

COUNCIL MEETING
MINUTES 7/25/95

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COUNCIL MEETING
MINUTES 7/25/95

THE CACHE COUNTY COUNCIL MEETING MINUTES

July 25, 1995

The Cache County Council met in regular session on the 25th day of July, 1995 in the County Council Chambers located at 120 North 100 West, Logan, Utah 84321.

ATTENDANCE

Council members present: Chairman Sarah Ann Skanchy; Vice Chairman C. Larry Anhder; Council members present were Guy Ray Pulsipher, H. Craig Petersen, Darrel L. Gibbons. Councilman Layne M. Beck was absent. Councilman Jerry L. Allen was absent and excused.

Others present: Cache County Executive M. Lynn Lemon; Cache County Clerk Stephen M. Erickson; Cache County Attorney Scott Wyatt; Cache County Auditor Tamra Stones; Cache County Rodeo Chairman Troy Smith; Cache County Rodeo Committee President Glenn Tingey; Cache/Rich Tourist Council Director Maridene Alexander; Cache Chamber of Commerce President Doug Thompson; Council Secretary Pat Parker; Administrative Assistant to the County Executive Mike Nilson; Representatives from the local news media and other interested citizens.

CALL TO ORDER

Council Chairman Sarah Ann Skanchy called the meeting to order at 5:00 p.m. and welcomed all who were in attendance.

INVOCATION

The invocation was given by Councilman Guy Ray Pulsipher.

AGENDA & MINUTES

The agenda for the meeting was approved.

The minutes of the regular Council meeting held on July 11, 1995 and sent to all Council members were corrected and approved.

REPORT OF THE COUNTY EXECUTIVE

The County Executive M. Lynn Lemon reported on the following items:

1. Weber/Cache Boundary Change: The plat that was approved during the last Council meeting establishes the boundary between

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Weber and Cache counties in the area of a proposed Ski Lodge expansion project. Executive Lemon told the council that the property located on the Cache County side will be appraised by the Cache County Assessors office. The Weber County Assessor will draft an inter-local agreement for both counties approval.

2. Air Quality Comment Letter: Executive Lemon has sent a letter to the State Air Quality Board commenting on there proposal to not allowing an annual burning period in the fall.

(See attachment #1)

3. UDOT Comment Letter: Lemon has also sent a comment letter to the Utah Department of Transportation.

(See attachment #2)

4. Warrants: The County warrants were presented to the County Clerk for filing.

CENTENNIAL COMMITTEE REPORT: PARKER, PAT

Pat Parker, secretary to the Council and the chairman of the County Centennial Committee appeared before the Council to report on various activities scheduled for the State Centennial in 1996. The County Executive and Council members were presented with T shirts, miniature license plates with their names on, balloons and popcorn. They were asked to wear the T shirts to all centennial activities. Parker stated that money for a legacy project has been funded from the State Centennial Committee in the amount of \$10,000.00. A history of the County is being compiled by Ross Petersen from USU. Parker reviewed some of the events that different communities are planning and events planned by the State Centennial Committee. There will be a 29 wagon-train beginning at our county fairgrounds which will visit communities throughout the state. There will be an advertisement published in the media inviting former county residents to come back and join the centennial events in the county.

(See attachment #3)

Parker said that the committee is encouraging other events such as softball tournaments, family reunions etc.. An amphitheater that will seat 30 people is planned if funding is available. Mrs. Parker was thanked for her work as chairman of the County Centennial Committee.

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COUNTY FAIR AND RODEO REPORT: ERICKSON, STEPHEN M.

The County Clerk and Fair Manager Steve Erickson reported to the Council that the 1995 County Fair is organized with 35 committee chairman. A list of the committee chairman and a copy of the program and entertainment schedule were presented to the council.

(See attachment #4)

Erickson said that the Rodeo Committee is well organized and have prepared for another great Rodeo this year.

BUDGETARY MATTERS: INTRA-DEPARTMENTAL TRANSFERS

The Council was presented two intra-departmental budget transfer requests as follows:

1. Building and grounds: \$3,360.00

(See attachment #5)

A motion to approve the transfer was made by Vice Chairman C. Larry Anhder. It was seconded and carried unanimously.

2. Surveyor: \$4,000.00

(See attachment #6)

A motion to approve the transfer was made by Councilman Pulsipher. It was properly seconded and carried unanimously.

SIX MONTH REPORT: BUDGET-1995

Executive Lemon presented a summary report on the first six months of the 1995 budget.

(See attachment #7)

THE COUNCIL ADJOURNED FROM THE REGULAR COUNCIL MEETING INTO A BOARD OF EQUALIZATION

BOARD OF EQUALIZATION

The Board discussed the tax notices that had recently been sent out by the County Auditor. The B of E also discussed the upcoming schedule to hear concerns from individual property owners on their assessed property taxes.

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THE BOARD OF EQUALIZATION ADJOURNED BACK INTO THE REGULAR COUNCIL MEETING.

PUBLIC HEARING: BUDGET OPENING-1995

Chairman Skanchy convened a Public Hearing at 6:00 p.m. to receive comment on the proposed changes to the 1995 budget. The County Auditor Tamra Stones reviewed the revenue and expenditure changes. Most of the changes if approved would separate the County Fair budget making a County Rodeo budget and a County Fair budget. The proposed changes in the 1995 budget were presented in Resolution form.

Chairman Skanchy asked for audience comment:

Smith, Troy, the present rodeo committee chairman, told the Council that the Rodeo Committee would like provisions in the Rodeo budget allowing that committee to keep those funds that they get as sponsorship to operate and maintain the rodeo. It was pointed out that there was a line item in the Rodeo Budget that will fund future rodeo promotion and expansion.

A motion to close the Public Hearing was made by Vice Chairman Anhder. It was seconded and carried unanimously.

Councilman Pulsipher thanked the Rodeo Committee for their efforts in running the County Rodeo.

RESOLUTION NO. 95-27: BUDGET-1995

The approval of Resolution No. 95-27 will approve the recommended changes in the 1995 budget.

(See attachment #8)

A motion to adopt Resolution No. 95-27 was made by Councilman Petersen. It was seconded and carried unanimously.

SUBSTANCE ABUSE PROGRAM: PROPOSAL APPROVAL

The Council discussed the recommendations of the Substance Abuse Advisory Board.

(See attachment #9)

Glenna Markey, Chairperson of the Substance Abuse Program along with Doug Wiese the Director of the Substance Abuse Treatment Program presented their recommendations to the Council.

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It was moved by Councilman Gibbons to accept the Substance Abuse Advisory Boards recommendations. It was seconded and carried unanimously.

THE COUNCIL ADJOURNED FROM THE REGULAR COUNCIL MEETING INTO A BOARD OF TRUSTEES SERVICE AREA NO. 1 MEETING.

SOLID WASTE FEE SCHEDULE: CACHE BY-PRODUCTS DISCUSSION

Executive Lemon told the Solid Waste Board of Trustees that the Cache By-Products Company's dumping fee, if it remains as it now stands, would bring in around \$9600.00. The Cache By-Products has said that if their dumping fee increases, to that amount, they will have to double their pickup cost to the beef and dairy producers in the County. The consensus of the Trustee's were that if that happened, illegal dumping of dead animals would increase causing other problems in the County. Vice Chairman Anhder recommended that the Company be exempted from paying the fee increase which would help the local cattle and dairy industry.

