

COUNCIL MEETING
MINUTES 6/24/97

COUNCIL MEETING MINUTES INDEX

Appointment: Kang, Catharina, cert. Mental Health Officer (2)
Appointment: Dupont, Ryan R. to Solid Waste Adv. Board (1)
Appointment: Easterman, Steve, Ch. Co. Emerg. Med. Coun (2)
Appointment: Spencer, Wesley, Cert. Mental Health Officer (2)
Appointment: Nelson, G. Lynn to County Sheriff
B R HEALTH-BUILD SPACE FOR SUB, ABUSE: BERENTZEN, LLOYD (4)
BEAR RIVER MENTAL HEALTH: CARDON, DR. BARTELL (4)
BERENTZEN, LLOYD: B R HEALTH BUILDING EXPANS. (4)
BRAG: DEPARTMENT OF AGING (7)
CARDON, DR. BARTELL: BEAR RIVER MENTAL HEALTH (4)
CDBG: PUBLIC HEARING-FIRST (3)
CDBG P H COMMENTS: NILSON, MICHAEL (3)
CDBG P H COMMENTS: SINCLAIR, SARA (3)
COUNCIL PICTURES-JULY 8, 1997 4:00 p.m. (6)
DEAD ANIMAL-CACHE VALLEY BY PRODUCTS SUBSIDY:DISCUSSION (7)
Department of Aging: BRAG (7)
DIVISION OF WATER RIGHTS RESPONSE LETTER: ERICKSON, THAD (4)
Dupont, Ryan R. to Solid Waste Advisory Board (1)
Easterman, Steve: App. Ch. Co. Emergency Med. Council (2)
ERICKSON, THAD: WATER RIGHTS RESPONSE (4)
EXECUTIVE SESSION (7)
HYRUM CITY 4TH OF JULY: PARADE (6)
Kang, Catharina App. Certified Mental Health Officer (2)
LEISHMAN, ROLAND: PARADISE WEST SUBDIVIION (5)
LEWISTON CITY 4TH OF JULY: PARADE (6)
Nelson, G. Lynn: Appointed as County Sheriff (6)
Nilson, Michael: CDBG PUBLIC HEARIING COMMENTS (3)
PARADE: HYRUM CITY 4TH OF JULY (6)
PARADE: LEWISTON CITY 4TH OF JULY (6)
PARADISE WEST SUB PLAT APPROVAL-FINAL: LEISHMAN, ROLAND (5)
PUBLIC HEARING-FIRST:CDBG (3)
Senior Citizen Center Emergency CDBG Grant: Discussion (2)
SHERIFF-COUNTY, REPLACEMENT: DISCUSSION (6)
Sinclair, Sara V.: CDBG PH Comments (3)
Spencer, Wesley: App Certified Mental Health Officer (2)
TELEVISION TRANSLATOR: DISCUSSION (5)
WAR MEMORIAL MONUMENT: DISCUSSION (5)
Workers Compensation Refund: Discussion(2)

CACHE COUNTY COUNCIL MEETING MINUTES

June 24, 1997

The Cache County Council met in regular session on June 24, 1997 in the Council Chambers located at 120 North 100 West, Logan, Utah 84321.

ATTENDANCE

Council Chairman Darrel L. Gibbons and Vice Chairman C. Larry Anhder were present. Council members present were: Sarah Ann Skanchy, H. Craig Petersen, Guy Ray Pulsipher, Cory Yeates and Layne M. Beck.

Others present were: County Executive M. Lynn Lemon, County Clerk, Stephen M. Erickson, County Attorney, Scott Wyatt, County Executive Administrative Assistant Michael Nilson. Bear River Mental Health Director Bartell Cardon, County Water Policy Coordinator, Thad Erickson, Bear River Health Department Representative, Lloyd Berentzen, Representatives of the local news media and other interested citizens.

CALL TO ORDER

Chairman Darrel L. Gibbons called the meeting to order at 5:00 p.m. and welcomed all who were in attendance. Members of the audience were asked to stand and introduce themselves.

INVOCATION

The invocation was given by County Executive, M. Lynn Lemon.

AGENDA & MINUTES

The agenda for the meeting was discussed, adjusted and approved.

The minutes of the regular Council meeting held on June 10, 1997 were discussed, corrected and approved.

COUNTY EXECUTIVE REPORT

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

1: Appointments:

Appointment: Dupont, Ryan R. to Solid Waste Advisory Board
Appointment: Spencer, Wesley, Certified Mental Health Officer
Appointment: Kang, Catharina, Certified Mental Health Officer
Appointment: Easterman, Steve, Ch. Co. Emergency Med. Council

It was moved by Councilman Yeates to approve the appointments.

COUNCIL MEETING
MINUTES 6/24/97

It was seconded and carried unanimously.

2. Senior Citizen Center Emergency CDBG Grant: The State CDBG Policy Board has approved an Emergency Grant of \$62,432 to complete the Senior Citizen Center kitchen addition.

3. State/Federal Land Exchange: The State and Federal Government are now in court to determine how to appraise the land that they want to exchange. Beaver Mountain Ski area will continue to work with the Forest Service while they attempt to expand the facility and design their master plan. They could be in court up to ten years until the exchange is made.

