

## APPROVED

## CACHE COUNTY COUNCIL

**December 13, 2022 at 5:00 p.m. - Cache County Chamber at 199 North Main, Logan, Utah.**

*In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and speak at a County Council meeting and the substance "in brief" of their comments. Such statements may include opinions or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.*

**MEMBERS PRESENT:** Chair Barbara Tidwell, Vice Chair Paul Borup, Councilmember Gordon Zilles, Councilmember Gina Worthen, Councilmember David Erickson, Councilmember Nolan Gunnell, Councilmember Karl Ward

**MEMEBERS EXCUSED:**

**STAFF PRESENT:** Executive David Zook, Attorney Dane Murray, Clerk/Auditor Jess Bradfield, Tax Administrator Dianna Schaeffer, Deputy Clerk Bryson Behm

**OTHER ATTENDANCE:** Mark Ensign, Chris Nielson, Rick Mayor, Keegan Garrity

### Council Meeting

1. **Call to Order 5:00p.m.** – Chair Barbara Tidwell [0:24](#)
2. **Opening Remarks and Pledge of Allegiance** – Councilmember Karl Ward [0:57](#)
3. **Review and Approval of Agenda APPROVED [3:17](#)**

**Action:** Motion made by Councilmember Gina Worthen to amend the wording on items 9b and 11b on the agenda; seconded by Councilmember Paul Borup

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen, Karl Ward

**Nay:** 0

**Action:** Motion made by Councilmember Gina Worthen to approve the agenda as amended; seconded by Councilmember David Erickson

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen, Karl Ward

**Nay:** 0
4. **Review and Approval of Minutes APPROVED [5:41](#)**

**Action:** Motion made by Councilmember Gina Worthen to approve the minutes as amended; seconded by Councilmember David Erickson

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen, Karl Ward

**Nay:** 0
5. **Report of the County Executive [6:13](#)**

County Executive David Zook expressed thanks to outgoing members of the County Council for their service.
6. **Items of Special Interest [6:55](#)**
  - a. Special Presentation from the Governor’s Office – Neil Abercrombie [1:15:31](#)
  - b. Consolidation of Public Defender Office update – Mike McGinnis [7:15](#)
  - c. Discussion of County Clerk / Auditor Move to Part-time – Clerk/Auditor Jess Bradfield [9:15](#) (readdressed [1:55:49](#))
7. **Department or Committee Reports**

No department or committee reports.
8. **Board of Equalization Matters**

No Board of Equalization matters.
9. **Public Hearings [1:01:55](#)**
  - a. **Public Hearing – Ordinance 2022-28** – Comprehensive Amendment to the Cache County General Plan [1:01:59](#)  
A comprehensive amendment to the Cache County General Plan including the Regional Collaboration Plan and Urban and Rural Area Assessment (URAA) / Cost of Services (COS) Plan Appendices / Plan Elements  
**Discussion:** Tim Watkins spoke to the ordinance [1:02:35](#).

**Action:** Motion made by Councilmember Karl Ward to close the public hearing; seconded by Councilmember David Erickson [1:14:41](#)

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen, Karl Ward

**Nay:** 0

**b. Public Hearing – Ordinance 2022-35 [1:19:49](#)**

An Ordinance making a Cost of Living Adjustment to the Salaries of the Cache County Elected Officers

**Discussion:** Mark Ensign spoke [1:20:47](#). Chris Nielson spoke [1:23:52](#). Rick Mayor spoke [1:27:18](#). Attorney Dane Murray spoke [1:28:30](#). Keegan Garrity spoke [1:29:17](#).

**Action:** Motion made by Councilmember Gordon Zilles to close the public hearing; seconded by Councilmember Gina Worthen [1:31:46](#)

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen, Karl Ward

**Nay:** 0

**10. Pending Action**

No pending action.

**11. Initial Proposals for Consideration of Action [1:32:06](#)**

**a. Ordinance 2022-28 - Comprehensive Amendment to the Cache County General Plan [1:32:13](#) ATTACHMENT 1**

A comprehensive amendment to the Cache County General Plan including the Regional Collaboration Plan and Urban and Rural Area Assessment (URAA) / Cost of Services (COS) Plan Appendices / Plan Elements

**Discussion:** Councilmember discussion and questions. Tim Watkins spoke to the ordinance [1:33:29](#). Attorney Dane Murray spoke [1:40:08](#).

**Action:** Motion made by Councilmember David Erickson to postpone the passage of Ordinance 2022-28 until January; seconded by Councilmember Gina Worthen [1:38:16](#)

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen, Karl Ward

**Nay:** 0

**b. Ordinance 2022-35 [1:41:03](#) ATTACHMENT 2**

An Ordinance making a Salary Increase for the Cache County Council Members

**Discussion:** Attorney Dane Murray spoke [1:42:12](#). Councilmember discussion.

**Action:** Motion made by Councilmember Gina Worthen to amend the ordinance to adjust the councilmember salary to \$24,000 and the council chair to \$30,000; seconded by Councilmember Paul Borup [1:45:53](#) (voted at [1:51:10](#))