It was moved by Councilman Gibbons that the rules of first and second reading be waived and that the present solid waste fee schedule be revised to exempt the Cache By-Product Company for a period of one year. It was properly seconded and carried unanimously.

Executive Lemon was asked to monitor the Cache By Products ability to pay the extra fee for next year.

THE COUNCIL ADJOURNED FROM THE SOLID WASTE BOARD OF TRUSTEES SERVICE AREA #1 MEETING BACK INTO THE REGULAR COUNCIL MEETING.

RESTAURANT TAX:DISCUSSION

The Council had asked the County Attorney Scott Wyatt for a legal opinion concerning the use of Restaurant Tax money to fund a County-Wide Library system. Attorney Wyatt reviewed his written legal opinion with the Council.

(See attachment #10)

Councilman Petersen questioned the Attorney's opinion on what a library is used for. Petersen said that libraries should also be defined as sources of recreation.

Attorney Wyatt said that the other County Attorneys in the State have stated the same opinion as his.

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CACHE ECONOMIC DEVELOPMENT: DISCUSSION

The County Executive M. Lynn Lemon told the Council that he has not had time to study Cache Economic Development and is not ready to make any recommendation as yet. Lemon will have a prepared recommendation for the next Council meeting. He reported that Logan City is now in the process of hiring someone to work with Economic Development in the City.

COMMISSION AND COUNCIL FALL WORKSHOP: MOAB, UTAH

The Fall workshop for County Council members and County Commissioners will be held in Moab. Chairman Skanchy is planning on attending and encouraged other Council members to attend.

PARADE: FESTIVAL OF AMERICAN WEST

The Festival of the American West Parade will be on July 29th at 10:00 a.m.. Members of the Council were encouraged to ride in the parade.

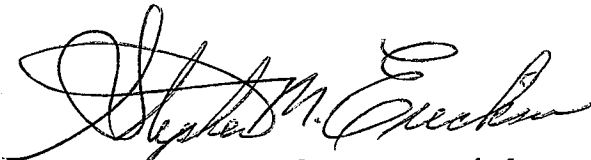
COUNCIL MEMBER REPORTS

Chairman Skanchy: A new Restaurant Tax Ordinance will have to be adopted soon and the CDBG process will be starting again. CDBG projects being sponsored by the County will need to be presented to the Council for approval.

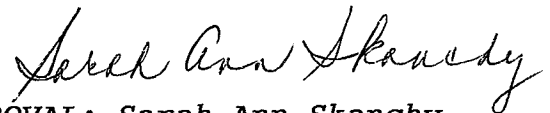
Councilman Pulsipher: Pulsipher is requesting a meeting with the Council Executive and the Road Superintendent to visit areas of concern with county roads in the Paradise area.

ADJOURNMENT

No other business was presented to the Council for discussion or action and the meeting was adjourned at 7:25 p.m..



ATTEST: Stephen M. Erickson
Cache County Clerk



APPROVAL: Sarah Ann Skanchy
Council Chairman

CACHE COUNTY
CORPORATION

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR
120 NORTH 100 WEST
LOGAN, UTAH 84321
Tel 801-752-5935
Fax 752-9169

COUNTY COUNCIL
SARAH ANN SKANCHY
CHAIRMAN
C. LARRY ANHDER
V. CHAIRMAN
DARREL L. GIBBONS
JERRY L. ALLEN
GUY RAY PULSIPHER
H. CRAIG PETERSEN
LAYNE M. BECK
STEPHEN M. ERICKSON
CLERK

July 19, 1995

Utah Air Quality Board
c/o Division of Air Quality
150 North 1950 West
P. O. Box 144820
Salt Lake City, UT 84114-4820

Reference: Public Hearing to Consider Eliminating
Fall Burning Period

Dear Board Members,

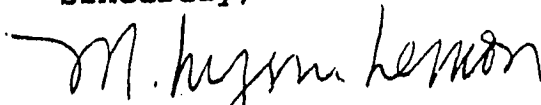
The Cache County Council adopted the enclosed resolution opposing the cancellation of the fall burning period as proposed by the Division of Air Quality.

We as the elected Administrative and Legislative officials for Cache County believe that it is in the best interest of the Citizens of Cache County that the County through ordinance establish a plan and procedures in accordance with the Clearing Index Standards to govern burning for the period from October 1 through May 31.

We as local elected officials appreciate the efforts that you are making to obtain public input. We realize the importance of air quality and are supportive of reasonable efforts to make improvements. We encourage the Division of Sovereign Lands and Forestry and the Division of Air Quality to work closely in reaching an acceptable solution.

Thank you for your consideration of Cache County's request.

Sincerely,



M. Lynn Lemon
County Executive

enclosure-Cache County Resolution No. 95-23

cc: Cache County Council Members
Bear River District Health Department
Cache County Fire Department

CACHE COUNTY
CORPORATION

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR

120 NORTH 100 WEST
LOGAN, UTAH 84321
Tel 801-752-5935
Fax 752-9169

July 18, 1995

Office of Community Relations
Utah Department of Transportation
4501 South 2700 West
Salt Lake City, UT 84119-5998

COUNTY COUNCIL
SARAH ANN SKANCHY
CHAIRMAN
C. LARRY ANHDER
V. CHAIRMAN
DARREL L. GIBBONS
JERRY L. ALLEN
GUY RAY PULSIPHER
H. CRAIG PETERSEN
LAYNE M. BECK
STEPHEN M. ERICKSON
CLERK

Reference: Comments and Recommendations-STIP

To Whom It May Concern:

Cache County would like to make the following comments and recommendations on the Statewide Transportation Improvement Program 1994-1998.


Under Region 1-FY 1997, Project Number STP-BRF-0089(19)375 for the Logan River Bridge at the mouth of Logan Canyon, 1995 Reference Number 57 is shown in Rich County. This project is in Cache County.

In conjunction with the request approved and passed by the Bear River Association of Governments Governing Board, Cache County reaffirms the request made in conjunction with BRAG concerning funding for Logan Canyon. Cache County requests that Project Number *STP-0089()393 for Logan Canyon, Tony Grove to Franklin Basin Road, 1995 Reference Number 87 be moved from Concept Development to FY 1997 and that a portion or section of the Logan Canyon Project be funded each fiscal year thereafter until completed.

Also enclosed is a copy of my letter dated January 31, 1995 to John Quick concerning transferring a portion of the funding from Project Number SP-3030()109 for State Road 30 from Jct SR-23 to 6th West in Logan, 1995 Reference Number 79 in the amount \$3,250,000 to improvements on both Highway 91-Smithfield to the Idaho Border and State Road 165 Nibley to Hyrum.