4. Water Tour by Governor Michael Leavitt: The County will be toured by the Governor to review potential water storage projects. Our Water Policy Coordinator, Thad Erickson will accompany the Governor.

5. Sales Tax-Property Tax Option Advertisements: Advertisements have been taken to the local news paper to advertise up coming hearings on the proposed optional sales tax. The hearings will be held on July 22nd and August 12th. The August 12th hearing will be held in the Hyrum City Council Chambers along with the regular County Council meeting.

6. CMPO Long Range Transportation Plan: The CMPO has approved the long range transportation plan. The Plan is available for review in the Executive's office.

7. Indigent Criminal Trust Fund: Lemon has been reviewing the proposed State Indigent Criminal Trust Funds. UAC is not sure that enough Counties will participate in the proposed funds and will conduct a survey. We will continue to wait and see what happens but it now looks like the Indigent Criminal Trust Funds as proposed by the State will not be created.

8. Workers Compensation Refund: Because of our good rating the County has received a refund from the State Workers Compensation Fund totaling \$12,454.62.

9. Children Justice Center Inter-Local Agreement: Council members were asked to review the proposed CJC Inter-Local Agreement and make recommendations on any changes they would like to make.

10. Warrants: The warrants for the periods of June 5 to June 12 and June 13 to June 19, 1997 were presented to the County Clerk for filing.

COUNCIL MEETING
MINUTES 6/24/97

CDBG: PUBLIC HEARING-FIRST

Executive Lemon, convened the first CDBG Public Hearing at 5:15 p.m.. The purpose of the Public Hearing was reviewed by Executive Lemon. This hearing is to receive public input and suggested projects which Cache County may be asked to sponsor for the 1998 & 1999 year. The amount of funding available is approximately the same as last year, around \$900,000. CDBG funding is used to serve low and medium income populations. This can include Capital Improvement projects, housing projects, and is designed to help low and moderate income individuals. Last year 100% of the allocated funding was used for those kind of projects and we anticipate to do the same this year. We will not displace any low or moderate income individuals as we sponsor CDBG projects and use the funding.

The public was then given opportunity to comment and make suggestions for CDBG projects.

Sinclair, Sara V., the Director of the Sunshine Terrace Foundation, was the first to respond. Sinclair thanked the Council for past projects sponsorship and presented a written 5 year project list that included the following: 1. Replacement of the heating and air conditioning systems within the facility located at 225 N 200 W.. Estimated cost \$650,000. 2. Updating for computer hardware and software. Estimated cost \$75,000. 3. Replacement of original 1964 flooring. Estimated cost \$100,000. 4. Parking complex. Estimated cost \$500,000 and 5. Replacement of bathing equipment. Estimated cost \$130,000. Total estimated cost \$1,455,000.

(See attachment #1)

Nilson, Michael, the County Administrative Assistant mentioned the County has an on going Senior Citizen CDBG application.

Lemon asked for additional public comment and received none.

The importance of attending the CDBG how to apply workshop was explained by Executive Lemon.

A motion to close the Public Hearing was made by Councilman Yeates. It was seconded and carried unanimously.

COUNCIL MEETING
MINUTES 6/24/97

BEAR RIVER MENTAL HEALTH: CARDON, DR. BARTELL

Dr. Bartell Cardon, the retiring director of Bear River Mental Health Services appeared before the Council to review his twenty year Stewardship. The report was directed to the Staff, Board of Directors and the Mental Health Authorities. The Council thanked Cardon for his years of exceptional service to the Community. The attachment includes one page of the report.

(See attachment #2)

An open house to honor Dr. Cardon is scheduled for Wednesday the 23rd day of June 1997. Everyone is invited to attend.

BEAR RIVER HEALTH-BUILDING SPACE FOR SUB, ABUSE: BERENTZEN, LLOYD

Lloyd Berentzen, representing Bear River Health Department is asking the Council to support the Board of Healths approval to use fees collected, to expand their facility to accommodate the newly acquired Substance Abuse Program.

(See attachment #3)

Vice Chairman Anhder made a motion to approve the recommendation of the Board of Health. It was seconded and carried unanimously.

DIVISION OF WATER RIGHTS RESPONSE LETTER: ERICKSON, THAD

The County Water Policy Coorinator, Thad Erickson, reviewed a response letter he had drafted to the State Division of Water Rights Engineer from the County Government. Erickson is also asking the State to extend the comment period to December 31, 1997.

(See attachment #4)

It was moved by Vice Chairman Anhder to submit the letter of response to the State Water Engineer. It was seconded and carried unanimously.

BUDGETARY MATTERS

The following Intra-Departmental budget transfer was presented for Council approval:

County Recorder: \$4000.00

(See attachment #5)

COUNCIL MEETING
MINUTES 6/24/97

Councilman Petersen moved to approve the budget transfer requested by the County Recorder. It was seconded and carried unanimously.

PARADISE WEST SUBDIVISION PLAT APPROVAL-FINAL: LEISHMAN, ROLAND

The owner of the Paradise West Subdivision, Roland Leishman, was present to discuss his final plat map with the Council. Leishman told the Council that he has met all requirements of the County Planning Commission. The Subdivision is located West of Paradise and has twenty lots. Some Council members expressed concern that the County doesn't have enough manpower to provide police or fire protection. Councilman Pulsipher said that the Planning Commission has approved the subdivision and it meets all the necessary requirements.