**Motion passes.**

**Aye:** 5 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Gina Worthen

**Nay:** 2 Karl Ward, Nolan Gunnell

**Action:** Motion made by Councilmember David Erickson to remove the monthly \$100 vehicle stipend from councilmember salary; seconded by Councilmember Gina Worthen [1:50:46](#)

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen, Karl Ward

**Nay:** 0

**Action:** Motion made by Councilmember Gina Worthen to waive the rules and approve the salary increase as amended; seconded by Councilmember Paul Borup [1:54:29](#)

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Gina Worthen

**Nay:** 2 Karl Ward, Nolan Gunnell

**c. Ordinance 2022-37 [2:01:28](#) ATTACHMENT 3**

An Ordinance amending Chapter 2 of Title 2 of the Cache County Code regarding Disclosure of Conflicts of Interest by County Officers and Employees

**Discussion:** Councilmember Gina Worthen spoke [2:01:50](#). Attorney Dane Murray spoke [2:02:29](#). Councilmember discussion.

**Action:** Motion made by Councilmember Gina Worthen to waive the rules and approve the ordinance; seconded by Councilmember David Erickson [2:08:23](#)

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen, Karl Ward

**Nay:** 0

d. **Ordinance 2022-38** [2:08:45](#) **ATTACHMENT 4**

An Ordinance Amending 3.04 of Cache County Code regarding Budgets

**Discussion:** Councilmember Gina Worthen spoke [2:08:55](#).

**Action:** Motion made by Councilmember Karl Ward to waive the rules and approve the ordinance; seconded by Councilmember Paul Borup [2:11:08](#)

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen, Karl Ward

**Nay:** 0

e. **Ordinance 2022-39** [2:11:28](#) **ATTACHMENT 5**

An Ordinance Amending Section 2.28 of the Cache County Code regarding Part Time County Officers

**Discussion:** Councilmember Gina Worthen spoke [2:11:48](#). Councilmember Paul Borup spoke [2:12:46](#). Councilmember discussion.

**Action:** Motion made by Councilmember David Erickson to waive the rules and approve the ordinance; seconded by Councilmember Paul Borup [2:13:37](#)

**Motion passes.**

**Aye:** 6 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen

**Nay:** 0

**Abstain:** 1 Karl Ward

f. **Ordinance 2022-40** [2:14:08](#) **ATTACHMENT 6**

An Ordinance Amending Section 2.16 of the Cache County Code Office of Public Defender

**Discussion:** Public Defender Mike McGinnis spoke [2:14:37](#). Councilmember discussion. Attorney Dane Murray spoke [2:20:16](#).

**Action:** Motion made by Councilmember Gina Worthen to amend the ordinance; seconded by Councilmember Paul Borup [2:15:16](#)

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen, Karl Ward

**Nay:** 0

**Action:** Motion made by Councilmember Gina Worthen to amend the ordinance; seconded by Councilmember Paul Borup [2:17:02](#)

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen, Karl Ward

**Nay:** 0

**Action:** Motion made by Councilmember Paul Borup to waive the rules and approve the ordinance as amended; seconded by Councilmember Gina Worthen [2:19:01](#)

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen, Karl Ward

**Nay:** 0

g. **Resolution 2022-34** [2:22:07](#) **ATTACHMENT 7**

A Resolution on County Policy on Legislative Matters

**Discussion:** Councilmember Gina Worthen spoke [2:22:19](#). Councilmember discussion.

**Action:** Motion made by Councilmember David Erickson to waive the rules and approve the resolution; seconded by Councilmember Paul Borup [2:25:59](#)

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen, Karl Ward

**Nay:** 0

h. Consideration of Property Tax Hardship Requests [2:26:29](#)

**Discussion:** Tax Administrator Dianna Schaeffer spoke [2:26:40](#).

**Action:** Motion made by Councilmember Paul Borup to accept the recommendation of the Tax Administration office and deny the three hardship requests; seconded by Councilmember David Erickson [2:28:40](#)

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen, Karl Ward

**Nay:** 0

**12. Cache County Service Area No. 1 Board of Trustees** [2:29:14](#)

a. Memorandum of Understanding between Logan City and Cache County Service Area No. 1

**Discussion:** Attorney Dane Murray spoke [2:29:42](#). Councilmember discussion.

**Action:** Motion made by Councilmember Karl Ward to move into the Board of Trustees; seconded by Councilmember David Erickson [2:29:21](#)

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen, Karl Ward

**Nay:** 0

**Action:** Motion made by Councilmember Paul Borup to table this issue; seconded by Councilmember Gina Worthen [2:30:55](#) (voted at [2:38:14](#))

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen, Karl Ward

**Nay:** 0

**Action:** Motion made by Councilmember Paul Borup to move out of the Board of Trustees; seconded by Councilmember Gina Worthen [2:38:29](#)

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen, Karl Ward

**Nay:** 0

**13. Other Business** [2:38:49](#)

a. **Swearing-In Ceremony for Newly Elected Officials** *Tuesday, January 3, 2023 at 12:00 noon in the County Council Chambers*

**14. Councilmember Reports** [2:39:13](#)

**David Erickson** – Shared appreciation for outgoing council members.

**Gordon Zilles** – Expressed gratitude to the Council and other Elected Officers and desire that the County move forward in a positive direction.

