

DAVID N. ZOOK
COUNTY EXECUTIVE

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COUNTY COUNCIL
BARBARA Y. TIDWELL, *CHAIR*
PAUL R. BORUP, *VICE CHAIR*
DAVID L. ERICKSON
NOLAN P. GUNNELL
KARL B. WARD
GINA H. WORTHEN
GORDON A. ZILLES

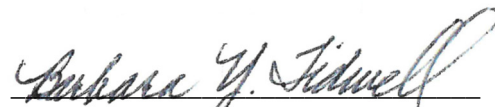
PUBLIC NOTICE is hereby given that the County Council of Cache County, Utah will hold a **SPECIAL COUNCIL MEETING** at **4:00 p.m.** in the Cache County Historic Courthouse Council Chambers, 199 North Main Street, Logan, Utah 84321, **THURSDAY, DECEMBER 22, 2022**

Council meetings are live streamed on the Cache County YouTube channel at:
<https://www.youtube.com/channel/UCa4xvEI8bnIEz3B9zw2teaA>

AGENDA

SPECIAL COUNCIL MEETING

- 4:00 p.m.**
- 1. CALL TO ORDER / OPENING**
 - 2. ITEMS OF SPECIAL INTEREST**
 - a. Consideration of Emissions Testing Fee Change
 - 3. PROPOSALS FOR CONSIDERATION OF ACTION**
 - a. ***Resolution 2022-35*** A Resolution Amending Resolution 2021-06 to Update the Cache County Economic Opportunity Advisory Board
 - 4. EXECUTIVE SESSION - Utah Code 52-4-205(1)(a) – Discussion of the character, professional competence, or physical or mental health of an individual**
 - 5. ADJOURN**


Barbara Y. Tidwell, Chair



Bear
Health *River*
Department

October 25, 2022

Emission Station Fees

On August 10, 2022, the Bear River Board of Health heard a presentation from several emissions station owners or operators. They presented the business case for why the board should consider recommending to the Cache County Council a change in the current fee they are allowed to charge the public for an emissions inspection. Some of the justification includes the following:

- The fee has never been changed since its inception in 2013.
- The fixed fee is the lowest in the state.
- Due to the rising costs of recruiting and retaining employees, the fixed fee isn't allowing owners and operators to cover the service costs.
- Government agencies across the county have been offering cost of living adjustments to their employees to stay competitive. However, by instituting a fixed fee for emission testing, owners and operators don't have the same flexibility.
- Allowing owners and operators to set the fee according to economic market forces would allow them the flexibility they need.
- Multiple counties have allowed emissions stations to set market-based fees (Table 1).

Table 1

Emission Inspection Fees* Paid to Station	
County	Maximum Inspection Fee*
Cache	\$20
Davis	No limit is set as the fees are self regulated
Salt Lake	No limit is set as the fees are self regulated, however the average fee is \$25
Utah	No limit is set as the fees are self regulated, however the average fee is \$25
Weber	\$30

Table from dmv.utah.gov.

Recommendation:

Department staff officially recommended to the Bear River Board of Health that the fee change to a market-based fee on October 12, 2022.

- There is a strong precedent in the state to support the use of a market-based fee for emissions inspection.
- Moving to a market-based fee for emissions allows the board of health and the county council not to worry about or consider regular fee adjustments in the future.
- Market-based fees may help encourage more innovation in the industry.

Questions:

Before the board of health takes final action on the department fee schedule on December 14, 2022, we would like to know:

- What questions does the council have regarding emission station fees?
- Does the Cache County Council have concerns with the recommendation to move to a market-based fee?



