

**MINUTES  
BOX ELDER COUNTY COMMISSION  
FEBRUARY 21, 2024**

The Board of County Commissioners of Box Elder County, Utah met in an Administrative/Operational Session at the County Courthouse, 01 South Main Street in Brigham City, Utah at 11:15 a.m. on **FEBRUARY 21, 2024**. The following members were present:

|                |              |
|----------------|--------------|
| Lee Perry      | Chairman     |
| Boyd Bingham   | Commissioner |
| Stan Summers   | Commissioner |
| Marla R. Young | Clerk        |

The following items were discussed:

1. Agenda Review/Supporting Documents
2. Commissioners' Correspondence
3. Staff Reports – Agenda Related
4. Correspondence

The Administrative/Operational Session adjourned at 11:20 a.m.

The regular session was called to order by Chairman Perry at 11:30 a.m. with the following members present, constituting a quorum:

|              |              |
|--------------|--------------|
| Lee Perry    | Chairman     |
| Boyd Bingham | Commissioner |
| Stan Summers | Commissioner |
| Marla Young  | County Clerk |

The prayer was offered by Commissioner Bingham.  
The Pledge of Allegiance was led by Sheriff Kevin Potter.

**APPROVAL OF MINUTES**

**THE MINUTES OF THE REGULAR MEETING OF JANUARY 23, 2024 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SUMMERS, SECONDED BY COMMISSIONER BINGHAM AND UNANIMOUSLY CARRIED.**

**ATTACHMENT NO. 1 - AGENDA**

**ADMINISTRATIVE REVIEW/REPORTS/FUTURE AGENDA ITEMS – COMMISSION**

**Economic Opportunity Board - Commissioner Summers**

Commissioner Summers asked to have the Economic Opportunity Board placed on the next agenda.

**Report on Legislature - Commissioner Summers**

Commissioner Summers stated the legislative session is in full swing. There is a lot happening and some bills are disheartening.

**FORMER AGENDA ITEMS FOLLOW-UP – COMMISSIONERS**

There were no Former Agenda Items discussed.

**EMERGENCY MANAGEMENT ISSUES**

**Space Capsule Re-entry - Mark Millett**

Emergency Manager Mark Millett reported they have been tracking a capsule in space since June. They have received notification the re-entry will be within the week. He gave a warning that there could possibly be debris that doesn't burn in the atmosphere and not sure where it will hit.

**Water levels - Mark Millett**

Emergency Manager Mark Millett stated the water levels are above normal at this time and Mantua is lowering the reservoir early to anticipate runoff.

**ARPA/LATCF**

**Family Support Center - Shirlene Larsen**

Auditor Shirlene Larsen stated they need a request from the Family Support Center for the funds the Commission approved in the last meeting.

**BOX ELDER COUNTY EMPLOYEE RECOGNITION**

Chairman Perry read a nomination from the Auditor's Office recognizing Stacie Nelson of the Treasurer's Office. He highlighted that Staci takes on added assignments and works well with others. There is no complaining and helps to monitor veterans exemptions.

The Commissioners presented Stacie Nelson with a certificate.

**AUDITOR'S OFFICE**

**Recommendations of Hearing Officer for BOE-Shirlene Larsen**

Auditor Shirlene Larsen and Deputy Auditor Josh Capell presented the recommendations from BOE Hearing Officer for appeals on property values.

**MOTION:** Commissioner Bingham made a motion to approve the recommendations of the Hearing Officer for appeals on property values. The motion was seconded by Commissioner Summers and unanimously carried on a roll call vote of Chairman Perry voting Yea, Commissioner Bingham voting Yea, and Commissioner Summers voting Yea.

**Review of the Audit of the County DMV-Josh Capell and Shirlene Larsen**

Auditor Shirlene Larsen and Deputy Auditor Josh Capell explained they performed an audit on the DMV. They looked at the monetary practices and controls and found them satisfactory. He said they also looked at the amount of registrations that could potentially be non-residents of the county to avoid emissions testing. He stated they found approximately 14,000 (18%) registrations that may not be in Box Elder County most likely to avoid emissions. He reported they looked at the costs to run the DMV along with the reimbursement from the state.

Chairman Perry stated there has not been an increase for 22-23 years. UAC will help counties draw up a new contract with the state to help mediate expenses. He thanked the Auditor's Office for their hard work as it will help our county and other counties in the state.

**Landfill Ordinance #593 Update-Shirlene Larsen**

Auditor Shirlene Larsen explained Ordinance #593 allows more time for the Auditor's Office to evaluate the yearly resolution for host fees.

**MOTION:** Commissioner Summers made a motion to approve Ordinance #593. The motion was seconded by Commissioner Bingham and unanimously carried on a roll call vote of Chairman Perry voting Yea, Commissioner Bingham voting Yea, and Commissioner Summers voting Yea.

**ATTACHMENT NO. 2 - Ordinance #593**

**Resolution #24-01 Setting Host and Administrative Fees for the Box Elder Solid Waste Facility-Shirlene Larsen**

Auditor Shirlene Larsen stated Resolution #24-01 sets the host fees for the landfill. She explained the host fee will increase from \$1.50 per ton to \$3.00 per ton. The changes are being made due to inflation and how long it has been since it was last changed. It changes administrative fees from 10% of host fee to 10% of expenditures. She feels that is a better model for factoring administrative fees.

**MOTION:** Commissioner Bingham made a motion to approve Resolution #24-01. The motion was seconded by Commissioner Summers and carried unanimously on a roll call vote of Chairman Perry voting Yea, Commissioner Bingham voting Yea, and Commissioner Summers voting Yea.

**ATTACHMENT NO. 3 - Resolution #24-01**

**CLERK'S OFFICE**

**Discuss New Rodeo Ticket Vendor and Updated Pricing-Marla Young**

Clerk Marla Young explained they have been looking into rodeo ticket vendors due to some issues with the volume of ticket sales. She explained she met with the rodeo committee and discussed including the handling fee into the price so the customers aren't surprised by the extra amounts when they go to check out. She recommended to the Commission to change the rodeo ticket vendor and to increase the rodeo prices to include the handling fees.

**MOTION:** Commissioner Bingham made a motion to change the rodeo ticket vendor and accept the new rodeo pricing. The motion was seconded by Commissioner Summers and unanimously carried on a roll call vote of Chairman Perry voting Yea, Commissioner Bingham voting Yea, and Commissioner Summers voting Yea.

## **COMMISSIONERS**

### **Second Amendment to the Broadband Access Grant Agreement #24-05-Commissioners**

Commissioner Summers explained amendments have been made to the Broadband Access Grant due to inflation. The Commission needs to sign the amendments. The county works with BRAG and acts as a pass through for the grant monies.

**MOTION:** Commissioner Summers made a motion to approve Agreement #24-05. The motion was seconded by Commissioner Bingham and unanimously carried on a roll call vote of Chairman Perry voting Yea, Commissioner Bingham voting Yea, and Commissioner Summers voting Yea.