It was moved by Councilman Pulsipher to waive the rules of first and second reading and approve the Paradise West Subdivision final plat. It was seconded and passed on a vote of 5 "Yes" to 2 "No". Anhder and Yeates voted No.

TELEVISION TRANSLATOR: DISCUSSION

Executive Lemon, who has been working to get better television reception into the County, told the Council that the present system is old and worn out. Parts to fix it have become obsolete and hard to find. Mike Braegger, who has been maintaining the system is working out of town for the time being. When Braegger returns he will make recommendations to the Council. Lemon said that he has received more calls on this item than any other issue. The Council will continue investigating the system and wait for Braegger's recommendations before any decision is made. Braegger is expected to report on September 9, 1997.

WAR MEMORIAL MONUMENT: DISCUSSION

The County Executive, M. Lynn Lemon, told the Council that the War Memorial located at the North East Corner of the Old Court House lot, has deteriorated beyond name recognition. The stone used to engrave the veterans names on has either worn-out or oxidized so much that the names can't be read. The cost to replace the stone will be around \$16,000 and if metal is used it will cost \$26,000. Lemon will continue to study the issue. He was also asked to invite community support through donations. The Memorial was originally built by financial gifts from through out the County.

COUNCIL MEETING
MINUTES 6/24/97

SHERIFF-COUNTY, REPLACEMENT: DISCUSSION

The appointment of a new County Sheriff was presented for discussion. The County Republican Central Committee have sent the names of three candidates for Council consideration and appointment. The three candidates are: 1. Gerald Lynn Nelson a Lieutenant in the Cache County Sheriff Department. 2. Craig Andrews a Lieutenant in the Logan City Police Department. 3. Morty Jenkins a Trooper in the Utah Highway Patrol. The third candidate, Morty Jenkins, because of conflict between his Highway Patrol position, withdrew his name from consideration.

Councilman Skanchy expressed concern about the appointment process that was used by the Republican party to furnish the names of the Candidates for appointment. Skanchy read the prepared statement aloud.

(See attachment #6)

Chairman Gibbons reviewed a memo to the Council from the County Attorney, Scott Wyatt.

(See attachment #7)

Vice Chairman Anhder suggested that due to the sensitive nature of the appointment process and personal review of the candidates that the Council should adjourn into an Executive session.

Councilman Petersen moved to adjourn from the regular Council meeting into an Executive session at the end of the meeting. The motion was seconded and carried unanimously.

COUNCIL PICTURES-JULY 8, 1997 4:00 p.m.

Chairman Gibbons reminded the Council that pictures of the Council will be taken before the next Council on July 8th at 4:00 p.m..

PARADE: HYRUM CITY 4TH OF JULY

The Council has been invited to ride in the Hyrum City 4th of July parade. The parade will begin at 12:00 noon.

PARADE: LEWISTON CITY 4TH OF JULY

The Council has also been invited to ride in the Lewiston City 4th of July parade. The parade will start at 9:00 a.m..

COUNCIL MEETING
MINUTES 6/24/97

DEAD ANIMAL-CACHE VALLEY BY PRODUCTS SUBSIDY:DISCUSSION

The Cache Valley By Products Company, a dead animal disposal company in Amalga, has approached some Council members concerning a proposed subsidy for their operation. They apparently are not receiving enough funds to maintain proper operation of their company. It was reported that the company provides a service to citizens in the county who have livestock operations. If the company were to stop picking up dead animals it is feared that a lot of those animals would be dumped along county road ways.

Councilman Petersen made a motion to support a small subsidy as determined by the Council Chairman and Executive after they have further investigated the issue. The motion was seconded and carried unanimously.

COUNCIL MEMBER REPORTS

County Executive Lemon reported that BRAG is considering making the change in Directors of their Department of Aging.

(See attachment #8)

THE COUNCIL ADJOURNED FROM THE REGULAR COUNCIL MEETING INTO AN EXECUTIVE SESSION

EXECUTIVE SESSION

The purpose of the Executive Session was to discuss the appointment of a new County Sheriff. Two candidates, their ability to perform as County Sheriff and which one would be best for the position, was discussed. Some Council members expressed a desire to make a change in the department with someone new and other Council members thought it wise to keep continuity within the department. It was the consensus of the Council that both men were exceptional candidates.

Councilman Yeates moved to adjourn from Executive Session and invite the public back into the Chambers. It was seconded and carried unanimously.

THE COUNCIL ADJOURNED FROM THE EXECUTIVE SESSION BACK INTO THE REGULAR COUNCIL MEETING:

COUNCIL MEETING
MINUTES 6/24/97

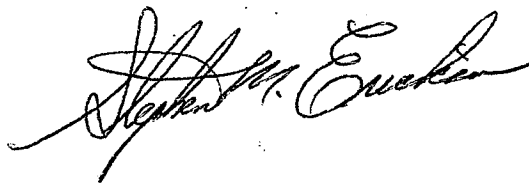
SHERIFF-COUNTY APPOINTMENT: CONTINUED

Members of the public were invited back into to the Chambers. Council Chairman Gibbons told the audience that the Council has had a frank discussion concerning the two candidates and are now ready to make a decision. Vice Chairman Anhder thanked both candidates and complimented them for being excellent candidates. Councilman Beck encouraged both to seek election when the time comes. Chairman Gibbons told the audience that the County Executive would not be asked for his recommendation at this time. However Executive Lemon did comment during the Executive Session.

