

**SAN JUAN COUNTY COMMISSION MINUTES
SEPTEMBER 15, 1986**

The San Juan County Commission met in regular session on September 15, 1986 at the hour of 10 a.m. at the San Juan County Courthouse, Monticello, Utah.

The following members were present: Commissioner Black, Chairman
Commissioner Bailey
Commissioner Holliday

Minutes of the September 8, 1986 Commission meeting were approved on the motion of Commissioner Holliday and seconded by Commissioner Bailey. UNANIMOUS.

MONTICELLO SECONDARY WATER PROJECT - GRAVEL

Representatives from Arix, along with Mayor Keith Redd and city manager Rick Terry met with the Commission to see if Arix could buy gravel chips from the county. Arix is doing the pipe laying for the Monticello Secondary Water System and they need the gravel chips for bedding material. Since the pipe bedding was included in the bid with the contract it would not be appropriate for the county to furnish this material to a private contractor. The Commission explained that the gravel is not for sale because the county contracts the gravel and if it were sold the county would jeopardize its free-use permit. The county needs this gravel and they do not want to start a precedent of letting anyone use it unless it's an emergency. The Commission suggested that they talk to the BLM and/or Forest Service to see about free-use gravel permits.

ELECTED OFFICIALS MONTHLY MEETING

Assessing and Collecting Gail Johnson, clerk, presented the Commission a copy of the Assessing and Collecting billing to the taxing entities. The Commission told her to phase in 25% of the increase every six months.

Utah Retirement Board Gail Johnson told the Commission that Bonnie Sweat from the Utah State Retirement Board will meet with the Commission on November 5 at 5:30, prior to the public hearing for the county employees on the new retirement system.

Mae Systems Mrs. Johnson reported that Jim Burt of Mae Systems came and moved the PBX box and billed the county for moving this equipment and user training. Mrs. Johnson said that Mr. Burt did not give any kind of training to anyone in the courthouse. The Commission advised Mrs. Johnson to wait and not approve payment of this bill. Commissioner Bailey said he would contact Mr. Burt.

Sunny Acres - Boundary Line Mary Lou Mosher, recorder, said there needs to be a definite boundary line at Sunny Acres Subdivision near the San Juan-Grand County line. Several land owners say they are being taxed in both counties. The Commission said they will have Doug Pehrson, surveyor, go down and survey the line.

Copy Machine Mrs. Mosher reported that IBM would rather renovate the copy machine instead of selling the county a new one. IBM says that the present machine is the best heavy-duty machine there is on the market.

Amoco Road and Drill Pad on La Sal Mountains Bruce Halliday, county attorney, said that Steve Kosanke asked him how the Amoco road and drill pad on the La Sal Mountains was coming along. Commissioner Black said that at the State Land Board meeting in Roosevelt last week the staff was opposed to it, but after negotiating Amoco agreed to provide \$2500 to the county and leave the road open. The county will assume the maintenance and a tentative agreement will make the county responsible for picking up all the trash. Commissioner Black said he feels it would be a good idea to invest the money in a small interest-bearing account and contract with someone to pick up the trash.

Sheriff's office - jailer Sheriff Rigby Wright said he is looking at hiring a jailer who qualifies for re-hab. (Re-Hab will pay six months of his salary.) But he just recently had back surgery and Sheriff Wright said he does not know how he is doing. The Commission advised Sheriff Wright to check the other applicants before hiring anyone and get final approval from Commission.

EXECUTIVE SESSION

Commissioner Bailey made the motion for the Commission to go into executive session to discuss Sheriff Office personnel and other problems. Commissioner Holliday seconded the motion. UNANIMOUS. Present: Sheriff Wright, County Attorney Bruce Halliday and the Commission.

NURSING HOME - CLOSE OUT

Rick Bailey, Administrative Assistant, reported that tentatively the close out of the Nursing Home with Kamar Medical Management Services and Terra will be September 26, 1986 at Prudential in Salt Lake City. Commissioner Bailey made the motion to authorize Commissioner Black to sign the papers closing the Nursing Home sale. Commissioner Holliday seconded the motion. UNANIMOUS.

