

COMMISSION MEETING MINUTES

August 28, 2018

The Board of Davis County Commissioners met for their regularly scheduled meeting at 10:00 a.m. on Aug. 28, 2018, in room 303 of the Davis County Administration Building, 61 S. Main Street, Farmington, Utah. Notice of this meeting was given in accordance with the requirements of UCA 52-4-202.

Present on the dais were: Commissioner Randy B. Elliott, Chair; Commissioner P. Bret Millburn, Vice-Chair; Commissioner James E. Smith; Curtis Koch, Davis County Clerk/Auditor; and Neal Geddes, Chief Civil Deputy County Attorney.

All documents from this meeting are on file in the Davis County (DC) Clerk/Auditor's office.

OPENING

The meeting convened at 10:00 a.m. and Mike Kendall, Davis County Civil Attorney, was invited to lead the Pledge of Allegiance.

Recognitions, Presentations & Informational Items

**Commissioners will attend the West Point City Council Meeting scheduled for 7 p.m. Sept. 4, 2018**

Commissioners announced that they will be attending the West Point City Council Meeting at 7 p.m. on Tuesday, Sept. 4, 2018.

See Attachment B.

**Recognition of the death of U.S. Senator John McCain**

Commissioner Elliott mentioned the passing of U.S. Senator John McCain and noted that Davis County's flags are at half-staff as a mark of respect. When Commissioner Elliott worked in Washington, D.C. with Senator Crapo of Idaho, he had the opportunity to associate with Senator McCain and his staff. He said Senator McCain was a good man who was patriotic and loved his country. As a prisoner of war in Vietnam, he was given the opportunity for freedom but admirably chose to stay with his fellow prisoners.

Commissioner Elliott recognized the Senator for his service and the great work he had done.

See Attachment C.

BUSINESS/ ACTION

Memo of Understanding #2018-215-A with Utah Attorney General's Office for FY2019 grant award for Utah Internet Crimes Against Children Task Force

**Memo of Understanding #2018-215-A with Utah Attorney General's Office for a FY2019 grant award for Utah Internet Crimes Against Children (ICAC) Task Force – Presented by Craig Webb, Davis County Attorney's Office Bureau Chief**

Chief Webb invited Chief Deputy Arnold Butcher, of the Davis County Sheriff's Office, to stand with him to present this Memo of Understanding, as well as the following Memo of Understanding with the Utah Attorney General's Office. Both memos are for FY2019 grant awards for the Utah Internet Crimes Against Children (ICAC) Task Force – one for the Davis County Attorney's Office and one for the Davis County Sheriff's Office. The primary ICAC Task Force is under the direction of the Utah Attorney General's Office. The Davis County Attorney's Office and affiliates have been reorganized into a northern Utah subgroup, which will involve them working cooperatively with counterparts in Weber County.

Commissioners said they were glad to see representatives from the Attorney's and Sheriff's offices presenting ICAC information together, as they had presented the grants separately in the past. Questions were asked about how the offices collaborate or overlap on the ICAC Task Force.

Chief Webb and Chief Deputy Butcher explained that the agencies work toward the same goal but with different approaches. In addition to prosecutions and related investigational work, the Davis County Attorney's Office gives in excess of 50 to 60 educational presentations on internet crimes against children each year resulting in more awareness and more cases. The Sheriff's Office is involved in a large number of investigations, including one that has gone international.

Commissioners expressed gratitude for those involved in fighting this scourge on society and actively trying to protect children, and for the report on the Task Force reorganizing for a more cohesive effort.

Troy Rawlings, Davis County Attorney, said the County made a decision to prioritize the work of the ICAC Task Force and be the most successful in protecting children. He thanked the Commission for the funding and support to make that goal possible, and noted that approximately 100 predators have been arrested in Davis County in the past year in connection with internet crimes against children.

Commissioners were pleased to note the efforts are paying dividends in terms of identifying offenders and giving community members the tools to recognize signs that lead to investigations.

The contract period for the FY2019 ICAC Task Force grant with the Utah Attorney General's Office for the Davis County Attorney's Office is July 1, 2018 to June 30, 2019. The receivable contract amount is \$20,000.

Motion to Approve: Com. Millburn  
Seconded: Com. Smith  
Vote: All aye

Memo of Understanding #2018-200-A with Utah Attorney General's Office for FY2019 grant award for Utah ICAC Task Force

**Memo of Understanding #2018-200-A with Utah Attorney General's Office for FY2019 grant award for Utah Internet Crimes Against Children (ICAC) Task Force – Presented by Chief Deputy Arnold Butcher, Davis County Sheriff's Office**

The contract period for the FY2019 ICAC Task Force grant with the Utah Attorney General's Office for the Davis County Sheriff's Office is July 1, 2018 to June 30, 2019. The receivable contract amount is \$18,000.