### **ATTACHMENT NO. 4 - Agreement #24-05**

### **Third Amendment to Broadband Access Grant Agreement #24-06-Commissioners**

**MOTION:** Commissioner Summers made a motion to approve Agreement #24-06. The motion was seconded by Commissioner Bingham and unanimously carried on a roll call vote of Chairman Perry voting Yea, Commissioner Bingham voting Yea, and Commissioner Summers voting Yea.

Commissioner Summers stated that broadband is coming to Thatcher, Penrose, Elwood, Bear River City, South Willard, Mantua, Bothwell, Howell, Grouse Creek, Park Valley, Snowville, Portage, Plymouth, and Fielding.

### **ATTACHMENT NO. 5- Agreement #24-06**

**Contract Addendum #24-04 for Bear River Mental Health Services-Commissioners**

Chairman Perry stated they have been working on an agreement with Bear River Mental Health and have added a slight increase for cost of living.

**MOTION:** Commissioner Summers made a motion to approve Contract Addendum #24-04. The motion was seconded by Commissioner Bingham and unanimously carried on a roll call vote of Chairman Perry voting Yea, Commissioner Bingham voting Yea, and Commissioner Summers voting Yea.

**ATTACHMENT NO. 6 - Contract 24-04**

**Addendum #24-07 and #24-08 to Contract for Indigent Capital Defense Counsel Services-Commissioners**

Commissioner Bingham explained Addendum #24-07 and #24-08 are for the increased costs for capital legal cases.

Attorney Stephen Hadfield explained the County uses the Indigent Capital Defense Fund and during the cases may incur increased costs due to the attorney fees.

**MOTION:** Commissioner Bingham made a motion to approve Contract Addendum #24-07 and #24-08. The motion was seconded by Commissioner Summers and unanimously carried on a roll call vote of Chairman Perry voting Yea, Commissioner Bingham voting Yea, and Commissioner Summers voting Yea.

**ATTACHMENT NO. 7 - Contract #24-07**

**ATTACHMENT NO. 8 - Contract #24-08**

**Reschedule March Meeting Date-Commissioners**

Clerk Marla Young explained the election canvass needs to be held on Tuesday March 19, 2024 and asked the Commission if they would prefer to move the March 20, 2024 meeting to Tuesday March 19th in conjunction with the canvass.

**MOTION:** Commissioner Bingham made a motion to move the March 20, 2024 Commission meeting to Tuesday March 19, 2024. The motion was seconded by Commissioner Summers and unanimously carried on a roll call vote of Chairman Perry voting Yea, Commissioner Bingham voting Yea, and Commissioner Summers voting Yea.

**COMMUNITY DEVELOPMENT**

**Northern Cropley Subdivision (2-lot)-Scott Lyons**

Community Development Director Scott Lyons stated the Northern Cropley Subdivision (2-lot) is located at 6800 W 8520 N and is a 2- lot subdivision with each lot containing 2 acres. The plat has been through all the necessary department reviews.

**MOTION:** Commissioner Bingham made a motion to approve the Northern Cropley Subdivision (2-lot). The motion was seconded by Commissioner Summers and unanimously carried on a roll call vote of Chairman Perry voting Yea, Commissioner Bingham voting Yea, and Commissioner Summers voting Yea.

**JD Anderson Subdivision (1-Lot)-Scott Lyons**

Community Development Director Scott Lyons presented the JD Anderson Subdivision (1-Lot). He said it is located in South Willard at 1500 W 7800 S. It is 2 acres being split to build a home. The plat has been through all applicable department reviews.

**MOTION:** Commissioner Bingham made a motion to approve the JD Anderson Subdivision (1-Lot). The motion was seconded by Commissioner Summers and unanimously carried on a roll call vote of Chairman Perry voting Yea, Commissioner Bingham voting Yea, and Commissioner Summers voting Yea.

**J6 Whites Valley Subdivision (2-Lot) Non-Residential-Scott Lyons**

Community Development Director Scott Lyons explained the J6 Whites Valley Subdivision (2-Lot) Non-Residential is zoned MGEX and is being split into two lots. One lot contains 488.62 acres and the other lot is 186.18 acres. They are splitting the parcel for future permitting purposes. The plat has been through all applicable department reviews.

**MOTION:** Commissioner Summers made a motion to approve the J6 Whites Valley Subdivision (2-Lot) Non-Residential. The motion was seconded by Commissioner Bingham and unanimously carried on a roll call vote of Chairman Perry voting Yea, Commissioner Bingham voting Yea, and Commissioner Summers voting Yea.

**Mike and Debbie Combe Subdivision (1-Lot)-Scott Lyons**

Community Development Director Scott Lyons stated the Mike and Debbie Combe Subdivision (1-Lot) is located in Thatcher at 10800 W 9965 N. It contains 1.5 acres and has been reviewed by all applicable departments.

**MOTION:** Commissioner Bingham made a motion to approve the Mike and Debbie Combe Subdivision (1-Lot). The motion was seconded by Commissioner Summers and unanimously carried on a roll call vote of Chairman Perry voting Yea, Commissioner Bingham voting Yea, and Commissioner Summers voting Yea.

**Contract #24-03 Hearings Officer Agreement-Scott Lyons**

Community Development Director Scott Lyons stated they use Craig Call who is a land use attorney as the hearing officer when there is an appeal or variance of the land use code or public works standards. He said the contract expired in 2015 and needs to be renewed.

**MOTION:** Commissioner Bingham made a motion to approve Contract #24-03. The motion was seconded by Commissioner Summers and unanimously carried on a roll call vote of Chairman Perry voting Yea, Commissioner Bingham voting Yea, and Commissioner Summers voting Yea.

**ATTACHMENT NO. 9 - Contract #24-03**



**Reappointment of Bonnie Robinson to the Planning Commission-Scott Lyons**

Community Development Director Scott Lyons stated Bonnie Robinson has been serving on the Planning Commission and her term is coming to an end. She is willing to continue serving another term which is three years.

**MOTION:** Commissioner Bingham made a motion to reappoint Bonnie Robinson to the Planning Commission. The motion was seconded by Commissioner Summers and unanimously carried on a roll call vote of Chairman Perry voting Yea, Commissioner Bingham voting Yea, and Commissioner Summers voting Yea.

**Corridor Preservation Fund 2024 Priority List-Scott Lyons**

Community Development Director Scott Lyons explained that each year the Commission adopts a priority list for the Corridor Preservation Fund. Each City and the County adds projects to the list and it is adopted by the COG (Council of Governments) and then the county legislative body. He presented the list to the Commissioners.

**MOTION:** Commissioner Bingham made a motion to approve the Corridor Preservation Fund 2024 priority list. The motion was seconded by Commissioner Summers and unanimously carried on a roll call vote of Chairman Perry voting Yea, Commissioner Bingham voting Yea, and Commissioner Summers voting Yea.