UTAH EMT OF THE YEAR

Rick Bailey, Administrative Assistant, reported that Pat Cook of Bluff was selected State of Utah EMT of the year. The Commission advised Rick to write a letter congratulating Mrs. Cook.

DEPARTMENT OF PUBLIC SAFETY

The Department of Public Safety wrote a letter stating that their funds were cut and they will no longer fund the Federal Emergency Management Agency for the county beginning October 1. The Commission authorized Rick Bailey to write a letter to this department demanding to know why and the reasons.

DIVISION OF INDIAN AFFAIRS - TRAVIS PARASHONTS

Commissioner Bailey reported that he will be meeting with Travis Parashonts, director of Division of Indian Affairs, today in Salt Lake to discuss the road management agreements on the reservation.

JOINT ROADS COMMITTEE

Commissioner Bailey reported that he will attend the Joint Roads Committee meeting in Vernal on September 19. The state highway patrol is proposing that all county and state vehicles be weighed on the scales and be legal for highway use.

PUBLIC SAFETY BUILDING - JOHN PETERSON, ARCHITECT

Commissioner Bailey said he is going to meet with John Peterson, architect, to go over the plans for the county public safety building. Commissioner Bailey left at noon to go to Salt Lake.

SEJAGG - COMMUNITY DEVELOPMENT BLOCK GRANTS

Commissioner Black said he received a memo from Southeastern Association of Local Governments stating that the Community Development Block Grants received more money this year for this district (\$59,509.) There are two ways to allocate this money, one; to allocate so much money to each county and have them add it to the project that was approved, or two; donate all the money to Grand County to build a handicapped center. The Commission agreed that they would be in favor of either one. The Commission told Rick to get with the cities and have them present their requests for the insuing year and tell them that the grants will be rotated between the three each year.

SAN JUAN - GRAND COUNTY ANNEXATION

Gail Johnson, clerk asked the Commission how they would like to handle the San Juan-Grand County annexation wording on the November 4th ballot. The Grand County Commission passed a resolution and will have it on their ballot. Bruce Halliday, county attorney, said the San Juan County Commission should also pass a resolution. A resolution will be prepared for next week.

COUNTY- WIDE RECREATION - TAUNA DEGRW

Eddie Allred, director of county-wide recreation, met with the Commission to follow up on hiring Tauna DeGraw for a part-time secretary. The Commission explained that Ms. DeGraw works for the College of Eastern Utah and the School District on a contract basis and the county cannot pay her, too. Mr. Allred will talk to Lynn Lee, CEU administrator, and will give a report to the Commission on October 6.

PERSONAL PROPERTY TAXES - REFUND

Bruce Halliday, county attorney, told the Commission the county is going to have to pay about \$80,000 in refunds for personal property taxes. Any Indian reservation resident who has paid taxes over the last four years on cars, trucks, and/or motorcycles will receive a refund. Mr. Halliday said he is sending a letter to those who are claiming a refund, stating their rights, and telling them that they have to sign an affidavit stating that they live on the reservation and are entitled to a refund. Gail Johnson, clerk, will bill the taxing entities accordingly.

BIDS - AGING DEPARTMENT

Two bids were received for two electric 40" stoves for the Blanding and Bluff senior citizen centers. Sears \$879.00 plus \$70.16 freight each and General Electric \$875.00 plus \$25.00 freight each. The Commission approved the purchase from G.E.

Two bids were received for two compartment meal transporters for the senior citizen home delivery. Nutri-system Corp. \$144 each and S & W Parts \$149. Rick Bailey recommended the Nutri-System because there is more room and the option of a two-side carrier. The Commission approved the purchase from Nutri-Systems.

SOUTHEASTERN UTAH HEALTH DISTRICT BOARD

Commissioner Holliday made the motion to appoint Rayburn Jack to the Southeastern Utah Health District Board. Commissioner Black seconded the motion. UNANIMOUS.