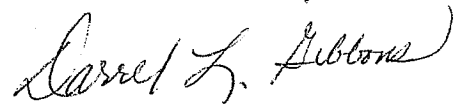
Councilman Pulsipher moved to appoint Gerald Lynn Nelson as the new Cache County Sheriff filling the unexpired term of Sheriff Sidney P. Groll whose term ends on January 5, 1999. The motion was seconded and passed on a vote of 5 "Yes" to 2 "No". Skanchy and Petersen voted no.

ADJOURNMENT

The Council meeting was then adjourned at 7:50 p.m. by Chairman Gibbons.



ATTEST: Stephen M. Erickson
Cache County Clerk



APPROVED: Darrel L. Gibbons
Council Chairman

**COMMUNITY DEVELOPMENT BLOCK GRANT
PUBLIC HEARING
Tuesday, June 24, 1997**

Initial request from the Sunshine Terrace Foundation
Sara V. Sinclair, CEO
801-752-0411, Extension 216

The Sunshine Terrace Foundation has been in non-profit community service for nearly 49 years. I have attached a copy of our mission statement which describes our purpose. Over 27,000 hours of volunteerism and over \$150,000 in annual financial contributions are received from our community, and we are most grateful. We employ over 250 people and care for over 200 clients per day.

We gratefully acknowledge the wonderful support we have received from the Community Development Block Grant (CDBG) program over the years. The most recent projects have been our kitchen remodel, our front entry improvement to readily accommodate functionally impaired individuals, and our project to replace our roof.

We have projects outlined for the next 5 years with which we would very much appreciate CDBG financial assistance. Those projects are as follows.

- Replacement of the heating and air conditioning systems within the facility located at 225 North 200 West. This building is the center of our operations. Estimated cost: \$650,000.
- Updating of our computer hardware and software. Estimated cost: \$75,000.
- Replacement of flooring in original 1964 section of the building. Estimated cost: \$100,000.
- Parking complex. Our parking space is quite limited. Estimated cost: \$500,000.
- Replacement of bathing equipment. Estimated cost: \$130,000.

The total estimated cost of the projects noted above is: \$1,455,000.

We thought perhaps it would help you to be aware that we have our projects outlined this far in advance.

We appreciate your consideration of our requests, and your participation in past projects. Thank you very much!

SUNSHINE TERRACE FOUNDATION, INC.

MISSION STATEMENT

(Revised June , 1997)

Sunshine Terrace's mission is to provide the following array of services for its clients: short term rehabilitative care, adult day center services, assisted living services, skilled and intermediate in-house care, in home personal care, and in-house respite care. All are delivered in a professional environment dedicated to wellness, health promotion, and a holistic approach.

We are committed to:

- individualized care and services which recognize the client as being in charge and maximizing each client's autonomy, health, and quality of life.
- providing services to individuals regardless of race, sex, color, age, creed, national origin, source of payment, or ability to pay.
- continuity of care for our clients through careful coordination of their care with other providers and within our system to assure the delivery of the correct services, in the appropriate setting, for the proper length of time, and at the most cost-effective price.
- educating our clients, their families, our staff and volunteers, and the community about long term care.
- maximizing the job satisfaction, training, and educational qualifications of our employees through proper orientation, ongoing inservice education, consistent recognition for a job well done, and fair compensation.

**A Twenty Year Stewardship Report
to the
Staff, Board of Directors, and Local Mental Health
Authorities
of
Bear River Mental Health Services, Inc.**

Bartell W. Cardon, Ph.D.

This year (1997) is the twentieth anniversary of the founding of Bear River Mental Health Services. It is also the year in which the corporation will experience it's first change in President/C.E.O. The following pages contain a brief summation of the first two decades of comprehensive mental health services in the Bear River community. I write in the first person, for this report represents an account of my stewardship from 1977 to the present.

Brief Historical Overview

The national mental health system, as we know it today, had its origins in the mid 1960's under the strong leadership of President John F. Kennedy. Utah joined that movement in 1967, formally committing itself to the development of necessary mental health services throughout the state. Although immediate progress occurred within the more densely populated districts, there was little advance in the remote and less urbanized areas.

Advocates for the development of community mental health services in the tri-county area worked for change, but political leaders tended to minimize the need. There was a small mental health program, the Northern Utah Mental Health Clinic, consisting of one full-time clinician and several part-time contracted individuals. A traveling state mental health team periodically came to Brigham City and Logan.

Finally, in 1976, under pressure from local and state advocates, the three counties submitted an application for a Federal Operations Grant. The application was approved, with funding beginning January 1977.

The search for the individual to found the center began late in 1976. I was, at that time, a tenured professor at the University of Pennsylvania. My family and I had spent a sabbatical year at Utah State University during the 1975-76 academic year. While in Logan, I came to know and respect many of the individuals who were seeking to have comprehensive mental health services established in the region. Several members of the Search Committee, having already met me during that earlier period, recommended that I return for an interview. The position was offered, and I accepted.

