

COMMISSIONERS' MINUTES – DAVIS COUNTY

COMMISSION MEETING MINUTES September 14, 2021

The Board of Davis County Commissioners met for their regularly scheduled meeting at 10:00 a.m. on September 14, 2021, in room 303 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah. Required legal notice of this meeting was given.

Present on the dais were: Commissioner Bob J Stevenson, Chair; Commissioner Randy B. Elliott, Vice-Chair; Commissioner Lorene Miner Kamalu; 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 Clerk/Auditor's Office. The agenda for this meeting is incorporated into the minutes as item headers.

OPENING

The meeting convened at 10:00 a.m. and Kent Anderson, Community & Economic Development Director, led the Pledge of Allegiance.

Recognitions, Presentations & Informational Items

Notice of Intent to Engage in Contract Negotiations #2021-468 with Davis County Hispanic Prevention Coalition for the E-Cigarette, Marijuana, & Other Drug Prevent Grant RFP — *Presented by Clerk/Auditor Curtis Koch*

Notice of Intent to Engage in Contract Negotiations #2021-468

Notice of intent to engage in contract negotiations with the Davis County Hispanic Prevention Coalition was given. They are being awarded the contract based on their response to the E-cigarette, Marijuana, and Other Drug Prevention Grant Request for Proposals that was issued in June of this year.

Notice of Intent to Engage in Contract Negotiations #2021-469

Notice of Intent to Engage In Contract Negotiations #2021-469 with Discovery Family Coalition for the E-Cigarette, Marijuana, & Other Drug Prevent Grant RFP — *Presented by Clerk/Auditor Curtis Koch*

Notice of intent to engage in contract negotiations with Discovery Family Coalition was also given. This contract is for the same grant for E-cigarette, Marijuana, and Other Drug Prevention.

Notice of Termination #1996-325-B

Notice of Termination #1996-325-B of the Site Lease Agreement with Sprint Spectrum L.P. — *Presented by Chief Deputy Andrew Oblad*

Notice was termination of the Site Lease Agreement with Sprint Spectrum L.P. was given. They will be coming off of the [Sheriff's Office] tower.

Notice of Termination #1996-273-C

Notice of Termination #1996-273-C of the Site Lease Agreement with T-Mobile USA — *Presented by Chief Deputy Andrew Oblad*

Notice was termination of the Site Lease Agreement with T-Mobile USA, Inc. was given. They will also be coming off of the [Sheriff's Office] tower.

PUBLIC COMMENTS

Members of the public were invited to make comments to the Commission.

Lorna Rosenstein, of Water Watch of Utah, read a document to Commissioners in which she discussed her efforts for almost two decades to research fluoridation of the water supply and the responses to her related GRAMA (Government Records Access and Management Act) requests for information. In the document, she stated her belief that the Davis County Health Department is in violation of the law because it does not have copies of Certificates of Analysis required by Utah's Safe Drinking Water Disclosure Act.

See Attachment A, "Waterwate of Utah," for the full text of the document. This document has been attached to the minutes, in lieu of transcribing or summarizing spoken comments, because it was read aloud in the meeting.

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[Note: While reading the document to Commissioners, Ms. Rosenstein added comments to the fourth paragraph. Following the sentence "In a phone call with the Davis County Health Department yesterday, he advised me they did not have copies of those records," she added, "He did not require them." She also changed the sentence following "That alert was not sent to the public," to say "If it had, the woman in Sandy City who filled up her baby's bottle from the tap, with raw undiluted acid, wouldn't have done so."]

Ms. Rosenstein said she would come back next Tuesday in hopes of a response.

Commissioner Stevenson asked Commissioner Kamalu to work with Ms. Rosenstein for the next few days to find some of the information dealing with the Health Department. Commissioner Kamalu said she would be at a conference but that she had previously met with Ms. Rosenstein and others, and she had looked through documents. She had also toured some of the facilities where fluoride enters the water in our County and found that everything is in order, as far as the Health Department has verified. She recognized that Ms. Rosenstein has concerns and said she is happy to look into things, although she has already looked into things and is not sure what else can be done.

Ms. Rosenstein was asked if she'd had the opportunity to go into any of the facilities, and she answered in the affirmative. Ms. Rosenstein was then asked why her group didn't put a petition together to get it put back on the ballot. Ms. Rosenstein replied that she has chosen not to get the public involved until the facts are clear to avoid a lot of arguing over the pros and cons. She said there is one water agency poised to spend \$2 million on failing infrastructure and another that just dug a well and is going to have to put in expensive fluoride infrastructure again, and asked that an assessment be done before the agencies do these things or the public is involved. The water agencies are being required by the EPA to form a risk analysis and assessment of their systems; it would be best to look at this and get the facts before moving forward. Ms. Rosenstein stated that the Health Department has a vested interest in not having these discussions.