STATE UTAH SOCIAL SERVICES - Mental Health, Alcohol and Drug, and Aging Programs

A letter from the State of Utah Social Services states that the mental health, alcohol and drug, and aging programs has been created under two authorities, one; at State level (Division and Policy Boards) and one at the local level (County Commissioners). To address this problem they are proposing that the counties become the sole authority for mental health and alcohol and drugs. The Commission will discuss this next week after reviewing the draft.

SAN JUAN WATER CONSERVANCY DISTRICT BOARD

The Commission received the following letter from Bruce Halliday, county attorney regarding the appointment of members on the San Juan Water Conservancy District.

September 4, 1986

San Juan County Commission
Courthouse
Monticello, Utah 84535

Dear Sirs:

Pursuant to your request, I have reviewed the law with regard to the appointment of members on the San Juan Water Conservancy District.

As I reported to you verbally, the members of that District are now appointed by the San Juan County Commission, instead of the Seventh Judicial District Court Judge, as was the case under the original law.

Further, under our District's organizational documents, appointment is to be from geographical districts or areas.

Apparently, in the past some Board members were appointed to represent these geographical areas when they resided elsewhere, apparently because "resident members" were not available. I believe that this is an appropriate temporary response if no representative can be found in order to have a full board. However, I would urge that considerable effort be made to proselyte a member for the board who resides within the geographical area which he represents.

This would necessarily, of course, effect the appointment of Norman Johnson, who is a resident of Blanding, and who is representing, as I understand it, Montezuma Creek. There exists a vacancy in the La Sal Board members seat.

I have also reviewed the legislative system set up to avoid conflicts of interest from entering into the decision making by the Board. Section 73-9-10, Utah Code Annotated, 1953 as amended provides:

Each director before entering upon his official duties shall take and subscribe to an oath before an officer authorized to administer oaths, that he will support the Constitution of the United States and the State of Utah and will honestly, faithfully and impartially perform the duties of his office and that will not be interested directly or indirectly in any contract let by said district, which said oath shall be filed in the office of the clerk of said court in the original case.

Upon taking the oath, the board shall choose one of their number chairman of the board and president of the district, and shall elect some suitable person secretary of the board and of the district, who may or may not be a member of the board. Such board shall adopt a seal and shall keep in a well-bounded book a record of all its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees and all corporate acts which shall be open to inspection of all owners or property in the district, as well as to all other interested parties.

Each member of the board shall receive as compensation for his service such sum as shall be ordered by the Court, not in excess of the sum of \$1,000.00 per annum, payable monthly, and necessary traveling expenses actually expended while engaged in the performance of his duties.

The attached oath is an effort to implement this Statutory procedure.

The important part of this document, in my mind, is an effort to bring the attention of present and future board members to the possibility of a conflict of interest and the absolute need for disclosure in the event of such a conflict. It seems to me that in the cases of fiduciary responsibility such as these Board Members have, it is absolutely imperative to avoid even the appearance of wrong doing, as well as any real wrongdoing. As I reviewed these statutory requirements against some previous factual circumstances brought to my attention, I found that there have been historical occasions when members of the board found themselves in a position where there appeared to be a conflict of interest but where upon closer examination no clear cut conflict was evident. It is in these situations that I believe even the appearance must be avoided at all costs. A fortiori any actual conflict must be avoided.

On the basis of my cursory examination, I recommend the Commission attempt a rejuvenation of the board of directors and suggest no reappointment of present members to the board. I also would urge that the Commission establish a policy restricting the number of terms which a member may serve consecutively, as a practical method of insuring interest on the part of the members, as well as again, avoiding the appearance of political or other permissiveness.

Six position on the Board are presently subject to appointment. The final three positions become subject to appointment December 31, 1986.

The question of some continuity in the Board's Policies comes to play where the Commission has the choice of reappointing all members. On that issue, I would defer to the Commission's judgement and perhaps the reappointment of one or two of the members to provide for continuity would be appropriate.