Board of Health / Local Substance Abuse Authority

2 Fund Accounts:

1. Oct. 1, 1996 - Board Approved **\$298,451.61** (Fees, County transferred)
2. June 3, 1997 - Board Approved **\$271,096.60** (200,000-225,000 S.A. match created)
 - A. Memorandum of Understanding with State
 - B. Section R-544
 - C. Memo from Nate Piggott (State Substance Abuse Finance Director)

(attachments)

Memorandum of Understanding

Addendum to Area Plan for New Choices

The Bear River Health Department, the Bear River Local Substance Abuse Authority and the Utah State Division of Substance Abuse agree to the following:

1. From the time of the decision to award the Bear River Health Department with the Local Substance Abuse Program, any related substance abuse efforts that the Bear River Health Department is engaged in through June 30, 1996 can be used as local county match.
2. The Health Departments match effort will be recognized from February 13, 1996 through June 30, 1996.
3. The Health Department will not formally take control of the Substance Abuse Program until July 1, 1996.
4. The related efforts to Substance Abuse that the Health Department is engaged in must come from Cache, Rich or Box Elder county contributions to the Health Department.



State of Utah

DEPARTMENT OF HUMAN SERVICES DIVISION OF SUBSTANCE ABUSE

Michael O. Leavitt
Governor

Rod Befit
Executive Director

F. Leon Povey M.S.W.
Division Director

120 North 200 West 4th Floor
P.O. Box 45500
Salt Lake City, Utah 84145-0500
(801)538-3939

Date: June 24, 1997

To: Lloyd Berentzen,
Bear River Health Dept.

From: Nathan Piggott,
Budget and Accounting Officer
Division of Substance Abuse

Subject: Use of County Funds.

In response to your question concerning the funding from the county earmarked for a new building, the Division sees this as an allowable use of those funds. It is the Division's intent to allow Local Authorities to keep fees to help expand programs. This is outlined in Administrative rule R544-1-3. By earmarking those funds for a Substance Abuse Building Bear River is meeting that intent. If you have any questions, please contact me at 538-3946.

R544-1-3. Providers' Application for Funding - Fee Collection Policy.

All programs receiving funds allocated by the State Division of Substance Abuse shall prepare, as part of their application for funding, a fee collection policy. Fees collected by programs shall remain in their program and be used only in providing alcohol and drug services. Upon request by the Division each program shall submit a report to the Division which will include the total dollar amount of fees collected and services provided by the expenditure of these funds. Fees collected shall not be a reason to reduce federal and/or state funding.

CACHE COUNTY
CORPORATION

COUNTY COUNCIL

DARREL L. GIBBONS

CHAIRMAN

C. LARRY ANHDER

V. CHAIRMAN

SARAH ANN SKANCHY

GUY RAY PULSIPHER

H. CRAIG PETERSEN

LAYNE M. BECK

CORY YEATES

STEPHEN M. ERICKSON

CLERK

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR

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

June 25, 1997

Mr. Robert Morgan
State Water Engineer
Department of Natural Resources
Water Rights Division
1636 West North Temple, Suite 220
Salt Lake City, Ut 84116-3156

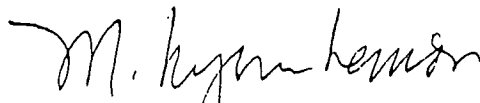
Dear Mr. Morgan:

Because of the importance to our water-using public in Cache County, we are making every effort to circulate and publicize your March 17, 1997, "Draft Version of Cache Valley Groundwater Policy Report". It is our desire and intent to provide your office with helpful comments and suggestion. To this end, we are proceeding deliberately, gleaning meaningful input with the intent to assemble and forward it to your office in useful format.

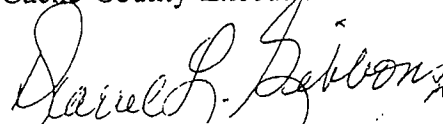
We greatly value our groundwater resource and perceive it to be a critical element in meeting our societal goals. We have several major water-related elements. Because of some of these planning and study efforts new data continues to be available. We desire to carefully consider the implications of your suggested policy changes. With sufficient time to assemble, digest, and organize reaction and comment, we believe we can provide you with some valuable response.

We respectfully request that you extend your initial deadline for response to 31 December 1997.

Sincerely,



M. Lynn Lemon
Cache County Executive



Darrel L. Gibbons, Chairman
Cache County Council

MAL/DIG:pap

One Cache Valley Perspective on Bear River Water Quality

Prepared by Thad Erickson

24 June 1997

Prolific watersheds, plus groundwater, cows, people, erosion, and water scholars are things we have in relative abundance in the Cache portion of the Bear River Basin. These realities seem to govern our contribution to the quantity and quality of the Bear as well as our policy positions. When our Cache County Water Policy Advisory Board was created about five years ago the word "quality" was not used in the initial objectives. Today, water quality issues seem to occupy the majority of our attention. As Dennis Strong put it, "Water quality seems to have taken on a life of its own."

