

**MINUTES OF COMBINED COMMISSION WORKING AND REGULAR SESSION
MEETING HELD AUGUST 05, 2013 BEGINNING AT 9:00 A.M. IN CONFERENCE
ROOM #1, IN DUCHESNE, UTAH**

Present

Commission Chairman Ronald Winterton; Commissioner Kirk J. Wood, Commissioner Kent R. Peatross, Deputy County Attorney Grant Charles, Public Works Director Glen Murphy, Deputy Clerk Auditor Connie Sweat, Uintah Basin Association Of Governments Director Laurie Brummond, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

Consideration Of Vouchers

Uintah Basin Standard Reporter Steve Puro joined the meeting at 9:28 A.M...

The commission reviewed vouchers # 125533 through 125595 dated August 5, 2013, in the amount one hundred fourteen thousand five hundred ninety nine dollars and ninety three cents (\$114,599.93) as presented by the Clerk Auditor's Office. *Commissioner Wood 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 Howell Trucking LLC

Deputy Clerk Sweat stated that this is a water trucking business in the oilfield with seven (7) trucks. They are in Roosevelt City, but they refuse to get a city business license. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Pristine Christine

Deputy Clerk Sweat stated that this is a cleaning business in the oilfield. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Survivaldealer

Deputy Clerk Sweat stated that this is an online retail sales business that sells survival equipment. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Public Works/Landfill Department Update

Deputy County Attorney Anthony Wilcox joined the meeting at 9:38 A.M...

Director Murphy stated that he received a phone call from Travis Leota regarding Minnie Maud who said that he and the Church are now all in agreement to lock the second gate. Commissioner Peatross stated that there is supposed to be an agreement being drafted. When the agreement is finalized, we can go from there. SITLA and UDOT are involved in the agreement, when it is in place, we can sign off on it. We went on a road tour out there a few months ago. SITLA, UDOT, and the Church were all there.

Director Murphy reported that the Road Department finished work at the Fairgrounds and is working on the School Parking lot. XTO has the waterline in on the North Crescent Road (County Road 180) in Roosevelt and is ready for pavement. Burdicks Paving will pave it in September. We will work on the Strawberry River Road next week and we will also start chipping and sealing in the Roosevelt area.

Consideration Of A Franchise Agreement With Moon Lake Electric Association Inc.

Chairman Winterton stated that we discussed this last week. This is a draft agreement to renew easements in County right-of-ways. Commissioner Peatross noted that the description of this is a public right-of-way which could include utilities and everything else making the county a steward of the right-of-way but Moon Lake has a right to be in the right-of-way as long as they do so according to our specifications. We need to make sure that they aren't intruding on the integrity of the road or the maintenance thereof. However, we need to do whatever we can to accommodate and allow them to be there.

He is not sure that we can agree to exclusively allow them into our right-of-ways. Attorney Charles stated that he hasn't had a chance to review this. He will review it and get the suggested changes to Assistant Casper this week. He will contact Uintah County to see what they have adopted. Director Murphy reported that this is a thirty (30) year agreement with the option to extend it twice for ten (10) years.

Discussion Of Revitalization Funds

Ms. Brummond stated that there are funds left from the 2011 contract that needs to be spent or reallocated by the end of this year. She asked the Commission what projects they have coming up to consider in the 2014 allocation. There is a meeting on August 22, 2013, so if you are going to invite entities to turn in requests for funding, it needs to be soon. Commissioner Peatross stated that we have a major project at the Justice Center so the funds to outside entities will be limited this year and suggested that any funds requested be of an emergency type nature. We may eliminate recreation districts this year and only offer funds to municipalities. Ms. Brummond stated that she will prepare a letter to the municipalities and send it to the commission for review.

Consideration Of Resolution No. 13-12, A Resolution Proposing The Amendment Of The Duchesne County Special Service District No. 3, Duchesne County, Utah To Add The Power To Receive And Expend Mineral Lease Revenues, Calling A Public Hearing And Providing Notice Thereof, And Related Matter

Clyde Watkins & Scott Wilson joined the meeting at 10:19 A.M... Eric Johnson joined via telephone at 10:19 A.M...