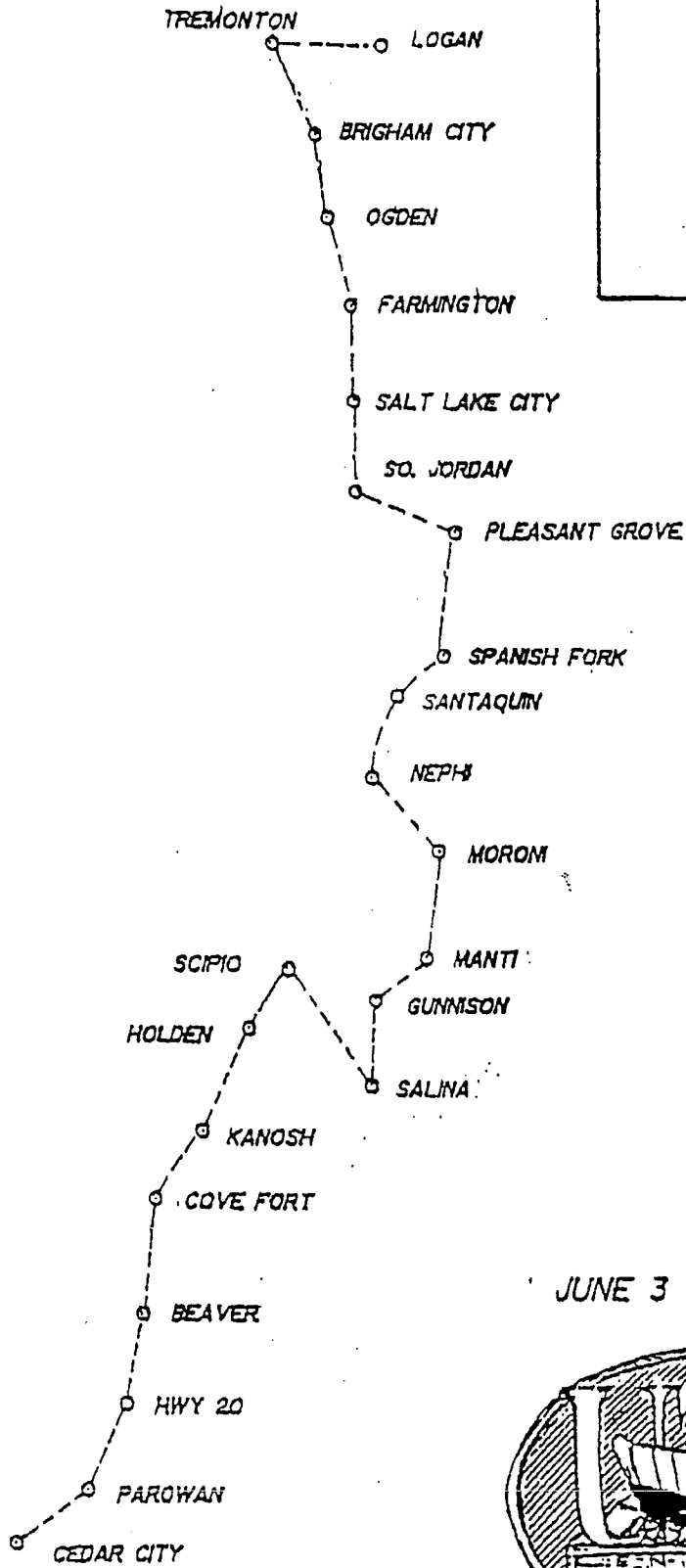
Cache County appreciates the Utah Department of Transportation's consideration of the above requests and the funding for improvements projects in our area. Thank you for your help.

Sincerely,


M. Lynn Lemon
County Executive

enclosure

2



JUNE 3 - JUNE 28, 1996





*"Listen buster, this chance only
comes along once
every 100 years. Don't miss it!"*

*Much has changed in Cache Valley since 1896. But people still
flock to local parades and festivities.*

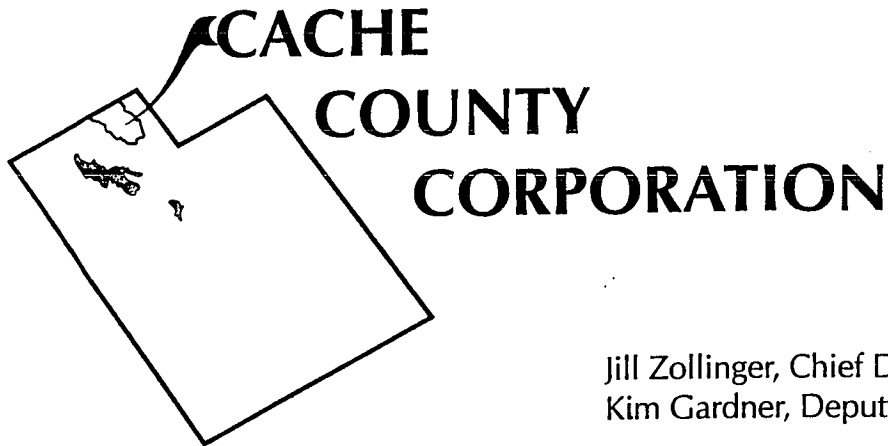
*Centennial Celebrations will take place all throughout
Cache Valley. We invite you to
"Come back home"*

*Remember: USU Aggie Ice Cream
Kissing on the "A"
The Bluebird Restaurant
Dragging Main Street
Sparkling air when it freezes
Canoeing at First Dam
Tubing in Sardine Canyon
Skiing the "Beave"
Incredible autumn weather and colors
Hiking the Crimson Trail*

**FREE Cache County Calendar of Centennial Events
(800) 882-4433**

**OFFICE OF THE
COUNTY CLERK**

170 North Main
Logan, Utah 84321
Ph. 752-3542



Stephen M. Erickson
Cache County Clerk

Jill Zollinger, Chief Deputy Clerk
Kim Gardner, Deputy Clerk

THE 1995 CACHE COUNTY FAIR AND PRCA RODEO IS ORGANIZED

The dates for the 1995 Cache County Fair and PRCA Rodeo are August 7th through the 12th. The Rodeo is on August 10th, 11th, & 12th. Thursday the 10th is Family Night at the Rodeo with a \$25.00 family ticket available. Reserved tickets will be \$7.00 and General Admission \$5.00.

The County Clerk's office coordinates the events of the County Fair. Stephen M. Erickson is County Clerk with Deputies Jill Zollinger and Kim Gardner.

The Executive Committee members are Larry Anhder, Cache County Council; Craig Buttars, President of the Cache County Farm Bureau and Don Huber, Cache County Extension Agent.

The County Fair Board is made up of the following Department Chairmen: Jean Alder, 4-H Horse Show; Lisa Christensen, Horse Show; Wendy Christensen, English Horse Show; Helen Cooper, Entertainment; Noble Erickson, Hay Contest; Jack Gilgen, Fairgrounds; Gaurth Hansen, Gladiolus Show; Ron Hedin, Pigeons; Roberta Hoffman, Home Arts; Robert Hoffman, Farm Bureau; Clark Israelsen, Jr Livestock; Ross Jacobson, 4-H Livestock; Lee Jeppson, Advertising; Sam Jones, FFA; Darwin Jolley, Farm Machinery; Kevin Johnson, Community Booths; Laurel Julson, Rabbits; Linda Kyriopoulos, Llama Show; Tammy MacDonald, Pygmy Goat Show; Hal Olsen, Dairy Show; Kip Panter, Sheep Show; Greg Richman, Farm Bureau Talent Find; Kris Saunders, 4-H; Troy Smith, Rodeo; Norris Stenquist, Beef Show; Richard Warren, Poultry; Dick Whittier, Swine; Sandra Wilson, Art & Photography; Dana Young, Goat Show; Lt. Lynn Nelson, Security; Tina Clawson, Farm Bureau Talent Find; Jill Downs, Co Chr Horse Show.

