

**MINUTES**  
**WEBER COUNTY COMMISSION**

Tuesday, January 8, 2019 - 10:00 a.m.

Commission Chambers, 2380 Washington Blvd., Ogden, Utah

*In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and speak at a County Commission meeting and the substance "in brief" of their comments. Such statements may include opinion or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.*

**WEBER COUNTY COMMISSIONERS:** James "Jim" H. Harvey, Scott K. Jenkins, and Gage Froerer.

**OTHER STAFF PRESENT:** Lynn Taylor of the County Clerk/Auditor's Office; Christopher Crockett, Deputy County Attorney; and Fátima Ferneliu, of the Clerk/Auditor's Office, who took minutes.

**A. WELCOME** – Chair Harvey

**B. MOMENT OF SILENCE**

**C. PLEDGE OF ALLEGIANCE** – Duncan Olsen

**D. THOUGHT OF THE DAY** – Chair Harvey

**E. PUBLIC COMMENTS:** None.

**F. CONSENT ITEMS:**

1. Ratify warrants #1646-1658 and #434976-435198 in the amount of \$1,505,285.61 for the date of December 25, 2018 and #1659 and #435199-435416 in the amount of \$504,157.13 for the date of January 1, 2019.
2. Warrants #1660-1664 and #435417-435566 in the amount of \$2,350,472.49.
3. Ratify 2018 purchase orders in the amount of \$46,699.63.
4. 2019 purchase orders in the amount of \$281,165.86.
5. ACH payment to US Bank for \$142,219.49 for purchasing card transactions through December 26, 2018.
6. Minutes for the meeting held on December 18, 2018.
7. New beer licenses.
8. Declare Parcel Number 01-060-0041 as surplus property.
9. Approval to sell surplus real property (Parcel Numbers 02-003-0031 and 02-003-0014) to BM3, LLC.
10. Request to dedicate area fronting Hammons Ranch Subdivision to a Weber County public right-of-way called Shaw Drive.

Commissioner Jenkins moved to approve the consent items; Commissioner Froerer seconded.  
Commissioner Jenkins – aye; Commissioner Froerer – aye; Chair Harvey – aye

**G. ACTION ITEMS:**

1. **MEMORANDUM OF UNDERSTANDING WITH THE UTAH DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT FOR USE OF COUNTY RESOURCES.**

Lance Peterson, with County Emergency Management, stated that this new agreement allows the State to use county facilities as necessary following a disaster, if available. It addresses reimbursement to the county if any costs are incurred. The term is five years.

Commissioner Froerer moved to approve the Memorandum of Understanding with the Utah Department of Public Safety, Division of Emergency Management for use of county resources; Commissioner Jenkins seconded.

Commissioner Jenkins – aye; Commissioner Froerer – aye; Chair Harvey – aye

2. **AMENDMENTS TO THE CONTRACTS FOR THE FOLLOWING INDIGENT DEFENSE ATTORNEYS:  
AMMON NELSON; JENNIFER CLARK; JONATHAN PACE; MARY ANNE ELLIS; RICHARD WILLIAMS.**

Bryan Baron, Deputy County Attorney, noted that indigent defense attorneys are paid a contractual base amount, and they are paid \$50/hour to cover additional assignments at the court. Some of those amounts have changed and are reflected in these contracts as well as adding \$1,200 for indigent defense for juvenile court representation.

Commissioner Jenkins moved to approve amendments to the contracts for these indigent defense attorneys: Ammon Nelson; Jennifer Clark; Jonathan Pace; Mary Anne Ellis; and Richard Williams; Commissioner Froerer seconded.

Commissioner Jenkins – aye; Commissioner Froerer – aye; Chair Harvey – aye

3. **CONTRACT WITH ROUGH DRAFTS POLKA BAND, LLC, FOR ENTERTAINMENT AT 2019 HOF GERMANFEST.**

Duncan Olsen, GSEC General Manager, presented this contract.

Commissioner Froerer moved to approve the contract with the Rough Drafts Polka Band, LLC, for entertainment at the 2019 Hof Germanfest; Commissioner Jenkins seconded.

Commissioner Jenkins – aye; Commissioner Froerer – aye; Chair Harvey – aye

4. **APPOINTING A CHAIR AND VICE CHAIR FOR THE WEBER COUNTY COMMISSION.**

Chair Harvey feels it is appropriate to rotate the chair of this body and give another commissioner that opportunity. Commissioner Froerer expressed appreciation to Commissioner Harvey for an excellent job and Commissioner Jenkins echoed those sentiments.

Commissioner Froerer moved to appoint Commissioner Jenkins as chair for the Weber County Commission for 2019; Chair Harvey seconded.

Commissioner Jenkins – aye; Commissioner Froerer – aye; Chair Harvey – aye

Chair Harvey moved to appoint Commissioner Froerer as vice chair for the Weber County Commission for 2019; Commissioner Jenkins seconded.

Commissioner Jenkins – aye; Commissioner Froerer – aye; Chair Harvey – aye

**H. COMMISSIONER COMMENTS:** Commissioner Harvey referred to the great accolades by the current commissioners to former Commissioner Ebert for his genuine interest for the county's wellbeing. He stated that he is a better person for having worked with Commissioner Ebert.