**BUILDINGS & GROUNDS**

**Public Safety Building Parking Lot Project Bid Award-Codey Illum**

Chief Building Official Codey Illum stated they sent out for bids for the Public Safety Center parking lot and fencing. The low bid was from Advanced Paving in the amount of \$388,787.00 for the parking lot along with the help of the road department. The low bid for the fence was from Mountain West Precast in the amount of \$624,933.20. He said they are running short of what was approved by CIP for the project. He said the bid numbers are good but over budget approximately \$97,000.00. He stated the completion target date is August 1, 2024.

Commissioner Summers asked how much they have left in the LATCF funds.

Auditor Shirlene Larsen said they will have to do a budget adjustment.

**MOTION:** Commissioner Summers made a motion to accept the recommended bids for the Public Safety Building parking lot and fence as presented. The motion was seconded by Commissioner Bingham and unanimously carried on a roll call vote of Chairman Perry voting Yea, Commissioner Bingham voting Yea, and Commissioner Summers voting Yea.

## **FAIRGROUNDS**

### **Donations for Large Ceiling Fans In Auction Barns at the Fairgrounds-Dusty Roche**

On behalf of the Jr. Livestock Auction Board, Dusty Roche explained the need for large ceiling fans in the steer and sheep barns. He gave some examples of past problems with heat exhaustion for participants and the animals. He stated the project is estimated to cost \$35,400.00 and they have \$15,700 in donations. He asked the Commission for manpower and help with the shortfall of \$19,700 to purchase the fans. He said they will also try to get more donations.

Chief Building Official Codey Illum stated there are concerns with not having fans in those buildings as they are used year round. Moving the air would be a great benefit. He stated he would prefer using staff to install as they are qualified and want the power conduit run properly. He said he does have some room in his budget for this project.

Commissioner Summers expressed appreciation for the donations for the project.

**MOTION:** Commissioner Summers made a motion to approve the large ceiling fans for the auction barns. The motion was seconded by Commissioner Bingham and unanimously carried on a roll call vote of Chairman Perry voting Yea, Commissioner Bingham voting Yea, and Commissioner Summers voting Yea.

## **ROAD DEPARTMENT**

### **Public Works Revision Ordinance #592-Darin McFarland**

Road Supervisor Darin McFarland explained they did an update to the Public Works Standards in August but did not assign it an ordinance number. They added an additional paragraph regarding the hearing officer.

**MOTION:** Commissioner Summers made a motion to adopt Ordinance #592. The motion was seconded by Commissioner Bingham and unanimously carried on a roll call vote of Chairman Perry voting Yea, Commissioner Bingham voting Yea, and Commissioner Summers voting Yea.

**ATTACHMENT NO. 10 - Ordinance #592**

**PUBLIC COMMENT (No action will be taken at this time)**

**Chairman Perry went over the rules of public comment period.**

DeAnna Hardy of Brigham City stated the minutes of January 3, 2024 failed to mention a poll that stated 1-5 voters admitted to participating in voter fraud in the 2020 elections. She quoted that signatures are distorted and manipulated and there was no mention of the electronic pad we are currently using at the polling locations. The Box Elder Committee of Liberty requests a sign-in book be at all polling locations for auditing purposes. She said they also disapprove of the approval process being given to non-elected boards or committees as in SB174. She called it regionalism. She said all cities and counties should join together to stop the state from using unconstitutional government power. She feels the legislature acts contrary to our republic form of government.

Fred Hayes of Bear River stated he publishes canvass ideas at substack.com. He said they have found lots of stuff in their research. He said he requested 2020 election data and 2023 election data and has been denied. He said he expects those records to be preserved. The information he is requesting is information that comes from the computers. He may bring in a downloaded report so they can see for themselves what is being requested. He thanked the Commission for serving.

**WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved: Claim numbers 123015 through 123053 in the amount of \$20,934.52 with voided claim number 122175 and claim numbers 122914 through 122918 and 122954 through 123014 in the amount of \$915,689.93 with voided claim number 122955 and claim numbers 122919 through 122953 in the amount of \$1,026,422.71 and 122844 through 122913 in the amount of \$957,688.69 with voided claim number 122519.

**PERSONNEL ACTIONS/VOLUNTEER ACTION FORMS – COMMISSIONERS**

| <b>Employee Name:</b> | <b>Department:</b> | <b>PA Type:</b> | <b>Effective Date:</b> |
|-----------------------|--------------------|-----------------|------------------------|
| VELAZQUEZ, MIRIAM     | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| GRAY, ROBERT          | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| GROVER, RICKY         | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| WEESE, JONATHON       | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| BONDS, KATRENA        | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| CASE, SUSANNE         | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| ROMER, MICHAEL        | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| CASE, G. RUSSELL      | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| SCHARRENBERG, JILL    | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| REESOR, GERALD        | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| ALLEY, LYDIA          | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| BRAND, DAVID          | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| PHIPPEN, DAVID        | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| SPENCER, LAURA        | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| JONES, TORI           | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| PETNER, LANCE         | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| BAUER, NICHOLAS       | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| HERNANDEZ, HENRY      | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| AL-TIGAR, MOHAMMED    | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| IRBY, JOSEPH          | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| CARRANZA, SAMUEL      | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| INFANTE, TRACY        | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| INFANTE, MALLORIE     | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| WILCOX, JAMES         | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| RODRIGUEZ, VIRGINIA   | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |
| FELLOWS, RAY (GENE)   | SHERIFF'S OFFICE   | VOLUNTEER       | 2/21/2024              |

|                     |                       |           |           |
|---------------------|-----------------------|-----------|-----------|
| MORTENSEN, GARY     | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| MORTENSEN, JULIE    | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| BAILEY, ANN         | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| BAILEY, CRAIG       | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| BROWN, SHIELA       | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| BROWN, LEWIS        | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| BALL, BECKY         | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| BALL, KEVIN         | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| JEPPSEN, BETH       | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| JEPPSEN, PHILIP     | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| ANDERSON, BRENDA    | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| ANDERSON, ERIN      | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| ASTLE, TROY         | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| JENSEN, ELON        | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| JENSEN, GORDON      | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| SPENDLOVE, MARLENE  | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| WORTHY, CLEO        | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| WORTHY, MONTY       | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| FRISCHKENCHT, ROGER | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| FRISCHKNECHT, LORI  | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| KECK, JOHN          | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| KECK, PATRICIA      | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| LEE, DENISE         | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| LEE, ROGER          | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| HIRSHI, DEANN       | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| HIRSCKI, DAVID      | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| SPENDLOVE, ROBERT   | SHERIFF'S OFFICE      | VOLUNTEER | 2/21/2024 |
| FARNSWORTH, BRAD    | EMERGENCY MGMT        | VOLUNTEER | 2/21/2024 |
| BUCHANAN, JAMES     | EMERGENCY MGMT        | VOLUNTEER | 2/21/2024 |
| DOSTALER, DION      | EMERGENCY MGMT        | VOLUNTEER | 2/21/2024 |
| THOMAS, CRAIG       | EMERGENCY MGMT        | VOLUNTEER | 2/21/2024 |
| MARBLE, ERIC        | EMERGENCY MGMT        | VOLUNTEER | 2/21/2024 |
| MILLETT, JOSHUA     | EMERGENCY MGMT        | VOLUNTEER | 2/21/2024 |
| JACKSON, DAVID R    | EMERGENCY MGMT        | VOLUNTEER | 2/21/2024 |
| HALL, LORI LARSON   | THATCHER-PENROSE FIRE | VOLUNTEER | 2/21/2024 |
| SMITH, CHISHOLM     | THATCHER-PENROSE FIRE | VOLUNTEER | 2/21/2024 |