CACHE COUNTY FAIR AND GREAT AMERICAN WEST RODEO

1995 SCHEDULE OF EVENTS

MONDAY AUGUST 7TH

Enter Home Arts	11:00 a.m. to 7:00 p.m.
Enter Artists' Pictures	11:00 a.m. to 7:00 p.m.
Enter 4-H Exhibits except garden	1:00 p.m. to 7:00 p.m.
Fashion Review-Check in at 10:00 a.m.	Review at 3:00 p.m.
4-H English Horse Show, North Logan Arena	5:00 p.m.

TUESDAY AUGUST 8TH

Enter Home Arts	9:00 a.m. to 11:00 a.m.
Enter Artists- Pictures	9:00 a.m. to 12 Noon
Judging 4-H	9:00 a.m.
Judging Home Arts	11:00 a.m.
4-H Sr/Int Western Horse Show	6:00 p.m.

WEDNESDAY, AUGUST 9TH

ALL DAY CONCESSIONS & MIDWAY

4-H Jr. Pony Western Horse Show	8:00 a.m.
Judging Home Arts	11:00 a.m. to 3:00 p.m.
Enter Hay Contest- Judging	8:00 a.m. to 10:00 a.m.
Enter Open Class Livestock	4:00 p.m. to 8:00 p.m.
Enter 4-H/FFA Livestock:	
Beef	4:30 p.m. to 5:30 p.m.
Lambs	5:30 p.m. to 7:00 p.m.
Hogs	7:00 p.m. to 8:30 p.m.
Team Penning-Rodeo Arena	5:00 p.m.
Enter 4-H Garden Exhibnits	5:00 p.m. to 7:00 p.m.
Enter Rabbits	12:00 p.m. to 4:00 p.m.
Enter Poultry	12:00 p.m. to 4:00 p.m.
Enter Pigeons	12:00 p.m. to 4:00 p.m.

THURSDAY, AUGUST 10TH

ALL DAY CONCESSION-MIDWAY-ENTERTAINMENT-RODEO

Enter Flowers including Gladiolus H. A. Buliding	8:00 a.m. to 11:00 a.m.
Enter Crops-Fruits & Vegetables	8:00 a.m. to 10:00 a.m.
Judging Rabbits - Judge, Lawrance Weeks	9:00 a.m.
Judging Pigeons - Judge, Ed Carter	9:00 a.m.
Judging Poultry - Judge, Ed Carter	9:00 a.m.
4-H Demonstrations	10:00 a.m. to 3:00 p.m.
Enter Agr. Dept. except open Dairy	4:00 p.m. to 6:00 p.m.
Enter Goats	12:00 p.m. to 5:00 p.m.
Judging Market Beef - Judge Bill Shell	9:00 a.m.
Junior Dairy Show - Judge Craig Gardner	10:00 a.m.
Market Beef Fitting & Showmanship (Bill Shell)	11:00 a.m.
Market Hog Fitting & Showmanship (Lance Moore)	12:00 p.m.

WEDNESDAY SCHEDULE CONTINUED:

COMMERCIAL BOOTHS TO BE IN OPERATION

Market Lamb Fitting & Showmanship (Lance Moore)
4-H Pre-rodeo games & year end show awards
FAMILY NIGHT AT THE RODEO \$25.00 PER FAMILY

1:00 p.m.
3:00 p.m.
5:30 p.m.
7:30 p.m. Rodeo at 8:00

FRIDAY, AUGUST 11TH

ALL DAY CONCESSIONS-MIDWAY-ENTERTAINMENT-RODEO

Open Youth Horse Show - Judge-Linda Nickle
Judging Open Class Beef- Judge Scott Rees
Judging Market Hogs - Judge- Mike Hanson
Open Class Dairy Show- Judge- John Conrad
Llama Show (in front of entertainment stage)
Open Class Sheep Show- Judge- Mike Hansen
PARADE OF CHAMPIONS RODEO ARENA
PRE-RODEO
RODEO

8:00 a.m.
9:00 a.m.
9:00 a.m.
10:00 a.m.
11:00 a.m.
1:00 p.m.
7:30 p.m.
7:30 p.m.
8:00 p.m.

RESERVED SEATS \$7.00, GENERAL ADMISSION \$5.00

SATURDAY AUGUST 12TH

ALL DAY CONCESSIONS-MIDWAY-ENTERTAINMENT-RODEO

Open Adult Horse Show- Judge-Linda Nickle
English Horse Show - Judge- name ????
JUNIOR LIVESTOCK SALE (SWINE, BEEF, LAMBS)
4-H Model Rocket Launch
4-H Building Exhibit Checkout Time
POULTRY, RABBITS CHECKOUT TIME
PRE-RODEO
RODEO

8:00 a.m.
8:00 a.m.
10:00 a.m. (Cache Arena)
9:00 a.m. to 11:00 p.m.
9:00 p.m. to 11:00 p.m.
8:00 p.m.
7:30 p.m.
8:00 p.m.

RESERVED SEATS \$7.00, GENERAL ADMISSION \$5.00

HOME ARTS EXHIBITS WILL BE CHECKED OUT ON MONDAY AUGUST 14TH AT 1:00 p.m. to 6:00 p.m.

FOR THE ENTERTAINMENT AT THE FAIR PLEASE SEE THE ENTERTAINMENT SCHEDULE ATTACHED.

CACHE COUNTY FAIR ENTERTAINMENT

THURSDAY AUGUST 10, 1995

T. C. LYNN	12:00-1:00 P.M.
JOHN PYNE	1:00-2:00 P.M.
HOLLIE CHADWICK	2:00-2:30 P.M.
OFF BROADWAY	2:30-3:30 P.M.
COUNTRY K'S	3:30-4:30 P.M.
MISS CACHE VALLEY (Winners)	4:30-5:30 P.M.
FARM BUREAU TALENT FIND	6:00-8:00 P.M.
MONTAGE	8:00-8:30 P.M.
ROCKY MOUNTAIN EXPRESS	8:30-10:30 P.M.

CACHE COUNTY FAIR ENTERTAINMENT

FRIDAY AUG 11TH 1995

T.C. LYNN	12:00-1:00 P.M.
RYTHMN CONNECTIONS	1:00-1:30 P.M.
OFF BROADWAY	1:30-2:30 P.M.
CLIFF PETERSEN	2:30-3:00 P.M.
C.C. JUNCTION	3:00-3:30 P.M.
COUNTRY K'S	3:30-4:00 P.M.
JAY TOOMBS CLOGGING	4:00-4:30 P.M.
TANYA STEVENSON	4:30-5:00 P.M.
MICHEAL MILLS MAGIC	5:00-6:00 P.M.
CRIMSON ROSE	6:00-7:00 P.M.
JUST FRIENDS	7:00-8:00 P.M.
SIMMONS BRO'S	8:00-9:00 P.M.
DESERET SKIES	9:30-11:30 P.M.