Attorney Charles stated that he has reviewed this and had a few suggested changes of grammar; everything else is the same. Mr. Johnson stated that the direction that was given was to utilize the existing district, Special Service District #3. Initially the district was granted powers related to emergency services and to receive and expend mineral lease revenues which only applied to emergency services. This clarifies and adds the power under subsection 14, which is to receive mineral lease funds for the purposes of construction and maintenance for public facilities, for additional government services and planning for mitigating impacts from the extracted mineral industry. This is a broader grant than it was before. The boundaries of the district will remain the same. The county will need to get a "mother may I" from other municipalities since their boundaries are included, we need their permission. He can prepare a resolution for the municipalities to adopt. If one or more rejects, you could restrict the boundaries to remove them, but you can't expand the boundaries without restarting the process. The public hearing will be held on September 16th at 7:00 p.m. Commissioner Peatross stated that it might be valuable for Mr. Johnson to meet with the municipalities to discuss this in October. Mr. Wilson stated that the success of the Victory Pipeline is only a success with support from the Commission.

**DUCHESNE COUNTY, UTAH
BOARD OF COUNTY COMMISSIONERS
RESOLUTION PROPOSING AMNEDMENT OF
DUCHESNE COUNTY SPECIAL SERVICE DISTRICT No. 3**

August 5, 2013

RESOLUTION No. 13-12

A RESOLUTION PROPOSING THE AMENDMENT OF THE DUCHESNE COUNTY SPECIAL SERVICE DISTRICT NO. 3, DUCHESNE COUNTY, UTAH TO EXPAND THE POWER TO RECEIVE AND EXPEND MINERAL LEASE REVENUES, CALLING A PUBLIC HEARING AND PROVIDING NOTICE THEREOF, AND RELATED MATTERS

WHEREAS, the Board of County Commissioners of Duchesne County, Utah has previously created the Duchesne County Special Service District No. 3 for the purpose of receiving federal mineral lease funds for the constructing, repairing and maintaining of fire protection, emergency medical and ambulance program; and

WHEREAS, the foregoing power and grant only allows said special service district to receive and use federal mineral lease funds for the emergency services stated; and

WHEREAS, the Board of County Commissioners of Duchesne County, Utah has determined that the public health, convenience, and necessity require amending the existing Duchesne County Special Service District No. 3 (the "DISTRICT") to provide the broader, separate and additional services of: receiving federal mineral lease funds under Utah Code Ann. 59-21-1 et seq. ("Mineral Lease Funds") and expending those funds to provide

construction and maintenance of public facilities, traditional governmental services, and planning, as a means for mitigating impacts from extractive mineral industries, pursuant to Utah Code Ann. 17D-1-201(14); and

WHEREAS, all of the property to be included in the District will be benefited by the District's amendment to include the proposed separate and additional services,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Duchesne County, Utah as follows:

1. The public health, convenience, and necessity require amending the District to permit separate and additional services.
2. It is the intent of the Board of County Commissioners herein to amend the District to include separate and additional services.
3. The name of the District shall remain "Duchesne County Special Service District No. 3."
4. The boundaries and service area of the District shall remain as previously declared, to wit:

THE BOUNDARIES OF DUCHESNE COUNTY, AS SET FORTH IN THE OFFICIAL COUNTY BOUNDARY RECORDS MAINTAINED BY THE OFFICE OF THE LIEUTENANT GOVERNOR PURSUANT TO UTAH CODE ANN. 17-50-104, INCLUDING ALL INCORPORATED AREAS THEREIN.

5. The District is amended to include the following separate and additional services: receiving federal mineral lease funds under Utah Code Ann. 59-21-1 et seq. ("Mineral Lease Funds") and expending those funds to provide construction and maintenance of public facilities, traditional governmental services, and planning, as a means for mitigating impacts from extractive mineral industries, pursuant to the authorization contained in Utah Code Ann. 17D-1-201(14).