**CACHE COUNTY
RESOLUTION NO. 2022-35**

**A RESOLUTION AMENDING RESOLUTION 2021-06 TO UPDATE THE CACHE
COUNTY ECONOMIC OPPORTUNITY ADVISORY BOARD**

WHEREAS, the Utah Legislature passed Senate Bill 95 during its 2020 General Session, thereby creating a Rural County Grant Program, which was codified as Utah Code Ann. §§ 17-54-101 through -104; and

WHEREAS, the Cache County Council through Resolution 2020-11 on May 26, 2020, created the Cache County Economic Development Advisory Board; and

WHEREAS, the Cache County Council appointed members to the Board on June 9, 2020, and in order to quickly qualify for and apply for the Rural County Grant appointed the same membership as the Executive Committee of the Cache Valley Economic Development Alliance, which is a component of the Cache Chamber of Commerce; and

WHEREAS, the Cache County Council amended Resolution 2020-11 with 2021-06 to make changes to the Advisory Board after hiring a County Economic Development Director, which is a position that will be eliminated as of January 1, 2023; and

WHEREAS, The Utah Legislature repealed the Rural County Grant Program effective July 1, 2022, and replaced it with the Rural Communities Opportunity Grant under the new Rural Opportunity Act codified in Utah Code Ann. §§ 63N-4-801 through -804; and

WHEREAS, the Rural Opportunity Program's purpose is to award grants to address the economic development needs of rural counties, which needs may include business recruitment, development and expansion; workforce training and development; and business infrastructure and capital facilities improvements;

WHEREAS, Cache County qualifies as a rural county and desires to participate in the Rural Opportunity Program to promote opportunities for investors and employers and those seeking to strengthen the economy in Cache County; and

WHEREAS, the Act requires under Utah Code Ann. §§ 63N-4-803 that each rural county that seeks a Rural Opportunity grant create a County Economic Opportunity Advisory Board whose membership is appointed by the county legislative body; and

WHEREAS, the County seeks input from a variety of County residents, business leaders, and elected officials to prioritize economic development projects and opportunities in the County; and

WHEREAS, the County Council sees fit to update the Cache County Economic Development Advisory Board to bring it into compliance with state law and County policy;



NOW, THEREFORE BE IT RESOLVED that the Cache County Council hereby amends Resolution 2020-11 to read as follows:

The Cache County Council hereby creates the Cache County Economic Opportunity Advisory Board as follows:

A. Cache County Economic Opportunity Advisory Board

1. The Cache County Economic Opportunity Advisory Board will be composed of at least the following members, who shall be appointed by the Cache County Council:
 - a. a county representative who is not the Cache County Executive or Executive staff;
 - b. a representative of a municipality in the county;
 - c. a workforce development representative;
 - d. a private-sector representative;
 - e. a member of the public who lives in the County; and
 - f. the Bear River Association of Governments Regional Economic Director, as an advisory and non-voting member.
2. The Cache County Council may also appoint additional members with experience or expertise in economic development matters.
3. In appointing members of the Cache County Economic Opportunity Advisory Board, the Cache County Council may consider gender and socioeconomic diversity.
4. The Cache County Economic Opportunity Advisory Board shall assist and advise the Cache County Council on:
 - a. applying for a grant under Utah Code Ann. §§ 63N-4-802(4)(a);
 - b. what projects should be funded by grant money provided to the County under Utah Code Ann. §§ 63N-4-802(4)(a); and



c. preparing reporting requirements for grant money received by Cache County under Utah Code Ann. §§ 63N-4-802(4)(a).

B. Appointment and Terms of Board Members

1. The Cache County Council shall appoint each member of the Cache County Economic Opportunity Advisory Board.
2. In appointing initial members of the Cache County Economic Opportunity Advisory Board, the Cache County Council shall assign to half, or roughly half, of the initial Board members an initial term that expires on December 31, 2021. The Cache County Council shall assign to the other half, or roughly half, of the initial Board members an initial term that expires on December 31, 2023.
3. After the initial Board members' initial terms, all Board members shall serve four-year terms.
4. A person appointed to the Cache County Economic Opportunity Advisory Board, other than the Bear River Association of Governments Regional Economic Director, may not serve more than two consecutive terms. For as long as a person remains the Bear River Association of Governments Regional Economic Director, he or she shall serve on the Cache County Economic Opportunity Advisory Board without a term limit.
5. When a vacancy occurs in one of the positions on the Board that is required under Section A.1. of this Resolution for any reason other than the expiration of the Board member's term, the Cache County Council shall appoint a replacement to fill the unexpired term. When a vacancy occurs in a position on the Board that is not required under Section A.1. of this Resolution for any reason other than the expiration of the Board member's term, the Cache County Council may, at its discretion, appoint a replacement to fill the unexpired term or leave the position unfilled. When a vacancy occurs in a position on the Board that is not required under Section A.1. of this Resolution due to the expiration of the Board member's



term, the Cache County Council may, at its discretion, appoint a replacement to serve a new full term or leave the position unfilled.