CACHE COUNTY FAIR ENTERTAINMENT

SATURDAY AUG 12TH 1995

CATHRYN VAN ATTER	12:00-12:30	P.M.
SUNSHINE GENERATION	12:30-1:00	P.M.
JAY TOMBS CLOGGING	1:00-1:30	P.M.
NORMA WEEKS (COWBOY POET)	1:30-2:00	P.M.
CATHRYN VAN ATTER	2:00-2:30	P.M.
C.C. JUNCTION	2:30-3:00	P.M.
COUNTRY K'S	3:00-4:00	P.M.
CRIMSON ROSE	4:00-5:00	P.M.
LILLY AND LOLLY	5:00-5:30	P.M.
TAYNA STEVENSON	5:30-6:00	P.M.
UFORIA	6:00-6:30	P.M.
SHIRLEY WHITMAN	6:30-7:00	P.M.
JUST FRIENDS	7:00-8:00	P.M.
WIND RIVER BAND	8:30-11:00	P.M.

THE CLOWNS LILLY & LOLLY WILL BE PERFORMING THROUGHOUT THE FAIR FROM 4:00-5:00 P.M.

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

Department: Buildings & Grounds

Date: July 21, 1995

Amount to be transferred --- (rounded to the nearest dollar) \$ 3360.00

Transfer from ---

Line Item No. 10 - 4160 - 731

Fund Designation: B & G (BRAG)

Original Budget:	\$ <u>21,692.00</u>	\$ _____
Current Budget:	\$ <u>21,692.00</u>	\$ _____
Expenditures to date	\$ <u>2,782.71</u>	\$ _____
Balance before transfer	\$ <u>18,909.29</u>	\$ _____
Balance after transfer	\$ <u>15,549.29</u>	\$ _____

Transfer to ---

Line Item No. 10 - 4160 - 120

Fund Designation: B & G Temporary Emp.

Original Budget:	\$ <u>-0-</u>	\$ _____
Current Budget:	\$ <u>5,120.00</u>	\$ _____
Expenditures to date	\$ <u>3,028.00</u>	\$ _____
Balance before transfer	\$ <u>2,092.00</u>	\$ _____
Balance after transfer	\$ <u>5,452.00</u>	\$ _____

Description of needs and purpose of transfer ---

We would like to do several additional painting projects at 170 North Main utilizing a one month extention of our BRAG/painters agreement.

Michael K. Wilson
Department Head

Recommendation: Approval Disapproval

Comments:

Date: 7/25/95

Jamra Stokes
Cache County Auditor

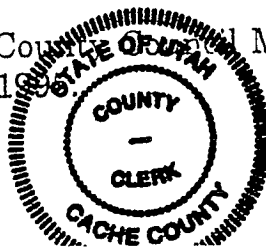
Recommendation: Approval Disapproval

Comments:

Date: 7/25/95

Mike Leman
Cache County Executive

Consented by the Cache County Board of Commissioners Meeting in regular session on the 26th day of July, 1995



Stephen M. Erickson
Cache County Clerk

5

Request for Intra-Departmental Budget Transfer

Department: SURVEYOR

Amount to be transferred (rounded to nearest dollar) \$ 4000

Transfer from:

Line Item Number 4147-120
Fund Designation TEMPORARY EMPLOYEES

Original Budget	\$ <u>9600</u>	\$ _____
Current Budget	\$ <u>4562</u>	\$ _____
Expenditures to date	\$ <u>5038</u>	\$ _____
Balance before Transfer	\$ <u>4562</u>	\$ _____
Balance after Transfer	\$ <u>562</u>	\$ _____

Transfer to:

Line Item Number 4147-740
Fund Designation EQUIPMENT

Original Budget	\$ <u>0</u>	\$ _____
Current Budget	\$ <u>400</u>	\$ _____
Expenditures to date	\$ <u>0</u>	\$ _____
Balance before Transfer	\$ <u>400</u>	\$ _____
Balance after Transfer	\$ <u>4400</u>	\$ _____

Description of needs and purpose of transfer: REPLACE FAILING HARD DRIVE IN COMPUTER, UPDATE PRINTER, LAP TOP COMPUTER FOR FIELD WORK WITH GPS EQUIPMENT

Date: 25 JULY 1995

P. B. Ward

Department Head

Recommendation: Approval Disapproval

Comments: _____

Date: 7/25/95

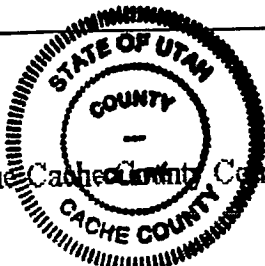
James Stokes

Cache County Auditor

Recommendation: Approval Disapproval

Comments: _____

Date: 7/25/95



M. Lynn Hansen

Cache County Executive

Consented by the Cache County Council meeting in regular session on the 26th day of July 1995

Stephen M. Eureka

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CACHE COUNTY CORPORATION
FUND SUMMARY
FOR THE 6 MONTHS ENDING JUNE 30, 1995

GENERAL FUND

	YTD ACTUAL	BUDGET	UNEARNED/EXPEND	PCNT
REVENUE				
=====				
TAXES	877,192.57	5,721,899.00	4,844,706.43	15.3
LICENSES & PERMITS	7,922.00	10,000.00	2,078.00	79.2
INTERGOVERNMENTAL REVENUE	232,520.55	1,110,898.00	878,377.45	20.9
CHARGES FOR SERVICES	419,573.68	1,056,963.00	637,389.32	39.7
FINES & FORFEITURES	57,120.59	85,000.00	27,879.41	67.2
MISCELLANEOUS REVENUE	165,869.90	536,526.00	370,656.10	30.9
AIRPORT REVENUE	4,012.04	27,650.00	23,637.96	14.5
CONTRIBUTIONS	485.00	804,077.00	803,592.00	.1

TOTAL REVENUE	1,764,696.33	9,353,013.00	7,588,316.67	18.9

EXPENDITURES				
=====				
COUNTY COUNCIL	6,300.18	17,847.00	11,546.02	35.3
WATER POLICY DEPARTMENT	7,859.52	15,000.00	7,140.48	52.4
SANITY HEARINGS	750.00	1,500.00	750.00	50.0
PUBLIC DEFENDER	72,352.29	130,000.00	57,647.71	55.7
LAW LIBRARY	1,509.13	10,000.00	8,490.87	15.1
COUNTY EXECUTIVE	70,983.64	146,840.00	75,856.36	48.3
DATA PROCESSING	39,736.12	92,611.00	52,874.88	42.9
AUDITOR	68,028.29	154,644.00	86,615.71	44.0
CLERK	41,404.02	83,443.00	42,038.98	49.6
TREASURER	53,887.15	126,682.00	72,794.85	42.5
RECORDER	66,086.67	141,211.00	75,124.33	46.8
ATTORNEY	182,582.16	373,999.00	191,416.84	48.8
ASSESSOR	255,279.40	662,610.00	407,330.60	38.5
SURVEYOR	56,357.59	121,041.00	64,683.41	46.6
NON-DEPARTMENTAL	250,571.16	288,694.00	38,122.84	86.8
CENTRAL MAIL & COPY	7,271.11	17,400.00	10,128.89	41.8
BUILDING & GROUNDS	96,402.64	371,623.00	275,220.36	25.9
ELECTIONS	16,449.06	44,689.00	28,239.94	36.8
ADVERT & PROMOTION	1,709.10	10,000.00	8,290.90	17.1
ECONOMIC DEVELOPMENT	11,069.36	63,089.00	52,019.64	17.5
HISTORICAL PRESERVATION	.00	350.00	350.00	.0
SHERIFF	717,332.73	1,353,217.00	635,884.27	53.0
CIVIL DEPT	122,586.09	337,215.00	214,628.91	36.4
LIQUOR LAW ENFORCEMENT	7,593.19	35,171.00	27,577.81	21.6
FIRE DEPARTMENT	86,324.03	637,762.00	551,437.97	13.5
COUNTY JAIL	562,825.38	1,467,091.00	904,265.62	38.4
BEE INSPECTION	.00	300.00	300.00	.0
EMERGENCY MANAGEMENT	46,827.62	113,374.00	66,546.38	41.3
PUBLIC HEALTH	28,691.25	149,024.00	120,332.75	
PUBLIC WELFARE	201.93	26,000.00	25,798.07	
HIGHWAY	277,869.96	622,655.00	344,785.04	
ROADS-CLASS B	136,549.85	538,956.00	402,406.15	

