

COMMISSIONERS' MINUTES – DAVIS COUNTY

COMMISSION MEETING MINUTES

November 20, 2018

The Board of Davis County Commissioners met for their regularly scheduled meeting at 10 a.m. on Nov. 20, 2018, in room 303 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah. Appropriate legal notice of this meeting was given.

Present on the dais were: Commissioner P. Bret Millburn, Vice-Chair; Commissioner James E. Smith; Brian McKenzie, Davis County Chief Deputy Clerk; and Neal Geddes, Chief Civil Deputy County Attorney.

Excused: Commissioner Randy B. Elliott, Chair; Curtis Koch, Davis County Clerk/Auditor.

All documents from this meeting are on file in the Davis County Clerk/Auditor's Office.

OPENING

The meeting convened at 10:03 a.m. and Jeff Oyler, Davis County Planning Manager, was invited to lead the Pledge of Allegiance.

Recognitions,
Presentations &
Informational
Items

Commissioner Millburn excused Commissioner Elliott.

Commissioner Millburn noted that it is the week of Thanksgiving and the Commissioners are grateful to be living in this great country, great state, and great county, and for the wonderful people and opportunities presented.

BUSINESS/ ACTION

Resolution
#2018-558 of
Davis County,
Utah to appoint
two elected
County officers
to the Boundary
Commission

Resolution #2018-558 of Davis County, Utah to appoint two elected County officers to the Boundary Commission, pursuant to Utah Code Annotated § 10-2-409 — Presented by Jeff Oyler, Davis County Planning Manager

There is a need to form the Davis County Boundary Commission. This need has arisen because of a protest filed on a certain annexation and the Boundary Commission hears those protests. The Boundary Commission shall consist of two county elected officials, two mayors from cities in the county, and three at-large public members from the county. The resolution before the Commission is to put those two county elected officials in place: one will be Commissioner Elliott and the other will be Davis County Assessor Dale Peterson.

Commissioners expressed appreciation for Davis County Civil Attorney Mike Kendall and his hard work in making sure the Boundary Commission will be put together properly.

It was noted that the Boundary Commission needs to be in place by the end of the month. The County is facilitating finding the at-large members and the Davis County Council of Governments (COG) has identified two mayors to fill the requirements.

The term to be served by elected officials on the Boundary Commission is 11/20/2018 to 11/19/2022.

Motion to Approve: Com. Smith

Seconded: Com. Millburn

All voted Aye

COMMISSIONERS' MINUTES – DAVIS COUNTY

Agreement #2018-559 with the Great Basin Fiber Arts Fair for rental space at the Legacy Events Center

Agreement #2018-559 with the Great Basin Fiber Arts Fair for rental space at the Legacy Events Center for Fiber and Textile Trade Show — *Presented by Mike Moake, Davis County Legacy Events Center Marketing Manager*

An agreement with the Great Basin Fiber Arts Fair was presented. The contract is for rental space at the Legacy Events Center for a fiber and textile trade show. The show has been held at the Legacy Events Center for a couple of years and has been very popular.

Commissioner Smith made a motion to approve the contract as presented in the meeting, which was for the period of 05/09/2019 to 05/11/2019. It was pointed out that the actual contract dates differed from the presentation, so he made a corrected motion to approve the agreement for the period of 05/09/2019 to 05/15/2019. The receivable amount is \$3,400.

Motion to Approve: Com. Smith
Seconded: Com. Millburn
All voted Aye

Agreement #2018-560 with Thomson Reuters for Clear Pro Government Law Enforcement Investigator program

Agreement #2018-560 with Thomson Reuters for the Clear Pro Government Law Enforcement Investigator program — *Presented by Chief Deputy Ty Berger, Davis County Sheriff's Office*

A contract with Thomson Reuters was presented for a subscription renewal for the Clear Pro Government Law Enforcement Investigator program. The computer-accessed program/database is an investigative tool used for case management and case preparation. It also helps in background investigations for employment. This tool helps the Sheriff's Office gather intelligence on specific individuals and cases being investigated. Chief Deputy Berger said it has had a profound effect on human intelligence in gathering intelligence and associates on networks that expand beyond county borders so criminals can be identified within the community.

It was clarified that there are four licenses at a total cost of \$251.75 per month for the four licenses. Each license is shared so eight people have access to the program.