6. Membership may not consist of more than 20 percent of the same membership as any of the officers and/or executive committees of the Cache Chamber of Commerce or its components, and the Northern Utah Chamber Coalition or its components.
7. As the board is a legislative advisory board to the County Council, the County Executive or Executive staff shall not be appointed as a voting member of the Cache County Economic Opportunity Advisory Board.

C. Conducting of Board Business

1. The Cache County Economic Opportunity Advisory Board shall elect annually from its voting members a chair of the Board. A person may not serve as chair of the Board for more than two consecutive years.
2. The Cache County Economic Development Advisory Board shall elect annually from its voting members a vice-chair of the Board.
3. A majority of the Cache County Economic Opportunity Advisory Board shall constitute a quorum for the purpose of conducting Board business, and the action of a majority of a quorum shall constitute the action of the Board.
4. Members of the Cache County Economic Opportunity Advisory Board who have or may have a conflict of interest with respect to fund allocation decisions or recommendations:
 - a. shall identify the conflict or potential conflict prior to voting on the issue and may choose to recuse themselves from voting on the issue; and
 - b. shall sign annually and as needed a disclosure statement in accordance with Utah Code Ann. §§ 17-16a and County Code 2.62.



This resolution shall take effect immediately upon passage by the County Council.
Adopted this 22th day of December, 2022, by the Cache County Council.

Cache County Council:

Barbara Tidwell, Chair

ATTEST:

Jess Bradfield, County Clerk



Redline Version:

The Cache County Council hereby creates the Cache County Economic ~~Development~~ Opportunity Advisory Board as follows:

A. Cache County Economic ~~Development~~ Opportunity Advisory Board

1. The Cache County Economic ~~Development~~ Opportunity Advisory Board will be composed of at least the following members, who ~~will~~ shall be appointed by the Cache County Council:
 - a. a county representative who is not the Cache County ~~Economic Development Director~~ Executive or Executive staff;
 - b. a representative of a municipality in the county;
 - c. a workforce development representative;
 - d. a private-sector representative;
 - e. a member of the public who lives in the County; and
 - ~~f. the Cache County Economic Development Director.~~
 - f. the Bear River Association of Governments Regional Economic Director, as an advisory and non-voting member.
2. The Cache County Council may also appoint additional members with experience or expertise in economic development matters.
3. In appointing members of the Cache County Economic ~~Development~~ Opportunity Advisory Board, the Cache County Council may consider gender and socioeconomic diversity.
4. The Cache County Economic ~~Development~~ Opportunity Advisory Board shall assist and advise the Cache County Council on:
 - ~~a.(a) applying for Rural County Grants a grant under Utah Code Ann. §§~~ 63N-4-802(4)(a);



~~b. (b)~~ what projects should be funded by grant money provided to the County under ~~the Rural County Grant Program Utah Code Ann. §§ 63N-4-802(4)(a); and~~

~~c. (c)~~ preparing reporting requirements for grant money received by Cache County under ~~the Rural County Grant Program Utah Code Ann. §§ 63N-4-802(4)(a).~~

B. Appointment and Terms of Board Members

1. The Cache County Council shall appoint each member of the Cache County Economic ~~Development Opportunity~~ Advisory Board.
2. In appointing initial members of the Cache County Economic ~~Development Opportunity~~ Advisory Board, the Cache County Council shall assign to half, or roughly half, of the initial Board members an initial term that expires on December 31, 2021. The Cache County Council shall assign to the other half, or roughly half, of the initial Board members an initial term that expires on December 31, 2023.
3. After the initial Board members' initial terms, all Board members shall serve four-year terms.
4. A person appointed to the Cache County Economic ~~Development Opportunity~~ Advisory Board, other than the ~~Cache County Economic Development Director~~ ~~Bear River Association of Governments Regional Economic Director~~, may not serve more than two consecutive terms. For as long as a person remains the ~~Cache County Economic Development Director~~ ~~Bear River Association of Governments Regional Economic Director~~, he or she shall serve on the Cache County Economic ~~Development Opportunity~~ Advisory Board without a term limit.
- ~~5. 4-~~ When a vacancy occurs in one of the positions on the Board that is required under Section A.1. of this Resolution for any reason other than the expiration of the Board member's term, the Cache County Council shall appoint a replacement to