Commissioner Kamalu said that our Health Department Director, and others at the Health Department, have spent a lot of time over the years in discussions and listening and looking at documents. She added that, in her comments at the end of this meeting, she would share information from the Water School event she attended last week.

Commissioner Stevenson told Ms. Rosenstein that someone would get back with her. Maybe a work meeting can be set up in the next few weeks with the Health Department, during which Ms. Rosenstein's questions can be discussed to help everyone to have a better understanding and be more comfortable with the way things are. Commissioner Stevenson said he has to know and understand all sides. Ms. Rosenstein said it is important to get the water agencies involved to let them have their voice as well. She wants transparency and for everyone to get the facts on the table.

[More information on this topic was shared by Neal Geddes and Commissioner Kamalu at the end of the meeting.]

PUBLIC HEARING

Public Hearing for consideration of the Adoption of the Analysis of Impediments (AI) to the Fair Housing Choice for Davis County for the U.S. Department of Housing and Urban Development's (HUD) Fair Housing Requirement to Affirmatively Further Fair Housing (AFFH) — Presented by Community and Economic Development Director Kent Andersen

The CED Director introduced the public hearing, noting that the Analysis of Impediments (AI) to the Fair Housing Choice for Davis County 2021-2025 was discussed in a Work Session held at 8:30 a.m. Sept. 14, 2021, in room 306 of the Administration Building. The public hearing is an opportunity to collect or receive public comment regarding the adoption by resolution of the Analysis of Impediments to Fair Housing Choice for Davis County 2021-2025 for submission to the U.S. Department of Housing and Urban Development (HUD).

Commissioner Elliott moved to open the Public Hearing. Commissioner Kamalu seconded the motion. All voted Aye.

Commissioner Stevenson invited public comment. No comments were made.

Commissioner Kamalu moved to close the Public Hearing. Commissioner Elliott seconded the motion. All voted Aye.

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Commissioner Kamalu said the presentation in the Work Session was wonderful. The representatives from Resource Consultants were thanked for helping the County be all that it can and advocating for all of our community, particularly in the housing arena where people can have a hard time.

BUSINESS/ ACTION

Analysis of Impediments (AI) to the Fair Housing Choice for Davis County, #2021-470

1. Adoption of the Analysis of Impediments (AI) to the Fair Housing Choice for Davis County, document #2021-470, for the U.S. Department of Housing and Urban Development's (HUD) Fair Housing Requirement to Affirmatively Further Fair Housing (AFFH) — Presented by Community and Economic Development Director Kent Andersen

Terms: Beginning 7/1/2021 to 6/30/2025. There is no financial information for this item.

Motion to Approve: Com. Kamalu

Seconded: Com. Elliott

All voted Aye

Memo of Understanding #2021-471 with Parr Brown to resolve the attorney's fee for the ACLU case

2. Memo of Understanding #2021-471 with Parr Brown to resolve the attorney's fee for the ACLU case — Presented by Chief Deputy County Attorney Neal Geddes

A Memorandum of Understanding with Parr Brown was introduced. The item is related to litigation in response to a GRAMA denial. It was appealed to the State Records Committee, which ruled in favor of the County. The petitioner later appealed it to the District Court and, after a couple of years of litigation, the District Court ruled against Davis County. The MOU is to resolve the issue of attorney's fees, which they have requested as is their right based on the judge's ruling. Terms: Payable in the amount of \$100,000, beginning 9/24/2021.

Grant Award #2021-472 and certified assurances and conditions for the 2021-2023 VOCA grant for the DC Attorney's Office Victims Advocate Program

3. Grant Award #2021-472 and certified assurances and grant conditions for the 2021-2023 Victims of Crime Act (VOCA) grant for the Davis County Attorney's Office Victims Advocate Program — Presented by Legal Secretary Kelly Petersen-Hammer

The Davis County Attorney's Office Victims' Advocate Program has been awarded a grant from the Utah Office of Victims of Crime. The matching grant is for two years. Terms: Receivable in the amount of \$186,178.48, beginning 7/1/2021 to 6/30/2023.

Motion to Approve Items 2-3: Com. Elliott

Seconded: Com. Kamalu

All voted Aye

Agreement #2021-473 with Resource Consultants to utilize their expertise for the duration of SLFRF funding in 2026 to ensure the County meets requirements associated with ARPA - SLFRF

4. Agreement #2021-473 with Resource Consultants to utilize their expertise for the duration of SLFRF funding in 2026 to ensure the County meets the necessary public outreach and reporting requirements associated with ARPA - SLFRF — Presented by Clerk/Auditor Curtis Koch

The County is in need of some technical assistance with the ARPA (American Rescue Plan Act) SLFRF (State and Local Fiscal Recovery Funds) funding. This contract allows for assistance with public outreach as the County seeks public input on projects. It also allows for assistance through the year 2026 with any associated reporting. Terms: Payable in an amount not to exceed \$50,000 annually, beginning 9/14/2021 to 12/31/2026.

