

**MINUTES
BOX ELDER COUNTY COMMISSION
MAY 19, 2009**

The Board of County Commissioners of Box Elder County, Utah met in an Administrative/Operational Session at the County Courthouse, 01 South Main Street in Brigham City, Utah at 8:00 a.m. on **MAY 19, 2009**. The following members were present:

Rich VanDyke	Chairman
Brian K. Shaffer	Commissioner
LuAnn Adams	Recorder/Clerk

EXCUSED: Jay E. Hardy Commissioner

The following items were discussed:

1. Agenda Review/Supporting Documents
2. Commissioners' Correspondence
3. Staff Reports
4. Correspondence
5. Assignment Review
6. Ordinances & Resolutions – LuAnn Adams

The work session adjourned at 8:59 a.m.

The regular session was called to order by Chairman VanDyke at 9:00 a.m. with the following members present, constituting a quorum:

Rich VanDyke	Chairman
Brian K. Shaffer	Commissioner
LuAnn Adams	Recorder/Clerk

EXCUSED: Jay E. Hardy Commissioner

The prayer was offered by Commissioner Shaffer.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF MAY 12, 2009 WERE APPROVED ON A MOTION BY COMMISSIONER SHAFFER, SECONDED BY CHAIRMAN VANDYKE AND UNANIMOUSLY CARRIED WITH THE FOLLOWING CHANGE: CHAIRMAN VANDYKE SECONDED THE MOTION TO APPROVE THE MINUTES OF MAY 5.

AGENDA: ATTACHMENT NO. 1

Chairman VanDyke excused Commissioner Hardy from the meeting because he was attending a WIR Conference.

FOLLOW-UP BUSINESS

Bear River Human Service Board Meeting – Commissioner Shaffer

Commissioner Shaffer said he serves on the Bear River Human Service Board that oversees several different areas, everything from senior citizens to helping the folks that are 120% under median income. A meeting was recently held where they discussed a lot of programs. The Utah Legislature had some budget cuts in these programs, and the way they were able to keep these programs functioning this year is that the state received some money from the American Recovery and Investment Act. He said there will be \$57,000 in transportation for senior center services, \$14,000 will be provided to 3,500 people who need Meals-on-Wheels, \$75,000 to replace state budget cuts to provide case management which includes health insurance, counseling, in-home service and low-income disabled senior adults, \$6,000 will go to caregiver support programs and \$33,600 for the tri-county senior companion program to retain 6 low-income senior companions and hire 2 additional low-income companions that provide transportation, rasped care and companionship for elderly and disabled members of the community. Commissioner Shaffer said these are older folks that offer a service to disabled or elderly people and get paid \$2.65 an hour and .35 a mile. They will do anything to help a senior citizen like get their groceries, pick up a prescription or if a family is doing their own home care, they can call these people to give them a break so the family might be able to go on a vacation while their older parents are being cared for in their home. They have allotted \$30,000 to replace the Pamela Atkins Homeless Trust Fund to assist with transitional housing or displaced victims of domestic violence. (There is an average of five families helped each year.) \$20,000 to replace the critical need funds to provide low-income housing with emergency home repairs such as roof repairs. If there is a low-income family that really needs some emergency repairs to their home, they can receive these funds. Commissioner Shaffer said another interesting amount is they received \$3,080,000 to be used over three years for a weatherization program which helps low-income people add new windows, insulation and things that will help make it easier for them to live in their home for a cheaper amount of money. That money can also be used in rental apartments as well for low income if they get an agreement with the landlord.

Commissioner Shaffer said these services are needed in our community, and he fully supports all of the programs and wanted to make it known that there is a group of people doing all they can to make life easier for folks that are having a struggle in this economic time.

Mental Health Court – Chairman VanDyke

Chairman VanDyke had the opportunity to attend a meeting as a director of Bear River Mental Health and visited Cache County's mental health court. He said with all of the pressure on our jails, we are always wide open to looking at inmates who are being incarcerated that are not necessarily there for criminal activities. They seem to be taking up a lot of space, and the drug court is proving to be fairly effective in removing these people from the jails and putting them into a rehab program.

The mental health organization has a pilot program going on in Cache County under Judge Allen. Chairman VanDyke attended their pre-court meeting where they discussed several of the cases. They discussed all of the individuals that were going to be addressed in the court, and it was interesting listening to the similarities of the individuals who were in violation of the law but once it was dug into they discovered mental health reasons. Chairman VanDyke said it was a very eye-opening experience. He said they discovered some underlying mental issues that were the cause of their inability to live by the law. There was a history given on these individuals and there was an unbelievable improvement from when they first appeared before the judge. He has talked to the mental health about implementing a mental health court in Box Elder County. He said if it has the same success ratio as the drug court, it would be a welcome thing in our county and maybe even help our jail population diminish a little bit.