|                         |                       |                         |            |
|-------------------------|-----------------------|-------------------------|------------|
| PROFAIZER, KATIE        | THATCHER-PENROSE FIRE | VOLUNTEER               | 2/21/2024  |
| SHAFFER, KRISTI         | THATCHER-PENROSE FIRE | VOLUNTEER               | 2/21/2024  |
| TREE, NICOLAS           | PORTAGE FIRE          | VOLUNTEER               | 2/21/2024  |
| BARROW, ROBERT          | PORTAGE FIRE          | VOLUNTEER               | 2/21/2024  |
| TREE, CYNDI             | PORTAGE FIRE          | VOLUNTEER               | 2/21/2024  |
| GIBBS, VAL              | PORTAGE FIRE          | VOLUNTEER               | 2/21/2024  |
| JOHN, MIKE              | PORTAGE FIRE          | VOLUNTEER               | 2/21/2024  |
| GRUNDTVIG, AARON        | PORTAGE FIRE          | VOLUNTEER               | 2/21/2024  |
| GIBBS, MELISSA          | PORTAGE FIRE          | VOLUNTEER               | 2/21/2024  |
| STUEFEN, TONY           | SEARCH AND RESCUE     | VOLUNTEER               | 2/21/2024  |
| MILLER, MICHAEL         | SEARCH AND RESCUE     | VOLUNTEER               | 2/21/2024  |
| SUMMERILL, JAMES        | SHERIFF'S OFFICE      | TRANSFER                | 1/1/2024   |
| BLANCHARD, LARRY        | SHERIFF'S OFFICE      | PROMOTION               | 1/14/2024  |
| EDDINGTON, STEVEN       | SHERIFF'S OFFICE      | TRANSFER                | 1/14/2024  |
| IVERSON, JOSHUA         | SHERIFF'S OFFICE      | PROMOTION               | 1/14/2024  |
| GABRIEL, TYLER          | SHERIFF'S OFFICE      | PROMOTION               | 1/14/2024  |
| SMITH, BRANDON          | SHERIFF'S OFFICE      | PROMOTION               | 1/29/2024  |
| SCHABER, DAVID          | ROAD DEPARTMENT       | NEW HIRE                | 1/29/2024  |
| SCHABER, DAVID          | ROAD DEPARTMENT       | CELL PHONE ALLOWANCE    | 2/1/2024   |
| SPENCER, DOUGLAS        | ROAD DEPARTMENT       | NEW HIRE                | 1/29/2024  |
| SPENCER, DOUGLAS        | ROAD DEPARTMENT       | CELL PHONE ALLOWANCE    | 2/1/2024   |
| COMPTON, NIKKI          | ROAD DEPARTMENT       | NEW HIRE                | 1/29/2024  |
| COMPTON, NIKKI          | ROAD DEPARTMENT       | CELL PHONE ALLOWANCE    | 2/1/2024   |
| SEIG, HANS              | ROAD DEPARTMENT       | CELL PHONE ALLOWANCE    | 11/28/2023 |
| MARSHALL, KADEN         | WEED DEPARTMENT       | REHIRE                  | 1/29/2024  |
| OLSEN, CHRISTIAN        | SHERIFF'S OFFICE      | NEW HIRE                | 1/29/2024  |
| CHAMPI, KATHERINE       | SHERIFF'S OFFICE      | VACATION LATERAL CHANGE | 1/1/2024   |
| JOHNSON, SCOTT          | SHERIFF'S OFFICE      | TRANSFER                | 2/11/2024  |
| BURT, JABEZ             | ROAD DEPARTMENT       | COMPENSATION CHANGE     | 2/14/2024  |
| BIERER, MCKENZIE        | ELECTIONS             | REHIRE                  | 2/7/2024   |
| GREENHALGH, SYLVIA LYNN | SHERIFF'S OFFICE      | SEPARATION              | 2/9/2024   |
| WADDUPS, ZACHARY        | SHERIFF'S OFFICE      | SEPARATION              | 1/25/2024  |
| JENSEN, TIFFINE         | FIRE                  | SEPARATION              | 2/5/2024   |
| ASHTON, DOUGLAS         | LANDFILL              | COMPENSATION CHANGE     | 2/7/2024   |
| OLSEN, CHRISTIAN        | SHERIFF'S OFFICE      | SEPARATION              | 2/8/2024   |
| MILLIGAN, LACEY         | LANDFILL              | SEPARATION              | 2/9/2024   |
| FLINT, STEVEN BARTON    | SHERIFF'S OFFICE      | VOLUNTEER               | 2/21/2024  |
| RISER, KARSON           | LANDFILL              | COMPENSATION CHANGE     | 2/28/2024  |
| KREBS, JOSEPH           | ASSESSOR'S OFFICE     | COMPENSATION CHANGE     | 2/21/2024  |
| OLSEN, CHRISTIAN        | SHERIFF'S OFFICE      | SEPARATION              | 2/08/2024  |
| BASS, JANET             | EMERGENCY MANAGEMENT  | VOLUNTEER               | 2/21/2024  |

**CLOSED SESSION**

**Strategy session to discuss pending or reasonably imminent litigation**

**MOTION:** At 12:50 p.m. a motion was made by Commissioner Bingham to move into a closed session. The motion was seconded by Commissioner Summers and unanimously carried.

**MOTION:** At 1:03 p.m. Commissioner Bingham made a motion to reconvene into regular commission meeting. Commissioner Summers seconded the motion. The motion carried unanimously and regular commission meeting was reconvened.

**ADJOURNMENT**

A motion was made by Commissioner Summers to adjourn. Commissioner Bingham seconded the motion, and the meeting adjourned at 1:04 p.m.

**ADOPTED AND APPROVED** in regular session this 6th day of March 2024.


  
\_\_\_\_\_  
Lee Perry, Chairman

  
\_\_\_\_\_  
Boyd Bingham, Commissioner

  
\_\_\_\_\_  
Stan Summers, Commissioner

ATTEST:



  
\_\_\_\_\_  
Mafla R. Young, Clerk



**COUNTY COMMISSION MEETING**  
Commission Chambers, 01 South Main Street, Brigham City, Utah 84302  
Wednesday, February 21, 2024 at 11:30 AM

---

## **AGENDA**

**NOTICE:** *Public notice is hereby given that the Box Elder County Board of County Commissioners will hold an Administrative/Operational Session commencing at 11:15 A.M. and a regular Commission Meeting commencing at 11:30 A.M. on Wednesday February 21, 2024 in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, Brigham City, Utah.*

**1. ADMINISTRATIVE / OPERATIONAL SESSION**

- A. Agenda Review / Supporting Documents
- B. Commissioners' Correspondence
- C. Staff Reports

**2. CALL TO ORDER 11:30 A.M.**

- A. Invocation Given by: Commissioner Bingham
- B. Pledge of Allegiance Given by: Fire Marshal Kevin Lloyd
- C. Approve Minutes January 23, 2024

**3. ADMINISTRATIVE REVIEW / REPORTS / FUTURE AGENDA ITEMS**

**4. FORMER AGENDA ITEMS**

**5. EMERGENCY MANAGEMENT ISSUES**

**6. ARPA/LATCF**

**7. BOX ELDER COUNTY EMPLOYEE RECOGNITION**

**8. AUDITOR'S OFFICE**

- A. 11:40 Recommendations of Hearing Officer for BOE-Shirlene Larsen
- B. 11:45 Review of the Audit of the County DMV-Josh Capell and Shirlene Larsen
- C. 11:47 Landfill Ordinance #593 Update-Shirlene Larsen
- D. 11:49 Resolution #24-01 Setting Host and Administrative Fees for the Box Elder Solid Waste Facility-Shirlene Larsen

**9. CLERK'S OFFICE**

- A. 11:52 Discuss New Rodeo Ticket Vendor and Updated Pricing-Marla Young

**10. COMMISSIONERS**

- A. 11:55 Second Amendment to the Broadband Access Grant Agreement #24-05-Commissioners
- B. 11:57 Third Amendment to Broadband Access Grant Agreement #24-06-Commissioners
- C. 11:59 Contract Addendum #24-04 for Bear River Mental Health Services-Commissioners



A handwritten signature in black ink, appearing to read "Marla R. Young". The signature is fluid and cursive, with the first name "Marla" and last name "Young" clearly distinguishable.

Marla R. Young - County Clerk

Box Elder County

NOTE: Please turn off or silence cell phones and pagers during public meetings. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made three (3) working days prior to this meeting. Please contact the Commission Secretary's office at (435) 734-3347 or FAX (435) 734-2038 for information or assistance.

**ORDINANCE NO. 593**

**ORDINANCE SETTING HOST FEE FOR THE BOX ELDER COUNTY SOLID  
WASTE FACILITY**

**WHEREAS**, the Board of Box Elder County Commissioners determined that construction of a solid waste management facility (the "Facility") as defined in Section 19-6-502(23) of the Utah Solid Waste Management Act, Utah Code Ann. (1953) as amended, and the creation of Box Elder County Solid Waste ("BECSW") was necessary in order to protect, preserve, and enhance the environment within the County, and

**WHEREAS**, Section 19-6-503, Utah Cod Ann. (1953) as amended, known as the Utah Solid Waste Management Act provides among other things, that the governing body of a public entity may, among other things:

- a. Supervise and regulate the collection, transportation and disposition of all solid waste within its jurisdiction;
- b. Levy and collect a tax, fee, or charge or require a license as may be appropriate to discharge its responsibility for the acquisition, construction, operation, maintenance, and improvement of solid waste management facility, including licensing a private collector operating within its jurisdiction.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Box Elder County acting as the governing authority of Box Elder County Solid Waste as follows:

**Section 1.** All ordinances and resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section 2.** The Board of County Commissioners shall annually review the Box Elder County Solid Waste Facility host fee. The County shall, by resolution, adjust the Box Elder County Solid Waste Facility host fee annually as indexed by inflation referencing the September CPI-U within the first two months of the start of a new fiscal year. If no said resolution is passed by the date herein set, the County shall use the host fee last enacted.

**Section 3.** Host fees shall be applied to all C&D, COM, IND, WW, and MSW tonnage as reported on the Facility's material analysis report for both inbound and outbound

materials for a period of January 1<sup>st</sup> to December 31<sup>st</sup> of a given year.

**Section 4.** If any one or more of the provisions of this ordinance should be contrary to law, then such provisions shall be deemed separable from the remaining provisions and shall in no way affect the validity of any of the other provisions.

**PASSED AND ADOPTED AND ORDERED PUBLISHED** this 21<sup>st</sup> day of February, 2024 by the Board of Commissioners in Box Elder County, Utah.

Commissioner Perry  
Commissioner Summers  
Commissioner Bingham

Voting Aye  
Voting Aye  
Voting Aye



Attest:

Marla Young  
Marla Young  
Box Elder County Clerk

Jul Perry  
Box Elder County Commission Chair

RESOLUTION #: 24-01

**A RESOLUTION REGARDING SETTING HOST AND ADMINISTRATIVE FEES FOR THE BOX ELDER SOLID WASTE FACILITY**

**WHEREAS**, Box Elder County Commission, in accordance with Utah law, constructed a solid waste management facility (the "Facility") and deemed that the creation of Box Elder County Solid Waste ("BECSW") was necessary in order to protect, preserve, and enhance the environment within the County; and

**WHEREAS**, Box Elder County Commission passed Ordinance #593 that, in accordance with Utah law, allows the Commission to annually review the Box Elder County Solid Waste Facility host fee;

**WHEREAS**, at this time, the Box Elder County Commission finds that is in the best interest of the citizens of Box Elder County to review the host fee at this time; and

**WHEREAS**, the Box Elder County Commission find that enactment of an administrative fee is necessary to defray expenses incurred by departments within the County; and

**WHEREAS**, the Box Elder County Commission finds that enactment of the resolution set forth below is necessary for and will promote the health, safety, and welfare of the citizens of Box Elder County.

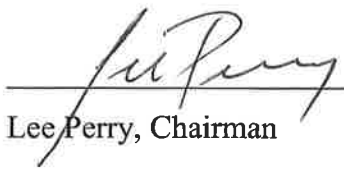
**NOW THEREFORE, BE IT RESOLVED**, that the Box Elder County Commission does hereby direct and authorize the following:

1. As of the date of adoption, Box Elder County Solid Waste shall charge a host fee of \$3.00 per ton at the Facility on specific materials as defined in the referenced Ordinance.
2. As of the date of adoption, Box Elder County Solid Waste agrees to an additional fee for administration of ten percent of the total annual landfill expenditures. Said additional fee shall be transferred into the County General Fund at the end of each County fiscal year.

These fees shall go into effect and remain in effect until and unless the Box Elder County Commission reviews and/or adjusts one or both by another resolution at some future date.

PASSED AND ADOPTED THIS 21<sup>st</sup> DAY OF February, 2024.

---

  
\_\_\_\_\_  
Lee Perry, Chairman

VOTING:

Perry      Yea  Nay \_\_\_\_\_  
Summers    Yea  Nay \_\_\_\_\_  
Bingham    Yea  Nay \_\_\_\_\_



ATTEST  
  
\_\_\_\_\_  
County Clerk



**STATE OF UTAH**  
**The Governor's Office of Economic Opportunity**  
**Utah Broadband Center**

**SECOND AMENDMENT TO GRANT AGREEMENT**  
**Broadband Access Grant**

1. **Parties:** Governor's Office of Economic Opportunity, the Utah Broadband Center, referred to collectively as the "State", and the following Grantee listed below:

Box Elder County  
 1 South Main Street  
 Brigham City, UT 84302

Contact Person: Brian Carver  
 Primary Contact Phone #: (435) 713-1420  
 Email: brianca@brag.utah.gov

Legal Status of Grantee: Governmental Entity  
 Federal Tax ID: 87-6000293  
 Vendor #: VC0000128922

Project Name: Box Elder County High Speed Internet Expansion

State, Grantee/Assignor and Grantee/Assignee, are referred to collectively herein as the "Parties".