There was confusion about the beginning and expiration dates of the contract, due in part to the contract cover sheet listing a beginning date in 2015 with no expiration date. Chief Deputy Berger said the last subscription started in 2015 and expired in September of 2018.

Commissioners decided to proceed to the next item of business while legal counsel examined the contract.

Following the presentation by Tony Zambrana of four agreements, Chief Civil Deputy Neal Geddes gave his opinion on the Clear Pro contract. He said the term is for a minimum of 36 months and it begins the date it's processed by the company. He recommended verifying that the company is actually going to process it once they receive the signed copy back from the County. The cost (\$251.75 per month) will increase by five percent for multiple years, which he believes will be for years two and three. Commissioners elected to use the date of this Commission Meeting as the beginning contract date for approval purposes.

A motion was made to approve the contract with Thomson Reuters for the Clear Pro Government Law Enforcement Investigator program, as has been explained. The beginning contract date is 11/20/2018. The payable amount is \$251.75 per month for 36 months with an increase of five percent for multiple years.

Motion to Approve: Com. Smith
Seconded: Com. Millburn
All voted Aye

Commissioner Millburn apologized to Davis County Chief Deputy Clerk Brian McKenzie, attending the meeting in place of Clerk/Auditor Curtis Koch, for not officially recognizing his presence earlier.

Agreement #2018-561 with Davis Community Learning Center (Promise Bountiful) for

Agreement #2018-561 with Davis Community Learning Center (Promise Bountiful) for Community Development Block Grant (CDBG) funding for operational expenses for the Family Support Program — *Presented by Tony Zambrana, Davis County Grant Auditor*

Four subgrantee agreements were presented for Commission approval. Tony Zambrana explained that each

COMMISSIONERS' MINUTES – DAVIS COUNTY

Community Development Block Grant (CDBG) funding for operational expenses for the Family Support Program

of these contracts has been through a review process, and the review committee has already recommended these contracts to the Commission. The Commission has already agreed to these contracts that are now being turned in by vendors.

The first contract presented for Commission consideration was a Community Development Block Grant (CDGB) contract for Promise Bountiful. This agreement is for the funding of operational expenses for the Promise Bountiful Family Support Program. The contract period is 07/01/2018 to 06/30/2019. The payable amount is \$11,000 and there is no match required.

Motion to Approve: Com. Smith
Seconded: Com. Millburn
All voted Aye

Agreement #2018-562 with the National Alliance on Mental Illness (NAMI) for Social Services Block Grant (SSBG) funding for operational expenses for a mentor at the County Mental Health Court

Agreement #2018-562 with the National Alliance on Mental Illness (NAMI) for Social Services Block Grant (SSBG) funding for operational expenses for a mentor at the County Mental Health Court — Presented by Tony Zambrana, Davis County Grant Auditor

A Social Services Block Grant (SSBG) subgrantee agreement with the National Alliance on Mental Illness (NAMI) was presented. This contract is for operational expenses for a mentor at the County Mental Health Court. The contract period is 07/01/2018 to 06/30/2019. The payable amount is \$7,000. Because it is a Social Services Block Grant, a 25 percent match in the amount of \$1,750 is required.

Motion to Approve: Com. Smith
Seconded: Com. Millburn
All voted Aye

Agreement #2018-563 with Pioneer Adult Rehabilitation Center (PARC) for Social Services Block Grant (SSBG) funding for operational expenses for the Community Employment Services Program related to counseling services for adults with disabilities

Agreement #2018-563 with Pioneer Adult Rehabilitation Center (PARC) for Social Services Block Grant (SSBG) funding for operational expenses for the Community Employment Services Program related to counseling services for adults with disabilities — Presented by Tony Zambrana, Davis County Grant Auditor

A Social Services Block Grant (SSBG) subgrantee agreement with Pioneer Adult Rehabilitation Center (PARC) was presented for operational expenses for the Community Employment Services Program. The contract period is 07/01/2018 to 06/30/2019. The payable amount is \$8,000. A 25 percent match in the amount of \$2,000 is required.

Commissioner Smith stated, for the record, that he had previously been on the board of the PARC foundation. He said he has not been on the foundation for the last three years and did not think there would be any reason he would need to recuse himself.

