

COMMISSION MEETING MINUTES
February 2, 2016

The Board of Davis County Commissioners met on February 2, 2016 at 10 am in room 303 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah. Members present were: Commissioner John Petroff, Jr. - Chair, Commissioner Jim Smith, Commissioner P. Bret Millburn, Clerk/Auditor Curtis Koch, Deputy Civil County Attorney Michael Kendall, and Deputy Clerk/Auditor Janet Hanson.

Agenda as posted

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PUBLIC NOTICE is hereby given that the Board of Davis County Commissioners, Farmington, Utah, will hold a Commission Meeting at the Davis County Administration Building, 61 South Main Street, Room 303, Farmington, Utah, commencing at **10:00 a.m. on February 2, 2016.**

OPENING

Pledge of Allegiance – By Invitation

RECOGNITIONS, PRESENTATIONS AND INFORMATIONAL ITEMS

- Public Notice of Cancellation – Davis County Commission meeting will not be held February 23, 2016
- Coast2Coast RX Prescription Drug Discount Card Program – Martin Dettelbach, Chief Marketing Officer
- Press conference to be held following Commission Meeting

BUSINESS/ACTION

Brian Hatch, Davis County Health Department Interim Director, presenting:

Amendment with Dr. David Cope – consultant for medical and clinical issues (payable)
Amendment with Utah Department of Health – Operation Vapefront observational survey funding (receivable)
Memo of Agreement with Utah Highway Safety Office – Child Passenger Safety (CPS) Program (receivable)

Adam Wright, Davis County Public Works Director, presenting:

Notice of Award to ACME Construction – 1100 West 500 South, Farmington, Utah Road & Culvert Project

Neka Roundy, Davis County Community & Economic Development Specialist, presenting:

Agreement with Photography by John H. Williams – vendor booth at the Great Salt Lake Bird Festival (receivable)

Brooks Burr, Davis County Fair Coordinator, presenting:

Agreement with Hampton Inn & Suites/Farmington – sponsorship of the 2016 Davis County Fair (in-kind)

Mike Moake, Davis County Legacy Events Marketing, presenting:

Agreement with Utah Cutting Horse Association (UCHA) – 2016 horse shows (receivable)
Summary list of rental agreements at the Legacy Events Center

Chief Deputy Kevin Fielding, Davis County Sheriff's Office, presenting:

Rules for the Weekenders Program – contract between inmates and Davis County Sheriff's Office (receivable)

BOARD OF EQUALIZATION

Request approval of the Property Tax Register

CONSENT ITEMS

Meeting Minutes: January 19 & 26, 2016
Personnel Register
Check Registers

COMMISSIONER COMMENTS

PUBLIC COMMENTS (3 Minutes per Person)

Robert Ballew, Davis County Health Department's Public Information Officer, led the Pledge of Allegiance. All in attendance were invited to stand and join in.

Public notice of cancellation of the February 23, 2016 Davis County Commission Meeting was given. Commissioner Petroff explained that 2 of the Commissioners will be out-of-town.

Martin Dettelbach, Chief Marketing Officer from Coast2CoastRX Prescription Drug Discount Card Program, thanked the Board of Davis County Commissioners for approving the program (9/1/2015 #2015-462) and for moving forward with the distribution of the cards in Davis County. He said, "It's a win-win situation for both the residents and the county. It's an opportunity to level the playing field for those who either don't have insurance coverage or don't have enough." Nationally, there are over 400 governmental agencies participating in the program. Davis County is the 8th county in Utah that has approved the program following Daggett, Duchesne, Grand, Iron, Utah, Sevier and Sanpete counties. The card is free and can be

Cancellation of
Feb. 23, 2016
Commission
Meeting

Coast2CoastRX
Prescription Drug
Discount Card
Program.

used by individuals or families of any age. “It’s like a coupon that keeps on giving,” Dettelbach said. “It’s good for the entire family on generic and brand name drugs. Participants can save over 60 percent on average and there are 60,000 drugs available with 59,000 plus pharmacies that honor the card.” They will finish the distribution of the cards today and they will be available at Davis County government offices, libraries and health facilities as well as most participating pharmacies. Residents can also print the card and check prescription prices and participating locations at www.coast2coastrx.com/counties/ut/davis/. A link is also available on the Davis County website. In addition to prescriptions, the cards provide a discount for other medical needs. “It’s like a mini-discount medical situation with discounts for vision, dental services, hearing, labs, imaging and even veterinary prescription services,” Dettelbach said. “The discount ranges up to a 50 percent savings on routine dental services. You can also get a discount on diabetic equipment.”

