

**MINUTES FOR REGULAR COMMISSION MEETING HELD AUGUST 13, 2012
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, Deputy County Attorney Marea Doherty, Duchesne County Resident Jerry Carter, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

Opening Comments

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

Pledge Of Allegiance

Any wishing to participate.

Consideration Of Payment Vouchers

Deputy Clerk Auditor Connie Sweat joined the meeting at 1:10 P.M...

The commission reviewed vouchers # 122353 through 122431 dated August 7, 2012, in the amount of one hundred thirty nine thousand four hundred fifty dollars and fifteen cents (\$139,450.15) as presented by Auditor Freston. *Commissioner Winterton motioned to approve the vouchers as presented by the Clerk Auditor's Office. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Carter Trucking

Deputy Clerk Sweat stated that this is a water hauling company with only one truck. It has been approved by the Planning and Zoning Department and the Building Department. *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 D&C Custom Builders Inc.

Deputy Clerk Sweat stated that this is a contractor business. It has also been approved by the Planning and Zoning Department and the Building Department. *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 Sealed Bids For Labor And Materials For Carpet Removal And Installation Of Carpet And Tile At The Crossroads Senior Center In Roosevelt

Building & Grounds Department Supervisor Shane Jenkins joined the meeting at 1:10 P.M...

Supervisor Jenkins stated that he is not ready to award the bids at this time. He is still reviewing the bids received. *Agenda item was postponed by unanimous consent.*

Consideration Of Sealed Bids For Labor And Materials For Restroom Remodels At The Duchesne County Library And Administration Building In Duchesne

Supervisor Jenkins stated that he is not ready to award the bids at this time. He is still reviewing the bids received. *Agenda item was postponed by unanimous consent.*

Consideration Of Resolution No. 12-11, A Resolution Authorizing The Creation And Maintenance Of A Master Address List (MAL) Program For Duchesne County

County/Community Planning Administrator Mike Hyde joined the meeting at 1:22 P.M...

Administrator Hyde stated that GIS Director Stoney Monks applied for and received a grant from the State of Utah to help prepare for the Master Addressing List (MAL) System. A requirement for the grant is that county adopts a resolution or other type of policy document that commits us to follow through with what we said we were going to do when we got the grant. This resolution has been approved by the State of Utah AGRC Officials as being perfect for what they needed. It commits us to hold a kickoff meeting with all of the county departments involved in addressing and designates the community development director as the one who creates new county physical addresses. After that the GIS Department takes it from there and puts it into the MAL. The goal is to have an addressing system that we can update frequently and provide to

emergency providers, Blue Stakes, utility marking projects, voting, and other types of things. Commissioner Winterton stated that this program falls in line with what we have been doing and provides grant money to help compensate for the expenses we are acquiring. This is the format that the State of Utah is requiring throughout the state and feels that it's a win-win program.

RESOLUTION NO. 12-11

A RESOLUTION AUTHORIZING THE CREATION AND MAINTENANCE OF A MASTER ADDRESS LIST (MAL) PROGRAM FOR DUCHESNE COUNTY

WHEREAS, Duchesne County has applied for and received a grant from the State of Utah, Department of Technology Services, Automated Geographic Reference Center (AGRC); and

WHEREAS, the purpose of this grant is to fund the establishment of a standard county wide process to create and maintain a Master Address List (MAL), assign a managing office, create a standard data structure and provide web accessible updates to the public on a regular cycle; and

WHEREAS, Duchesne County intends to comply with the terms of the grant contract and improve its addressing system to the benefit of citizens in the county.

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

SECTION 1. The County will hold a kickoff meeting including all County departments that have an interest in address data, i.e., County Clerk, Assessor, Recorder, Sheriff, Surveyor, Treasurer, Public Works, GIS, County Commission, Community Development, etc.

SECTION 2. The County Commission has designated the Community Development Director to create new county physical addresses. The MAL will be managed by the GIS Department Director so that addresses can be entered into the MAL by the GIS staff after the creation of the address.

SECTION 3. The MAL will be maintained in a structured digital format with a minimum set of descriptive attributes to include:

- House Number
- Prefix Direction
- Street Name
- Street Type or Direction
- Unit Number (optional but recommended)
- Address System (Grid) Name
- X Coordinate
- Y Coordinate
- Date (Added, or Most Recent Modification)
- Parcel ID (If available)

SECTION 4. The MAL will be compiled from all authoritative address data and locations, such as the County tax rolls and County GIS data.