2. **Incorporation of Contract and Effect of Amendment.**

2.1 The Parties previously entered into a Grant Agreement Broadband Access Grant effective September 8, 2022 ("Grant Agreement"), with the purpose that the Grantee may obtain and maintain eligibility for the State Broadband Access Grant program to provide funding for the construction and expansion of highspeed broadband service in unserved or underserved areas of the State. The Parties also entered a First Amendment to Grant Agreement dated December 13, 2022 ("First Amendment").

2.2 State and Grantee amend Section 5, page 1, of the Grant Agreement which set forth a contract amount of: \$5,856,443.00 (the award amount or "Grant Amount"). This Second Amendment to that Grant Agreement will amend and increase that Grant Amount with an additional: \$1,574,692.00 for a total award of: \$7,431,135.00.

2.3 The exhibit or "Attachment C – Project Scope of Work" of the Grant Agreement is also amended, and replaced in its entirety with the following exhibit attached to this Second Amendment:  
 "Attachment C – Amended Project Scope of Work"

3. **Miscellaneous Provisions**

3.1 **Entire Agreement.** This Second Amendment constitutes the entire agreement of the Parties hereto with respect to the subject matter hereof and supersedes all prior agreements and amendments or undertakings, both written and oral, among the parties with respect to the subject matter hereof. Except as amended by this Second Amendment, the Grant Agreement (as amended by the First Amendment), shall continue in full force and effect.



3.2 **Severability.** If any term or other provision of this Second Amendment is invalid, illegal or incapable of being enforced by any law or public policy, all other terms and provisions of this Second Amendment shall nevertheless remain in full force and effect so long as the economic or legal substance of the transactions contemplated by this Second Amendment is not affected in any manner materially adverse to any party. Upon such determination that any term or other provision is invalid, illegal or incapable of being enforced, the parties hereto shall negotiate in good faith to modify this Second Amendment so as to effect the original intent of the parties as closely as possible in an acceptable manner in order that the transactions contemplated by this Second Amendment are consummated as originally contemplated to the greatest extent possible.

3.3 **Counterparts.** This Second Amendment may be executed and delivered (including by facsimile or electronic transmission) in one or more counterparts, and by the different parties hereto in separate counterparts, each of which when executed shall be deemed to be an original but all of which taken together shall constitute one and the same agreement. Electronic signatures on are acceptable, and as effective as ink signatures.

*(This Section is intentionally left blank, the signature page follows)*



IN WITNESS WHEREOF, the parties have signed this Second Amendment as of the dates below.

**STATE:**  
**UTAH BROADBAND CENTER**

**GRANTEE:**  
**BOX ELDER COUNTY**

\_\_\_\_\_

*Lee Perry*  
\_\_\_\_\_

Name: Jim Grover  
Title: Managing Director of Incentives and Grants  
Date:

Name: ~~Jeffrey D. Scott~~ *Lee Perry*  
Title: County Commissioner  
Date:

**GOVERNOR'S OFFICE OF ECONOMIC OPPORTUNITY**

**GOVERNOR'S OFFICE OF ECONOMIC OPPORTUNITY**

\_\_\_\_\_

\_\_\_\_\_

Name: Jason Marden  
Title: Director of Finance  
Date:

Name: Kamron Dalton  
Title: Managing Director of Operations (COO)  
Date:

**APPROVED BY:**  
**DIVISION OF FINANCE**

Name:  
Title:  
Date:





**ATTACHMENT C**  
**AMENDED PROJECT SCOPE OF WORK**





STATE OF UTAH  
The Governor's Office of Economic Opportunity  
Utah Broadband Center

THIRD AMENDMENT TO GRANT AGREEMENT  
Broadband Access Grant

1. **Parties:** Governor's Office of Economic Opportunity, the Utah Broadband Center, referred to collectively as the "State", and the following Grantee listed below:

Box Elder County  
1 South Main Street  
Brigham City, UT 84302

Contact Person: Brian Carver  
Primary Contact Phone #: (435) 713-1420  
Email: brian@brag.utah.gov

Legal Status of Grantee: Governmental Entity  
Federal Tax ID: 87-6000293  
Vendor #: VC0000128922

Project Name: Box Elder County High Speed Internet Expansion

State, Grantee/Assignor and Grantee/Assignee, are referred to collectively herein as the "Parties".

2. **Incorporation of Contract and Effect of Amendment.**

2.1 The Parties previously entered into a Grant Agreement Broadband Access Grant effective September 8, 2022 ("Grant Agreement"), with the purpose that the Grantee may obtain and maintain eligibility for the State Broadband Access Grant program to provide funding for the construction and expansion of highspeed broadband service in unserved or underserved areas of the State. The Parties also entered a First Amendment to Grant Agreement dated December 13, 2022 ("First Amendment"). Also the Parties agreed to a Second Amendment dated \_\_\_\_\_.

2.2 Now, State and Grantee agree to amend Section 7, page 5, of the Grant Agreement to modify the invoicing date, or requests for reimbursement from "quarterly" to "monthly".

3. **Miscellaneous Provisions**

3.1 **Entire Agreement.** This Third Amendment constitutes the entire agreement of the Parties hereto with respect to the subject matter hereof and supersedes all prior agreements and amendments or undertakings, both written and oral, among the parties with respect to the subject matter hereof. Except as amended by this Third Amendment, the Grant Agreement (as amended by the First and Second Amendments), shall continue in full force and effect.

3.2 **Severability.** If any term or other provision of this Third Amendment is invalid, illegal or incapable of being enforced by any law or public policy, all other terms and provisions of this Third Amendment shall nevertheless remain in full force and effect so long as the economic or legal substance of the transactions contemplated by this Third Amendment is not affected in any manner materially adverse to any party. Upon such determination that any term or other provision is invalid, illegal or



incapable of being enforced, the parties hereto shall negotiate in good faith to modify this Third Amendment so as to effect the original intent of the parties as closely as possible in an acceptable manner in order that the transactions contemplated by this Third Amendment are consummated as originally contemplated to the greatest extent possible.

3.3 **Counterparts.** This Third Amendment may be executed and delivered (including by facsimile or electronic transmission) in one or more counterparts, and by the different parties hereto in separate counterparts, each of which when executed shall be deemed to be an original but all of which taken together shall constitute one and the same agreement. Electronic signatures on are acceptable, and as effective as ink signatures.

*(This Section is intentionally left blank, the signature page follows)*


IN WITNESS WHEREOF, the parties have signed this Second Amendment as of the dates below.