There is no cost to the county for the cards. “The county will get a royalty of \$1.25 per prescription,” said Dettelbach. “It’s not much, but the county can use the funds. “

Commissioner Millburn said, “Any way that anybody can save is a win with insurance the way that it is today.” Commissioner Petroff was in agreement saying, “With healthcare costs on the rise, prescription drug discounts will help ease some of the financial burdens individuals and families are facing at a time when they need it the most. There are no eligibility requirements, so the Rx card is expected to have a sizeable impact on uninsured residents or residents facing high insurance deductibles.”

Regarding the foreseen royalties from the Coast2CoastRX program, Brian Hatch, Davis County Health Department Interim Director, indicated that the funds would be utilized in an underfunded senior health insurance program designed to help seniors navigate insurance options and find where there are gaps and get enrolled in the appropriate coverage. Another program helps identify individuals that have or do not have insurance and cannot pay for their prescriptions and they arbitrate with the drug manufacturer for a reduction of payment for the drug. Brian made the assurance that the royalties from the use of the Coast2CoastRX cards will be put to good use.

Brian Hatch presented the following:

Amendment #2014-98A with Dr. David Cope to continue to serve as the consultant for medical and clinical issues through the period of December 31, 2017. He explained the Attorney’s Office, through their review process, identified that the original contract did not have an end date. Commissioner Smith asked when the last time was that this position had been put out for an RFP. Brian indicated Dr. Cope has been their provider for a long period of time. He hasn’t increased his fee and he is familiar with the internal procedures. Many things are administered under his direction, under his trust with the Health Department under a standing order which is what this contract provides. To Brian’s knowledge it has not been put out for RFP. Given the ending dates of the contract it is something they will prepare for. Commissioner Smith indicated that putting out RFP’s is a good business practice. Period of contract is from date of signing until December 31, 2017. Payable amount is \$1,000 monthly.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Amendment #2015-445A with the Utah Department of Health for additional funding for the purpose of conducting Operation Vapefront observational surveys. Brian explained that in Utah, we are one of the hot spots for the vaping industry. There will be compliance checks similar to the tobacco program. Commissioner Smith added that they will be gathering information to find out why it is attractive to certain demographics. Commissioner Millburn said he has serious concerns as how and to who vaping is being marketed and that there is a very concerted effort to present vaping as a harmless, fun, and sexy to young

Use of
Coast2CoastRX
royalties

Amendment
#2014-98A
Dr. David Cope
clinical and
medical
consultant

Amendment
#2015-445A
UT Dept of
Health,
Vapefront
observational
surveys

people. Commissioner Smith pointed out that with flavors like candy cane and bubble gum you can tell who it is being marketed to.

Commissioner Millburn made a motion to approve. Commissioner Petroff seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Commissioner Millburn confirmed with Brian that he has been made aware of the group of high school kids that have identified this as a great concern to them. He applauds them for the efforts they are making to educate their classmates. Brian indicated they have reached out to them and have provided them with a lot of additional information to keep that message rolling forward.

Memo of Agreement #2016-46 with the Utah Highway Safety Office for funding for continued support of the Child Passenger Safety (CPS) program and activities designed to increase the use of appropriate safety restraining systems (car seats). Period of contract is October 1, 2015 through September 30, 2016. Receivable amount is \$10,000.00.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor's Office.

Adam Wright presented Notice of Award #2016-47 to ACME Construction for the 1100 West 500 South, Farmington, Utah road & culvert project. The bid opening for the project was last week (Jan. 26, 2016) and ACME was the lowest bid at \$287,471.75. The bid was reviewed and it met all the criteria. It is a cooperative project between Davis County, Farmington City and the Davis School District.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor's Office.

Neka Roundy, Davis County Community & Economic Development Specialist, presented agreement #2016-48 with Photography by John H. Williams for a vendor booth at the 2016 Great Salt Lake Bird Festival. Period of contract is May 13 & 14, 2016. Receivable amount is \$75.00.

Commissioner Smith made a motion. To approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Brooks Burrs, Davis County Fair Coordinator, presented agreement #2016-49 with Hampton Inn and Suites/Farmington as a sponsor of the Legacy Events Center and the 2016 Davis County Fair. They will provide 2 hotel rooms for 6 nights during the week of the fair which will be used to accommodate entertainers/performers. In return they will be hanging banners and the placement of their logo will be included in the fair advertising. Period of contract is February 2016 through February 2017. It is an in-kind reciprocal amount.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Mike Moake, Davis County Legacy Events Center Marketing, presented the following:
Agreement #2016-50 with Utah Cutting Horse Association (UCHA) for their 2016 horse shows. This is the largest horsing event held at the Legacy Events Center. It is beneficial as they require stall rentals and utilize the local hotels. Period of contract is April 1 & 2, 2016; May 20 & 21, 2016; October 28 through November 5, 2016. Receivable amount is \$4,075.00.

Commissioner Millburn made a motion to approve. Commissioner Smith seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Summary list #2016-51 of Legacy Event Center rentals (14).
Commissioner Millburn made a motion to approve. Commissioner Smith seconded the motion. All

Memo of Agreement #2016-46 Child Passenger Safety Program (car seats)

Notice of Award #2016-47 to ACME Construction 1100 W 500 S Farmington road & culvert project

Agreement #2016-48 John H. Williams GSLBF vendor booth

Agreement #2016-49 Hampton Inn, LEC & 2016 Fair sponsor

Agreement #2016-50 Utah Cutting Horse Association Horse show events at LEC

Summary list #2016-51 of LEC rentals

voted aye. Documents in their entirety are filed in the vault of the Davis County Clerk/Auditor.

Chief Deputy Kevin Fielding, Davis County Sheriff’s Office, presented “Davis County Jail – Rules for the Weekenders Program” #2016-52. Chief Fielding explained it is an agreement they have inmates sign when they participate in the Weekender Program. There had been concerns of which Mike Kendall and Neal Geddes have been working to change some of the rules and to get an agreement on the rules with the Courts. The \$40 per entrance fee for the Weekender Program was approved through ordinance (#2-2015). There has been input from judges on these rules. He said it is a unique program from the security and safety standpoint. There is an advantage to the judges to give out sentences that are non-contiguous which will enable individuals to keep their jobs and be contributing members of society.

Commissioner Millburn asked if the judge has latitude to sentence them in this regard. Do all county jails participate in this type of program? Is it something we don’t have to participate in? Chief Fielding said the judges do have the latitude. We have to be able to accept it and have a program within the facility, but the judge has to be able to sentence the person to the program. Commissioner Millburn asked if there are some qualifiers to determine if someone is eligible or not? Chief Fielding answered that not every jail offers this program. Davis County has had a Weekender’s and a Work Release program since the 1970’s. An example is an individual sentenced to 10 days is given the opportunity to serve it as weekend, which means he is coming in 5 different times. From a supervisory standpoint, he is processing that individual 5 times, which is 5 times the amount of staff time compared to them serving straight time.

Michael Kendall explained the authority for this program is provided by State Code. State Code provides the Sheriff with the authorization to an “alternative program.” It is not a mandatory program. It is at the option of the county sheriff. The county sheriff has the ability to make it available for those inmates that it would best suit. As they have been working out the kinks, modifying the rules, and addressing many of the questions of the issues, he has tried to emphasize on several occasions, both to the judges, part of this will be training and education working with prosecutors and defense council, district court judges and justice court judges, to hopefully get everyone on the same page of this particular point, which is, “This is a program. But it will only be viable and work for those that are going to be good fits for the program. If we are trying to use the proverbial comment of putting a square peg into a round hole, that is where we have run into problems. This is a program for individuals that have committed some type of offense. Generally, a non-violent offense. As a result of that, they are in the position to potentially participate in an alternative program like this. One of the biggest benefactors would be someone that has full-time employment, but if they were put into jail for 10-20 days or a month they could lose their employment. By serving their jail sentence on the weekends they could retain that employment and continue to be a productive member of society and hopefully move forward with their rehabilitation, serve their penitence and move forward in their lives.” These modified rules are meant to help in that. One change being proposed in the rules, the very last rule identifies that among other options, what it indicates to the inmate, that they are signing off on, is if they violate any of these rules, including failure to pay timely or any of the other ones, there will be a motion to modify the sentence filed with the court in a request to revoke their ability to participate in the program. This provides accountability to the inmate, as a benefit to the Sheriff’s Office that in the event that the inmate or defendant is not upholding their duties or responsibilities under the program that there would be some ramification. Hopefully, the judges will support the Sheriff’s Office and the County in that regard. These rules will enable the Sheriff’s Office to run the program as envisioned.