TAX SALE ORDINANCE #313 – TOM BENNETT

County Attorney Stephen Hadfield said with the illegally subdivided parcels, our ordinance currently says that once they are illegally subdivided they cannot be further transferred, sold, or conveyed. He said what is happening with a lot of people, once they realize they own an illegal parcel; they just stop paying the taxes because they don't want the property any more. When it comes time for the tax sale the question is can the county take it to a tax sale because then we will be selling it just like we are telling other property owners they can't do under our ordinance and that is what creates the problem.

County Attorney Stephen Hadfield said County Auditor Tom Bennett has prepared an ordinance setting forth procedures to be followed in a tax sale. There is a current ordinance in place. Mr. Bennett wants to add some things to the current ordinance and pass a new one. Mr. Bennett was unaware of the fact that all ordinances take 15 days before they can go into effect. The 15-day period will run over the tax sale date. There is a provision in the state code that allows you to adopt an ordinance sooner, but you have to make some specific findings such as: "that this ordinance is necessary for the immediate preservation of peace, health and safety of the county and the county's inhabitants". If you find this ordinance is an emergency, it must be stated in the ordinance and the ordinance will take effect immediately upon publication in one issue of a newspaper.

County Auditor Tom Bennett said the county has been operating off the old ordinance. The main difference is preferential bidding to try and clear up some of the sliver parcels. He said we would not have that as part of this year's tax sale. The sliver parcels would need to be pulled.

Commissioner Shaffer stated that this ordinance does not meet the requirements of an emergency ordinance as outlined in the state code.

No motion was made.

FINANCIAL POLICY & PROCEDURES ADOPTION – TOM BENNETT

County Auditor Tom Bennett said the current financial policy and procedures were discussed, reviewed and changes were made about a year ago. The Auditor's Office began practicing them, but they did not officially come across the commission table for adoption.

Chairman VanDyke said the financial policy that we have been following can be formally adopted, and then as we continue to make additional changes, this policy can be amended.

Commissioner Shaffer complimented Mr. Bennett on his efforts to bring our financial policy up to a professional standard. He is making every effort to make our county more conscientious about the spending. We are receptive to the citizens when they call for us to be more responsible for the funds that we are using. He thinks Mr. Bennett is doing a great job in this area.

MOTION: A motion was made by Commissioner Shaffer to adopt the financial management policies and procedures as presented. The motion was seconded by Chairman VanDyke and unanimously carried.

(See Attachment No. 2 – Financial Policy and Procedures.)

Commissioner Shaffer commented that even though this policy is in place today, he hopes it will be a living document that we are always tweaking as the need arises.

GARY CHRISTENSEN RURAL ROAD AGREEMENT – TAMARA WRIGHT

County Planner Tamara Wright said the Gary Christensen Rural Road Agreement is located at 12,625 North 10,800 West in Tremonton. The county is asking him to improve 563 feet along 10800 West Street and 444 feet along 12000 N Street.

MOTION: A motion was made by Commissioner Shaffer to authorize Chairman VanDyke to sign the Gary Christensen Rural Road Agreement #09-20. The motion was seconded by Chairman VanDyke and unanimously carried.

BERVA THURSTON SUBDIVISION 03 AND RURAL ROAD AGREEMENT – TAMARA WRIGHT

County Planner Tamara Wright said the Berva Thurston Subdivision 03 is located at approximately 14,400 North 4400 West in Tremonton. It is a one-lot subdivision. The county is asking them to improve 30 feet along 4400 West Street. The Box Elder County Planning Commission has recommended approval.

MOTION: A motion was made by Commissioner Shaffer to approve the Berva Thurston Subdivision 03 and Rural Road Agreement #09-21 and allow Chairman VanDyke to sign the plat and agreement. The motion was seconded by Chairman VanDyke and unanimously carried.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 63667 thru 63817, 2009010 in the amount of \$708,987.65. Claim 62889 was voided.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF:	Brent Powell, compensation change, effective 05/15/2009
SHERIFF:	Jonathan C. Larsen, compensation change, effective 05/14/2009
ROAD DEPT:	Benjamin Eames, new hire, effective 05/11/2009
ROAD DEPT:	Thomas Perkins, compensation change, effective 05/01/2009
WEED DEPT:	Nicholas Esplin, re-hire, effective 05/11/2009
ITS DEPT:	Keith Keller, compensation change, effective 05/05/2009
ASSESSOR/TREAS:	Dianna Peterson, compensation change, effective 05/29/2009
ATTORNEY:	Julia Wardle, compensation change, effective 05/01/2009
REC/CLERK:	Dawn Layton, compensation change, effective 05/05/2009

ASSIGNMENT REVIEW – COMMISSIONERS

The Commissioners reviewed their assignments.

ADJOURNMENT

A motion was made by Commissioner Shaffer to adjourn. Commissioner VanDyke seconded the motion, and the meeting adjourned at 9:47 .a.m.

ADOPTED AND APPROVED in regular session this 26th day of 2009.

Rich VanDyke, Chairman

Brian K. Shaffer, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk