

CACHE COUNTY COUNCIL

June 13, 2023 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 David Erickson, Councilmember Barbara Tidwell, Councilmember Sandi Goodlander, Councilmember Mark Hurd, Councilmember Nolan Gunnell, Councilmember Kathryn Beus

MEMEBERS EXCUSED: Councilmember Karl Ward

STAFF PRESENT: County Executive David Zook, Interim Clerk/Auditor Bryson Behm Bartt Nelson, Scott Bodily, Alma Burgess, Nathan Argyle, Micah Safsten, Amy Adams

OTHER ATTENDENCE: Lamont Poulsen, Scott Wilkinson, Morgan Dallins, Taci Merrill, Melissa Merrill, Lena Mills, Abby Spencer, Grace Christensen, Kendyl Reeder, Devyn Spencer, Shirley Reeder, G. Ray Miller, Wallace Odd

Council Meeting

1. **Call to Order 5:00p.m.** – Council Chair David Erickson

2. **Opening Remarks and Pledge of Allegiance** – Councilmember Mark Hurd [0:18](#)

3. **Review and Approval of Agenda APPROVED [2:38](#)**

Action: Motion made by Councilmember Nolan Gunnell to approve the agenda; seconded by Councilmember Barbara Tidwell
Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd

Nay: 0

Absent: 2 Karl Ward, Kathryn Beus

4. **Review and Approval of Minutes APPROVED [2:53](#)**

Action: Motion made by Councilmember Barbara Tidwell to approve the minutes; seconded by Councilmember Nolan Gunnell
Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd

Nay: 0

Absent: 2 Karl Ward, Kathryn Beus

5. **Report of the County Executive [3:11](#)**

County Executive David Zook reported to the County Council.

6. **Items of Special Interest [6:14](#)**

a. Introduction of the 2023 Cache County Rodeo Royalty [6:19](#)

b. Appointments to the Hyde Park Cemetery Board – Councilmember Mark Hurd [23:09](#)

Action: Motion made by Councilmember Mark Hurd to approve the appointments of Porsha Anderson, Marin Hearn, and Jaleen Kirby to the Hyde Park Cemetery Board; seconded by Councilmember Kathryn Beus

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Kathryn Beus

Nay: 0

Absent: 1 Karl Ward

7. **Department or Committee Reports**

8. **Tax Sale Report**

9. **Public Hearings [24:35](#)**

a. **Set Public Hearing for June 27, 2023 – Resolution 2023-06 – Opening the 2023 Budget**

Action: Refer to action for *item 9b* below.

b. Set Public Hearing for June 27, 2023 – Resolution 2023-07 – Multi-Jurisdictional Access to 1400 West and Acceptance of a New Right-of-Way

Action: Motion made by Councilmember Sandi Goodlander to set the public hearings for Resolution 2023-06 and Resolution 2023-07 for June 27, 2023; seconded by Councilmember Barbara Tidwell [24:44](#)

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Kathryn Beus

Nay: 0

Absent: 1 Karl Ward

10. Pending Action [25:21](#)

a. Ordinance 2023-20 [25:23](#) ATTACHMENT 1

An ordinance amending 3.32.020 modifying the composition of the Audit Committee

Discussion: Micah Safsten spoke to the ordinance [25:32](#). Councilmember questions and discussion followed [26:38](#).

Action: Motion made by Councilmember Sandi Goodlander to approve the ordinance; seconded by Councilmember Kathryn Beus [27:29](#)

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Kathryn Beus

Nay: 0

Absent: 1 Karl Ward

b. Ordinance 2023-21 [28:03](#) ATTACHMENT 2

An ordinance Amending 8.20 Updating Solid Waste Regulations

Discussion: Taylor Sorenson spoke to the ordinance [28:11](#). Councilmember questions and discussion followed [30:28](#).

Action: Motion made by Councilmember Barbara Tidwell to approve the ordinance as amended and presented; seconded by Councilmember Nolan Gunnell [32:26](#)

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Kathryn Beus

Nay: 0

Absent: 1 Karl Ward

11. Initial Proposals for Consideration of Action [33:17](#)

a. Ordinance 2023-19 [33:22](#) ATTACHMENT 3

An Ordinance Amending 3.32.050 updating the Requirements for the County Auditor’s Monthly Examination of County Finances

Discussion: Micah Safsten spoke to the ordinance [33:30](#). Councilmember questions and discussion followed [35:26](#).

Action: Motion made by Councilmember Nolan Gunnell to waive the rules and to approve the ordinance; seconded by Councilmember Barbara Tidwell [37:05](#)

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Kathryn Beus

Nay: 0

Absent: 1 Karl Ward

12. Other Business [37:45](#)

a. Discussion and review of ARPA applications [37:49](#)

Discussion: Alma Burgess presented ARPA applications [38:08](#). Councilmember questions and discussion followed [39:27](#). County Executive David Zook spoke [44:29](#). Council questions and discussion [48:33](#). Sandi Goodlander spoke [53:54](#). Council discussion [57:31](#). Phil Ridlinger spoke [1:01:44](#). Wallace Odd spoke [1:04:06](#). Councilmember Barbara Tidwell spoke [1:07:20](#).

Action: Motion made by Councilmember Barbara Tidwell to approve the ARPA funding applications as listed; seconded by Councilmember Nolan Gunnell [50:31](#)

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Kathryn Beus

Nay: 0

Absent: 1 Karl Ward

Action: Motion made by Councilmember Nolan Gunnell to approve the ARPA funding application for the Veterans Resource Center; seconded by Councilmember Sandi Goodlander [1:06:44](#)

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Kathryn Beus

Nay: 0

Absent: 1 Karl Ward

b. Nibley Heritage Days Parade

June 17, 2023 at 10:00 a.m.

c. Lewiston Independence Day Parade

July 4, 2023 at 9:15 a.m.

d. Hyrum Independence Day Parade

July 4, 2023 at 10:00 a.m.

13. Councilmember Reports 1:11:27

David Erickson – Spoke about County road damage.

Sandi Goodlander – Reported on Balance of State meeting.

Karl Ward – Excused.

Barbara Tidwell – Expressed gratitude to the Cache County Fair and Rodeo and the Veterans Resource Center.

Kathryn Beus – Spoke about the Children’s Justice Center and the Open Space Committee meeting.

Nolan Gunnell – Commented on upcoming actions taking place in the Planning and Zoning committee.

Mark Hurd – Spoke to a meeting regarding the inland port.

14. Executive Session – Utah Code 52-4-205(1)(d) 1:20:33

Discussion of the purchase, exchange, or lease of a real property

Action: Motion made by Councilmember Barbara Tidwell to move into Executive Session; seconded by Councilmember Nolan Gunnell

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Kathryn Beus

Nay: 0

Absent: 1 Karl Ward

Action: Motion made by Councilmember Nolan Gunnell to move out of Executive Session; seconded by Councilmember Barbara Tidwell


Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Kathryn Beus

Nay: 0

Absent: 1 Karl Ward

Adjourn: approximately 6:30 PM


ATTEST: ~~Jess W. Bradfield~~
County Clerk/Auditor


APPROVAL: David Erickson
Chair



**CACHE COUNTY COUNCIL MEETING
JUNE 13, 2023**

ATTACHMENT 1



CACHE COUNTY ORDINANCE No. 2023-20

AN ORDINANCE AMENDING 3.32.020 MODIFYING THE COMPOSITION OF THE AUDIT COMMITTEE

- (A) WHEREAS, Utah Code 17-53-212 permits The County Council to examine and audit the accounts of all officers having the care, management, collection, or disbursement of money belonging to the county; and
- (B) WHEREAS, the audit committee meets to prioritize, coordinate, and review County Audits; and
- (C) WHEREAS, the composition of the audit committee should be specified to meet the particular goals of the County Council; and

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

SECTION 1: Section 3.32.020 of the Cache County Code is amended to read in full as follows, with a redline copy attached as Exhibit 1:

3.32.020: AUDIT COMMITTEE:

A. The county audit committee shall be comprised of the following five (5) voting members: Three (3) county council members along with the county executive and their citizen appointee. The committee shall be chaired by one of the three (3) county council members who sit on the committee. The citizen appointee shall be appointed by the County Executive, with advice and consent of the Council. The citizen appointee shall serve for terms lasting two years, with the possibility for renewal, but may be removed by a majority vote of the Council. The committee, in cooperation with the county auditor, shall meet to prioritize, outline, and review county audits and audit procedures as performed by the county auditor's office as defined by UCA Title 17.19a and such other purposes as the county council deems appropriate. Nothing in this section shall limit the statutory authority of the county council, county executive, or county auditor.

B. The audit committee shall participate in an initial audit entrance conference with the county auditor, county executive and the appointed independent auditor for the purpose of reviewing the scope and nature of any audit to be performed and also in a closing conference with the same persons to receive, review and make recommendations upon the audit performed and any other information, filings, conclusions and recommendations of the independent auditor.



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 DAY OF June 2023.

	In Favor	Against	Abstained	Absent
Sandi Goodlander	✓			
David Erickson	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward				✓
Mark Hurd	✓			
Kathryn Beus	✓			
Total	6	—	—	1

CACHE COUNTY:

By: [Signature]
David Erickson, Chair

ATTEST:

By: [Signature]
Bryson Behm, Acting County Clerk / Auditor

ACTION OF COUNTY EXECUTIVE:

8 Approve
_____ Disapprove (written statement of objection attached)

By: [Signature]
David Zook, County Executive

6/14/23
Date

EXHIBIT 1

3.32.020: AUDIT COMMITTEE:

A. The county ~~[audit committee] council~~ shall ~~[be] appoint an audit committee~~ comprised of ~~[the following five (5) voting members:] two (2) or more members to meet at least annually~~ [Three (3) county council members along with the county executive and their citizen appointee. The committee shall be chaired by one of the three (3) county council members who sit on the committee. The citizen appointee shall be appointed by the County Executive, with advice and consent of the Council. The citizen appointee shall serve for terms lasting two years, with the possibility for renewal, but may be removed by a majority vote of the Council. The committee,] ~~in cooperation with the county auditor and the independent auditor provided for by this chapter, for the purpose of~~ shall meet to prioritize, outline, and review ~~ing~~ county audits and audit procedures ~~and for making recommendations concerning county audits an audit procedures,~~ [as performed by the county auditor's office as defined by UCA Title 17.19a] and such other purposes as the county council deems appropriate. ~~[Nothing in this section shall limit the statutory authority of the county council, county executive, or county auditor.]~~

B. The audit committee shall participate in an initial audit entrance conference with the county auditor, county executive and the appointed independent auditor for the purpose of reviewing the scope and nature of any audit to be performed and also in a closing conference with the same persons to receive, review and make recommendations upon the audit performed and any other information, filings, conclusions and recommendations of the independent auditor.

**CACHE COUNTY COUNCIL MEETING
JUNE 13, 2023**

ATTACHMENT 2



CACHE COUNTY ORDINANCE No. 2023-21

AN ORDINANCE AMENDING 8.20 UPDATING SOLID WASTE REGULATIONS

- A) WHEREAS, Utah Code Title 17 enables the County to provide for the health, safety, and welfare of the County; and
- B) WHEREAS, the proper and responsible management and disposal of solid waste within the unincorporated boundaries of the County is crucial to the health, safety, and welfare of the County; and
- C) WHEREAS, the County is required to follow the Utah State Code requirements for solid waste management and disposal;

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

SECTION 1: Section 8.20 of the Cache County Code is amended to read in full as follows, with a redline copy attached as Exhibit 1:

**CHAPTER 8.20
SOLID WASTE**

8.20.010: PURPOSE

The purpose of this Ordinance is to regulate the management and disposal of solid waste in the unincorporated areas of Cache County, to establish a system for collection, removal and disposal of garbage, refuse, and other forms of solid waste, which shall be compulsory and mandatory for all persons, dwellings, and business establishments in compliance with the requirements of the Utah Solid and Hazardous Waste Act (Utah Code 19-6-101 et seq.).

8.20.020: DEFINITIONS

For the purposes of this Ordinance, the terms used herein shall have the meanings set forth in the Utah Solid and Hazardous Waste Act.



8.20.030: SOLID WASTE COLLECTION AND DISPOSAL

- A. Every owner of real property, who has residential or commercial improvements upon said property within the boundaries of the unincorporated County, and who generates solid waste on a regular or irregular basis, must provide for the collection, removal, and disposal of such by subscribing with the franchised hauler contracted by the County for collection service.
- B. The following shall be unlawful:
- i. It shall be unlawful for any person to cause, let, allow, permit or suffer the dumping of litter on any public or private highway, road, street, alley, bridge, drain, gutter, lane, sidewalk, vacant lot, or thoroughfare, except in areas lawfully provided therefor.
 - ii. It shall be unlawful for any person to cause, let, allow, permit or suffer the dumping of litter in or on any lakes, canals, rivers or streams.
 - iii. It shall be unlawful for any person to cause, let, allow, permit or suffer the dumping of litter on any public or private property not listed in Subsection (a) above, unless prior written consent of the owner has been given, and such disposal has been authorized by permit from all governmental authorities having jurisdiction, and provided that said litter will not cause a public nuisance or be in violation of any other State or local laws, rules or regulations.
 - iv. It shall be unlawful for any person to cause, maintain, permit or allow the accumulation of any litter on any construction or building site before, during or after completion of said construction or building. It shall be the duty of the owner, or his agent, of the property in question to make adequate provision for the disposing of litter and to have on the construction or building site adequate facilities for the disposing of said litter and solid waste and to make appropriate arrangements for the collection thereof.
 - v. It shall be unlawful to dispose of the carcass of any dead animal, domestic or otherwise, by the throwing, discarding, placing or depositing of said carcass in or on any of the locations noted in Subsections (a) through (c) of



this section. The owner of a dead canine, feline, bovine, horse, mule, goat, sheep, bird, or swine may bury the dead animal on the owner's property.

- vi. It shall be unlawful for the owner, manager, occupant, lessee, or other person responsible for any lot, parcel or tract of land in any unincorporated area of the County, to deposit, store, keep, or maintain, or let, allow, cause, permit or suffer to be deposited, stored, kept or maintained, solid waste which is not containerized, upon such property, or adjoining right-of-way, easements or alleys except as specifically authorized in this chapter. Yard trash or vegetative food waste which is being maintained for the purpose of composting may be kept uncontainerized on any lot, parcel or tract of land in the unincorporated area of the county, provided that the yard trash or vegetative food waste is not located on any right-of-way, alley or front yard area.

8.20.040: ENFORCEMENT AND PENALTIES

- A. A person who violates any of the provisions of this chapter is guilty of a class C misdemeanor and shall be fined not more than \$750 for each violation and or imprisoned for no more than 90 days, per Utah Code Sections 76-3-204 and 76-3-301. A person who repeats any violation of this chapter, after conviction of a first violation is guilty of a class B misdemeanor and shall be fined not more than \$1000, and or imprisoned not more than 6 months for each violation per Utah Code Sections 76-3-204 and 76-3-301. The County may further enforce the provisions of this Ordinance through the issuance of citations, administrative orders, civil actions, injunctions, mandamus, abatement, or any other appropriate actions, or proceedings to prevent, enjoin, abate, or remove the unlawful waste or activity.
- B. In any prosecution charging a violation of a provision of this chapter, proof that the solid waste offense described in the complaint occurred on the property, including adjoining right-of-way, identified by the address thereon, together with proof that the owner, manager, occupant, resident, lessee or other responsible person identified in the complaint was notified of the violation, shall constitute in



evidence a rebuttable presumption that such person was responsible for the violation.

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 DAY OF June 2023.

	In Favor	Against	Abstained	Absent
Sandi Goodlander	✓			
David Erickson	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward				✓
Mark Hurd	✓			
Kathryn Beus	✓			
Total	6	—	—	1

CACHE COUNTY:

By: [Signature]
David Erickson, Chair

ATTEST:

By: [Signature]
Bryson Behm, Acting County Clerk / Auditor

ACTION OF COUNTY EXECUTIVE:

✓ Approve
 Disapprove (written statement of objection attached)

By: [Signature]
David Zook, County Executive

6/14/23
Date



EXHIBIT 1

CHAPTER 8.20 SOLID WASTE

8.20.010: PURPOSE

The purpose of this Ordinance is to regulate the management and disposal of solid waste in the unincorporated areas of Cache County, to establish a system for collection, removal and disposal of garbage, refuse, and other forms of solid waste, which shall be compulsory and mandatory for all persons, dwellings, and business establishments in compliance with the requirements of the Utah Solid Waste Permitting and Management and Hazardous Waste Act (Utah Code 19-6-101 et seq.).

8.20.020: DEFINITIONS

For the purposes of this Ordinance, the terms used herein shall have the meanings set forth in the Utah Solid and Hazardous Waste Act.

8.20.030: SOLID WASTE COLLECTION AND DISPOSAL

- A. Every owner of real property, who has residential or commercial improvements upon said property within the boundaries of the unincorporated County, and who generates solid waste on a regular or irregular basis, must provide for the collection, removal, and disposal of such by subscribing with the franchised hauler contracted by the County for collection service.
- B. The following shall be unlawful:
 - i. It shall be unlawful for any person to cause, let, allow, permit or suffer the dumping of litter on any public or private highway, road, street, alley, bridge, drain, gutter, lane, sidewalk, vacant lot, or thoroughfare, except in areas lawfully provided therefor.

- ii. It shall be unlawful for any person to cause, let, allow, permit or suffer the dumping of litter in or on any lakes, canals, rivers or streams.
- iii. It shall be unlawful for any person to cause, let, allow, permit or suffer the dumping of litter on any public or private property not listed in Subsection (a) above, unless prior written consent of the owner has been given, and such disposal has been authorized by permit from all governmental authorities having jurisdiction, and provided that said litter will not cause a public nuisance or be in violation of any other State or local laws, rules or regulations.
- iv. It shall be unlawful for any person to cause, maintain, permit or allow the accumulation of any litter on any construction or building site before, during or after completion of said construction or building. It shall be the duty of the owner, or his agent, of the property in question to make adequate provision for the disposing of litter and to have on the construction or building site adequate facilities for the disposing of said litter and solid waste and to make appropriate arrangements for the collection thereof.
- v. It shall be unlawful to dispose of the carcass of any dead animal, domestic or otherwise, by the throwing, discarding, placing or depositing of said carcass in or on any of the locations noted in Subsections (a) through (c) of this section. The owner of a dead canine, feline, bovine, horse, mule, goat, sheep, bird, or swine may bury the dead animal on the owner's property.
- vi. It shall be unlawful for the owner, manager, occupant, lessee, or other person responsible for any lot, parcel or tract of land in any unincorporated area of the County, to deposit, store, keep, or maintain, or let, allow, cause, permit or suffer to be deposited, stored, kept or maintained, solid waste which is not containerized, upon such property, or adjoining right-of-way, easements or alleys except as specifically authorized in this chapter. Yard trash or vegetative food waste which is being maintained for the purpose of composting may be kept uncontainerized on any lot, parcel or tract of land in the unincorporated area of the county, provided that the yard trash



or vegetative food waste is not located on any right-of-way, alley or front yard area.

8.20.040: ENFORCEMENT AND PENALTIES

- A. A person who violates any of the provisions of this chapter is guilty of a class C misdemeanor and shall be fined not more than \$750 for each violation and or imprisoned for no more than 90 days, per Utah Code Sections 76-3-204 and 76-3-301. A person who repeats any violation of this chapter, after conviction of a first violation is guilty of a class B misdemeanor and shall be fined not more than \$1000, and or imprisoned not more than 6 months for each violation per Utah Code Sections 76-3-204 and 76-3-301.
- B. The County may further enforce the provisions of this Ordinance through the issuance of citations, administrative orders, civil actions, injunctions, mandamus, abatement, or any other appropriate actions, or proceedings to prevent, enjoin, abate, or remove the unlawful waste or activity.
- C. In any prosecution charging a violation of a provision of this chapter, proof that the solid waste offense described in the complaint occurred on the property, including adjoining right-of-way, identified by the address thereon, together with proof that the owner, manager, occupant, resident, lessee or other responsible person identified in the complaint was notified of the violation, shall constitute in evidence a rebuttable presumption that such person was responsible for the violation.

SECTION:

~~8.20.010: Service Area Created~~

~~8.20.020: Purpose~~

~~8.20.030: Service Charge~~

~~8.20.040: Board Of Trustees~~

~~8.20.050: Powers~~

~~8.20.060: Service Fee; Collection; Delinquencies~~

~~8.20.070: Disposal Of Garbage~~

~~8.20.010: SERVICE AREA CREATED:~~



~~Public health, convenience and necessity warrant the creation of a county service area no. 1, to consist of all unincorporated areas located within the confines of Cache County, state of Utah, and described in Utah Code Annotated section 17-50-207, except those areas lying and situated in the forest area boundaries, as zoned F-40, as of January 1, 1973. (Ord. 73-03)~~

~~8.20.020: PURPOSE:~~

~~The county service area no. 1, is created for the purpose of providing an extended county service in the form of garbage and refuse collection to the residents of the county located within the service area as described in section 8.20.010 of this chapter. (Ord. 73-03)~~

~~8.20.030: SERVICE CHARGE:~~

~~A service charge is levied upon all residences, commercial or industrial property, located within the service area. Residential, commercial and industrial rates shall be determined on the basis of volume, weight and frequency of service provided and adopted by resolution by the board of trustees of county service area no. 1. The rates shall be uniform throughout the entire county service area no. 1 and set forth by the trustees in interlocal agreements with other municipalities located within Cache County, Utah. (Ord. 73-03; amd. Ord. 73-03A; Ord. 73-03B; Ord. 88-06)~~

~~8.20.040: BOARD OF TRUSTEES:~~

~~—A.— The governing board of county service area no. 1 shall consist of a board of trustees comprised of the seven (7) members of the Cache County council, unless and until such time as there may be an election of trustees in the manner specified by Utah Code Annotated section 17A-2-411.~~

~~—B.— The Cache County executive is authorized to execute contracts and other legal instruments which shall have been approved by the board of trustees for and on behalf of the board. (Ord. 73-03; amd. Ord. 88-06)~~

~~8.20.050: POWERS:~~

~~The service area no. 1 shall be deemed a body corporate and politic, a quasi-municipal public corporation, acting through the board of trustees and shall have the following rights, powers and authorities in addition to any other rights, powers and authorities provided by the county service act as follows:~~

~~—A.— The power to exercise all powers of eminent domain possessed by counties in Utah in the manner provided by law for the exercise of eminent domain power by counties.~~

~~—B.— The right to sue and be sued.~~

~~—C.— The power to enter into contracts considered desirable by the board of trustees of the service area to carry out the functions of the service area, including, but without~~

~~limitation, the power to enter into contracts with municipal corporations, counties or other public corporations, county service areas or districts.~~

~~—D. The power to impose and collect charges or fees for any commodities, services or facilities afforded by the service area to its consumers and to pledge all or any part of the revenues so derived to the payment of any bonds of the service area, whether the bonds are issued as revenue bonds or as general obligations of the service area. Where revenue bonds are issued payable solely from the revenue of commodities, services and facilities, the fees and charges imposed shall always be sufficient to carry out the provisions of the resolution authorizing the bonds. The board of trustees may do such things and adopt such regulations necessary to assure the collection and enforcement of all fees and charges imposed. Where more than one commodity, service or facility is furnished to a consumer by the service area, the fees and charges for all commodities, services and facilities may be billed to the consumer in a single bill. All or any of the commodities, services and facilities furnished to a consumer by the service area may be suspended if any fees and charges due the service area are not paid in full when due.~~

~~—E. The power to sell, lease, mortgage, encumber or otherwise dispose of any properties owned by the service area upon such terms and conditions as the board of trustees may determine.~~

~~—F. The power to own any and all property or interests in property, including water and water rights, deemed necessary or appropriate by the board of trustees in carrying out the purposes of the service area and the power to acquire the same by purchase, lease, gift, devise or bequest.~~

~~—G. The right to utilize any existing county offices, officers or employees for purposes of the service area when in the opinion of the board of trustees it is advisable to do so; but in any event, the county council may charge the service area a reasonable amount for the services rendered, other than for services rendered by the county council.~~

~~—H. The right to employ officers, employees and agents of the service area, including attorneys, accountants, engineers and fiscal agents, and to fix their compensation. The board of trustees may require officers and employees charged with the handling of funds to furnish good and sufficient surety bonds or the board may purchase a blanket surety bond for all officers and employees.~~

~~—I. The right to fix the times for holding regular meetings.~~

~~—J. The right to adopt an official seal.~~

~~—K. The right to adopt bylaws and regulations for the conduct of its business and affairs and to perform such other acts as may be provided by the county service area act hereinabove defined. (Ord. 73-03; amd. Ord. 90-06)~~

8.20.060: SERVICE FEE; COLLECTION; DELINQUENCIES:

~~The owner and occupant of lands located in the service area is determined to be liable for the payment of the service fee, if garbage services are rendered to such property. This fee shall become delinquent thirty (30) days from the date of billing. In the event the~~



~~occupant fails to make the payment of the fee when due, then the owner shall be liable for the payment of the fees set forth in the last statement and billed accordingly, and if the fee is not paid by the owner within thirty (30) days, the fee and delinquencies as determined by the trustees shall be subject to collection under the following methods:~~

~~—A. The service area may sue and receive judgment for the amount due, including all delinquencies and expenses in connection with the collection of said fee, including court costs and reasonable attorney fees and interest; or~~

~~—B. Collection through taxes. In the event the trustees of the district elect the amount due and all delinquencies, interest and penalties as determined by trustees, shall be referred to the county treasurer for inclusion in the tax notice of the property owner or occupant paying said taxes, the notice of delinquency shall be made in triplicate and statements made of all charges thereon; the district trustees to deliver three (3) copies of the statement to the county treasurer before August 1 of each year. Upon receipt of the itemized statement of the delinquencies and amount due, the county treasurer shall forthwith mail one copy to the owner or occupant or both of the land assessed, together with a notice that an objection in writing may be made by the owner or occupant to the county council, within thirty (30) days from the date of mailing, regarding the whole or any part of the statement so filed. The county treasurer, at the same time, shall deliver a copy of the statement to the clerk of the district court or the county council. If objections to any statement are filed with the council, then the council shall set a date for hearing giving notice thereof to the persons to whom notice was mailed, and upon hearing of the matter, fix and determine the actual costs of the amounts due for services rendered. The amount so fixed shall be then attached to the property of the owner as hereinafter set forth. If, however, there are no objections to the billings made within thirty (30) days of the date of mailing, the county treasurer shall enter the amount of the statement on the assessment roles of the county in the appropriate area prepared for that purpose. If the current tax notices have been mailed, the taxes so incurred may be carried over on the roles to the following year. (Ord. 73-03; amd. Ord. 90-06)~~