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CACHE COUNTY CORPORATION
 FUND SUMMARY
 FOR THE 6 MONTHS ENDING JUNE 30, 1995

GENERAL FUND

	YTD ACTUAL	BUDGET	UNEARNED/EXPEND	PCHT
	-----	-----	-----	-----
WEED DEPARTMENT	38,552.94	98,475.00	59,922.06	39.1
AIRPORT	13,300.37	74,335.00	61,034.63	17.9
PARKS & PARK MAINTENANCE	85,000.02	170,250.00	85,249.98	49.9
RECREATION	11,044.66	21,800.00	10,755.34	50.7
LIBRARIES	23,705.00	47,515.00	23,810.00	49.9
AG EXTENSION SERVICE	35,820.74	76,202.00	40,381.26	47.0
COUNTY FAIR	1,156.88	74,500.00	73,343.12	1.6
STATE FAIR	.00	650.00	650.00	.0
AGRICULTURAL PROMOTION	20,009.50	41,568.00	21,558.50	48.1
CONTRIBUTIONS	225,686.47	489,360.00	263,673.53	46.1
TRANSFERS	9,000.00	9,000.00	.00	100.0
MISCELLANEOUS	(9,778.00)	95,320.00	105,098.00	(10.3)
	-----	-----	-----	-----
TOTAL EXPENDITURES	3,746,889.20	9,353,013.00	5,606,123.80	40.1
	-----	-----	-----	-----
NET REVENUES	(1,982,192.87)	.00	1,982,192.87	.0
	=====	=====	=====	=====

CACHE COUNTY CORPORATION
 FUND SUMMARY
 FOR THE 6 MONTHS ENDING JUNE 30, 1995

MUNICIPAL SERVICES FUND

	YTD ACTUAL	BUDGET	UNEARNED/EXPEND	PCNT	
	-----	-----	-----	-----	
9	REVENUE				
10	=====				
11	103,039.06	268,860.00	165,820.94	38.3	
12	80,972.06	175,500.00	94,527.94	46.1	
13	8,345.29	216,400.00	208,054.71	3.9	
14	9,174.34	36,850.00	27,675.66	24.9	
15	-----	-----	-----	-----	
17	TOTAL REVENUE	201,530.75	697,610.00	496,079.25	28.9
18	-----	-----	-----	-----	
21	EXPENDITURES				
22	=====				
23	35,850.07	77,551.00	41,700.93	46.2	
24	41,320.06	96,060.00	54,739.94	43.0	
25	.00	75,000.00	75,000.00	.0	
26	47,027.03	109,072.00	62,044.97	43.1	
27	2,926.51	6,350.00	3,423.49	46.1	
28	.00	10,000.00	10,000.00	.0	
29	.00	323,577.00	323,577.00	.0	
30	-----	-----	-----	-----	
32	TOTAL EXPENDITURES	127,123.67	697,610.00	570,486.33	18.2
33	-----	-----	-----	-----	
35	NET REVENUES	74,407.08	.00 (74,407.08)	.0	
36	=====	=====	=====	=====	

CACHE COUNTY CORPORATION
 FUND SUMMARY
 FOR THE 6 MONTHS ENDING JUNE 30, 1995

CACHE VALLEY COMMUNICATION FND

	YTD ACTUAL	BUDGET	UNEARNED/EXPEND	PCNT	
9	REVENUE				
10	=====				
11	.00	1,100.00	1,100.00	.0	
12	108,197.65	332,227.00	224,029.35	32.6	
13	422.00	.00	(422.00)	.0	
14	61,140.82	168,000.00	106,859.18	36.4	
15	-----				
17	TOTAL REVENUE	169,760.47	501,327.00	331,566.53	33.9
18	-----				
21	EXPENDITURES				
22	=====				
23	COMMUNICATIONS	228,175.31	501,327.00	273,151.69	45.5
24	-----				
26	TOTAL EXPENDITURES	228,175.31	501,327.00	273,151.69	45.5
7	-----				
29	NET REVENUES	(58,414.84)	.00	58,414.84	.0
30	=====				

CACHE COUNTY CORPORATION
 FUND SUMMARY
 FOR THE 6 MONTHS ENDING JUNE 30, 1995

COUNCIL ON AGING

7		YTD ACTUAL	BUDGET	UNEARNED/EXPEND	PCNT
8		-----	-----	-----	-----
9	REVENUE				
10	*****				
11	INTERGOVERNMENTAL REVENUE	75,395.98	301,033.00	225,637.02	25.0
12	CHARGES FOR SERVICES	8,334.11	36,125.00	27,790.89	23.1
13	MISCELLANEOUS REVENUE	39.20	.00	(39.20)	.0
14	CONTRIBUTIONS	65,957.35	211,184.00	145,226.65	31.2
15		-----	-----	-----	-----
17	TOTAL REVENUE	149,726.64	540,342.00	398,615.36	27.3
18		-----	-----	-----	-----
21	EXPENDITURES				
22	*****				
23	NUTRITION-MANDATED	91,563.97	232,503.00	140,939.03	39.4
24	SR CITIZENS CENTER-NON-MANDATE	18,214.26	223,922.00	205,707.74	8.1
25	RETIRED SERV VOLUNTEER PROGRAM	17,543.54	40,090.00	22,546.46	43.8
26	ACCESS - MANDATED	22,346.60	51,827.00	29,480.40	43.1
27		-----	-----	-----	-----
29	TOTAL EXPENDITURES	149,668.37	540,342.00	398,673.63	27.3
30		-----	-----	-----	-----
32	NET REVENUES	58.27	.00	(58.27)	.0
33		-----	-----	-----	-----

CACHE COUNTY CORPORATION
 FUND SUMMARY
 FOR THE 6 MONTHS ENDING JUNE 30, 1995

CACHE PLANNING & DEVELOPMENT

	YTD ACTUAL	BUDGET	UNEARNED/EXPEND	PCNT
1				
2				
3				
5				
7				
8				
9				
10				
11				
12				
13				
15				
16				
19				
20				
21				
22				
24				
25				
28				
REVENUE				
=====				
CHARGES FOR SERVICES	16,786.50	55,360.00	38,573.50	30.3
CONTRIBUTIONS	40,360.00	40,360.00	.00	100.0
	-----	-----	-----	-----
TOTAL REVENUE	57,146.50	95,720.00	38,573.50	59.7
	-----	-----	-----	-----
EXPENDITURES				
=====				
CACHE MUNICIPAL PLANNING	35,441.81	95,720.00	60,278.19	37.0
	-----	-----	-----	-----
TOTAL EXPENDITURES	35,441.81	95,720.00	60,278.19	37.0
	-----	-----	-----	-----
NET REVENUES	21,704.69	.00	(21,704.69)	.0
	-----	-----	-----	-----

RESOLUTION NO. 95- 27

A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR CERTAIN COUNTY DEPARTMENTS.