**Karl Ward** – Shared appreciation for outgoing council members.

**Barbara Tidwell** – Shared a thank you card given to the Council; expressed appreciation for outgoing council members

**Paul Borup** – Shared parting thoughts and gratitude for the Council.

**Nolan Gunnell** – Expressed appreciation for outgoing council members. Commented on solid waste issue.

**Gina Worthen** – Noted that there are ordinances not posted online; commented on pay received by Boards; commented on training for special service districts; expressed gratitude for the Council

**15. Executive Session** [2:56:47](#) **ATTACHMENT 8**

Utah Code 52-4-205(1)(a) – Discussion of the character, professional competence, or physical or mental health of an individual

Utah Code 52-4-205(1)(c) – Discussion of pending or reasonably imminent litigation

**Action:** Motion made by Councilmember Gordon Zilles to move into Executive Session; seconded by Councilmember Gina Worthen

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen, Karl Ward

**Nay:** 0

**Action:** Motion made by Councilmember David Erickson to move out of Executive Session; seconded by Councilmember Paul Borup

**Motion passes.**

**Aye:** 7 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen, Karl Ward

**Nay:** 0

**Adjourn: 8:00 PM**

*Jess W. Bradfield*

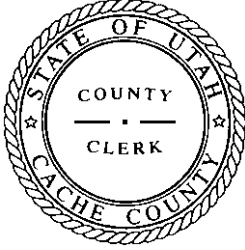
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ATTEST: Jess W. Bradfield  
County Clerk/Auditor

*Barbara Y. Tidwell*

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APPROVAL: Barbara Tidwell  
Chair



**CACHE COUNTY COUNCIL MEETING  
DECEMBER 13, 2022**

**ATTACHMENT 1**

**Ordinance No. 2022-28**

**Cache County, Utah**

**Comprehensive General Plan Amendment**

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An ordinance updating Cache County's General Plan as a comprehensive General Plan amendment as required by the adoption of Ord. 2022-28.

**Whereas**, the General Plan is to provide a vision of orderly growth to guide future development in the county unincorporated area while maintaining a regional perspective; and

**Whereas**, the General Plan is intended to recommend predictable future patterns of land use to help determine the need for future roadways, public facilities, and services needed to support anticipated growth, based on the capacity of the County and communities to provide services; and

**Whereas**, the General Plan is an advisory policy document to support the management of future growth and development of Cache County, and support decision-making by which all requests and proposals before the Planning Commission and County Council are measured; and

**Whereas**, companion documents to the General Plan include the Urban and Rural Area Assessment, the Cost of Services Plan, and the Regional Collaboration Plan, all of which have been developed simultaneously with the General Plan and are hereby adopted; and

**Whereas**, the General Plan will function alongside existing and future County policy plans including the Transportation Master Plan, Moderate Income Housing Plan, Resource Management Plan, Trails and Active Transportation Master Plan, South Corridor Development Plan, Airport Master Plan, and municipal plans; and

**Whereas**, the General Plan is based on public feedback gathered during the 'Imagine Cache' community engagement process and represents the expression of the community's public interest while protecting private interests; and

**Whereas**, the Planning Commission caused notice of a public hearing for the rezone to be advertised at least ten (10) days before the date of the public hearing on the Utah Public Notice Website and on the Cache County website as required under County Code Section 17.02.070: Notice for Public Meetings; and

**Whereas**, the Planning Commission held public hearings on August 4, 2022, September 1, 2022 and October 6, 2022, accepted all comments, and recommended the approval of the proposed amendments for a comprehensive General Plan update to the County Council for final action; and

**Whereas**, the Act also provides certain procedures for the county legislative body to adopt or reject amendments to the General Plan and companion documents; and

**Whereas**, following proper notice, the County Council held public hearings on September 1, 2022 and December 13, 2022, to consider any comments regarding the proposed amendments. The County Council accepted all comments; and

**Now, therefore**, the County Legislative Body of Cache County ordains as follows:

**1. Statutory Authority**

The statutory authority for acting on this ordinance is Utah Code Annotated Sections 17-27a Part 4, Part 1 and Part 3, and 17-53 part 2 (1953, as amended to date).

**2. Comprehensive Amendment to the General Plan**

Amendments including but not limited to the attached Cache County General Plan (and Future Land Use Map), Regional Collaboration Plan, Urban and Rural Area Assessment and Cost of Services Plans.

**3. Amends and Supersedes**

This ordinance amends and supersedes the Cache County 'Countywide Comprehensive Plan' as adopted January 27, 1998, and supersedes all other prior ordinances, resolutions, policies, and actions of the County Legislative Body of Cache County to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

**4. Effect**

The ordinance amendments will take effect no sooner than 15 days from the date of approval. 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 within the County as required by law.