Motion to Approve: Com. Kamalu

Seconded: Com. Elliott

All voted Aye

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Resolution and Interlocal Cooperation Agreement #2021-474 with Kaysville City using Community Development Block Grant (CDBG) funding for the Fire Station Land Acquisition Project

5. Resolution and Interlocal Cooperation Agreement #2021-474 with Kaysville City using Community Development Block Grant (CDBG) funding for the Fire Station Land Acquisition Project — Presented by Community and Economic Development Director Kent Andersen

Approval was requested for a Resolution and Interlocal Cooperation Agreement with Kaysville City using Community Development Block Grant (CDBG) funding for the Fire Station Land Acquisition Project. The total cost of the project is estimated at \$700,000; the CDBG funding would be just \$100,000 and the City would be required to come up with the other \$600,000. In response to a question about the location of the land to be acquired, Mr. Anderson said he didn't find any land specifically identified in the application. It is likely that Kaysville is taking into consideration where Layton is building a new station so there won't be a lot of duplication of coverage. Hopefully, access east and west of the highway will also be taken into consideration. Terms: Payable in the amount of \$100,000, beginning 7/1/2021 to 6/30/2022.

Motion to Approve: Com. Kamalu
Seconded: Com. Elliott
All voted Aye

Amendment #2018-574-G to the 2019-2023 EPICC Contract with the Utah Department of Health

6. Amendment #2018-574-G to the 2019-2023 EPICC Contract with the Utah Department of Health with correcting statements on Amendment 6 resulting in no change for the Health Department — Presented by Commissioner Kamalu

An amendment to the 2019-2023 EPICC (Environment, Policy, and Improved Clinical Care Program) contract with the Utah Department of Health was presented. This is the seventh amendment to the contract and corrects statements on Amendment 6. Terms: Beginning 7/1/2021 to 6/30/2022. There is no change in the financial information associated with the contract.

Summary List #2021-475 of volunteers for the Retired and Senior Volunteer Program (RSVP) to help with services at various locations.

7. Summary List #2021-475 of volunteers for the Retired and Senior Volunteer Program (RSVP) to help with services at various locations. — Presented by Commissioner Kamalu

Davis County Health Department's RSVP program will provide volunteers to help with services at various locations. RSVP is a nationwide effort, and there are many people who participate in Davis County. The volunteers do a great amount of good work in the County. No beginning or ending dates were provided, and there is no financial information associated with this item.

Motion to Approve Items 6-7: Com. Kamalu
Seconded: Com. Elliott
All voted Aye

Tow Rotation Agreement #2021-476 with Fast Fox Towing LLC

8. Tow Rotation Agreement #2021-476 with Fast Fox Towing LLC — Presented by Chief Deputy Andrew Oblad

It was clarified, for the record, that the agreement with Fast Fox Towing LLC was originally on the agenda of the Commission Meeting held Aug. 24, 2021. The contract did not actually go through that week and was being finalized in this meeting. Terms: Beginning 7/1/2021 to 6/30/2022.

Interlocal Agreement #2021-477 with Syracuse City for 2021-2022 police and fire dispatch services

9. Interlocal Agreement #2021-477 with Syracuse City for 2021-2022 police and fire dispatch services — Presented by Chief Deputy Andrew Oblad

The item was introduced with no further discussion. Terms: Receivable in the amount of \$94,308.10, beginning 7/1/2021 to 6/30/2022.

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Motion to Approve Items 8-9: Com. Kamalu
Seconded: Com. Elliott
All voted Aye

Authorization #2021-478 for Mark Altom, Treasurer, to accept the online terms and conditions of the End User License Agreement (EULA) with Corelogic

10. Authorization #2021-478 for Mark Altom, Treasurer, to accept the online terms and conditions of the End User License Agreement (EULA) #2021-478 with Corelogic — Presented by Treasurer Mark Altom

A request was made to authorize Mark Altom, Treasurer, to accept the online terms and conditions of the End User License Agreement with Corelogic. Corelogic is a mortgage servicing company that pays taxes for many tax mortgage companies nationwide. Last year they sent a wire transfer of just over \$96 million, for more than 40,000 parcels, through the portal that they have been using. Now Corelogic wants to go independent with their own portal. This is an agreement for the County to be able to make that change in sharing information back and forth. There's no liability or expense to Davis County. The County was asked to do this last year, but the Treasurer chose to wait until learning how the process worked for other counties; they didn't see any big issues, so he is now comfortable with moving forward and continuing the County's relationship with Corelogic. Terms: Beginning 9/14/2021 to 9/12/2026.