The Cache County Council, in a duly convened meeting, pursuant to Sections 17-36-22 through 17-36-26, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County Budget for 1995 are reasonable and necessary; that the said budget has been reviewed by the County Auditor with all affected department heads; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that all County Council has given due consideration to matters discussed at the public hearing and to any revised estimates revenues; and that it is in the best interest of the County that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are hereby made to the 1995 budget for Cache County:

Revenue

Expenditure

Section 2.

Other than as specifically set forth above, all other matters set forth in the said budget shall remain in full force and effect.


Section 3.

This resolution shall take effect immediately upon adoption and the County Auditor and other county officials are authorized and directed to act accordingly.

This resolution was duly adopted by the Cache County Council on the 25th day of July 1995.

ATTESTED TO:

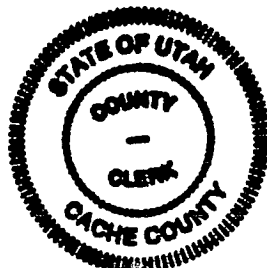
CACHE COUNTY COUNCIL



Stephen M. Erickson
Cache County Clerk



Sarah Ann Skanchy, Chairman



07/25/95

Fund 10 General Fund Revenues

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Decrease DR	Increase CR		
10-31-10000	Current Property Taxes	(\$3,985,834)	\$95	(\$5,560)	(\$3,985,739)	To adjust taxes = Cert. Rate Amount
10-33-13000	Grant - Job Training	\$0			(\$5,560)	Grant for painters at cit hse
10-36-70000	County Fair Fees	(\$55,000)	\$36,500		(\$18,500)	transfer to rodeo tickets
10-36-72000	Donations to County Rodeo	\$0		(\$2,000)	(\$2,000)	adv donation \$2000
10-36-73000	Rodeo Ticket Sales	\$0		(\$36,573)	(\$36,573)	1994 rodeo recpts \$36,573
10-36-74000	Donations to Rodeo -In Kind	0		(\$10,660)	(\$10,660)	sponsor match or In kind
10-36-75000	Donations to GAW Rodeo Corn	0		(\$14,458)	(\$14,458)	GAW committee donations
10-36-90000	Sundry Revenue	(\$80,034)		(\$95)	(\$80,129)	to offset tax decrease
10-38-90000	Appropriated Surplus	(\$5,000)		(\$3,300)	(\$8,300)	for rodeo announcer & clown
	Totals		\$36,595	(\$72,646)		
	Net adjustment				(\$36,051)	

Fund 10 General Fund Expenses

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Increase DR	Decrease CR		
10-4160-120	Building & Grds - Temp Employ	\$5,127	\$5,560	(\$200)	\$10,687	1/2 reimbursement job grant
10-4620-130	County Fair - Employee benefits	\$200		(\$150)	\$50	transfer amounts to rodeo budget
10-4620-210	County Fair -subscriptions/mem	\$200		(\$1,000)	\$2,500	transfer amounts to rodeo budget
10-4620-221	County Fair - Advertising	\$3,500		(\$1,300)	\$9,700	transfer amounts to rodeo budget
10-4620-250	County Fair -Equip supplies & m	\$11,000		(\$8,750)	\$24,250	transfer amounts to rodeo budget
10-4620-290	County Fair -prizes & trophies	\$33,000		(\$17,500)	\$1,000	transfer amounts to rodeo budget
10-4620-310	County Fair -Rodeo Contract	\$18,500		(\$2,000)	\$0	transfer amounts to rodeo budget
10-4620-620	County Fair -Security & other se	\$2,000			\$0	transfer amounts to rodeo budget
	Total adjusted fair budget \$43,600					
10-4621-210	Rodeo -PRCAWomens Dues	\$0	\$815		\$815	dues for rodeo PRCA
10-4621-221	Rodeo -Advertising	\$0	\$9,865		\$9,865	ads for TV, radio & etc
10-4621-230	Rodeo -Travel	\$0	\$300		\$300	est travel expenses- reimbursements
10-4621-240	Rodeo -Office supplies	\$0	\$265		\$265	postage, copies etc
10-4621-250	Rodeo -eq supplies & maint	\$0	\$5,363		\$5,363	supplies, tickets, ropes, paint etc
10-4621-290	Rodeo -Prize money & trophies	\$0	\$11,483		\$11,483	prizes & trophies
10-4621-310	Rodeo -Stock Contract	\$0	\$17,500		\$17,500	contract rodeo stock
10-4621-485	Rodeo -promotional & In kind	\$0	\$6,660		\$6,660	In-kind donations...
10-4621-610	Rodeo -Misc Expense/sales tax	\$0	\$2,340		\$2,340	misc expenses & sales taxes
10-4621-620	Rodeo -Security & Judges Servi	\$0	\$2,000		\$2,000	rodeo judges & security for sec
10-4621-621	Rodeo -Contract Personnel	\$0	\$3,300		\$3,300	clown, bullrider & announcer
10-4621-900	Rodeo -conthb to rodeo promo	\$0	\$1,500		\$1,500	future rodeo promotion
	Total adjusted rodeo budget \$61,391		\$66,951	(\$30,900)	\$36,051	
	Net adjustment					

FUND 21 HEALTH FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended decrease	DR	Increase	CR	Amended Budget	Reason for Change
21-31-11000	Current property tax	(332,333)				(3,218)	(335,551)	adjustment cert. rate collections
	Totals		0			(3,218)		
	Net adjustment						(3,218)	

FUND 21 HEALTH FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase	DR	Decrease	CR	Amended Budget	Reason for Change
21-4310-480	Bear River District Health	390,229	3,218			0	393,447	adjustment cert. rate collections
	Totals		3,218			0		
	Net adjustment						3,218	

FUND 22 CVCC FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended decrease	DR	Increase	CR	Amended Budget	Reason for Change
22-36-90000	Sundry revenues	0				(422)	(422)	Ticket reimbursement
	Totals		0			(422)		
	Net adjustment						(422)	

FUND 22 CVCC FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase	DR	Decrease	CR	Amended Budget	Reason for Change
22-4215-230	CVCC - travel expense	2,100	422			0	2,522	Ticket reimbursement
	Totals		422			0		
	Net adjustment						422	

FUND 26 RESTAURANT TAX FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			decrease	increase		
26-38-90000	Appropriated Surplus	286,597	DR (62,000)	CR (62,000)	224,597	Distribute Restaurant Tax Allocation
	Totals		0	(62,000)	(62,000)	
	Net adjustment					

FUND 26 RESTAURANT TAX FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Increase	Decrease		
26-4780-620	MISC. SERVICES	586,597	DR 62,000	CR 0	648,597	For 95 and prior Year unpaid approp
	Totals		62,000	0	62,000	
	Net adjustment					