**STATE:**  
**UTAH BROADBAND CENTER**

**GRANTEE:**  
**BOX ELDER COUNTY**

\_\_\_\_\_

Name: Jim Grover  
Title: Managing Director of Incentives and Grants  
Date:

  
\_\_\_\_\_

Name: Jeffrey D. Scott  
Title: County Commissioner  
Date:

**GOVERNOR'S OFFICE OF ECONOMIC  
OPPORTUNITY**

**GOVERNOR'S OFFICE OF ECONOMIC  
OPPORTUNITY**

\_\_\_\_\_

Name: Jason Marden  
Title: Director of Finance  
Date:

\_\_\_\_\_

Name: Kamron Dalton  
Title: Managing Director of Operations (COO)  
Date:

**APPROVED BY:**  
**DIVISION OF FINANCE**

Name:  
Title:  
Date:



**ADDENDUM TO CONTRACT FOR MENTAL HEALTH SERVICES**

This Addendum is made and entered into by and between **BOX ELDER COUNTY**, a body politic, which shall be called "**COUNTY**" in this Addendum and **BEAR RIVER MENTAL HEALTH SERVICES, INC.**, a Utah non-profit corporation, which shall be called the "**CENTER**" in this Addendum.

This Addendum amends item 3, page 3, "Compensation or Reimbursement".

The reimbursement for services provided by the **CENTER**, as described in the original agreement, shall be for the period from January 1, 2024 through December 31, 2024 in the amount of \$153,156.

All remaining sections of the current contract remain as described in the original document, including the **Term**: January 1, 2023 through December 31, 2033.

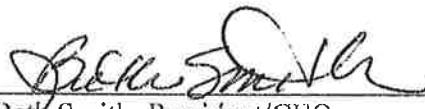
**IN WITNESS WHEREOF**, the parties have executed this Addendum in duplicate, each of which will be deemed an original, on the 4th day of

January, 2024.

**BOX ELDER COUNTY**

**BEAR RIVER MENTAL HEALTH SERVICES, INC.**

  
\_\_\_\_\_  
Lee Perry, Board Chairman  
Box Elder County Commissioner

  
\_\_\_\_\_  
Beth Smith, President/CEO  
Bear River Mental Health Services, Inc.

## Addendum to Contract for Indigent Capital Defense Counsel Services

This is an addendum to the Contract for Indigent Capital Defense Counsel Services (“Contract”) entered into on January 29, 2024 between the Utah Indigent Defense Funds Board (“Board”) and Michael Studebaker and Jonathan Nish (“Defender” or “Defenders” as appropriate). The following terms are hereby incorporated into the Contract.

- 1. Paralegal Compensation.** Defender(s) may use paralegals in the course of their services. Effective October 6, 2023, a paralegal’s compensation may not exceed the hourly billing rates of a second chair attorney as outlined in Section 1.A of the Addendum to Contract for Indigent Capital Defense Services as applied to death penalty and non-death penalty cases. For all hours a paralegal works and all services a paralegal works, Defender(s) and paralegals shall clearly indicate on invoices that such billing is for paralegal work and not attorney work.

To the extent that the terms in this addendum modify or conflict with the terms set forth in the Contract, these terms control. All terms not modified or in conflict with these terms remain the same.

On this 29th day of January 2024, the parties acknowledge and agree to the terms set forth herein. The parties agree that this addendum may be signed in counterparts which will be deemed the same as an original.

Indigent Defense Funds Board

Neal Hamilton

Neal Hamilton (Jan 29, 2024 15:12 MST)

Neal Hamilton, Chairman

Defender(s)

Michael Studebaker

Attorney Signature

Jonathan Nish

Jonathan Nish (Jan 30, 2024 08:48 MST)

Attorney Signature

## County Acknowledgment and Approval

Box Elder County acknowledges and approves the foregoing Addendum to Contract of Indigent Defense Counsel Services which has been negotiated and executed by the Indigent Defense Funds Board for the following criminal case:

Defendant: James A Brenner

Criminal Charge:

Count 1 – Aggravated Murder.

Count 2 – Abuse or desecration of a human body.

Count 3 –

Count 4 –

Case No.: 231100110

Defenders: Michael Studebaker & Jonathan Nish

Date: January 29, 2024.



Box Elder, COUNTY

By: \_\_\_\_\_

Chairman, Box Elder County

Board of County Commissioners

ATTEST:

\_\_\_\_\_

Box Elder County Clerk

27-00

## **Addendum to Contract for Indigent Capital Defense Counsel Services**

This is an addendum to the Contract for Indigent Capital Defense Counsel Services (“Contract”) entered into on February 2, 2024, between the Utah Indigent Defense Funds Board (“Board”) and Richard Gallegos and Jonathan Nish (“Defender” or “Defenders” as appropriate). The following terms are hereby incorporated into the Contract.

- 1.A. Compensation.** Effective October 6, 2023, and pursuant to Section 2 of the Contract, the Board may authorize payment of attorney fees at a rate of \$225 per hour for Rule 8 qualified lead counsel and \$185 per hour for Rule 8 or non-qualified attorneys who serve in the capacity of second chair in the case up to a maximum of \$200,000 if the death penalty is sought by the prosecution, or at a rate of \$200 per hour for lead counsel and \$152 per hour for second chair up to a maximum of \$100,000 if the death penalty is not sought by the prosecution before the commencement of trial.
- 1.B. Defender(s) will be authorized to receive up to the following presumptive caps in accordance with the following schedule:
- (i) If the death penalty is sought:
    - (a) Maximum of up to \$112,000 upon the completion or waiver of the preliminary hearing.
    - (b) Maximum of up to \$88,000 after completion or waiver of the preliminary hearing up to the conclusion of the trial by verdict and completion of penalty phase.
  - (ii) If the death penalty is not sought or is withdrawn prior to trial:
    - (a) Maximum of up to \$55,000 upon completion or waiver of the preliminary hearing.
    - (b) Maximum of up to \$45,000 after completion or waiver of the preliminary hearing up to the conclusion of the trial by verdict and completion of the penalty phase.
- 1.C. Defender(s) may use paralegals in the course of their services. A paralegal’s compensation may not exceed the hourly billing rates of a second chair attorney as outlined in Section 1.A. above as applied to death penalty and non-death penalty cases. For all hours a paralegal works and all services a paralegal works, Defender(s) and paralegals shall clearly indicate on invoices that such billing is for paralegal work and not attorney work.

To the extent that the terms in this addendum modify or conflict with the terms set forth in the Contract, these terms control. All terms not modified or in conflict with these terms remain the same.

On this 2 day of February 2024, the parties acknowledge and agree to the terms set forth herein. The parties agree that this addendum may be signed in counterparts which will be deemed the same as an original.