SECTION 5. Updates will be made to the MAL monthly. If possible, updates to the MAL will be made daily, providing new addresses to other organizations, especially those with immediate needs for this information such as emergency responders and those involved in construction-related activities such as Blue Stakes of Utah's utility marking process.

PASSED this 13th day of August 2012 by the Duchesne County Commissioners.

DUCHESNE COUNTY COMMISSIONERS

Kirk J. Wood, Chairman

Attest:

Kent R. Peatross, Commissioner

Diane Freston
County Clerk/Auditor

Ronald Winterton, Commissioner

Commissioner Winterton motioned to adopt Resolution No. 12-11. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Ordinance No. 12-303, An Ordinance Adopting The Requirement Of Electronic File Retention For Duchesne County

Attorney Doherty stated that the only change that was made is to add a reference to the county code section of the county's and to define timely as a date not later than January 1, 2013. With that augmentation the commission can make a decision whether to approve and adopt. Chairman Wood stated that there were concerns from the IT Department about specific deadlines and man power, but both of those issues have been addressed.

ORDINANCE No. 12-303

AN ORDINANCE AMENDING TITLE 1 CHAPTER 7 OF THE DUCHESNE COUNTY CODE ADOPTING THE REQUIREMENT OF ELECTRONIC FILE FORMAT AND/OR DIGITAL IMAGING FOR DUCHESNE COUNTY RECORDS

Reference –

Government Records Access and Management Act (GRAMA) Utah Code Annotated, § 63G-2-101, et seq., as amended;

Uniform Electronic Transactions Act Utah Code Annotated, § 46-4-301 and § 46-4-501, as amended;

Counties, Utah Code Annotated, § 17-2, et seq., as amended;

County Code for Duchesne County, § 1-7-1, Government Records Access and Management Act (GRAMA) Utah Code Annotated, § 63G-2-101, et seq. adopted by the County by reference;

WHEREAS, the County Commissioners of Duchesne County find that it is in the best interests of Duchesne County and the citizens thereof to maintain and preserve accurate governmental records, to provide ready access to records which are defined by law as open to the public, and to retain the security of records which are defined by law as non-public;

WHEREAS, the County Commissioners of Duchesne County find that the responsibility for maintaining records and providing access to the public documents is a shared responsibility as between the legislative body of the County and each individual County Office, Officer, Elected Official and/or Department Head;

WHEREAS, it is the purpose and intent of Duchesne County to provide, in accordance with the Government Records Access Management Act (hereinafter referred to as GRAMA) U.C. A. 63-2-204, as adopted by the County in County Code for Duchesne County, § 1-7-1, the requirement of electronic file format and/or digital imaging of records to improve the access, preservation, management, retention and retrieval of records in compliance with GRAMA, Health Insurance Portability and Accountability Act (HIPPA) and other legal requirements and yield marked improvements in productivity and efficiency and quality of service of the County;

WHEREAS, it is the purpose and intent of Duchesne County to expressly provide for the additional and beneficial provision of electronic file format and/or digital imaging as a means to provide greater public access and advance the best practices in capturing, managing and retaining electronic records to comply with state and federal law and County ordinances concerning the creation, retention of and access to County records to improve the process of making available to the public and providing ready access to County records;

WHEREAS, in enacting this Ordinance, it is the purpose and intent of Duchesne County to improve access and permit members of the public the right to see, review, examine and take copies of all Duchesne County governmental records defined as “public” under the provisions of this Ordinance, upon the payment of the lawful fee while at the same time ensuring compliance by all County offices, officers, elected officials, department heads, employees, agencies and authorities in complying with this Ordinance, GRAMA, and all other applicable federal and state laws, rules and regulations pertaining to records management and access and promoting good management protocol of County information systems;

WHEREAS, it is the purpose and intent of Duchesne County for all County departments and agencies to timely comply with the provisions of this Ordinance adopting the requirement of electronic file format and/or digital imaging for records retention and to comply with other federal and state statutory and regulatory record-keeping requirements and to specifically further affirm the authority of each elected official and department head to be responsible for the implementation of this Ordinance within the department over which that officer provides;

