responsibility for the Department heads. He currently has that responsibility but he doesn't have actual control.

Question/Answer:

Chairman Petersen asked what the nature of the amendment of the existing policy was.

George Daines replied that the only amendment to that section was the inclusion of the second word, "Department Head." Paragraph two was different in that it adds "sub-paragraph b" and then d is new as well. Other than that, it fits into your existing Cache County Personnel policy.

Chairman Petersen noted that this was a substantial change for the County. He encouraged a discussion open to the Department Heads and bringing this matter before the Council again in the next meeting for action.

CHAIRMAN PETERSEN OPENED THIS ITEM FOR DISCUSSION.

Discussion:

Council member Robison: Aren't there safeguards or laws in the system that you can't just go in there and say that I

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don't like the color of your eyes and you just tell them that they are out of there. How does this work.

Attorney Daines: That's a good question. Let me spend a little bit and explain what the problem is with personnel that way, Kathy. First of all, this is very similar to what you will see in every governmental entity. Generally in Utah, unless there is some provision otherwise, the norm is people are employees "At Will." For example, if you went into any financial institution in town or any business, I think you would find they are all employees "At Will." Having said that, there are some limitations. You cannot discriminate on the basis of standards that are of a protective category. If you begin to say you can only dismiss an employee for cause and he is an administrative head for example as a department head, then you put yourself in a position where you have to justify why you have terminated someone. That can be very, very difficult and eventually you will end up with the Court trying to decide whether you have made a determination or not. For that reason, they simply say with or without cause. I don't think you will find that someone is terminated without cause very often but sometimes it is very difficult to state the reasons why that person is being terminated. It is a real burden if you are trying to administer someone, to have them have a position where they are more or less an vested employee. You ask them to do something and they say: "No." What are you to do.

Robison: I understand that. I just want to make sure that we have protection for our employees that we just can't go in like with a big stick and clear out the whole group.

Daines: I need to be blunt with you, Kathy. This allows the County Executive to do that with people who are denominated Department Heads. If Lynn (Lemon) were to be replaced with someone who decides the County has something wrong, that individual who is elected could make that decision to terminate a series of Department Heads. We have seen that situation over the years periodically in Logan City. A new mayor will come in and decide he doesn't like this or that Department Head and replace him. He is not required at that point to say it's for this reason or for that reason." He just has the right to replace him. Now if you do that to long-term employees who are quality employees, you may very well suffer the consequences the next time you try and get yourself elected. It is not without consequence. This is an effort to bring Cache County into a semblance of parity with all the other governmental entities that offer it. Let me give you an example: Governor Leavitt has a right to dismiss his Department Heads. He doesn't have a right, however, to dismiss the Attorney General because he is elected. Lynn cannot fire me because I'm elected. He could make a determination to let someone else go who he has appointed. That is the difference. It is a plenary power.

Chairman Petersen: George, when you use the phrase, "Let them go," it doesn't necessarily mean the person is going to be fired from not having position, does it?

Daines: Yes. You can set it up so that they can go back into the department at a different level. That is something that is done. For example: The Sheriff when he comes in chooses who are his Chief Deputies. If he chooses to dismiss the Chief Deputy, the Sheriff has that right. That Chief Deputy can then apply for the opening that thereby was created by relinquishing his position. It is kind of like the President of the University. He can choose who to make his senior staff but if he left and goes, sometimes they have tenure back in the Department and he can go back into teaching if there is a position available. If there isn't, you actually put yourself at risk by becoming a Department Head. The consequences should be clear. I'm not trying to tell you that this isn't a significant ordinance. The way in which you are currently running is very different than any for-governmental entity of which I am familiar with where you do not have your employees or the Department Head subject to the Executive employee.

Brian Chambers: I realized, George, the last block of time actually 23 years that I was in an administrative position with the Cache County Schools, I could be released from that position without cause.

Daines: The situation is that you cannot though relieve a teacher. When you become an administrative (position), the superintendent has that authority and if necessary ready to administrate the school district. It is an anomaly how we got into this. I don't know how we ended up with a situation that is this way but it is not a good one.

Chambers: George, what would be the practice if one of these Department Heads was not satisfied with someone who is working with him or her? What is the process currently for him or her?