Indigent Defense Funds Board

Defender(s)

Neal Hamilton

Neal Hamilton (Feb 6, 2024 15:15 MST)

Neal Hamilton, Chairman

Richard Gallegos

Richard Gallegos (Feb 8, 2024 20:14 MST)

Attorney Signature

Jonathan Nish

Jonathan Nish (Feb 9, 2024 09:07 MST)

Attorney Signature

### County Acknowledgment and Approval

Box Elder County acknowledges and approves the foregoing Addendum to Contract of Indigent Defense Counsel Services which has been negotiated and executed by the Indigent Defense Funds Board for the following criminal case:

Defendant: Jonathan Mendoza Llana

Criminal Charge:

Count 1 – Aggravated Murder

Count 2 – Attempted Aggravated Murder

Count 3 – Felony Discharge of a Firearm

Count 4 – Felony Discharge of a Firearm

Count 5 – Felony Discharge of a Firearm

Count 6 – Felony Discharge of a Firearm

Count 7 – Felony Discharge of a Firearm

Count 8 – Felony Discharge of a Firearm

Case No.: 191100167

Defenders: Richard Gallegos and Jonathan Nish

Date: February 2, 2024

Box Elder, COUNTY



ATTEST:

Marla R Young  
Marla R Young (Feb 7, 2024 14:23 MST)

Box Elder County Clerk

By: Lee Perry  
Lee Perry (Feb 27, 2024 13:01 MST)

Chairman, Box Elder County  
Board of County Commissioners

CONTRACT 24-03

HEARINGS OFFICER AGREEMENT

THIS AGREEMENT is entered into this 21<sup>st</sup> day of February 2024, by and between Box Elder County ("the County") and Craig Call, to retain Mr. Call's service as an appointed Hearing Officer.

The County and Mr. Call agree as follows:

1. Mr. Call will provide to the County the Hearing Officer services necessary to comply with the County's obligations under various sections of the Box Elder County Land Use Management and Development Code, as well as the public works standards adopted by the County.
2. The County will compensate Mr. Call at the rate of \$100.00 per hour for his Hearing Officer services which will include time spent preparing for hearings, conducting hearings and preparing orders. Mr. Call will charge 50% of the normal rate for travel time and will not charge for mileage or other expenses related to travel. Notwithstanding the foregoing, Mr. Call agrees to "cap" the total amount for any individual hearing and related activities at \$1,000.00.
3. Mr. Call will be available on an "as needed" basis to conduct administrative hearings. The parties shall schedule hearings when reasonably practicable to provide efficient hearing services to the public. To accommodate hearings which are expected to be unusually lengthy, additional calendars may be required, and the parties shall work to schedule hearings which will provide sufficient time to hear the evidence.
4. The County will notify Mr. Call upon receiving notice of an application for a hearing.
5. The County will provide support services to Mr. Call reasonably necessary to fulfill his responsibilities and including preparation of notices, files, dockets, clerical support during hearings, transcribing dictated notes, audio recording of hearings and collection of fees and fines.
6. The relationship of Mr. Call to the County under this Agreement is that of "independent contractor." No relationship of employee, agent or servant of the County is created by this agreement. No benefits will be paid and no Internal Revenue Service's withholdings will be made by County from payments made for Mr. Call's services.
7. This agreement shall be for three (3) years and will automatically renew for two (2) consecutive two (2) year terms, unless terminated by either party. Termination of this agreement shall occur on the renewal date with written notice of either County's or Hearing Officer's desire to terminate within 90 days of renewal date OR at any time upon written, mutual consent by both County and Hearing Officer.
8. Mr. Call will invoice the County for Hearing Officer services provided. Payment by the County shall be due within 30 days of receiving an invoice.

9. This is the entire agreement of the parties. It may not be modified except in writing signed by both parties.

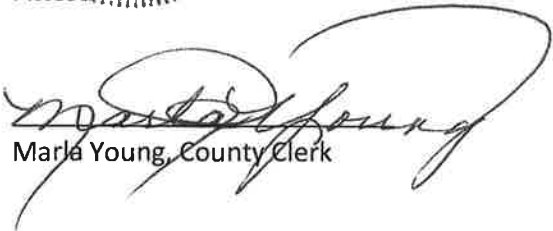
IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

\_\_\_\_\_  
Craig Call

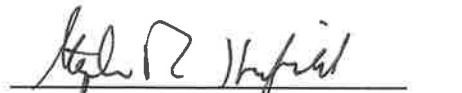
BOX ELDER COUNTY

  
\_\_\_\_\_  
Lee Perry, County Commission Chairman



  
Marla Young, County Clerk

Approved as to form:

  
\_\_\_\_\_  
Stephen R. Hadfield, County Attorney

**ORDINANCE NO. 592**

**AN ORDINANCE OF THE COUNTY COMMISSION OF BOX ELDER COUNTY,  
UTAH, RE-ADOPTING THE COUNTY'S PUBLIC WORKS CONSTRUCTION  
STANDARDS, DRAWINGS, AND SPECIFICATIONS.**

**WHEREAS**, Utah Code § 17-52-223 grants the County Commission of Box Elder County ('County') authority to enact ordinances that it considers necessary or appropriate for the use and development of land in Box Elder County; and

**WHEREAS**, the County Commission has adopted Box Elder County Land Use Management & Development Code, which requires land use applicants and developers to install certain infrastructure and utilities related to developing and subdividing land in the County, and

**WHEREAS**, the County's Engineering firm has recommended that the County Commission adopt by ordinance the County's Public Works Standards and Standard Drawings for Development, Design and Construction ('Standards') attached as Exhibit A; and

**WHEREAS**, this re-adopting of the County's Public Works Drawings will ensure that the County complies with the Utah County Land Use, Development, and Management Act (Utah Code § 17-27a-101, *et seq.*); and

**WHEREAS**, the County Commission held a public meeting and reviewed the Standards; and

**WHEREAS**, the County Commission finds that the Standards will enhance the public health, safety and welfare, and will promote the goals of the General Plan.

**NOW THEREFORE**, the County legislative body of Box Elder County ordains as follows:

**SECTION 1:** Re-adoption. The County Commission hereby re-adopts the Standards attached as Exhibit A for the purposes stated herein.

**SECTION 2:** Posting. The County Road Department shall ensure the Standards are available to the public by posting them on the Road Department page of the County's website ([www.boxeldercounty.org/road](http://www.boxeldercounty.org/road)), and by keeping a printed copy of the Standards available for the public to review at the County Road Shed, 5730 W 8800 N, Tremonton, Utah 84337.

**SECTION 3:** Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

**SECTION 4:** Effective Date. This Ordinance shall become effective immediately upon publication and posting as required by law.

**PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED** this 21<sup>st</sup> day of February, 2024, by the Board of County Commissioners of Box Elder County, Utah.

Commissioner Bingham  
Commissioner Summers  
Commissioner Perry

Voting Aye  
Voting Aye  
Voting Aye



Attest §

*Marla Young*  
Marla Young Box Elder County Clerk

*Lee Perry*  
Lee Perry, Commission Chair

**EXHIBIT A**

**Box Elder County Public Works Standards & Standard Drawings For Development,  
Design and Construction**

The Complete **Exhibit A** for Ordinance 592, Box Elder County Public Works Standards and Standard Drawings For Development, Design and Construction will be available for review at the County Clerk's office.