**Approved and Adopted** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

	In Favor	Against	Abstained	Absent
Borup				
Erickson				
Gunnell				
Tidwell				
Ward				
Worthen				
Zilles				
Total				

**Cache County Council:**

**Attest:**

\_\_\_\_\_  
Barbara Tidwell, Chair  
Cache County Council

\_\_\_\_\_  
Jess Bradfield  
Cache County Clerk

Publication Date: \_\_\_\_\_, 2022

**Action of the County Executive:**

\_\_\_\_\_ Approved

\_\_\_\_\_ Disapproved (Statement of Objection attached)

\_\_\_\_\_  
David Zook

\_\_\_\_\_  
Date

**CACHE COUNTY COUNCIL MEETING  
DECEMBER 13, 2022**

**ATTACHMENT 2**



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

**AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 2 OF THE CACHE COUNTY CODE REGARDING SALARY INCREASES FOR MEMBERS OF THE CACHE COUNTY COUNCIL**

WHEREAS, the Cache County Council, upon lawful notice and in accordance with Utah Code § 17-16-14, held a public hearing on proposed salary increases for members of the Cache County Council; and

WHEREAS, the Organic Act for the Government of Cache County, Utah, as approved on November 6, 1984, and amended from time to time thereafter, authorizes the modification of salaries for County Council by ordinance;

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

**SECTION 1:**

Section 2.28.010 of the Cache County Code is amended to read in full as follows:

**2.28.010: County Council**

The annual salaries for members of the Cache County Council, which shall be effective as of January 1, 2023, shall be as follows:

Council Member	\$24,000.00
Council Chair	\$30,000.00

**SECTION 2: REPEALER**

The salary provisions of all prior ordinances or resolutions, or any parts thereof, in conflict with the above Cache County Code amendments are hereby repealed and superseded to the extent of such conflict. Otherwise such resolutions and ordinances remain in full force and effect.

**SECTION 3: EFFECTIVE DATE**

This ordinance takes effect 15 days following its approval by the County Council.



APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH, THIS 12<sup>th</sup> DAY OF DECEMBER 2022. 13th

	In Favor	Against	Abstained	Absent
Paul R. Borup	✓			
David Erickson	✓			
Nolan P. Gunnell		✓		
Barbara Tidwell	✓			
Karl Ward		✓		
Gina Worthen	✓			
Gordon Zilles	✓			
<b>TOTAL:</b>	<u>5</u>	<u>2</u>		

CACHE COUNTY COUNCIL:

Barbara Y. Tidwell  
Barbara Y. Tidwell, Chair

ATTEST:

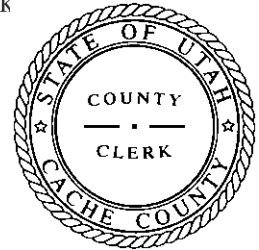
Jess W. Bradfield  
Jess W. Bradfield, Cache County Clerk

ACTION OF COUNTY EXECUTIVE:

- Approved
- Disapproved (Written statement of objection attached)

David N. Zook  
David N. Zook, Cache County Executive

12/14/22  
Date





**Redline Version of Proposed Ordinance:**

**2.28.010: County Council**

The annual salaries for members of the Cache County Council, which shall be effective as of ~~July 3, 2022~~ January 1, 2023, shall be as follows:

Council Member	<del>\$17,280.00</del> <u>\$24,000.00</u>
Council Chair	<del>\$21,600.00</del> <u>\$30,000.00</u>

**CACHE COUNTY COUNCIL MEETING  
DECEMBER 13, 2022**

**ATTACHMENT 3**



**CACHE COUNTY  
ORDINANCE NO. 2022 - 37**

**AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 2 OF THE CACHE COUNTY  
CODE REGARDING DISCLOSURE OF CONFLICTS OF INTEREST BY COUNTY  
OFFICERS AND EMPLOYEES**

- (A) WHEREAS, the State of Utah authorized Cache County to exercise power and perform functions reasonably related to the safety, health, morals, and welfare of county inhabitants, and
- (B) WHEREAS, this ordinance is meant to adopt those relevant portions of the County Officers and Employees Disclosure Act, Utah Code Annotated § 17-16a, as amended, that will ensure the welfare of the County by enacting proper disclosures of conflicts of interest by County employees, and
- (C) WHEREAS, there is not a current Cache County ordinance establishing disclosure of conflicts of interest for County officers and employees
- (D) WHEREAS, the County Council may pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging its powers and duties; and
- (E) WHEREAS, the County Council provided public notice of the hearing where the amendment to Title 2 of the County Code of Cache County, Utah was presented in accordance with Utah Code Annotated § 52-4-202, as amended; and
- (F) WHEREAS, the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 2 of the County Code of Cache County. The County Council accepted all comments; and
- (G) WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement this ordinance.

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

**SECTION 1:**

Chapter 2 of Title 2 of the County Code of Cache County, Utah is amended to add Chapter 2.62 which will read as follows:



## **CHAPTER 2.62 – DISCLOSURE OF CONFLICTS OF INTEREST**

### **2.62.010: AUTHORITY AND PURPOSE:**

Under authority of Utah Code Annotated §§ 17-16a-1, Cache County adopts the State of Utah’s established standards of conduct for county officers and employees and requires these persons to disclose conflicts of interest between their public duties and their personal interests.

### **2.62.020: DEFINITIONS:**

Terms used in this chapter are defined in Utah Code Annotated § 17-16a-3, as amended.

### **2.62.030: PROHIBITED USE OF OFFICIAL POSITION – EXCEPTION**

A. Except as provided in Subsection C. or E., it is an offense for an elected or appointed officer or employee to:

1. disclose confidential information acquired by reason of the officer or employee’s official position or use that information to secure special privileges or exemptions for the officer, employee, or others;
2. use or attempt to use the officer or employee’s official position to secure special privileges for the officer, employee, or for others; or
3. knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift or loan for the officer, employee, or for another, if the gift or loan tends to influence the officer or employee in the discharge of the officer or employee’s official duties.