Daines: The process has a bunch of steps in it and procedures and hearings and due process. I'm familiar with that. We could attempt to make all of the employees of the County "At-Will Employees." We don't have that now. What we actually have is a system where annually you evaluate your employees. You can give them a rating. The lower rating is "unacceptable" and then there is the "needs improvement." Then the individual that is in that category, you document that they are not doing their job. You can then make an effort to relieve them. They do have a form of job protection that keeps you from doing that. That is a very laborious process to go through. It is basically a three-year process. Frankly, to relieve an employee that is not performing their job, any Department Head that has embarked upon that will tell you that takes a long period of time. That is kind of where we are right now.

Council member Gibbons: If we address this again next meeting, do we need to invite all Department Heads to that meeting and notify them that they will have an opportunity to make comment?

Daines: I probably ought to just tell you that Lynn and Jim and I talked about this. A letter was sent to all of the Department Heads about a week ago with a copy of this about a week ago.

Lynn Lemon: Last Thursday we sent it. I invited them to come tonight and invited them to make any written comments to you.

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Department Head Comment:

John Nelson: I would like to address about three unrelated items in regards to this:

1. As has been pointed out, there is a way now to rid the County of a bad employee including Department Heads. With few exceptions, I don't know of any but perhaps there are some, I think all the Department Heads per say are other than administrative. For instance, they are field workers as well as decision makers in the office. Most of the elected people tend to be the administrative type versus actually doing the work in the field. In my way of thinking and I would like to see that, all of the County Employees have to answer under the same item. If you are going to make "At Will," part of them, let's make "At Will" all of them.

2. I know it is a long and drawn out operation to get rid of a merit employee. I as a Department Head, did that. It was not a pleasant situation but when the time finally comes when you have an employee that is not properly biting the bullet, then as a Department Head or whoever it is (he/she) has got to have the nerve to speak up and either live with it or to correct it. One or the other. It is time to find the answer to the responsibility that is there. There may be Department Heads whose pay has something to do with that fact.

I do not receive an extra \$5,000.00 because I am a Department Head. Here are the job requirements and because I have to approve all of the documents for payment has nothing to do with the amount of pay that I get versus an employee underneath me; so, I would like to see everyone go to that "At-Will" or basically no one. **Reason No. 1:** I don't know why any of my employees that are under me, when I leave, wants to volunteer to put himself out on a limb when money isn't involved. I think you are going to start taking people from the outside and get a lesser quality of employees when you do it on a continual basis. **Reason No. 2:** At the present time when I make a decision, I'll make a decision on what I think is best in the long run for Cache County and my department. I think that when I have to go the other way, I am going to have to base that on: "How am I going to satisfy my boss!" At the present time it might be pretty nasty. In the long run, I can see it is the best decision to be made.

3. Several years ago we changed this (employee rating) to "Exempt" and "Non-exempt" employees. The Department Heads were made exempt employees. As far as I can tell, that did nothing for me except put that title on there and say: "We want you do donate any overtime pay that it takes." Basically, it is impossible to get overtime pay regardless of what you have to do on that day. This is the first year in 13 years I haven't had to spend a day of travel on President's Day for Cache County business. Tough! If you want to do it that is the price you pay. On top of that I was told I have to account for every hour that I put in. I was treated exactly as an employee. Now, as a Department Head, they say: "On top of that we are now going to make it up there so we can chop your head off." I personally think, I am only talking for myself, that in the long-run Cache County will suffer with the type of employees from the Department Heads that it has. I know there are problems with Department Heads but the present situation that we have will allow to get rid of those even though there is a hearing involved so they have a say.

Tamra Stones: The staffing in the County is minimal in almost every department. John made a comment that the Department Head is actually an on-line employee. He is doing field work; he is doing day-to-day activities that keep the departments running, as are many elected officials. I believe that if we do this, the staffing requirements in the offices are going to have to increase because you are going to have people who are "at will;" and if a change occurs in an office that has a small employee count, you are not going to have the depth of knowledge that you need to keep that department running. I think you need to keep that in mind for the budget process. We are going to have to fund our budget at not 100% but maybe at 110% so that we can keep employees staffed at the level you need to have staffed to keep ongoing business of the County occurring.