fill the unexpired term. When a vacancy occurs in a position on the Board that is not required under Section A.1. of this Resolution for any reason other than the expiration of the Board member's term, the Cache County Council may, at its discretion, appoint a replacement to fill the unexpired term or leave the position unfilled. When a vacancy occurs in a position on the Board that is not required under Section A.1. of this Resolution due to the expiration of the Board member's term, the Cache County Council may, at its discretion, appoint a replacement to serve a new full term or leave the position unfilled.

6. Membership may not consist of more than 20 percent of the same membership as any of the officers and/or executive committees of the Cache Chamber of Commerce or its components, and the Northern Utah Chamber Coalition or its components.
7. As the board is a legislative advisory board to the County Council, the County Executive or Executive staff shall not be appointed as a voting member of the Cache County Economic Opportunity Advisory Board.

C. Conducting of Board Business

1. The Cache County Economic Development Director shall be the chair of the Cache County Economic Development Advisory Board. The Cache County Economic Opportunity Advisory Board shall elect annually from its voting members a chair of the Board. A person may not serve as chair of the Board for more than two consecutive years.
2. The Cache County Economic Development Advisory Board shall elect annually from its voting members a vice-chair of the Board.
3. A majority of the Cache County Economic Opportunity Advisory Board shall constitute a quorum for the purpose of conducting Board business, and the action of a majority of a quorum shall constitute the action of the Board.
4. Members of the Cache County Economic Opportunity Advisory Board who have or may have a conflict of interest with respect to fund allocation decisions or recommendations:
 - a. shall identify the conflict or potential conflict prior to voting on the issue and may choose to recuse themselves from voting on the issue.; and



- b. shall sign annually and as needed a disclosure statement in accordance with Utah Code Ann. §§ 17-16a and County Code 2.62.

EXPLANATION OF
RESOLUTION NO. 2022-35
A RESOLUTION AMENDING RESOLUTION 2021-06 TO UPDATE THE CACHE COUNTY
ECONOMIC OPPORTUNITY ADVISORY BOARD

This resolution makes the following changes to the Cache Economic Development Advisory Board:

1. Changes the name to Cache Economic Opportunity Advisory Board. This is because state law changed and now requires a County Economic Opportunity Board in order to apply for a grant under the new Rural Opportunity Act.
2. Replaces the Cache Economic Development Director with the BRAG Regional Economic Development Director.
3. Makes the BRAG position an advisory, non-voting member (who can't chair the board.)
4. Reverts back to having the Board select a chair from the voting membership.
5. Because the Board is appointed by the Council (as per state law) and advises the County Council, the Board is a legislative Board and therefore the Executive and Executive staff are removed from representing the County on the Board or for being appointed as voting members. The Executive has other opportunities to advise the Council on what projects he/she believes should be funded by rural grant money.
6. When it was first started in 2020, the Board membership was the same as the Executive Committee of the Cache Valley Economic Development Alliance. CVEDA as it's called, is organized under and is a component of the Cache Chamber of Commerce. The County Board was set up this way initially in order to quickly get going and to apply for the Rural County Grant. However, now is a good time to diversify, rather than so strongly favoring one particular non-profit in having a voice on economic grants. The new resolution limits membership of the board to 20 percent the same as the officers/executive committees of the Cache Chamber of Commerce or the Northern Utah Chamber Coalition. This means that only 1 in 5 or 2 in 10 of the Board may be an officer in either of those organizations.
7. Adds a requirement that board members sign a disclosure statement as required in state and county code.