Motion to Approve: Com. Smith
Seconded: Com. Millburn
All voted Aye

Agreement #2018-564 with the Utah Council of the Blind for Social Services Block Grant (SSBG) funding for operational expenses for the Teacher Trainer Team program

Agreement #2018-564 with the Utah Council of the Blind for Social Services Block Grant (SSBG) funding for operational expenses for the Teacher Trainer Team program — Presented by Tony Zambrana, Davis County Grant Auditor

A Social Services Block Grant (SSBG) subgrantee agreement with the Utah Council of the Blind was presented for operational expenses for the Teacher Trainer Team Program. The contract period is 07/01/2018 to 06/30/2019. The payable amount is \$3,000. A required 25 percent match in the amount of \$750 is required.

Motion to Approve: Com. Smith
Seconded: Com. Millburn
All voted Aye

COMMISSIONERS' MINUTES – DAVIS COUNTY

Tabled
Settlement and
Release
Agreement

Settlement and Release Agreement — *Presented by Commissioner Bret Millburn*

Commissioner Millburn said he believed this item, a settlement and release agreement, needed to be tabled.

Motion to Table: Com. Millburn
Seconded: Com. Smith
All voted Aye

Commissioner Smith made a motion to recess to Board of Canvass. Commissioner Millburn seconded the motion. All voted aye.

BOARD OF
CANVASS

2018
General
Election
Canvass

2018 General Election Canvass — *Presented by Brian McKenzie, Davis County Chief Deputy Clerk*

Commissioner Millburn turned the time over to Brian McKenzie, adding that the Davis County Chief Deputy Clerk and his team had done a tremendous job leading a very successful election.

Brian said he is very grateful for an incredible team. Unfortunate events prior to the election took him away from work for a while, he said, but it was inspiring to witness as his team rallied together to make sure things ran successfully. In addition to great support within the Clerk's office, help came from several departments including Audit and Finance, Tax Administration, Purchasing, the Assessor's Office, the Information Systems Department, and Records.

A computer issue caused a delay in the Election Canvass presentation, so Commissioners took the time to express condolences to Brian on the passing of his father.

"Our hearts and prayers go out to you," said Commissioner Millburn. "Even with that, as you mentioned, your team rallied and I know you still put in a yeoman's effort, too, and it's greatly appreciated."

Commissioner Smith added that one of the hallmarks of a good leader is to have a good team. The department did the job very well under potentially difficult circumstances and didn't even break stride.

Brian said that Proposition 4 was an extremely close race and will likely result in a recount. A group supporting Proposition 4 reached out to voters who needed to fill out affidavits, because their ballots were in question, and delivered a couple hundred of those documents to Davis County yesterday. Processing those documents and related ballots meant reports had to be run again.

Commissioners noted it has been a very active election year.

The Official Canvass Report for the General Election, held on Nov. 6, 2018, was presented.
(See Attachments B1-B5.)

This was a massive midterm election for Davis County, Brian said, with 163,290 ballots mailed to residents. There were 16 vote centers. The number of voters who cast a ballot was 126,856, with a 77.62 percent turnout. An audit policy of the Lt. Governor's Office requires the County to provide a list of the total number of ballots scanned; they then identify a select number of those ballots for the County to audit. The County has to do a hand count of those ballots to verify that the equipment is counting the ballots correctly. The audit was conducted on Nov. 19. The 1,098 ballots selected for that audit were reviewed, and it was found that the equipment tabulated those ballots 100 percent accurately. There were also 973 envelopes selected for a signature audit. Those envelopes, which had already been processed, were double checked to verify the signature that was accepted was indeed the voter's signature and the ballot should have been counted; again that was 100 percent accurate. The audit is always open to the public and watchers; none attended but the County's temporary election workers were involved in that process so it was not solely controlled by Clerk staff.

In regard to the disposition of ballots not counted, Davis County had 1,174 by-mail ballots that were rejected. Reasons for rejection include that ballots were not signed, the signature did not match signatures on file, or they were received too late. All voters with ballot signature issues were contacted by telephone,

COMMISSIONERS' MINUTES – DAVIS COUNTY

email or a mailed letter letting them know that there was an issue with their ballot and giving them an opportunity to resolve that issue and have the ballot be counted. If contact couldn't be made by telephone or email, a letter was mailed. The remaining ballots are those for which there was no response.