Motion to Approve: Com. Kamalu
Seconded: Com. Elliott
All voted Aye

CONSENT ITEMS

Indigent Hardship Abatement Register

Indigent Hardship Abatement Register

A motion was made to hold a hearing regarding the first item on the register, and to approve the second item.

Motion to Approve: Com. Elliott
Seconded: Com. Kamalu
All voted Aye

Commission Meeting Minute

Meeting Minutes

Meeting Minutes for Work Sessions held August 24, 2021, and August 26, 2021, were presented for approval.

Motion to Approve: Com. Elliott
Seconded: Com. Kamalu
All voted Aye

Commissioner Kamalu moved to recess to the Board of Equalization. Commissioner Elliott 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:

Auditor's Adjustments

Appeals

- Six recommended Approved Appeals

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Abatements

- Eleven late applications that are recommended for approval
- One abatement report recommended for denial

Corrections

- Two corrections

Motion to Approve: Com. Elliott

Seconded: Com. Kamalu

All voted Aye

Commissioner Kamalu moved to reconvene the Commission Meeting. Commissioner Elliott seconded the motion. All voted Aye.

COMMISSION COMMENTS

Commissioner Stevenson invited comments from directors.

County
Attorney

Neal Geddes pointed out that, relevant to some of the earlier discussion, the reference to HB72 has been codified in Title 19, Chapter 4, Section 111 of the Utah Code. Section 9 of 19-4-111 is where it talks about the batch-specific certificates that have been brought up. Section 9 is specifically talking about public water systems. Section 11 imposes the requirement on public water systems to review and maintain those certificates. Davis County, and the Davis County Health Department, is not a public water system. Mr. Geddes encouraged anyone who has questions to review and get with Davis County's Records Supervisor [Manager] over the records retention schedules.

Commissioner
Kamalu

Commissioner Kamalu said that she has met with, and listened to, Waterwatch of Utah – and she has done a fraction of the meeting and listening that the Health Department has done. For years, they have been listening and providing the information that is relevant. It's hard to know what more can be done – there are just times people want to be heard when there's something that is concerning. She recalled that Commissioner Stevenson talked about the law. As the three executives of this County, Commissioners must keep the law that was voted on and passed by residents of this County. It has gone through all the proper processes and proper channels, and it is the best science that we have. The fluoridation of water is one of the top accomplishments of the Centers for Disease Control in the history of that agency – that's according to them and all of the science. It has made a difference, over all these years, in the lives of so many people who otherwise would be very vulnerable to some serious health problems that start in the oral region of the body. There are controversies to be found throughout the nation and the world on that topic, but the science still is very much in favor of fluoridation of the water.

Commissioner Kamalu shared information about Water School. Both of her peers have attended the event before, and this year it was her turn. The conference happens each year, but was canceled last year because of the pandemic. Water School is put together by an organization called Prepare60. Stakeholders that deal with water throughout the state gather to educate elected officials. By law, water of the State belongs to the public; however, the State determines who has a right to divert water and how it is used. Only 5.3 percent of all the water received in Utah from the heavens is used; all the rest of that water is going down into the earth. The biggest portion of the 5.3 percent, 82 percent, is used by agriculture across the State; 4 percent is residential indoor use, 6 percent is residential outdoor use, and 8 percent is commercial, industrial, and institutional use. There is a cycle of drought every 30 years. There has been a trend of drought for 20 years, and the last two years have been a drought so severe that we have not experienced anything like it for 125 years. A lot has been done regarding water, going all the way back to the pioneers who settled the state, and we are the beneficiaries of those infrastructure efforts. There is much discussion of what must be done now to prepare for the future. The number one thing that can be done to make a difference is changing the way we landscape; there is a lot of conservation opportunity there, and that's the way that things are heading. Utah is the second driest state in the nation. The driest state is Nevada and, over the last 10-20 years, Nevada has done some things that have made a really big difference. A Water School presenter from Clark County, Nev., shared data about the kinds of things they have done and what has happened as a result of those changes – it looks different from here, but there is a lot that cities are going to be doing that will make a difference. Commissioner Kamalu noted that 80 percent of the users of water in the State of Utah are within the boundaries of four water conservancies, and all of those general managers presented and were

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very involved in the conference. There's a lot that we must do to be able to provide the infrastructure and the resources for the growth of Utah, and that includes our own children and grandchildren who are here now.

Commissioner
Stevenson

Commissioner Stevenson confirmed that all of the Commissioners had attended Water School over the past three years and it provides a lot of understanding.

**MEETING
ADJOURNED**

Commission meeting was adjourned at 10:44 a.m.

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

A. Waterwatch of Utah

Minutes prepared by:

Becky R. Wright

Deputy Clerk/Auditor

Minutes approved on: 10/12/2021

/s/ Curtis Koch

Curtis Koch

Clerk/Auditor

/s/ Bob J Stevenson

Bob J Stevenson

Commission Chair