

**MINUTES FOR REGULAR COMMISSION MEETING HELD NOVEMBER 7, 2011
BEGINNING AT 1:00 P.M. IN THE COMMISSION BOARD ROOM IN DUCHESNE,
UTAH**

Present

Commission Chairman Kirk J. Wood, Commissioner Kent R. Peatross, Commissioner Ronald Winterton, Clerk Auditor Diane Freston, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

Opening Comments

Commissioner Peatross said the prayer. There were no other comments.

Pledge Of Allegiance

Any wishing to participate.

Tax Adjustments – Assessor

The commission reviewed the attached tax adjustments presented by Auditor Freston. *Commissioner Winterton motioned to approve the tax adjustments as recommended by the Assessor's Office. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Tax Adjustments – Auditor

The commission reviewed the attached tax adjustments presented by Auditor Freston. *Commissioner Winterton motioned to approve the tax adjustments as recommended by the Auditor's Office. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Payment Vouchers

Deputy County Attorney Jonathan Stearmer joined the meeting at 1:17 P.M...

The commission reviewed vouchers # 119709 through #119815 dated November 07, 2011, in the amount of two hundred ninety thousand nine hundred three dollars and two cents (\$290,903.02) as presented by Auditor Freston. *Commissioner Peatross motioned to approve the vouchers as presented by Auditor Freston. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Bulldog Oilfield Service

Deputy Clerk Auditor Connie Sweat joined the meeting at 1:22 P.M...

Deputy Clerk Sweat stated that this is a consulting business for oil and gas drilling. *Commissioner Winterton motioned to approve the business license application as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Flexpipe Systems (US) LLC

Deputy Clerk Sweat stated that this business sells composite pipe to the oil field. *Commissioner Winterton motioned to approve the business license application as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Wildland Fire Budget Between Duchesne County And Utah Division Of Forestry, Fire, & State Lands For Calendar Year 2012

Chairman Wood stated that we discussed this with Emergency Management Director Mike Lefler earlier in the Commission Working Meeting who requested that approval of this budget be postponed until next week. *This agenda item was postponed until next week by general consent.*

Consideration Of An Easement Agreement With The Duchesne County Water Conservancy District

Chairman Wood stated that we discussed earlier setting up a meeting with Horrocks Engineers and the Sheriff next week and suggested postponing this agenda item until next week. *This agenda item was postponed until next week by general consent.*

Consideration Of Approval Of Employee Benefits

Personnel Director Carrie Mascaro joined the meeting at 1:34 P.M...

Director Mascaro stated that for the employee benefits that we are looking at for 2012 changes are a six and a half percent (6.5%) increase on the medical insurance with Select Health. We discussed adding the vision plan and picking up the employee portion of five dollars and eighty cents (\$5.80). Dental Select Insurance premiums will

stay the same and will not send a premium payment for December because of our account balance. We are going to change life and disability insurance to Lincoln Financial and increase the life amount to forty thousand dollars (\$40,000.00). By doing this it will be a savings to the county of thirteen thousand dollars (\$13,000.00). Commissioner Peatross proposed self-insuring another ten thousand dollars (\$10,000.00) in the event of an accidental death, the county would write a check to the family in addition to what is provided by the insurance. Director Mascaro stated that she will look into this. *Commissioner Winterton motioned to approve the employee benefit package as presented by Director Mascaro. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of The Fifth Amended Interlocal Cooperation Agreement With Utah Counties Indemnity Pool (UCIP)

Chief Deputy Clerk JoAnn Evans joined the meeting at 1:28 P.M...

Deputy Clerk Evans stated that she is going off of a recommendation from Attorney Stearmer. This agreement is between counties and those who are in the pool and how the pool is going to help us and all of the agreements that we agree on. This is run by a board of trustees. Attorney Stearmer stated that the agreement looks good, but there are a lot of typos and suggested that it be cleaned up by UCIP. This is basically the same agreement that was signed last year, but this is the fifth and they changed their name from insurance to indemnity. *Commissioner Peatross motioned to approve the agreement with UCIP with the typo corrections and changes necessary and approves Chairman Wood's signature upon a revised version. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of Resolution No. 11-09, A Resolution Fixing The Set Salary Of The Justice Court Judge In And For Duchesne County For Calendar year 2012

District Court Judge Clair Poulson joined the meeting at 1:44 P.M...

Attorney Stearmer stated that every year state law requires counties to do an annual review of justice court salaries and pass whatever the decision is. We have taken the procedure of drafting a resolution each year to set the justice court judge salary and then sending it to the AOC. This resolution is the same form of resolution that was prepared last year, but he has inserted a proposal that Commissioner Peatross has put in. For historical reference, justice court judge's salaries cannot be reduced during their term in office and by statute they are entitled to getting an average cost of living increase that is given to employees; these have to be adhered to. If there is an increase to the caseload those numbers come from the AOC and the county did receive an amended letter from the AOC that put the caseload at forty three percent (43%). Commissioner Peatross asked Attorney Stearmer to run the numbers that would input eighty percent (80%) of a district court judge's salary time's caseload and also take into consideration the average cost of living of three percent (3%), so what is presented is for calendar year 2012 Judge Poulson shall be paid forty five thousand four hundred fifty nine dollars and sixty five cents (\$45,459.65). Commissioner Peatross stated that a couple of key points is that the reason we are at eighty percent (80%) not ninety (90) is in order to stay compliant and under the cap and on schedule, eventually if the caseload stays where it's at it gives us the cushion without putting us over the cap. Judge Poulson stated that we don't know what is going to happen next year, but our figures have gone way up. He is fine with what the commission is doing. Commissioner Peatross stated that realistically it's hard for entities to treat this much differently than so formal, because of the way the AOC has set up the rules its binding and difficult to make it custom fit.