Finally, I would like to say that, although I am recommending basically against the policy of reappointment of the present members. That recommendation should not be viewed as a criticism of present or past members or their decisions, on the contrary, I believe that all of the members have spent considerable hours and effort in benefiting the County Conservancy District and deserve the Commissions thanks for a job well done.

A number of the present members have requested replacement either because of what might be considered a conflict of interest or because of long years of service to the District. Given those requests and because of my interpretation for the need of geographical representation, I feel that all of the members should be replaced, if not this year, within the very near future.

Very truly yours,

/s/ Bruce K. Halliday
Bruce K. Halliday
San Juan County Attorney

I, _____, do solemnly swear (affirm) that I will:

1. Support the Constitution of the United States of America,
2. Support the Constitution of the State of Utah,
3. Perform the duties of my office of Board of Directors of the San Juan County Water Conservancy District in an honest, faithful, and impartial manner, and
4. **WILL NOT BE INTERESTED DIRECTLY OR INDIRECTLY IN ANY CONTRACT ENTERED INTO BY THE SAN JUAN COUNTY WATER CONSERVANCY DISTRICT, during the term of my office, or any extension thereof.**

DATED this _____ day of _____, 1987.

Subscribed and sworn to before me this _____ day of _____, 1987.

Notary Public
Residing at:

My commission expires:

NOTICE

This oath of Office shall be filed in the Office of the District Court of San Juan County, forthwith upon its being executed by a member of the Board of Directors of the San Juan Water Conservancy District.

The Commission will send a copy of this letter to all members of the Water Conservancy Board. Put a notice for people who are interested or interested in nominating someone for the positions that are open by October 6.

BIDS TIRES AND CORRUGATED STEEL PIPE

The bids were opened at 3 p.m. on September 15, 1986 for tires for auto, trucks and heavy equipment and corrugated steel pipe.

TIRES

Grand Tire Co., Inc.
Save-Way Tire
Redburn Tire Co
Four States Tire Company

PIPE

Wheeling Corrugating Company
W.R. White Company
Geneva Pipe
Armco, Inc.
Ancor, Inc.

After opening the sealed bids the Commission referred them to the road department to make recommendations.

BILLS APPROVED FOR PAYMENT

Central Supply	Tow Ticket George Kinsley	205.55
Alvin Reiner	Bluff Hay fire	14.00
Steve Pherson	Bluff Hay Fire	14.00