Commissioner Millburn asked if there have been rules of engagement previously that the participant has signed off to, or is this the first time we have them sign something. What kind of abuses have you experienced in the past? Chief Fielding said there have been rules in place for some time. The proposed

document has been modified by 20%. Two of the issues they had were; 1) there wasn't support from the courts in collecting the \$40, and 2) an individual comes in and they are already under the influence. That is viewed as a violation of policy and practices. They would relocate them to the main jail to do straight time and notify the court. There was push back from the courts because they were sentenced to the Work Center. Smuggling contraband happens all of the time, i.e. tobacco, medication, etc. With this signed document by the inmate, they can notice the courts through an affidavit that they want the violated from the program.

Mike Kendall spoke saying it is important for both the citizens and those within the decision making positions of the County to understand one of the main reasons this is such a unique program is, he believes, it is the only program offered by the Sheriff where they don't have the full ability to determine which participants are placed in which program. Generally, the programs offered by the jail, are not mandated. It is the jail's decision and they are very receptive to the recommendations of the courts about putting someone in work detail or work release. Ultimately, the final decision lies with the jail. The final decision whether to operate the program resides with the Sheriff. The only way someone can participate in this program is actually through a court order. The court has to order this individual to serve a non-contingent sentence. If they are in one of the other programs and break the rules, the jail can revoke their ability to participate. They don't have to go back to the courts. Here, because there is a court order mandating the defendant's involvement in the court, in order for them to change the ability to participate in the program, you have to go back to the court and actually have the court modify or revoke that sentence. That is a big difference.

Commissioner Millburn appreciated the background information, explanations and the hard work that has gone into working through this issue. He said it goes to show what, on the surface can appear to be pretty simple common sense, but really is complicated. We are all trying to do what is best for all parties. In this instance, these are not hardened criminals, but provides for individuals to keep a job and sustain themselves and their families. It comes with other obstacles and challenges in place.

Chief Fielding added the jail ran through difficult times when they were understaffed and dealing with these programs. He indicated that during that time he met with the prosecutors from the 3 larger city courts about their situation and for consideration.

Commissioner Smith indicated that he has been able to follow this process as he has worked with Sheriff Richardson this past year. He continues to think that the folks in the Sheriff's Office go out of their way to make programs available to those (inmates) who want to take advantage of them. He also knows the "weekenders" program has been abused and has cost the County a lot of money. His biggest fear is not so much the money as folks coming in and out of the jail and the protection of the Correction's staff, he is concerned that people smuggle stuff into jail that ought not be there. The more opportunities we give them the more chance that happens. Now the judges are aware of that problem which they had previously contributed to. He commended Mike Kendall and Neal Geddes of the Attorney's Office Civil Division as they have worked through these issues to find a good compromise and help everyone be aware of what others need.

Commissioner Millburn made a motion to approve. Commissioner Smith seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

BOE

Commissioner Millburn made a motion to convene as the Board of Equalization. Commissioner Smith seconded the motion. All voted aye.

Tax Register
approved

Curtis Koch presented the Property Tax Register which reflected 6 veteran abatements.

Commissioner Millburn made a motion to approve. Commissioner Smith seconded the motion. All voted aye.

Reconvene

Commissioner Millburn made a motion to reconvene Commission Meeting. Commissioner Smith

seconded the motion. All voted aye.

Meeting minutes
approved

Commissioner Smith made a motion to approve the Commission Meeting minutes for January 19 & 26, 2016. Commissioner Millburn seconded the motion. All voted aye. The documents are on file in the office of the Davis County Clerk/Auditor's Office.

Personnel
Register
approved

Commissioner Smith made a motion to approve the Personnel Register. Commissioner Millburn seconded the motion. All voted aye.

Check registers
approved

Check registers as prepared by the Davis County Clerk/Auditor's Office were approved with a motion by Commissioner Millburn. Commissioner Smith seconded the motion. All voted aye. The documents are on file in the office of the Davis County Clerk/Auditor.

Commissioner
comments

Commissioner comments:

Commissioner Smith indicated he would let his previous comments regard the Sheriff's Office stand. Also saying that he appreciates working with them and all that they do.

Michael Kendall indicated the Weekenders Program has been a significant amount of work. He appreciates the Sheriff's Office in particular for their interest in identifying a program that if it is used properly and the individuals that are qualified and are a good fit for the program that it can be an excellent benefit for those individuals and society as a whole for the taxpayer. He looks forward to working together in the future to iron things out to make this program viable for those that it will benefit.

No public
comments

There were no public comments.

Adjourned

Meeting adjourned.

Clerk/Auditor

Chair