6. The amended services authorized herein are separate, broader, and in addition to the District's original and ongoing services, which the District shall continue to provide and which are more particularly described as follows: receiving federal mineral lease funds under Utah Code Ann. 59-21-1 et seq. for constructing, repairing, and maintaining fire protection, emergency medical, and ambulance as well as to provide a means by which any issue reasonably related to fire protection, emergency medical, and ambulance will be addressed, and to achieve these purposes through the construction, purchase, gift, condemnation, or any combination thereof of the facilities or systems necessary to provide said services, and to finance the same. In short, the original grant of powers involved mineral lease funds, but was limited to emergency services. The new powers will extend the District's ability to receive and expend mineral lease funds on all types of public facilities and on all types of traditional governmental services.

7. The Board of County Commissioners of Duchesne County, Utah shall hold a public hearing on the proposed amendment of the District's services on September 16, 2013 at 7:00 p.m. or as soon thereafter as feasible at the County Administration Building at 734 N. Center St., Duchesne, Utah.

8. The Board of County Commissioners directs the County Clerk/Auditor to cause to be prepared and published the notice of intention in substantially the form attached hereto as Exhibit A, to amend the District to provide the separate and additional services referenced herein and to call the aforementioned public hearing, which notice shall be published once each week during four consecutive weeks, not fewer than five days and no more than 20 days before the date of the public hearing, and in accordance with the requirements identified at Utah Code Ann. 17D-1-205, and which notice shall also be published for 35 days before the date of the public hearing pursuant to Utah Code Ann. 45-1-101.

9. The Board of County Commissioners further directs the County Clerk/Auditor to complete the record of proceedings attached.

ADOPTED, APPROVED, and ORDERED by majority vote at a duly called meeting of the Board of County Commissioners of Duchesne County, Utah this August 5, 2013.

DUCHESNE COUNTY, UTAH

By: _____
Chair

ATTEST:

County Clerk/Auditor

(S E A L)

Commissioner Wood motioned to adopt Resolution No. 13-12 with the change of the word “add” to “expand” in the heading. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of An Agreement For Cameras At The Duchesne County Fairgrounds

IT Department Director Kent Ogletree & Building & Grounds Supervisor Shane Jenkins joined the meeting at 10:50 A.M...

Closed Meeting -

Commissioner Peatross motioned to go into and out of closed session for the purpose of discussing litigation issues at 10:50 P.M. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.

Reentered Combined Commission Meeting at 11:32 P.M.

Entered recess by general consent at 11:32 A.M...

Re-entered Combined Commission Meeting at 11:39 A.M...

Report From IT Department

IT Department’s Cristina Neilson joined the meeting at 11:39 A.M...

Director Ogletree reported that parcel fabric gives us the opportunity to fix a lot of errors. The data in the system is not what it should be. We are aligning the on the ground survey with the legal property lines. Ms. Neilson stated that there are almost 36,000 parcels that need to be fixed in the county. We will start in the towns and work from there.

Other-Public Comments

Marea Doherty from the Lt. Governor’s AG Office joined the meeting at 11:45 A.M...

Mrs. Doherty thanked the Commission and asked them to contact the Governor for judicial support for the nominees in Duchesne County. Chairman Winterton stated that they will solicit in her behalf even though we would hate for Attorney Charles to leave as we hated to lose Mrs. Doherty.

Audit Report From Aycock, Miles And Associates

Mike Miles joined the meeting at 11:58 A.M...

Mr. Miles presented the attached breakdown booklet and stated that the audit went well. The county is functioning very well. There were no red flags and the books reflected transactions. The county is financially well off, meaning you could pay all debt and still be in good standing. If there aren’t any prepayment penalties, the county should pay those higher interest rate loans.

The Library is in the best financial condition that he has seen in a while.