B. This section is inapplicable to:

1. an occasional nonpecuniary gift having a value of less than \$50;
2. an award publicly presented;
3. any bona fide loan made in the ordinary course of business; or
4. political campaign contributions subject to Utah Code Annotated § 17-16-6.5.

C. A member of the Cache County Council who is also a member of the governing board of a provider of mental health or substance abuse services under contract with Cache County does not commit an offense under Subsection A.1. or A.2. by discharging, in good faith, the duties and responsibilities of each position, if the County Council member does not participate in the process of selecting the mental health or substance abuse service provider.

D. Notwithstanding the provisions of this section, Cache County or a Cache County official may encourage support from a public or private individual or institution, whether in financial contributions or by other means, on behalf of an organization or activity that benefits the community.





E. This section does not apply to an elected or appointed officer or employee who engages in conduct that constitutes a violation of this section to the extent that the elected or appointed officer or employee is chargeable, for the same conduct, under Utah Code Annotated § 76-8-105.

**2.62.040: COMPENSATION FOR ASSISTANCE IN TRANSACTION INVOLVING COUNTY – PUBLIC DISCLOSURE AND FILING REQUIRED**

A. No elected or appointed officer or employee may receive or agree to receive compensation for assisting any person or business entity in any transaction involving Cache County in which they are an officer or employee unless they file with the County Council or the body on which they are a member a sworn statement giving the information required by this section, and discloses in open meeting to the members of the County Council or body of which they are a member, immediately prior to the discussion, the information required by Subsection C.

B. The statement required to be filed by this section shall be filed 10 days prior to the date of any agreement between the elected or appointed officer or employee and the person or business entity being assisted or 10 days prior to the receipt of compensation by the business entity. The statement is public information and is available for the examination of the public.

C. The statement and disclosure shall contain the following information:

1. the name and address of the officer or employee;
2. the name and address of the person or business entity being or to be assisted, or in which the appointed or elected official has substantial interest; and
3. a brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.

**2.62.050: INTEREST IN BUSINESS ENTITY REGULATED BY COUNTY – DISCLOSURE**

Every appointed or elected officer or employee of Cache County who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which is subject to the regulation of Cache County shall disclose the position held and the precise nature and value of the officer or employee's interest upon first becoming appointed, elected, or hired, and again during January of each year thereafter during which the officer or employee continues to be an appointed or elected officer or employee. The disclosure shall be made in a sworn statement filed with the County Council or the body of which they are a member. Bodies other than the County Council shall report the substance of all such disclosure statements to the members of the County Council or may provide to the members of the County Council, copies of the disclosure statement within 30 days after the statement is received. This section does not apply to instances where the value of the interest does not exceed \$2,000, and life insurance policies and annuities may not be considered in determining the value of the interest.



**2.62.060: INTEREST IN BUSINESS ENTITY DOING BUSINESS WITH COUNTY – DISCLOSURE**

Every appointed or elected officer or employee who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which does or anticipates doing business with Cache County, shall publicly disclose to the members of the County Council or body on which they are a member immediately prior to any discussion by such body matters relating to such business entity, the nature of their interest in that business entity. The disclosure statement shall be entered in the minutes of the meeting.

**2.62.070: INVESTMENT CREATING CONFLICT OF INTEREST WITH DUTIES – DISCLOSURE**

Any personal interest of or investment by any elected or appointed official of Cache County which creates a potential or actual conflict between the official’s personal interests and the official’s public duties shall be disclosed in open meeting to the members of the County Council or the body on which they are a member in the manner required by section 2.62.050.

**2.62.080: INDUCING OFFICER OR EMPLOYEE TO VIOLATE PROVISIONS PROHIBITED**

No person shall induce or seek to induce any appointed or elected officer or employee to violate any of the provision of this chapter.

**2.62.090: REMOVAL FROM OFFICE**

In accordance with Utah Code Annotated § 17-16a-10, in addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates this chapter shall be dismissed from employment or removed from office.

**2.62.100: COMPLAINTS CHARGING VIOLATIONS -- PROCEDURE**

A. Except as provided in Subsection B., a person filing a complaint for a violation of this chapter shall file the complaint with the Political Subdivisions Ethics Review Commission established in accordance with Utah Code, Title 63A, Chapter 15.

B. Any complaint against a person who is under the merit system, charging that person with a violation of this chapter, shall be filed and processed in accordance with the provisions of the merit system.

**2.62.110: RESCISSION OF PROHIBITED TRANSACTION**

If any transaction is entered into in connection with a violation of section 2.62.050, Cache County may rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the County.



**SECTION 2:**

This ordinance takes effect 15 days following its passage and approval by the Cache County Council.

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH  
THIS 12<sup>th</sup> DAY OF December 2022.