Motion to Approve: Com. Millburn  
Seconded: Com. Smith  
Vote: All aye

Resolution #2015-537-B authorizing amendments to existing bond documents by and among Ki Ho Military Acquisition Consulting, Inc., Branch Banking and Trust Company, and Davis County

**Resolution #2015-537-B authorizing amendments to existing bond documents by and among Ki Ho Military Acquisition Consulting, Inc., Branch Banking and Trust Company, and Davis County, Utah – Presented by Shawn Beus, Davis County Community & Economic Development Manager**

Industrial Revenue Bonds provide for financings in which the County is a conduit to the bonds. Davis County made such a bond issuance in 2016 to Ki Ho Military Acquisition Consulting, Inc. (KIHOMAC). There was a provision within the agreements that increased the interest rate KIHOMAC would have to pay to the bank if the corporate income tax rate dropped, which it did. The bank and KIHOMAC have agreed to reduce that rate back to its previous level. This resolution allows the County, as signatory on the promissory notes, to amend the Bond Purchase and Loan Agreement and Promissory Note documents accordingly. These bonds are tax exempt and it has been determined that the taxability of this interest is not effected by this change. Commissioners confirmed the County has no obligation financially and the other parties have all agreed to this.

Motion to Approve: Com. Smith  
Seconded: Com. Millburn  
Vote: All aye

Grant Award #2018-377 from Corp. for National and Community Service for funding for the Retired Senior Volunteer Program

**Grant Award #2018-377 from the Corporation for National and Community Service for funding for the Retired Senior Volunteer Program (RSVP) – Presented by Brian Hatch, Davis County Health Department Director**

Davis County has received a Notice of Award from the Corporation for National and Community Service to provide funding for the Retired Senior Volunteer Program (RSVP). The County receives these funds for the program every year. RSVP taps into the wealth of experience and knowledge of community seniors who provide volunteer service throughout the County. The contract period is April 1, 2018 to March 31, 2019. The receivable contract amount is \$175,000.

Motion to Approve: Com. Smith  
Seconded: Com. Millburn  
Vote: All aye

Amendment #2017-492-B with Utah Div. of Substance Abuse & Mental Health to change the effective termination date for State Youth Treatment Implementation

**Amendment #2017-492-B with Utah Div. of Substance Abuse & Mental Health to change the effective termination date for State Youth Treatment Implementation (SYT-I) and replace the funding period rate table – Presented by Commissioner Smith**

Commissioner Smith invited Brandon Hatch, CEO of Davis Behavioral Health to explain this amendment. The amendment is to a grant to introduce evidence-based treatment programming into youth substance use treatment. The expiration date of the grant needs to be changed by one day due to a timing issue between the state and federal governments. A motion was made to approve the amendment, keeping the original beginning contract date of Nov. 1, 2017 and changing the expiration date to Sept. 29, 2021. Confusion about the expiration date resulted in the motion being changed to approve an amended contract period of Nov. 1, 2017 to Sept. 30, 2021. [The Commission-signed contract reflects the correct dates of Nov. 1, 2017 to Sept. 29, 2021.] The amount of the grant continues unchanged at \$419,600.

Motion to Approve: Com. Smith  
Seconded: Com. Millburn  
Vote: All aye

Commissioner Smith noted that this is one more area where substance abuse impacts the County.

Ratification of Agreement #2018-378 with Phipps Deacon Purnell, LLP and Durham Jones & Pinegar, PC for opioid legal representation

**Ratification of Agreement #2018-378 with Phipps Deacon Purnell, LLP and Durham Jones & Pinegar, PC regarding opioid legal representation – Presented by Troy Rawlings, Davis County Attorney**

Chief Civil Deputy County Attorney Neal Geddes introduced an agreement with the law firms of Durham Jones & Pinegar, PC and Phipps Deacon Purnell, LLP for legal representation in a suit against pharmaceutical companies marketing opioid painkillers. Ratification of the agreement was needed because the contract had to be signed in advance of this Commission Meeting to get the attorneys on board to draft a complaint to be filed today. Durham Jones & Pinegar is a law firm based in Salt Lake City, with close to 100 attorneys that provide a wide spectrum of services including complex litigation for cases related to deceptive trade practices and fraud. Phipps Deacon Purnell is a law firm based in San Antonio, Texas, with a team specializing in complex civil litigation and mass tort cases. The County had received a lot of interest from local and national law firms soliciting the County to hire them so they could represent the County in filing a lawsuit against the manufacturers and distributors of opioids. A number of letters were sent out asking the interested law firms to submit a Letter of Interest. The County received six or seven letters and representatives from the County analyzed the submissions before meeting with several of the law firms. They were most impressed by the response, competence, and commitment of Phipps Deacon Purnell and Durham Jones & Pinegar. The firms shared Davis County's vision of keeping the case local rather than being part of a decision made by a federal judge in Ohio. The contract period begins July 5, 2018, with no expiration date given. No dollar amount was given as the contract is a contingent fee agreement.

Motion to Approve: Com. Millburn  
Seconded: Com. Smith  
Vote: All aye

Troy Rawlings, Davis County Attorney, said opioids are a damaging and serious issue that impact Davis County individuals, families, entities, and businesses. The objective is to have a Davis County jury decide the case against the pharmaceutical companies.