We had to do a single audit on grants because there was more than two million dollars spent, which was due to the Emergency Watershed Project in regards to flooding.

Special Service District #2 had a lot of financial activity. Liabilities are that it accrued interest for four million dollars and mineral lease grew. They took on a lot of debt and dipped into their savings. There were two violations, the fidelity bond on Secretary of the board, Carrie Mascaro needed to be increased and they exceeded twelve thousand dollars over their budget.

Special Service District #3 had no liabilities and they had revenues.

Consideration Of Resolution No. 13-13, A Resolution Establishing An Investment Policy To Invest Public Funds Held By The Treasurer In Accordance With All Federal And State Laws

Assistant Casper stated that the Commission approved this last week, but when she went to file it, she was unsure what to do with it and instead of it being kept in the Treasurer’s Office she felt that it would be more appropriate to adopt this by resolution so that it will be kept in the vault.

RESOLUTION NO. 13-13

A RESOLUTION ESTABLISHING AN INVESTMENT POLICY TO INVEST PUBLIC FUNDS HELD BY THE TREASURER IN ACCORDANCE WITH ALL FEDERAL AND STATE LAWS

The Office of
DUCHESNE COUNTY TREASURER
Duchesne County, State of Utah

INVESTMENT POLICY
Established June 3, 1986
Revised August 5, 2013

1. POLICY

It is the policy of the office of Treasurer, Duchesne County, State of Utah to invest public funds held by the treasurer in accordance with all federal and state laws. The primary objectives of the policy (in order of priority) are: 1) to ensure safety, 2) provide adequate liquidity for operations of county functions, and 3) achieve a prudent investment return based on the safety and liquidity of the funds invested by the treasurer.

2. SCOPE

This investment policy applies to all public funds held by the Duchesne County Treasurer. Funds held by the Duchesne County Treasurer include fiduciary funds being held for distribution to taxing entities in Duchesne County and funds of Duchesne County, Utah, a body politic.

3. GENERAL PROVISIONS

- A. The investment of funds by the Duchesne County Treasurer shall comply with applicable statutory provisions, including but not limited to, the Utah State Money Management Act. There will also be compliance with the rules of other pertinent legal requirements.
- B. Public funds shall be invested with the following objectives. The objectives are listed in order of importance and priority, the first being the most important:
 - 1. Safety of principal;
 - 2. Liquidity of principal for future expenditures;
 - 3. Yield on investment;
 - 4. Recognition of cash needs;
 - 5. Maximization of the rate of return on investment, consistent with the foregoing objectives.
- C. Selection of investments shall be made exercising judgment and care, with the prudent investor's discretion to avoid speculation based on unforeseen future events or changes to the markets.
- D. Internal controls shall be the responsibility of the Treasurer, the Clerk/Auditor, and the Duchesne County Commission in accordance with the Fiscal Procedures Act of the State of Utah, U.C.A. 17-36. The internal controls shall be in compliance with Duchesne County policy. These internal controls are to be reviewed annually by the County Auditor and the Independent Auditor in compliance with state law.
- E. All investments are to be made by the Treasurer. In the Treasurer's absence or inability to fill the duties of the Treasurer, the Chief Deputy Treasurer will have the authority to make investments in compliance within the direction and guidelines of this Investment Policy. In the event neither the Treasurer nor Chief Deputy Treasurer is able to function in their respective duties, the responsibility for the investment duties will be administered in accordance with Utah Code Annotated 63-5b-401.
- F. The Treasurer or others involved in the investment process shall refrain from personal business activity that could in any way conflict with the proper execution of this investment policy of the duties of the Treasurer.

4. ELIGIBLE INVESTMENTS

Authorized deposits or investments of all public funds by the Treasurer or others in accordance with this investment policy shall be invested in compliance with the Utah Money Management Act, specifically, but not limited to Title 51, Chapter 7, Section 11 or any amendments thereto.