Mark Teuscher: I have worked in a number of different jurisdictions in the Counties (with) different offices. This is a common practice. I was surprised when I got the letter that we were even doing this. I thought it was always "at will." Most jurisdictions throughout the State do this to their department heads.

ORDINANCE NO. 2002-12(a): (Temporary) AMENDING ORDINANCE 2002-12 AND EXTENDING TIME ON THE ACCESS MANAGEMENT PLAN

(See Attachment No. 11)

Historical Information:

Mark Teuscher: It is a temporary ordinance for two reasons.

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1. It was designed this way to try it out and to use it. This basically only applies to access on the State roads. To explain how this works, the County has no control over access on State roads. These are permitted by the State. The State is currently working on a Statewide Access Management policy. This is mirrored right after that.

2. What this really does is it sets up a coordinating process between two decision-making processes. UDOT has a permitting process that permits access on any State corridor. They have steps to go through and they have standards. There is a land-use decision process that the County goes through approving a house or approving a business. Say, you all were going to approve a commercial center. At no time do these two decision-making processes ever merge. They are always running independently of each other. What this policy does is it sets up a coordinating meeting between UDOT, the local jurisdiction and the applicant. Since August, we have had somewhere around 30 coordinating meetings.

District 1 (manages state roads) is fully support of this process. They (UDOT) has asked to extend it for an additional 6-months to see what it (would do) during a full construction period. They still have to get their permit from the State. They still have to get their local land use. It just adds one little coordinating meeting that happens here (at the Council chambers) twice a month. They come and meet and we discuss the issues with them.

(Chairman Petersen noted that the amendment extends until September 25, 2003 and at that point it would be decided as to whether it becomes a permanent ordinance or not.)

3. What we would like to do after we get done with this is to refine this. State law allows you to do temporary ordinances. They are not permanent. They have beginning and ending dates; you may extend them for a specific reason but they can't go on forever.

ACTION: Motion by Council member Gibbons to waive the rules and approve Ordinance 2002-12(a). Yeates seconded the motion.

Ordinance No 2002-12(a) (Temporary): The vote was 7-0

	CHAMBERS	COOK	GIBBONS	HANSEN	PETERSEN	ROBISON	YEATES	VOTES CAST
AYE	X	X	X	X	X	X	X	7
NAY								0
ABSTAINED								0
ABSENT								0

CACHE 2010 STRATEGIC PLAN DISCUSSION: CHAIRMAN PETERSEN

Chairman Petersen explained that in 1993 there was a strategic planning effort, which formed the Cache 2010 chart of the future. That document was much broader than what the Council has jurisdiction over. The Plan dealt with the following categories: Education, Essential Services, Solid Waste Management and Waste Water Management, Emergency Preparedness, Water supply and Public Safety, Environmental and Human services.

Because the Council makes decisions during critical time periods and the Executive really doesn't have much direction from the Council in terms of what the priorities of the Council are, Chairman Petersen requested this discussion to find out what the Council wanted to do about the Strategic Planning for Cache County and for the Council. There was no firm proposal at this point.

Discussion:

Council member Robison: I think we should at least go through it and the things that the County Council will designate as having responsibility for. Maybe we should list those items and see if we have done anything on our

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part. Start there and say where have we gone. I noticed on education a couple of things that those site-based committees are now State law; so, some of those things have happened for education and some of the other things. I know we have a Water Policy Advisory Board. Probably there are some of these things that are already in place but we should at least go through it.

Council member Chambers: I glanced at it rather quickly but I saw areas where neat things are happening in the County whether or not they are a result of this group here, (I don't know). For example, Tourist activities, etc. We are much ahead of what we would have been prior to this document in terms of what's happening to entice people to come to this lovely site. As I look into this document, some good things are happening, somebody is behind it and I think we are at least indirectly we are tied into it at least according to the reports that come to this group here. Those on education I was puzzled why that group was even involved in that.

Council member Hansen: I think just as a resource for the people. I served on that committee years ago.

Mark Teuscher stated that most of the strategic plan for the County had been folded into the County's Comprehensive Plan. One of the major components of 2010 was the creation of the Countywide Planning Office. There were four elements to the Comprehensive Plan: 1) Land use, 2) Transportation, 3) Infrastructure and 4) Affordable housing. It was designed that way based on the outline that the 2010 plan had.