Fund 40 CAPITAL PROJECTS FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			decrease	increase		
40-38-70000	APPROPRIATED SURPLUS	0	DR (11,000)	CR (11,000)	(11,000)	to complete Well project FEMA
	Totals		0	(11,000)	(11,000)	
	Net adjustment					

Fund 40 CAPITAL PROJECTS FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Increase	Decrease		
40-4981-731	Jail Remodel Construction	9,000	DR 11,000	CR 0	20,000	to complete Well project FEMA
	Totals		11,000	0	11,000	
	Net adjustment					

"NEW CHOICES" SUBSTANCE ABUSE PROGRAM PROPOSAL FOR CONTINUATION OF YOUTH TREATMENT

As of July 1, 1995, the two youth treatment contracts held by Accredited Professional Counseling and Family Preservation Institute expired. All youth treatment monies are appropriated by the State legislature (State dollars), and the counties are required to provide a 20% match of these dollars. At this time, the counties find themselves in a position of not being able to make the complete 20% match, resulting in a reduction of State dollars equal to the total amount contracted for youth services in past years. These two facts made it necessary for us to terminate both youth treatment contracts. Thus, leaving us with the task of finding a way to pick up 267 youth, who are currently being treated by those youth contracts. As a stop-gap measure, our adult treatment staff is now providing limited counseling for these adolescents in order to keep their treatment progressing.

On July 12, 1995, the Substance Abuse Advisory Board met to determine our options in meeting the youth needs, in light of the above mentioned situation. Following, please find the options discussed and the recommendations of the Board.

Option 1. The Board discussed the possibility of using some of the DUI collections to continue the contract with one of our current youth treatment providers to provide services to youth.

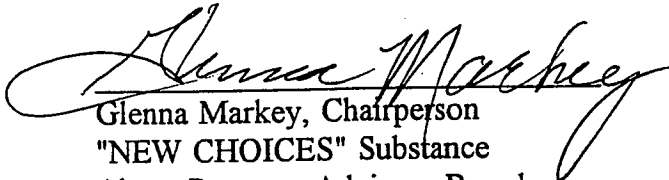
Option 2. The Substance Abuse program would provide treatment services to the youth through the hiring of additional counseling staff (through the use of the same DUI funds).

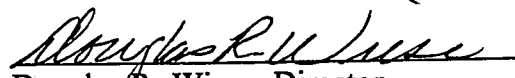
After discussing the two possible options, Board members recommend the most feasible option would be to use \$100,000 of our DUI collections to maintain one of our current youth contracts. It was determined by the Board that Accredited Professional Counseling would be the program we would recommend to the Cache County Council/Box Elder County Commission as the program to be continued. This program provided services to the majority of youth referred in the past year (198). The program that would be left without a contract provided services to 69 youth who attended the day treatment program. The youth being treated by this program (Family Preservation Institute) will need to be picked up by the New Choices treatment staff or referred out to a more appropriate treatment facility where needed.

In order to accommodate the increase in case-load resulting from the loss of the one of the two youth contracts, the following adult services will be reduced: 1) services to co-dependents; 2) services to those who have a spouse or immediate family member using alcohol and/or drugs, but who refuses to come into treatment; 3) services to parolees with no current substance use, but are required to attend counseling by the parole board. **NOTE:** If youth treatment numbers are down, we will admit more of these populations; it will be based on need for youth services.

Commissioner Jay Hardy approved implementation of these changes at the July 12, board meeting, for Box Elder County. Therefore, we respectfully request Cache County Council also support this proposal so we can avoid inconvenience and interruption of treatment to the young people in our communities.

Thank you for your consideration of this proposal.


Glenna Markey, Chairperson
"NEW CHOICES" Substance
Abuse Program Advisory Board


Douglas R. Wiese, Director
"NEW CHOICES" Substance Abuse
Treatment Program

Cache County Attorney

Scott L. Wyatt
County Attorney
James C. Jenkins
Jeffrey "R" Burbank
Patrick B. Nolan
Deputies

110 North 100 West
Logan, Utah 84321
(801) 752-8920
FAX (801) 752-9169

MEMORANDUM OPINION

JULY 25, 1995

This office has been asked to review Utah law and render an opinion as to whether it would be appropriate to fund a county-wide library from what is commonly referred to as the "restaurant tax" more precisely known as the "Tourism, Recreation, Cultural, and Convention Facilities Tax," provided for in Section 59-12-601 U.C.A.

Any inquiry as to a local tax begins with the general rule that counties and municipalities cannot tax under any method or for any purpose except as the State Legislature provides through statute. Express authority to tax must be granted. And the uses of any tax are limited by statute.

The first examination in an evaluation of whether the tax can be used for library purposes is to look at the stated purposes of the tax. Section 601 provides that the Tourism, Recreation, Cultural, and Convention Facilities Tax was set up by the Legislature for the purpose of financing "tourism promotion, and the development, operation, and maintenance of tourist, recreation, cultural, and convention facilities." The stated purpose of the tax is to provide counties with additional sources of financial assistance and capital to (1) "continue growth in the tourism, recreation and convention industry in Utah" and (2) "attract tourists, recreation, and convention business." In short the ultimate purpose of the tax appears to be economic development in the Tourism, Recreation, Cultural, and Convention industries.

The question becomes, do library facilities fit within the category of Tourism, Recreation or Cultural (excluding Convention facilities as being clearly inapplicable.) (1) Tourism or recreation facilities are defined together as any "publicly owned or operated park, campground, marina, dock, golf course, water park, historic park, monument, planetarium, zoo, bicycle trails, and other recreation or tourism-related facility." (2) Cultural facility means "any publicly-owned or operated museum, theater, art center, music hall, or other cultural or arts facility."

A look at the three areas covered in the statute, tourism, recreation and cultural facilities, suggests that a library is not

within the intent of the tax. First, A traditional library would generally not be considered a tourism-related activity or facility. Clearly, individuals would not typically travel to Cache County to use a traditional public library. Tourists might visit a library but would not generally be allowed privileges to check out books.

Second, a library does not seem to fit the type of facilities enumerated in the statute under the heading of cultural facility. The statute lists various facilities used for displaying or performing various arts or exhibits. A traditional library is more of a resource center with a professional staff rather than a center for artists to display or promote their products.

Third, whether a library is a recreation facility is a little easier to answer. A Texas court of appeals, in a rather old case (1938), did a lengthy discussion about what libraries are and what recreation is and determined that a library is not a "place of recreation." City of Forth Worth v. Burnett, 115 S.W.2d 436. The nature of libraries may have changed some over the last 50 years but it still appears that a library is something other than a recreation facility.

In addition to analyzing the statute, our office has done an exhaustive search through other states for comparable statutes with the hopes of finding any case law or guidance in understanding the Utah tax. Of the other states that have comparable statutes they are all tourism related and none have generated case law helpful to our question.

The fact that the Utah Legislature specifically provided for a tax to fund county libraries, outside the "restaurant tax," pursuant to Utah Code Annotated, section 9-7-501, suggests further that the restaurant tax was not intended for libraries.

Conclusion, it is the opinion of this office that it would not be appropriate for the county to fund a traditional public library through the "tourism, recreation, cultural, and convention tax." Other sources are more appropriate for the library and should provide a more stable source of revenue.