Since the 11 June informal Bear River Commission organized meeting in Logan I talked with Wally Jibson, a member of our board and a key player in adoption of the Bear River Compact. He said that when the Compact was initially cobbled together it was touch and go just dealing with allocation issues let alone quality issues. Regulatory matters in the Compact would have bogged things down. They tried to reduce complexity by setting aside groundwater, depletion, quality and boundary issues. The main concern was division of natural flow and allotting storage not junior to Bear Lake. Drafters of the Compact were loath to cumber it with quality issues even though it's clear that they recognized quality issues were important. Realities of today indicate that some *cumbering* may be desirable and inevitable.

The Commission is doing well to analyze quality issues, but great care needs to be taken that progress made is not reversed by packing too much baggage on to the original purpose of the Compact. One example of why careful analysis is critical and where perceptions don't seem to square with reality is as follows: The Commission is considering including Cache groundwater in allocation accounting during water emergencies. It has been stated that in 1992 it came very close to putting a call on the river with the objective of shutting down junior groundwater pumpers in favor of senior downstream rights. A draft procedure has been prepared to be on standby for such a future situation. Our analysis suggests that depletions of groundwater in Cache are small, on the order of 9-12 cfs. Return flows, especially from municipalities, can probably be expected to have some as yet not quantified positive effect on downstream flows during the irrigation season. Further study may show that the preferred response to a water emergency is to pump Cache municipal wells as much as practical during May-Aug., with resultant delayed reductions on the Bear below Cutler not expected to be felt until Sept.-Dec. for example. *But what about springs?*

The above logic adds a degree of complexity to the allocation question and has a profound effect on downstream water user attitudes if they accept it. Why would any Cache municipality sign a stored water contract if they believe that further

7000 Acres

hydrologic study will show replacement is not needed? One good reason I can think of is if they believe the quality of their groundwater supply may be threatened through degradation by either pollution or migration of naturally poor quality water into source wells. Recent USGS studies in Salt Lake County show that high quality wells in Sandy could be pumping poorer quality water from west of the Jordan River in 25-50 years. Cache County has a lot of naturally poor quality groundwater that would require treatment for culinary use. The strongest argument I can see for Cache participation in storage projects is based on quality. Putting all your eggs in the groundwater basket is not smart unless you watch and can positively protect that basket. Ivan Flint has stressed many times the several threats to quality of his groundwater sources.

Bear River WCD was disappointed in the water quality in their test wells west of Logan near the shooting range. Recent geologic studies indicate that Cache aquifers may not be very leaky vertically from one to the other in this area. Validity of the USGS model requires them to be leaky. I have encouraged Frank Nishiguchi to get State Engineer approval to let these wells flow and monitor the quality. If the quality improves over time much could be gained by using this concept to enlarge the useable volume of a Cache aquifer.

Cache County is very appreciative of the funding Division of Water Resources (DWRe) has provided in support of water studies. The "Consumptive Use of Municipal Water Supply, Aug. 96" report could have profound quality implications. This report has data which indicate that one Cache community is losing more than half of its indoor use water before it gets to the sewage meter near the intersection of the Providence road and the highway to Hyrum. If correct, this could be contributing the equivalent of the untreated effluent from ~600 homes to our groundwater and thence via springs to the Bear River. Who has responsibility to be concerned about checking this out? I'm not sure. One piece of advice I have been given is to request state money to fix the problem and then just wait and see what happens. UGS will begin groundwater quality sampling next month as the first step in getting EPA to classify Cache aquifers. This should eventually help in protecting groundwater quality. These studies are expensive, but unexpected beneficial outcomes can result. Preliminary studies for the Hyrum Dam enlargement project looked at shallow groundwater in Hyrum near the dam. UGS geologist, Barry Solomon, recently identified a landslide northwest of the Dam as being a possible liquefaction failure resulting from an earthquake. Out came the Hyrum Dam Enlargement Feasibility Study for review. As with most things geologic its hard to quantify, but I'm becoming more convinced that liquefaction is indeed a correct explanation.

I do use the DWRe prepared state and basin water plans. I have been through both, paragraph by paragraph, and have marked every reference to local government. It was mentioned at the UWRL

meeting on 2 June that the Lab. needed to get on board the train or be left out and that maybe DWRe planning documents were not being used or appreciated. Without getting into the ivory tower academic vs more practical, real world, water engineering debate I see it this way. UWRL should play the role of honest or objective broker to the extent they can. They can help with switching, in helping to insure that we take the preferred or better track and get to where we want and need to be. I have attended all of the State Water Development Commission meetings since it's inception. I have offered to be a sort of liaison and see to it that UWRL gets information on agendas, notes and briefings etc. of the Commission and likewise present UWRL agenda item suggestions to the co-chairs of the Commission. I like what I call the PhD (Parson-Holmgren, Data) Initiative on water information with USU providing information system and library expertise. We have too much water information that is just stored, not being transferred between entities that can and should be using it. This information concept like "quality" will surely occupy more and more of our attention.

Some water quality realities will change when Bear River water leaves the basin and begins supplying the Wasatch Front. Some changes are already taking place. We (all Bear River Basin folks) then will have some very politically powerful downstream users. Their drinking water quality concerns will matter. There are some who say that storage proponent's first priority is state subsidy of water projects and secondly getting Bear River water; that rate payers rather than tax payers should pay for water projects. Fully informed citizens with totally objective decision options should decide this. The most attractive reason to build Bear River Storage (and maybe eventually Cache quality treatment facilities) from my perspective is one of *quality insurance*. This could be insurance against the unpredictable: drought, chemical spill, groundwater degradation of whatever kind, geologic hazard etc. A backup source for vulnerable groundwater would sell to citizens who were fully aware of the threat.