Mark Teuscher: The land use element was adopted on January 27, 1998. We are scheduling workshops with municipalities and finishing up the transportation element within the next 6 months. In the infrastructure element, there is a lot of planning going on in the County. A lot of the issues that were in the 2010 plan are folded into this, Public Safety, Police, Fire, and Medical. We have been looking at possibly throwing in mental health issues in here. Water has been a big study area for the Water Advisory Board, solid waste, landfill and education.

Some of the issues in 2010, (such as) education - like class size is probably not something we really have a lot of ability to affect - the location, siting of schools and recognizing demands and needs need to be directed to how planning works and how we function. The Comprehensive Plan was intended to take the next step from the 2010 Plan and incorporate all those items in it. We tried initialing the land use zones to incorporate a lot of it. A lot of them fall into the Infrastructure element. We will begin putting that together this year as part of my work program.

My job is to manage both 2010 and the Comprehensive Plan. Right up front when I was hired in 1994, I got most of the working committee of 2010, and they wanted to see the 2010 folded into the Comprehensive Plan as becoming a guiding document.

Council member Cook left the meeting.

DEPARTMENT HEAD/COUNCIL LUNCHEON:

Chairman Petersen set up the next luncheon meeting with the County Department Heads for April 2, 2003, at 12:30 p.m. at the Cottage Restaurant. Council representatives would be Council members Chambers, Hansen and Chairman Petersen.

APPROVAL OF UTAH DEPARTMENT OF TRANSPORTATION TEMPORARY EASEMENT/RELINQUISH ACCESS RIGHTS ON HWY 91:

Executive Lemon noted that the Hwy 91 project was going to be out for bid shortly. It had been found that the project was not cut out of the budget. There was a small section of the highway between the highway and the railroad that did not belong to anyone and therefore would belong to the County. This piece of land is just South of 12100 North. UDOT needed the County to give them an easement. They also wanted to take away any relinquishment of access rights.

ACTION: Motion by Council member Gibbons to approve the easement on Hwy 91.

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Robison seconded the motion. The vote was 6-0. (Cook absent)

ACTION: Motion by Vice Chairman Yeates to relinquish access rights. Council member Robison seconded the motion. The vote was 6-0 (Cook absent)

(See Attachment No. 12)

JOINT COUNCIL MEETING WITH LOGAN CITY:

A joint council meeting was scheduled with the Logan City Council on April 29, 2003 at 5:00 p.m. in the County Council chambers.

COUNCIL/EXECUTIVE/CLERK PICTURES:

Group pictures were scheduled for April 8, 2003 at 4:30 p.m.

COUNCIL MEMBER REPORTS:

Vice Chairman Yeates asked if there had been a response by the State Wildlife on the State closure of Millville Canyon road? **Executive Lemon** related that the State Wildlife said they had not closed the canyon; and the State Wildlife acknowledged the fact that if they wanted to close it, they would have to come to the County Council to close it. The canyon was open now.

EXECUTIVE SESSION: PROPERTY ACQUISITION

ACTION: Motion by Hansen to convene in an Executive Session to discuss property acquisition. Yeates seconded the motion. The motion was 6-0. (Cook absent)

Formal Council meeting adjourned at 7:10. The Council would reconvene from the Executive Session to address two resolutions

RESOLUTION NO. 2003-10: A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE STATE OF UTAH DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT (ADULT PROBATION AND PAROLE) AND CACHE COUNTY CORPORATION.

ACTION: Motion by Council member Gibbons to waive the rules and adopt Resolution 2003-10. Yeates seconded the motion. All members in favor. 6-0 (Cook absent)

(See Attachment No. 13)

RESOLUTION NO. 2003-11: A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE STATE OF UTAH DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT (UTAH HIGHWAY PATROL) AND CACHE COUNTY CORPORATION.

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ACTION: Motion by Council member Gibbons to waive the rules and adopt Resolution 2003-11 Yeates seconded the motion. All members in favor. 6-0 (Cook absent)

(See Attachment No. 14)

COUNCIL ADJOURMENT:

The Council adjourned at 7:30 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Council Chairman