Colene Nelson
Duchesne County Treasurer

Ronald Winterton
Chairman, Duchesne County Commission

Commissioner Peatross motioned to adopt Resolution No. 13-13. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Resolution No. 13-14, A Resolution Amending Resolution No. 12-09, A Resolution Establishing Rate For Mileage Reimbursement

Attorney Charles stated that this rate will change as the IRS standard rate changes. The current rate IRS rate is \$56.5 cents.

RESOLUTION NO. 13-14

A RESOLUTION ESTABLISHING RATE FOR MILEAGE REIMBURSEMENT

WHEREAS, Duchesne County Policy and Procedures, Title 7, Chapter F, Section 2 provides that authorized travel by private vehicle will be reimbursed at the rate set by the county commission; and,

WHEREAS, the Duchesne County Board of County Commissioners, by Resolution No. 12-09 dated the 21st day of May 2012, adopted a mileage reimbursement rate; and,

WHEREAS, the Duchesne County Board of County Commissioners has determined that it is proper to adopt a rate that is applicable for Duchesne County.

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

1. The mileage reimbursement rate for authorized travel in a private vehicle shall be the Internal Revenue Service standard rate as amended.
2. This amount shall be effective for any travel on or after August 05, 2013.
3. Resolution No. 12-09 shall be repealed as of the date of the adoption of this resolution.

Dated this 05th day of August, 2013

ATTEST:

THE BOARD OF DUCHESNE COUNTY
COMMISSIONERS:

Diane Freston
County Clerk/Auditor

Ron Winterton,
Chairman

Kent R. Peatross, Member

Kirk J. Wood, Member

Commissioner Peatross motioned to adopt Resolution No. 13-14. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Resolution No. 13-15, A Resolution Amending Resolution No. 08-02, A Resolution Establishing Policy And Procedures Concerning Reimbursements For Travel, Mileage, Meals And Lodging, And The Use Of The County Credit Card

Attorney Charles stated that our new policy and procedure manual states that the reimbursement rate will be as set by the commission, so this will be the reimbursement policy per our manual.

RESOLUTION NO. 13-15

A RESOLUTION ESTABLISHING POLICY AND PROCEDURES CONCERNING REIMBURSEMENTS FOR TRAVEL, MILEAGE, MEALS AND LODGING, AND THE USE OF THE COUNTY CREDIT CARD

WHEREAS, Duchesne County is a political entity and operates with the use of public funds; and,

WHEREAS, Duchesne County's employees travel for county business, that sometimes necessitates them being away from the county for periods of time; and,

WHEREAS, county employees incur expenses for travel, including mileage, meals and lodging; and,

WHEREAS, Duchesne County provides the use of a county credit card to certain employees when they travel on county business; and,

WHEREAS, it is deemed in the best interest of Duchesne County to set forth the policies and procedures relating to reimbursement of travel expenses, including mileage, meals and lodging, and the use of the county credit card.

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

1. The Duchesne County Policies and Procedures Manual Title 7, Chapter F, Section 3 regarding reimbursements shall be amended as set forth in Exhibit A, attached hereto, and hereby reference.

Dated this 5th day of August, 2013.

ATTEST:

THE BOARD OF DUCHESNE COUNTY
COMMISSIONERS:

Diane Freston
County Clerk/Auditor

Ron Winterton, Chairman

Kent R. Peatross, Member

Kirk J. Wood, Member

Commissioner Peatross motioned to adopt Resolution No. 13-15. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.

Consideration Of Minutes For Combined Commission Meeting Held July 29, 2013

Commissioner Wood motioned to approve the minutes with the necessary changes. Chairman Peatross seconded the motion. All commissioners voted aye and the motion passed.

Commission Calendaring

Adjourn

Chairman Winterton adjourned the meeting at 1:37 P.M.

Read and approved this 19th day of August 2013.

Ronald Winterton
Commission Chairman

Diane Freston
Clerk/Auditor

*Minutes of meeting prepared by BobbiJo Casper*_____