WHEREAS, Duchesne County has previously approved and expended funds for the acquisition of the FORTIS Document Management software system as a County-wide solution for long term document storage and compliance for document imaging, storage and content management that electronically captures, stores, and organizes documents, data, images, etc.; and the County Commissioners of Duchesne County further finds that it is in the best interest of the County to fully utilize and implement such content management software system solution;

WHEREAS, Duchesne County retains and reserves the right to use any type of computer, data processing, or electronic information storage or processing system, which is not prohibited by state statute, to store and maintain County records, including all electronic file format and/or digital imaging record retention. All records, data, and information which is properly classified, in accordance with GRAMA and this Ordinance, as a public record shall be stored and maintained in an electronic file format and/or digital imaging either solely or in addition to the original non-digital format of such record.

NOW, THEREFORE, the County Legislative Body of Duchesne County ordains as follows:

SECTION 1: Adoption of electronic file format and/or digital imaging as the Official Record Copy of County records. Title 1 Chapter 7 of the Duchesne County Code shall be amended and adopted to include the following subsection:

1-7-2: Duchesne County shall manage and maintain the records of the County and establish and implement information practices such as classification, designation, access, denials, segregation, appeals, management, retention and amendment of records in a manner consistent with the legislative intent of the Government Records and Management Act (GRAMA) as set forth in Chapter 2, Title 63G, et, seq. as amended and as codified herein by the County in the Duchesne County Code, § 1-7-1;

1-7-3: Duchesne County shall adopt as its Official Record Copy of a designated County record an electronic format of a record either originally created electronically or created through the process of scanning or otherwise digitally imaging records;

- a. "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- b. "Imaging" means electronic or "digital" imaging; the ability to capture, store, retrieve, display, process, distribute, and manage data and information as a digitized representation of the original;
- c. "Electronic record" means a record consisting of data and information which is input, created, generated, sent, communicated, received, or stored by electronic means.
- d. "Governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government or of a state or of a county, municipality, or other political subdivision of a state.
- e. "Information" means data, text, images, sounds, codes, computer programs, software, databases, or the like.

- f. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- g. "Official Record Copy" means such original copy of a record maintained by the creating agency, either as a permanent record retained by the agency, or as a record copy retained by the agency until the administrative need ends or the record retention schedule has been met; then transferred to Utah State Archives with authority to weed;
- h. "Record Retention Schedule" means such retention schedule established and based upon a record's administrative, fiscal, legal or historical value, including agency-specific schedules specifying the approved disposition of a record unique in purpose and function to its creating agency;

1-7-4: Duchesne County shall implement the requirement of electronic file format and/or digital imaging of Duchesne County records to facilitate electronic record management and transactions consistent with other applicable law; to be consistent with reasonable practices concerning electronic management and transactions and with the continued expansion of those practices; and to effectuate its general purpose to make uniform the law with respect to the subject of this Ordinance;

1-7-5: Nothing herein shall be interpreted to interfere or otherwise impede the authority of a County Office, officer, elected official, department head, employee, agency representatives or other authority in the full discharge and performance of the duties of the office or department under such authority provided by law, subject to the compliance with this Ordinance, GRAMA, and all other applicable federal and state laws, rules and regulations pertaining to records management and access;

1-7-6: All County offices, officers, employees, agencies shall take all steps necessary to timely implement and maintain an electronic file format creation and/or digital imaging system in accordance with record retention schedules and indexing requirements established according to the standards developed by the Division of Archives under UCA [63A-12-101\(2\)\(e\)](#); and shall ensure approval of those schedules from the State Records Committee as required by UCA [63G-2-502\(1\)\(b\)](#); Timely implementation and maintenance of electronic file format creation and/or digital imaging systems shall be defined herein as an implementation date not later than January 1, 2013;

1-7-7: All records, data, and information which is properly classified, in accordance with GRAMA and this Ordinance, as a public record shall be stored, maintained and made available in an electronic file format and/or digital imaging either solely or in addition to the original non-digital format of such record, subject to each County Office, officer, elected official, or department head's authority and implementation as custodian over records in their respective offices or departments in compliance with this Ordinance, GRAMA and other applicable state, federal or local law. If the law requires that a record be retained, stored, maintained or made available, the requirement is satisfied by retaining an electronic file format and/or digital imaging of such record that accurately reflects the information set forth in the record after it was first generated in its final form as an electronic file format and/or digital imaging record or otherwise; and the same remains accessible for later reference. Nothing herein shall limit or otherwise impede each County Office, officer, elected official or department head from imposing and collecting a reasonable and lawful fee for the cost of duplicating, compiling or otherwise providing an electronic file format and/or digital imaging of a requested record or of a record required by law to be made available;