	In Favor	Against	Abstained	Absent
Paul R. Borup	✓			
David Erickson	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward	✓			
Gina Worthen	✓			
Gordon Zilles	✓			
Total	7			

**CACHE COUNTY:**

By: Barbara Tidwell  
Barbara Tidwell, Chair

**ATTEST:**

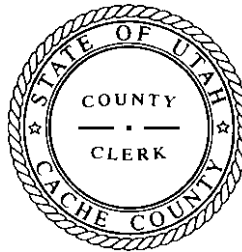
By: Jess W. Bradfield  
Jess Bradfield, County Clerk / Auditor

**ACTION OF COUNTY EXECUTIVE:**

Approve

Disapprove

David Zook 12/14/22  
David Zook, County Executive Date



**CACHE COUNTY COUNCIL MEETING  
DECEMBER 13, 2022**

**ATTACHMENT 4**



**CACHE COUNTY  
ORDINANCE NO. 2022-38**

**AN ORDINANCE AMENDING 3.04 OF COUNTY CODE REGARDING BUDGETS**

WHEREAS, the Cache County Council shall “consider, alter, modify and adopt the annual budget and such other periodic or long range budgets...” (County Code 2.12.120 B); and

WHEREAS, the Cache County Council may “adopt by ordinance rules of procedure ... governing the time, place, conduct and order of business of its meetings and hearings ...” (County Code 2.12.120 E); and

WHEREAS, it has been the practice of the County Council to consider budget modifications (commonly called Budget Openings) quarterly; and

WHEREAS, the County Council recognizes that it is orderly and efficient to have an established schedule for making budget modifications; and

WHEREAS, the County Council recognizes the importance of detail in providing for transparency and clarity in considering, altering and adopting the budget; and

WHEREAS, according to state law, the budget “shall provide a complete financial plan for the budget period” and shall contain “all appropriations for expenditures” (Title 17, Chapter 36, Section 9 (1)(a)(iii)), Utah Code Annotated, 1953, as amended); and

WHEREAS, state law says that “a tentative budget shall contain the estimates of expenditures submitted by any department ... and other supportive data as the governing body requests” (Title 17, Chapter 36, Section 10(6)(a), Utah Code Annotated, 1953, as amended); and

WHEREAS, the County finance officer shall present to the County Council “... any other statements of operations or reports on financial condition as the governing body may request” (Title 17, Chapter 36, Section 36(1)(e), Utah Code Annotated, 1953, as amended);

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

**SECTION 1: CODE AMENDMENTS**

Chapter 3.04 of the Cache County Code, titled FISCAL PROCEDURES AND BUDGETING, is amended as follows:



### **3.04.070: ADOPTION OF THE BUDGET:**

H. Draft budgets, tentative budgets, submitted budgets, final budgets, and budget amendments shall include line items of account details and line items of transaction details for each account.

### **3.04.075: MODIFICATION OF THE BUDGET:**

A. Budget Openings shall be held quarterly. Unless there are no requests for changes to be considered, a resolution amending the budget shall be placed on the agenda for Initial proposals for consideration of action and a public hearing shall be held, in accordance with the requirements of County Code 2.12.260 and applicable state code, at the first County Council meeting of the following months: March, June, September, and November.

B. At the approval of the County Council, a special budget opening to address an immediately needed adjustment to the budget may be held at any time consistent with noticing requirements in county and state code. A special budget opening shall not replace quarterly budget openings.

C. Upon the completion of the public hearing, the County Council shall consider the matters discussed at the hearing and make adjustments to the budget as it deems appropriate, subject to the following limitations:

1. There shall be no decrease in an amount appropriated for reduction of any deficit which exists.
2. No budget increase shall exceed the estimated revenue for such budget.



SECTION 2: EFFECTIVE DATE

This ordinance takes effect 15 days following its passage and approval by the County Council.

PASSED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH, THIS 13th DAY OF DECEMBER 2022.

	In Favor	Against	Abstained	Absent
Paul R. Borup	✓			
David Erickson	✓			
Nolan P. Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward	✓			
Gina Worthen	✓			
Gordon Zilles	✓			
Total	7			

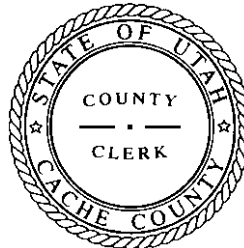
**CACHE COUNTY:**

By: Barbara Tidwell  
Barbara Tidwell, Council Chair

**ATTEST:**

By: Jess W. Bradfield  
Jess Bradfield, County Clerk / Auditor

By: David Zook  
David Zook, County Executive





## Redline Version

### **3.04.070: ADOPTION OF THE BUDGET:**

H. Draft budgets, tentative budgets, submitted budgets, final budgets, and budget amendments shall include line items of account details and line items of transaction details for each account.

### **3.04.075: MODIFICATION OF THE BUDGET:**

A. Budget Openings shall be held quarterly. Unless there are no requests for changes to be considered, a resolution amending the budget shall be placed on the agenda for Initial proposals for consideration of action and a public hearing shall be held, in accordance with the requirements of County Code 2.12.260 and applicable state code, at the first County Council meeting of the following months: March, June, September, and November.

B. At the approval of the County Council, a special budget opening to address an immediately needed adjustment to the budget may be held at any time consistent with noticing requirements in county and state code. A special budget opening shall not replace quarterly budget openings.