The magnitude of Bear Lake storage capacity helps to put things into clearer perspective. It would take the storage capacity of ~14 Honeyville or ~77 Hyrum Dams to equal the storage increment in Bear Lake. These numbers show how existing storage, with no dam safety retrofit costs, dwarfs any realistic future storage development. These figures are derived from numbers in the Bear River Basin Plan.

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

Department: Recorder
Date: 6/20/97

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

Transfer from ---

Line Item No.	<u>10 - 4144 - 740</u>		
Fund Designation:	<u>Equipment</u>		
Original Budget:	\$ <u>2,000</u>	\$	_____
Current Budget:	\$ <u>19,000</u>	\$	_____
Expenditures to date	\$ <u>0</u>	\$	_____
Balance before transfer	\$ <u>19,000</u>	\$	_____
Balance after transfer	\$ <u>15,000</u>	\$	_____

Transfer to ---

Line Item No.	<u>10 - 4144 -</u>		
Fund Designation:	<u>Software</u>		
Original Budget:	\$ <u>1,000</u>	\$	_____
Current Budget:	\$ <u>3,000</u>	\$	_____
Expenditures to date	\$ <u>100</u>	\$	_____
Balance before transfer	\$ <u>2,900</u>	\$	_____
Balance after transfer	\$ <u>1,900</u>	\$	_____

Description of needs and purpose of transfer ---

Purchase optical imaging software & equipment; upgrade from Canofile 250

M. J. Glead
Department Head

Recommendation: Approval Disapproval
Comments:

Date: 6/20/97

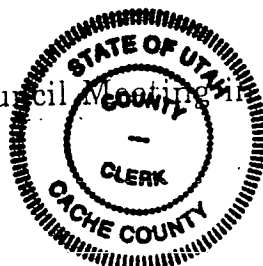
Jamua Stones
Cache County Auditor

Recommendation: Approval Disapproval
Comments:

Date: 6/23/97

M. Lynn Hansen
Cache County Executive

Consented by the Cache County Council Meeting in regular session on the 18th day of June, 1997



Shirley M. Eries
Cache County Clerk

5

SARAH ANN SKANCHY _ STATEMENT ON APPOINTMENT PROCESS

Section 20A- 1- 508 of the Utah Code sets forth the procedure for filling midterm vacancies in county elected offices. The county legislative body shall appoint an interim replacement to fill the vacant office. To appoint an interim replacement, the county legislative body shall give notice of the vacancy to the county central committee of the same political party of the prior office holder and invite that committee to submit the names of three nominees to fill the vacancy.

The county central committee shall, within 30 days, submit the names of three nominees for the interim replacement to the county legislative body. The county legislative body shall, within 45 days after the vacancy occurs, appoint one of those nominees to serve out the unexpired term.

In my opinion, in this process, the function of the political party county central committee is to reduce the number of applicants for the vacant position to three, certify them as members of that political party, and eligible to hold that elected political office. Then the three nominees names are to be submitted to the county legislative body for the decision.

This was the procedure used to reduce the number of candidates for the vacant office of County Treasurer several years ago.

When the County Executive resigned, there was little interest in this position at that time since the County Convention had already been held and Mr. Lemon took sufficient votes to avoid a primary between same party opponents. The names of three nominees were sent to the county legislative body with no vote being taken but a recommendation being given that Mr. Lemon be selected.

In the current situation only three interested parties have requested to be among the nominees. There was no necessity to reduce the number of nominees to three and I believe it was inappropriate on the part of the leaders of the party central committee to try to put restraints on the legislative body's decision making process. To indicate in their submittal letter that if the legislative body choses to appoint someone other than their recommendation "that you would have some very compelling and overriding reasons to do so" attempts to interfere with the elected responsibility of the County Council to represent all the citizens in Cache County to the best of our ability. Public comments by party leaders that if the County Council goes against the Central Committee "they'll get a lot of flak" causes even more citizens to distrust government and those who are trying to ~~make~~ make it work better.

Sarah Ann Skanchy

and

6

CACHE COUNTY ATTORNEY



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County Attorney

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PATRICK B. NOLAN
DONALD G. LINTON
RANDON H. DRAPER
Deputy County Attorneys

REBEKAH F. ALPISA
Victim Assistance

MEMORANDUM OPINION

TO: Members of the Cache County Council
Lynn Lemon, Cache County Executive

FROM: Scott L Wyatt, County Attorney

DATE: June 19, 1997

RE: Appointment to Fill Vacancy in the Office of Cache County Sheriff

This office has been asked to provide direction for the Cache County Council and Executive relative to the appointment of an individual to fill the unexpired term being left vacant by Sid Groll's resignation. Prior opinions from the Office of the County Attorney, dated March 3, 1992 and April 25, 1990 were based on three provisions; first, the County Organic Act, Section 4.04(e) which provides that:

The County Executive, as chief executive of the county, shall have the power and it shall be his duty to: Appoint persons to all offices which are to be filled by appointment with and upon the advice and consent of the county council.

and Section 5.15 which provides that:

Except where otherwise provided in this Article or by the County Council, the County Executive shall appoint all officers and heads of departments upon the advice and consent of the County Council, the same being approved by the affirmative vote of four Council members.

and, finally, U.C.A. Section 17-5-21(1)(a) which provides that:

Except where otherwise provided by law, the county governing body may appoint replacements to fill all vacancies that occur in those officers filled by appointment of the

7

county governing body.