“We want our citizens, in Davis County, to determine the extent of culpability and liability and misconduct on the part of Big Pharma and others associated with them. We want a Davis County jury to assess and hear the stories and understand the damages and the harm that’s been done in our county. We want a Davis County jury to render the verdict to hold Big Pharma and their associates accountable for what they’ve done in Davis County. In essence, they have profited off of misrepresentation and fraud and

they've harmed and damaged lives in doing it, and that harm has happened here so we're going to deal with it here," he said.

The Davis County Attorney's Office vetted the case and decided it's viable, credible, and legitimate. Having also made the decision to pursue the case in local courts, they began vetting law firms. The choice of firms became clear from a competence, experience, skill set, and personality standpoint. Members of the law firms working on the case, in attendance at the meeting, were introduced.

Davis County Attorney Rawlings shared statistics from the Centers of Disease Control and Prevention (CDC) indicating that opioids have been involved in more than 500 deaths in Davis County since the year 2000, and there were 468 opioid-related hospitalizations in Davis County in 2014 alone. Prescription opioids represent a large number of cases and, according to the CDC, Davis County physicians wrote 66.7 opioid prescriptions for every 100 residents in 2016. In addition to their devastating toll on families, opioids have posed a significant financial burden on Davis County and its cities as government entities spend resources, time, effort, and energy to deal with the problems posed by this issue.

Members of the media attending the meeting were informed that a press release about the case, as well as the complaint that was largely drafted by the law firms, would be available to them.

Commissioner Millburn said that the County feels confident in its team and its case.

"There aren't words to describe the insidiousness and how egregious this issue is," he said, noting that it impacts everyone from the person with the addiction to taxpayers. The impacts are felt for generations, as witnessed in families where grandparents are raising their grandchildren because the mothers and fathers are dealing with this issue. He's glad to put the contract into place and move into battle.

Commissioner Smith often works with Human Services and has seen the financial impact of resources going to take care of the aftermath of this problem. He said the County wants the damages to be heard locally. Prevention measures are needed to stop more young people, and senior citizens, from becoming addicted to opioids. Help is also needed for citizens already impacted by the issue.

Commissioner Elliot said he doesn't think there's anybody in Davis County who doesn't know somebody who's been affected by opioids, and spoke of his sister's addiction. He's happy Davis County is taking a stand to hold drug companies accountable for their actions.

Commissioner Millburn moved to recess to Board of Equalization. Commissioner Smith seconded the motion. All voted aye.

**BOARD OF  
EQUALIZATION**

Property Tax  
Register

Property Tax Register matters were presented by Curtis Koch, Davis County Clerk/Auditor as follows:

Under Auditor Adjustments there were various recommendations for appeal approvals, recommendations for no value change, and recommendations for appeal dismissals. There were also five veteran tax exemption abatements. Under Assessor Adjustments there were various Assessor-initiated corrections.

Motion to Approve: Com. Smith  
Seconded: Com. Millburn  
Vote: All aye

Commissioner Millburn moved to reconvene Commission meeting. Commissioner Smith seconded the motion. All voted aye.

**CONSENT ITEMS**

Check Registers

**Check Registers**  
Check Registers were approved.

Motion to Approve: Com. Smith  
Seconded: Com. Millburn  
Vote: All aye

Indigent  
Hardship  
Abatement  
Register

**Indigent Hardship Abatement Register**

The Indigent Hardship Abatement Register for Sheri L. Chatwin was approved.

Motion to Approve: Com. Smith  
Seconded: Com. Millburn  
Vote: All aye

Commission  
Meeting  
Minutes

**Meeting Minutes**

Meeting minutes for July 3, 2018, Aug. 7, 2018 and Aug. 14, 2018 were approved.

Motion to Approve: Com. Smith  
Seconded: Com. Millburn  
Vote: All aye

It was pointed out later in the meeting that minutes needing approval were for July 31, 2018, rather than July 3, 2018. The motion was modified to change the date of the minutes to be approved from July 3, 2018 to July 31, 2018.

Modified Motion to Approve: Com. Smith  
Seconded: Com. Millburn  
Vote: All aye

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**COMMISSION  
COMMENTS**

Commissioners made no further comments.

Commissioner Elliott invited other comments from the dais.

Clerk/Auditor

Curtis Koch, Clerk/Auditor, said he appreciated the action taken today.

**PUBLIC  
COMMENTS**

There were no comments made by members of the public.

**MEETING  
ADJOURNED**

Open meeting was adjourned at 10:35 a.m.

All publicly distributed materials associated with this meeting are noted as follows:

- A1-A2. Agenda
- B. Public Notice of Davis County Commission attendance at the West Point City Council meeting on Sept. 4, 2018
- C. Recognition of the death of U.S. Senator John McCain

Minutes prepared by:  
Becky R. Wright  
Deputy Clerk/Auditor

Minutes approved on: 09/28/2018

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Curtis Koch  
Davis County Clerk/Auditor

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Randy B. Elliott  
Commission Chair