RESOLUTION NO. 11-09

A RESOLUTION FIXING THE SET SALARY OF THE JUSTICE COURT JUDGE IN AND FOR DUCHESNE COUNTY FOR CALENDAR YEAR 2012

WHEREAS, Duchesne County (hereinafter "COUNTY") currently operates a justice court system; and

WHEREAS, the COUNTY has received a letter from the Administrative Office of the Courts regarding the local government's responsibility to review justice court judges' salary information; and

WHEREAS, U.C.A §78A-7-207 states: "(1) The governing body of each...county shall annually review and may adjust the compensation paid. (2) The salary fixed for a justice court judge may not be diminished during the term for which the judge has been appointed or elected.

(3) A copy of the resolution, ordinance, or other document fixing the salary of the justice court judge...shall be furnished to the state court administrator by the governing body of the...county.”; and

WHEREAS, Duchesne County adopted Resolution 10-13 setting forth salary range percentages available to justice court judges; and

WHEREAS, U.C.A §78A-7-206 outlines the process the governing body of the county must follow to set a part-time justice court judge’s salary (including, but not limited to, the determination of salary range (U.C.A. §78A-7-206(1)(a)); and

WHEREAS, it is incumbent on the COUNTY to comply with Utah law regarding the compensation of its justice court judges.

BE IT HEREBY RESOLVED by the Board of Duchesne County Commissioners that:

1. The fixed salary for Judge Clair Paulsen, for calendar year 2012, shall be \$45,459.65 (this includes all adjustments related to caseload percentages and the average cost of living increase given to other county employees).

Dated this 7th day of November, 2011.

ATTEST:

THE

BOARD OF DUCHESNE COUNTY
COMMISSIONERS:

Diane Freston
County Clerk/Auditor

Kirk J. Wood, Chairman

Ronald Winterton, Member

Kent R. Peatross, Member

Commissioner Peatross adopt Resolution No. 11-09. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Resolution No. 11-10, A Resolution Of Appointment Of A Duchesne County Representative And An Alternate Representative For The Utah Counties Insurance Pool Annual Membership Meeting

Commissioner Winterton stated that this will make it official of who our representative is on the UCIP Board. Deputy Clerk Evans stated that last year, she was the representative and Commissioner Winterton was the alternate. Chairman Wood stated that they were under the impression that it was the other way around with Commissioner Winterton as the representative. Deputy Clerk Evans stated that the Clerk has always been the representative because insurance is dealt with in her office. She doesn’t have a problem with Commissioner Winterton being the representative, but she does have a problem with who gets to vote. As a part of the board, it’s being taken over by the commissioners and she doesn’t agree with that, she feels that they need input from other people. Commissioner Peatross stated that he isn’t sure that he agrees with her because ultimately, liability and insurance lands at a commissioner level.

RESOLUTION NO. 11-10

A RESOLUTION OF APPOINTMENT OF A DUCHESNE COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INSURANCE POOL ANNUAL MEMBERSHIP MEETING

WHEREAS, the Board of County Commissioners of Duchesne County, Utah, is the proper authority to appoint a qualified person to act as the official representative for Duchesne County at the Utah Counties Insurance Pool Membership Meetings; and

WHEREAS, the Board of County Commissioners of Duchesne County, Utah, has been informed that the By-laws of the Utah Counties Insurance Pool require that the official representative and an alternate representative for Duchesne County be elected or appointed

officers or employees of a member county and be appointed by majority vote of the governing body and designated in writing,

NOW, THEREFORE, be it resolved the Board of County Commissioners of Duchesne County, Utah, hereby amends Resolution 10-17 to appoint Ronald Winterton as the official Duchesne County representative for the Utah Counties Insurance Pool Membership Meeting, with JoAnn Evans as an alternate representative until the 31st of December 2012.

Resolved Adopted and Ordered this 7th day of November 2011.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
DUCHESNE COUNTY, UTAH

Diane Freston
Duchesne County Clerk-Auditor

Kirk J. Wood, Commission Chairman

APPROVED AS TO FORM:

Ronald Winterton, Commissioner

Jonathan A. Stearmer
Duchesne County Attorney

Kent R. Peatross, Commissioner

Commissioner Peatross motioned to approve Commissioner Winterton as the representative and Deputy Clerk Evans as the alternate on the UCIP Board. Chairman Wood seconded the motion. Both Chairman Wood and Commissioner Peatross voted aye and the motion passed. Commissioner Winterton abstained from voting.

Consideration Of Minutes For Combined Commission Meeting Held October 31, 2011
Commissioner Winterton motioned to approve the minutes with the necessary corrections. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Adjournment

Chairman Wood adjourned the meeting at 2:18 P.M.

Read and approved this 6th day of June 2011.

Kirk J. Wood
Commission Chairman

Diane Freston
Clerk/Auditor

Minutes of meeting prepared by BobbiJo Casper _____