There were 96 provisional ballots not counted; the vast majority of those were because the voter did not provide proof of residency which is a requirement under state statute. The voter has through Monday following the election to provide that to the Clerk's Office and the majority of these just didn't. The total number of ballots not counted was 1,270.

Statistical information shows that the County had 163,442 registered active voters – an increase of more than 16,000 since the Primary Election and 3,628 more than the 2016 General Election. It was an amazing effort by the Clerk's staff to complete the 16,000 new registrations in addition to updating existing registrations.

The total ballots cast, 126,856, was just 14,000 ballots fewer than were cast in the last presidential election. Those numbers show it was a major election for the County.

Commissioners asked if same-day registration was a big factor and were told that it wasn't. Davis County had numbers that were similar to what is normally seen in a presidential election. Commissioners also commented that it would be fascinating to learn more about the demographics of the 16,000 new registered voters and to find out how many actually voted.

Brian then presented the official Results Summary report, stating the result of each race as well as the number and percentage of votes for winning candidates and decisions. An electronic version of the report was not available at the time of Commission Meeting so the results were read from a printed copy. *(See Attachments C1 through C17.)*

Commissioners expressed appreciation for the amount of work put into the election, and for those who took part, and asked Brian to relay their thanks to team members.

A question was asked about the potential recount related to Proposition 4. Brian explained that every ballot would have to be run again, but the recount would only be for that particular race. If it happens, it will be a statewide recount.

Motion to Accept the 2018 General Election Canvass Report: Com. Smith
Seconded: Com. Millburn
All voted aye

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

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

BOARD OF EQUALIZATION

Property Tax Register

Property Tax Register matters were presented by Davis County Chief Deputy Clerk Brian McKenzie, in place of Davis County Clerk/Auditor Curtis Koch, as follows:

Under Auditor's Adjustments, there were various approved appeals, some appeals with no change in value, and various hearing findings.

Under Abatements, there were various late abatements and corrections. It was noted that one veteran exemption showed an amount of \$106,381.14; that amount had been corrected and was now in the report at \$330.97.

Under Assessor's Adjustments, there were various Assessor-initiated corrections.

A motion was made to approve as corrected on the record.

COMMISSIONERS' MINUTES – DAVIS COUNTY

Motion to Approve: Com. Smith
Seconded: Com. Millburn
All voted Aye

Commissioner Smith moved to reconvene Commission Meeting. Commissioner Millburn seconded the motion. All voted Aye.

CONSENT ITEMS

Check Registers

Check Registers

Check Registers were approved.

Motion to Approve: Com. Smith
Seconded: Com. Millburn
All voted Aye

Indigent
Hardship
Abatement
Register

Indigent Hardship Abatement Register

The Indigent Abatement Register with a specific application in the name of Susan Collins was presented for approval.

Motion to Approve: Com. Smith
Seconded: Com. Millburn
All voted Aye

The Indigent Abatement Register with an application in the name of Robert F. Regan was presented for approval.

Motion to Approve: Com. Smith
Seconded: Com. Millburn
All voted Aye

COMMISSION COMMENTS

Commissioner Millburn said he's grateful for this week, where we get to sit back and reflect upon our blessings of living in this great country and community. He also reported that he spent the last part of last week at the annual Utah Association of Counties convention, in St. George, in preparation for the upcoming legislative session and other items of interest to county business and the services provided.

"It was very informative, once again, and it was great to have now our new commissioners-elect – Commissioners Kamalu and Stevenson – there to start to become familiar with their new roles that they'll be taking on the first part of January," he said, adding, "For those that are interested, we pray for snow."

Commissioner Smith said one of the things he's thankful for is the great people he gets to work with.

Commissioner Millburn invited other comments from the dais; there were none.

The public was invited to make comments to the Commission.

PUBLIC COMMENTS

There were no comments from members of the public.

COMMISSIONERS' MINUTES – DAVIS COUNTY

MEETING
ADJOURNED

Commission meeting was adjourned at 10:47 a.m.

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

- A1-A2. Agenda
- B1-B5. General Election 2018 Canvass PowerPoint Presentation
- C1-C17. General Election 2018 Canvass Report

Minutes prepared by:

Becky R. Wright

Deputy Clerk/Auditor

Minutes approved on: December 18, 2018

Curtis Koch
Clerk/Auditor

Randy B. Elliott
Commission Chair