~~8.20.070: DISPOSAL OF GARBAGE:~~

~~It is unlawful for any person to dispose of any garbage, refuse, animals or debris after the county service area pickup system has been developed and put into operation, except through the approved services provided by the county service area, unless such other disposal methods have been approved by the state board of health. (Ord. 73-03)~~

**CACHE COUNTY COUNCIL MEETING
JUNE 13, 2023**

ATTACHMENT 3



CACHE COUNTY ORDINANCE No. 2023-19

AN ORDINANCE AMENDING 3.32.050 UPDATING THE REQUIREMENTS FOR THE COUNTY AUDITOR'S MONTHLY EXAMINATION OF COUNTY FINANCES

- (A) WHEREAS, Utah Code 17-36-36 requires the County Executive to present to the County Council a summary of cash receipts and disbursements, detailing all expenses and fund balances, at the end of each month; and
- (B) WHEREAS, Cache County has traditionally fulfilled this requirement through the delivery of a monthly finance and expense report; and
- (C) WHEREAS, the County Council and County Auditor each have a responsibility to provide oversight regarding the use of County funds; and
- (D) WHEREAS, The County Council, under Utah Code 17-53-106 may examine and audit the accounts of all county officers and may investigate any matter pertaining to the County or its business or affairs; and
- (E) WHEREAS, Utah Code 17-36-36 is the minimum standard set by the State and The Cache County Council may require more comprehensive reports and more frequent analysis on the financial condition of the various departments within the County at its discretion; and
- (F) WHEREAS, the County Council may take any action required by law and necessary to the full discharge of its duties, even though the action is not expressly authorized by statute;

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

SECTION 1: Section 3.32.050 of the Cache County Code is amended to read in full as follows, with a redline copy attached as Exhibit 1:

3.32.050: COUNTY AUDITOR:

A. The county auditor shall audit the books and accounts of all county officers, departments, agencies, or any district, interlocal entity or authority in which the county is a constituent member at least annually, or more often as may be required by the county council.

B. The auditor shall examine the books, accounts, and expense reports of all county officers, departments, agencies, or any district, interlocal entity or authority in which the county is a constituent member each month.



1. The auditor may delegate this examination to a qualified individual in his or her office, or an outside individual or firm that has been contracted to perform such examinations.

2. The auditor shall report all findings to the County Council within a reasonable time after the completion of each examination.

3. The auditor shall deliver a monthly expense report to the Council that, by signature of the auditor, certifies all expenses as consistent with authorized budgets, County Code, State law, and generally accepted accounting principles and reporting any that may be in conflict.

C. The county auditor shall have free access at anytime to all books, records and papers of all county officers, departments, agencies, or any district or interlocal entity or authority of which the county is a constituent member.

D. If the county auditor finds that the books and accounts of the county officers, departments, agencies, or any district or interlocal entity or authority of which the county is a constituent member are not maintained according to law or generally accepted accounting policies, principles, standards and procedures, or that improper or incorrect returns have been made, or that changes in procedures or corrections are required, it shall be the duty of the county auditor to report the same immediately to the county council and to the county executive.

E. The county auditor shall perform such auditing tasks as are required by state and federal law and by any contracts entered into by the county.

F. The county auditor shall submit her annual audit and any special audits to the county council, with a copy to the county executive.

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 DAY OF June 2023.

	In Favor	Against	Abstained	Absent
Sandi Goodlander	✓			
David Erickson	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			



Karl Ward				✓
Mark Hurd	✓			
Kathryn Beus	✓			
Total	6	—	—	1

CACHE COUNTY:

By: [Signature]
David Erickson, Chair

ATTEST:

By: [Signature]
Bryson Behm, Acting County Clerk / Auditor

ACTION OF COUNTY EXECUTIVE:

3 Approve
 Disapprove (written statement of objection attached)

By: [Signature]
David Zook, County Executive

6/14/23
Date



EXHIBIT 1

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