C. Upon the completion of the public hearing, the County Council shall consider the matters discussed at the hearing and make adjustments to the budget as it deems appropriate, subject to the following limitations:

1. There shall be no decrease in an amount appropriated for reduction of any deficit which exists.

2. No budget increase shall exceed the estimated revenue for such budget.



**CACHE COUNTY COUNCIL MEETING  
DECEMBER 13, 2022**

**ATTACHMENT 5**



**CACHE COUNTY  
ORDINANCE NO. 2022 - 39**

**AN ORDINANCE AMENDING SECTION 2.28 OF THE CACHE COUNTY CODE  
REGARDING PART TIME COUNTY OFFICERS**

- (A) WHEREAS, the County Council is the legislative body of Cache County, and is vested with all legislative and policy determining powers of the county; and
- (B) WHEREAS, the County Council shall enact ordinances and adopt resolutions necessary and appropriate to establish official policy and to facilitate the discharge of any powers and responsibilities of Cache County; and
- (C) WHEREAS, the County Council may pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging its powers and duties; and
- (D) WHEREAS, the County Council has the authority to convert county officers' existing and/or future yearly salaries from full time to part time salaries, or from part time salaries to full time salaries, as the council in its discretion may deem appropriate; and
- (E) WHEREAS, the County Council has an interest in ensuring each of the offices of the County are being managed in a manner that ensures the public is being served and the County's business is being conducted in an efficient and effective manner; and
- (F) WHEREAS, the County Council believes that the offices of each of the County's elected officers require more than thirty (30) hours of work per week to manage effectively;

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

**SECTION 1: CODE AMENDMENTS**

Chapter 2.28 of the Cache County Code, titled COUNTY OFFICERS, is amended as follows:

**2.28.030: COUNTY OFFICERS:**

C. A County officer will be paid a part time salary if the County Council finds that the County officer, in fact, works less than thirty (30) hours per week, in which case the part time salary will be an hourly wage based upon the prorated amount of the full time salary and the County officer may not receive other compensatory benefits unless approved by the County Council.



SECTION 2: EFFECTIVE DATE

This ordinance takes effect 15 days following its passage and approval by the County Council.

PASSED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH, THIS 13th DAY OF DECEMBER 2022.

	In Favor	Against	Abstained	Absent
Paul R. Borup	✓			
David Erickson	✓			
Nolan P. Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward			✓	
Gina Worthen	✓			
Gordon Zilles	✓			
Total	6		1	

**CACHE COUNTY:**

By: *Barbara Tidwell*  
Barbara Tidwell, Council Chair

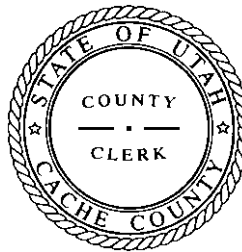
**ATTEST:**

By: *Jess W. Bradfield*  
Jess Bradfield, County Clerk / Auditor

**ACTION OF THE COUNTY EXECUTIVE:**

Approve  
 Disapprove (Statement of Objection attached)

By: *David Zook*  
David Zook, County Executive





### **Redline Version**

C. A County officer will be paid a part time salary if the County ~~officer gives notice that he or she chooses to work, or the County~~ Council finds that the County officer<sub>1</sub> in fact<sub>2</sub> works<sub>3</sub> less than thirty (30) hours per week, in which case the part time salary will be an hourly wage based upon the prorated amount of the full time salary and the County officer may not receive other compensatory benefits unless approved by the County Council.

**CACHE COUNTY COUNCIL MEETING  
DECEMBER 13, 2022**

**ATTACHMENT 6**



**CACHE COUNTY  
ORDINANCE NO. 2022 - 40**

**AN ORDINANCE AMENDING SECTION 2.16 OF THE CACHE COUNTY CODE**

- (A) WHEREAS, Cache County is required by law to provide adequate and reasonable indigent defense; and
- (B) WHEREAS, The Cache County Council has determined that it is in the best interest of the public to create the Office of Public Defender for the purpose of administration and coordination of indigent defense;

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

**SECTION 1:**

Section 2.16 of the Cache County Code is amended to include Section **2.16.090** which shall read in full as follows:

**2.16.090: OFFICE OF PUBLIC DEFENDER:**

- A. There shall be a Public Defender's office, which shall be headed and directed by a Managing Defender to provide indigent individuals with effective assistance of counsel, at all critical phases of criminal proceedings, for prosecutions of offense(s) carrying the possibility of a deprivation of liberty as provided in both the Utah and United States Constitutions.
- B. The County Executive shall appoint the Managing Defender with the advice and consent of the County Council.
- C. The Managing Defender may adopt rules to administer to the needs and function of the Public Defender office.
- D. The Managing Defender has the duty to ensure indigent persons are represented by effective and competent Public Defenders.
- E. The Managing Defender shall ensure resources are allocated to the Public Defenders and are independent.
- F. The Managing Defender shall propose a yearly budget and have the authority to approve expenditures from the budget for the Public Defender's Office.
- G. The Managing Defender shall have independent authority in administering and overseeing public defender contracts.



H. With the approval of the County Council, the Public Defender's Office may enter into agreements with other counties in the First District regarding indigent defense services.

SECTION 2:

This ordinance takes effect 15 days following its passage and approval by the County Council.