1-7-8: Duchesne County shall submit copies of all rules and policies developed, adopted and promulgated under this chapter to the Utah State Division of Archives and Records Service within thirty (30) days of effective date of such rules and policies to ensure the Utah State Archive's continued assistance to Duchesne County in its records management, retention, storage and formatting responsibilities and compliance with the County's responsibility under UCA 63A-12-103 to work with the State Archives in the "care, maintenance, scheduling, disposal, classification, designation, access, and preservation of records;

SECTION 2: Severability.

If any court of competent jurisdiction declares any Section of this Ordinance invalid, such decision shall be deemed to apply to that Section only, and shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared invalid.

SECTION 3: Effective Date. *This ordinance and the code adopted by the same shall be recorded and shall be in full force and effect from and after its passage, approval and publication as provided by law. This ordinance shall become effective fifteen (15) days after its passage and proper publication in a newspaper published and having general circulation in Duchesne County. 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 with the County as required by law.*

PASSED AND APPROVED this 13th day of August, 2012.

ATTEST:

DUCHESNE COUNTY
BOARD OF COMMISSIONERS

Diane Freston
County Clerk/Auditor

Kirk J. Wood, Chairman

Ronald Winterton, Member

Kent R. Peatross, Member

Commissioner Peatross motioned to adopt Ordinance No. 12-303. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.

Audit Report From Aycock, Miles, And Associates

Mr. Mike Miles with Aycock, Miles, & Associates joined the meeting at 1:29 P.M...

Mr. Miles stated that Special Service District #3s only liability is a checking account. They had interest income of nine hundred thirty two dollars (\$932.00). They made forty three seven thousand three hundred seventy five dollars (\$47,375.00) for incentives such as training. They have approximately two and a half years left until they run out of money. They were under budget, which is a good thing.

Mr. Miles stated that Special Service District #2s cash assets are just over 6.7 million dollars; this is down from last year. There are no liabilities and the revenues are just over 7.8 million dollars, which is an increase from last year. Their expenditures are 8.3 million dollars and they budgeted twelve million dollars for road projects; they are well within budget. They need to purchase a fidelity bond covering the treasurer. This has been an ongoing finding. A letter will again be sent from the State of Utah as they have received the past few years.

Mr. Miles stated that the county's majority of debt is the jail. There is enough cash to pay off debt if you wanted too. Solid Waste had a good year, it increased by three hundred sixty thousand dollars (\$360,000.00). With Capital Projects, you should have a five to ten year plan to have it spent. This is not a savings account, it needs a purpose. Your debt service has decreased by eighty thousand dollars (\$80,000.00) from the previous year. Your revenue is at twenty three million three hundred thousand dollars (\$23,300,000.00). Expenditures are at nineteen million seven hundred thousand dollars. Overall it was a good year; you spent one million dollars more, which is due to the lawsuit settlement. In fund 78, the property tax fund collected twelve million two hundred thirty one thousand six hundred thirty seven dollars that the Treasurer's Office has to allocate throughout the county. The private purpose money, which was the Dr. Larsen Fund of one hundred seventeen thousand three hundred twenty four dollars was given to the Uintah Basin Medical Center Foundation. The total debt dropped four million seven hundred thousand dollars. The Library is doing very well. The report of findings is that the budgets were exceeded in two special revenue funds and Mr. Miles suggested that the Recorder's Office implement an invoice system for accounts receivable.

Commissioner Peatross stated that he appreciates the report.

Consideration Of Minutes For Combined Commission Meeting Held August 06, 2012

Assistant Casper stated that the minutes are not ready for approval at this time and will be ready next week.

Adjournment

Chairman Wood adjourned the meeting at 2:47 P.M.

Read and approved this 20th day of August 2012.

Kirk J. Wood
Commission Chairman

Diane Freston
Clerk/Auditor

Minutes of meeting prepared by BobbiJo Casper