Doug Pehrson	Bluff Hay Fire	14.00
Walt Percell	Bluff Hay Fire	14.00
Chuck Bowles	Hay Fire - Bluff	14.00
Vance Nielson	Bluff Hay Fire	14.00
Ralph Howe	Hay Fire - Bluff	14.00
Bill Davis	Hay Fire - Bluff	14.00
Betty Gaines	Bluff - Hay fire	14.00
Sevier County Justice of Peace	Jeffrey Abreu (B 01335)	27.00
Kenneth R. Ludwig	Bail refund Cit. B-034187	48.00
Earl S. Lamb, Jr.	Commodities distrib.	25.00
Courtney Reddoor	Commodities distrib	28.00
Ricky Billsie	Commodities distrib	28.00
Burnhard Black	Commodities distrib	25.00
Louise Beronson	Commodities Distrib	20.00
Blake Enterprises	demolition Fred Jensen home	4,992.00
Sysco Intermountain	Supplies Division of Aging	520.20
Kenny Harris	Commodities Distrib	44.45
Beverly Rowley	Commodities Distrib	20.00
Kent Rowley	Commodities Distrib	20.00
Janet Hazelton	Commodities Distrib	22.50
Everett Berenson	Commodities Distrib	20.00
Jody Bailey	Travel Expenses	12.60
A.N.R. Freight Systems	freight charges golf course	42.74
Abajo Archeology	Alkali Rd improvement rec	6,131.10
Associated Public Safety Comm	Frequency Data research	25.00
Nicky Black	Hauling road dept	1,809.50
Black, Oley	tool allowance Sept 86	25.00
Blue Cross-Blue Shield	Reimbursement invoice	82.35
Blue Mountain Petroleum, Inc.	Fuel for road dept	311.32
Bryan, Robert F.	Tool Allowance Sept 86	25.00
Bruce Bunker Construction	unloading commodities	35.00
Jack Codner	Herbicide purchased	139.00
Continental Tel Co West	Tele charges commun	44.61
HF Cosby, Jr.	Hauling road dept	789.25
Creamer & Noble Engineers	paymt Halls Cross Air	9,417.30
Decor Lighting	Supplies Communications	126.00
Carl Eisemann	Travel Expenses	37.08
Electro-Tek Sales, Inc.	Supplies Communications	18.77
Empire Electric Assoc., Inc.	Utilities TV Trans	190.51
Frito-Lay, Inc.	Supplies vending machine	6.65
Melvin Gaines	Bluff Hay fire	14.00
Hawkins, Stanley M.	Tool allowance Sept 86	25.00
Hogie's Restaurant	meals George Kensley	13.65
Holden, Ace	Repairs for recreation	12.60
Honest Dollar Construction	hauling road dept	1,732.50
Forrest Johnson	Herbicide purchased	75.00
Jim Keyes	expenses for Sept	24.27
Max Ksiazkiewicz	tool allow Sept 86	25.00
Leavitt, Grant H.	professional SEPT 86	1,286.00
Martineau, Gary	Janitor library (B) Sept 86	404.25
Kenneth Miller	hauling road dept	1,617.00
Motor Parts Company	supplies sheriffs dept	15.69
Victor Nebeker	Tool allowance Sept. 86	25.00
Nelson, Jay	Repair Mont Creek Bldg	120.00
Northern Electric	Supplies Communications	230.88
Park's Sportsman	supplies recreation	360.29
Tierre J. Patterson	tool allowance sept 86	25.00
Redex, Inc.	Freight Charge recreation	18.80
Rachel Romero	janitor library M Sept 86	225.00
Carol Sallee	travel expenses	35.38
John Saltzman	firefighter Mustang Flats	7.00
San Juan County	Fuel, Misc. Commun	363.32
San Juan County Hospital	meals served August	108.00
San Juan County Library B	reimburse petty cash	57.44
San Juan County Sheriff	petty cash reimbursement	273.06
S.J. County 12th Circuit court	Keith Yazzie	100.00
San Juan Physicians Group	pay'll Ded. E. Sanchez	10.00
The San Juan Record	Commodity Distribution	27.59
San Juan School District	supplies for elections	40.00
San Juan Community Social Serv.	reimburse petty cash	34.84
Gaylen Schaugaard	Janitor Library M Sept 86	173.25
Shilo Inn-SLC	Travel Holly Tatnall	160.00
Dayne Shumway Const.	Hauling road dept	1,771.00
John Skidmore	herbicide purchased	94.50
Smith Plumbing & Heating, Inc.	repairs Abajo Peak	455.06
Southwest Emulsions	emulsions for road dept	16,310.75
Steelco	supplies Golf Shop	416.89
J.J. Steffen	commodities distribution	37.50
Swenson, Eric P.	public defender sept 86	500.00
Tek Shop	repairs for develop'mt Brd	57.90
Vernon Trask	herbicide purchased	150.00
Anderson Tso	Translation advertising	15.00
United States Postal Service	stamps Justice/Peace`	66.00
University Radiologist	Pay'll deduct J. Manheimer	100.00
Utah Power & Light Company	Utilities M. Creek Recrea	328.50
Utah State Attorney General	Pay deduct J. Manheimer	50.00
Utah State Tax Commission	decals Assessors dept	154.00
Utah State University	leadership school	69.45
Western Office Products	purchasing dept supplies	56.03
Elizabeth Wright	commodities distribution	25.00
S. Rigby Wright	herbicide purchased	150.00
Mike Young Incorp	repairs fire control	108.37

ADJOURNED

There being no further business the meeting was adjourned.