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH

THIS 13<sup>th</sup> DAY OF ~~October~~ 2022.

DECEMBER

	In Favor	Against	Abstained	Absent
Paul R. Borup	✓			
David Erickson	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward	✓			
Gina Worthen	✓			
Gordon Zilles	✓			
Total	<u>7</u>			

**CACHE COUNTY:**

By: Barbara Tidwell  
Barbara Tidwell, Chair

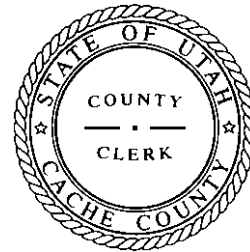
**ATTEST:**

By: Jess W. Bradfield  
Jess Bradfield, County Clerk / Auditor

**ACTION OF THE COUNTY EXECUTIVE:**

X Approve  
       Disapprove (Written statement of objection attached)

David Zook 12/14/22  
David Zook, County Executive Date





Redline version of Chapter 2.16.090 to show proposed change:

**2.16.090: OFFICE OF PUBLIC DEFENDER:**

- A. There shall be a Public Defender's office, which shall be headed and directed by a Managing Defender to provide indigent individuals with effective assistance of counsel, at all critical phases of criminal proceedings, for prosecutions of offense(s) carrying the possibility of a deprivation of liberty as provided in both the Utah and United States Constitutions.
- B. The Managing Defender is appointed by the by the County Executive with advice and consent from the Cache County Council.
- C. The Managing Defender may adopt rules to administer to the needs and function of the Public Defender office.
- D. The Managing Defender has the duty to ensure indigent persons are represented by effective and competent Public Defenders.
- E. The Managing Defender shall ensure Public Defenders are independent and appropriate resources are allocated for indigent defense services.
- F. The Managing Defender shall propose a yearly budget and have the authority to approve expenditures from the budget for the Public Defender's Office.
- G. The Managing Defender shall have independent authority in administering and overseeing public defender contracts.



**CACHE COUNTY COUNCIL MEETING  
DECEMBER 13, 2022**

**ATTACHMENT 7**



**CACHE COUNTY  
RESOLUTION NO. 2022-34**

**A RESOLUTION ON COUNTY POLICY ON LEGISLATIVE MATTERS**

WHEREAS, the County Council is the legislative body of Cache County and is vested with all legislative and policy determining powers of the County (Cache County Code 2.12.120); and

WHEREAS, taking positions on legislative matters is itself a policy-making decision; and

WHEREAS, the Council recognizes the importance of ensuring that the position of Cache County is clearly and accurately represented to legislators, other officials, and the public;

NOW, THEREFORE, be it resolved that the Cache County Council establishes the following:

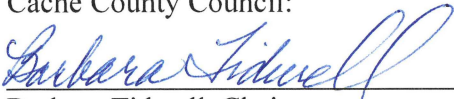
**COUNTY POSITION ON LEGISLATIVE MATTERS**

The County Council shall set the County position on all legislative and policy matters at the local, state, and federal levels.

Individual County elected officials may take positions on legislative matters, but shall clearly communicate that the opinion is theirs or that of their office and not the position of Cache County.

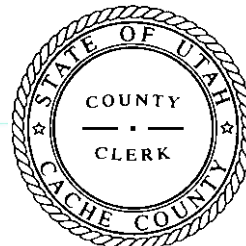
This resolution shall take effect immediately upon passage by the County Council. Adopted this 13<sup>th</sup> day of December, 2022, by the Cache County Council.

Cache County Council:

  
\_\_\_\_\_  
Barbara Tidwell, Chair

ATTEST:

  
\_\_\_\_\_  
Jess Bradfield, County Clerk



**CACHE COUNTY COUNCIL MEETING  
DECEMBER 13, 2022**

**ATTACHMENT 8**

**DAVID N. ZOOK**  
COUNTY EXECUTIVE

199 NORTH MAIN STREET  
LOGAN, UT 84321  
435-755-1850  
[WWW.CACHECOUNTY.ORG](http://WWW.CACHECOUNTY.ORG)

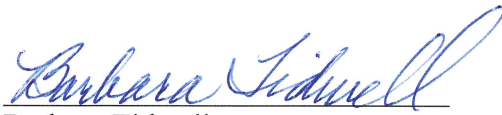


**COUNTY COUNCIL**  
BARBARA Y. TIDWELL, *CHAIR*  
PAUL R. BORUP, *VICE CHAIR*  
DAVID L. ERICKSON  
NOLAN P. GUNNELL  
KARL B. WARD  
GINA H. WORTHEN  
GORDON A. ZILLES

I, Barbara Tidwell, Council Chair for the Cache County Council, do solemnly swear under penalty of law that the Cache County Council did close a portion of the December 13, 2022 meeting of the Cache County Council for the sole purpose of discussing the character, professional competence, or physical or mental health of an individual, in accordance with Utah Code § 52-4-205 (1)(a). Furthermore, this portion of the meeting of the Cache County Council was not recorded, consistent with Utah Code § 52-4-206 (6).

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

SIGNED ON THIS 13th DAY OF DECEMBER, 2022, AT LOGAN, UTAH.

  
Barbara Tidwell  
Cache County Council Chair