Like so many other provisions in Utah law, the creation of alternative forms of government, like ours, left questions as to what "governing body" meant. In the past, "governing body" could only refer to the county commission, now, after the advent of the council/executive form of government, depending on whether the function described is primarily administrative or legislative, "governing body," under state law, refers to either the county executive or the county council. Utah Code authorized the governing body to make the appointment and the Organic Act provided that for purposes of appointments, the "governing body" would be the County Executive. Based on these three provisions it was obvious to the County Attorney and reflected in his opinions that, upon the advice and consent of the County Council, the County Executive made the appointments.

Subsequent to these opinions, in 1993, the State Legislature repealed the provisions in U.C.A. Section 17-5-21 and provided that "county offices shall be filled as provided in [new section] 20A-1-508. This change was apparently part of the legislature's effort to define which body was the "governing body" for counties, like ours, that adopted an alternative form of government. Subsection (6)(iii) provides that:

The county legislative body shall, within 45 days after the vacancy occurs, appoint one of those nominees [from the county central committee] to serve out the unexpired term. (Emphasis added.)

This change in state law places a conflict between state law and the county organic act. The general rule of law is that when a county act and state law both speak to the same issue they should be harmonized to the extent possible in order to carry out the intent of both. If they cannot be harmonized--state law controls. The intent of the drafters of the County Organic Act is to require the Executive to make this appointment. The clear mandate of state law is to require the Council to make this appointment.

Conclusion. It is the burden of the County Council to appoint a replacement to the recently vacated office of County Sheriff. However, it is my recommendation that the Council meet the intent of the framers of the County Organic Act as much as possible. That intent can be satisfied by allowing the County Executive, as he is in all other cases, to provide his recommendation prior to the Council acting on the appointment. In the end this recommended procedure, under the new state law, would not reflect a significant change of practice for the County. Under either the old or newer revised law the Council controls the appointment and the issue becomes mostly one of semantics. Under the old practice the Council was required to approve the Executive's appointment, under the new law the Council appoints following the Executive's recommendation.

Box Elder

Cache

Rich

Serving northern Utah since 1971

Community Development • Economic Development
Human Resources

BRAG

Bear River Association
of Governments

170 N. Main • Logan, Utah 84321
(801) 752-7242
FAX (801) 752-6962

June 24, 1997

Helen Goddard, Director
Division of Aging and Adult Services
Administration - 4th Floor
PO Box 142700
Salt Lake City, Ut 84114-2700

Dear Helen:

Enclosed is an organization chart showing our staffing of the Bear River Area Agency on Aging. We are pleased that Marcee Cazier, Director of the Cache County Senior Citizen Center, has agreed to join our regional aging services management team on a half-time basis effective July 1, 1997.

In reviewing the chart, you will notice that the BRAG Executive Director will continue as the Area Agency on Aging (AAA) Director. In-Home Services Director, Michelle Smith, will oversee the Home and Community Based Medicaid Waiver and Alternatives programs along with Respite Care and Ombudsman. She will supervise the case managers, monitor the related contractual relationships and respond to your in-home services staff and those at the Department of Health.

Marcee Cazier will oversee the Title III funded services, supervise the fiscal assistant, monitor and lend technical assistance to the nutrition consultant, Utah Legal Services, and the Senior Centers.

EXECUTIVE DIRECTOR
Roger C. Jones

Governing Board

CHAIRMAN
Dee Johnson

Box Elder County
Commissioner R. Lee Allen
Commissioner Jay Hardy
Commissioner Royal K. Norman
Mayor Larry Howell
Councilmember LouAnn N. Christensen

Cache County
County Executive M. Lynn Lemon
Councilman Darrel L. Gibbons
Councilman Layne M. Beck
Mayor Darla D. Clark, Vice Chair
Mayor Alma P. Moser

Rich County
Commissioner Kenneth R. Brown
Commissioner Blair R. Francis
Commissioner Dee Johnson, Chair
Mayor Kevin Kearl
Mayor Bryce R. Nielson

8

Helen Goddard, Director
Division of Aging and Adult Services
Page 2

When possible, your staff should direct correspondence to either Michelle or Marcee as appropriate. The more general AAA correspondence should go to Marcee. We will assume responsibility to ensure that correspondence received goes to the right person on our team.

I have received enthusiastic support for this organizational approach from all involved. We will evaluate our performance after six months hopefully with your involvement:

I appreciate very much the support and assistance we have received from you and the Division staff during our transition period.

Sincerely,

ROGER C. JONES
Executive Director

encl.

cc: Michelle Smith
Marcee Cazier
Wes Maughan, Aging Council Chairman
M. Lynn Lemon, Cache County Executive
Darla D. Clark, BRAG Governing Board Chair

Area Agency on Aging Organization Bear River District