**I. CLOSED MEETING**

Commissioner Froerer moved to convene a closed meeting to discuss pending or imminent litigation; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

Commissioner Froerer moved to reconvene the public meeting; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

No action was taken on the closed meeting.

**J. ADJOURN**

Commissioner Harvey moved to adjourn; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

Attest:

---

Scott K. Jenkins, Chair  
Weber County Commission

---

Ricky D. Hatch, CPA  
Weber County Clerk/Auditor

**ADDENDUM TO AGREEMENT FOR INDIGENT DEFENSE ATTORNEY  
IN JUVENILE COURT**

1/8/2019

This Addendum, by and between Weber County ("County"), a political subdivision of the State of Utah, and Mary Ann Ellis ("Attorney") (collectively referred to as the "Parties"), amends and modifies the Parties' Agreement for Indigent Defense Attorney in Juvenile Court.

**RECITALS**

**WHEREAS**, pursuant to Chapter 6 of Title 78A, Utah Code Ann. (1953, as amended), County has the responsibility to provide legal counsel to minors in certain situations where the state or a political subdivision of the state has initiated an action under Part 6, Part 7, or Section 78A-6-1101; and

**WHEREAS**, the County was asked to provide funding to public defender attorneys to represent minors in juvenile detention hearings, and in January 2018, Attorney voluntarily agreed to take a \$1,200 annual reduction in pay to help fund said representation at juvenile detention hearings;

**WHEREAS**, on December 11, 2018 the County passed the budget for 2019 with an increase to the indigent defense budget to cover juvenile detention hearings;

**WHEREAS**, the County now desires to restore Attorney's pay to the level it was at previous to the \$1,200 reduction in pay;

**NOW THEREFORE**, it is agreed between the Parties as follows:

1. Paragraph 17 of the Agreement for Indigent Defense Attorney in Juvenile Court shall be modified as follows:

County agrees to pay Attorney the following amounts annually:

<b>Basis for Amount</b>	<b>Amount</b>
Child Welfare Representation	\$72,183
Juvenile Detention Hearings	\$8,400
<b>Total</b>	<b>\$80,583</b>

Payment shall be made to the Attorney in equal monthly installments of \$6,715.25 per month. The first installment is due before the end of January 2019 and a like sum on the last day of each month thereafter through December 31, 2019.

2. All other terms and conditions of the Parties Agreement for Indigent Defense Attorney in Juvenile Court shall remain unchanged.

IN WITNESS WHEREOF the Parties have hereunto set their hands as of the 8<sup>th</sup> day of January, 2019..

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY


By   
James "Jim" Harvey, Chair

Commissioner Harvey voted aye  
Commissioner Froerer voted aye  
Commissioner Jenkins voted aye


ATTEST:

  
Ricky Hatch, CPA  
Weber County

ATTORNEY

By   
Mary Anne Ellis  
Date 1-3-2019

INDIGENT DEFENSE COORDINATOR

By   
Michael D. Bouwhuis  
Date 1/3/19

1/8/2019

**ADDENDUM TO AGREEMENT FOR INDIGENT DEFENSE ATTORNEY  
IN JUVENILE COURT**

This Addendum, by and between Weber County ("County"), a political subdivision of the State of Utah, and Jonathan Pace ("Attorney") (collectively referred to as the "Parties"), amends and modifies the Parties' Agreement for Indigent Defense Attorney in Juvenile Court.

**RECITALS**

**WHEREAS**, pursuant to Chapter 6 of Title 78A, Utah Code Ann. (1953, as amended), County has the responsibility to provide legal counsel to minors in certain situations where the state or a political subdivision of the state has initiated an action under Part 6, Part 7, or Section 78A-6-1101; and

**WHEREAS**, the County was asked to provide funding to public defender attorneys to represent minors in juvenile detention hearings, and in January 2018, Attorney voluntarily agreed to take a \$1,200 annual reduction in pay to help fund said representation at juvenile detention hearings;

**WHEREAS**, on December 11, 2018 the County passed the budget for 2019 with an increase to the indigent defense budget to cover juvenile detention hearings;

**WHEREAS**, the County now desires to restore Attorney's pay to the level it was at previous to the \$1,200 reduction in pay;

**NOW THEREFORE**, it is agreed between the Parties as follows:

1. Paragraph 17 of the Agreement for Indigent Defense Attorney in Juvenile Court shall be modified as follows:

County agrees to pay Attorney the following amounts annually:

Basis for Amount	Amount
Child Welfare Representation	\$82,151
Juvenile Coordinator	\$10,400
<b>Total</b>	<b>\$92,551</b>

Payment shall be made to the Attorney in equal monthly installments of \$7,712.58 per month. The first installment is due before the end of January 2019 and a like sum on the last day of each month thereafter through December 31, 2019.

2. All other terms and conditions of the Parties Agreement for Indigent Defense Attorney in Juvenile Court shall remain unchanged.

IN WITNESS WHEREOF the Parties have hereunto set their hands as of the 8<sup>th</sup> day  
of January, 2019..

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

By [Signature]  
James "Jim" Harvey, Chair

Commissioner Harvey voted Carl  
Commissioner Froerer voted Carl  
Commissioner Jenkins voted Carl

ATTEST:

[Signature]  
Ricky Hatch, CPA  
Weber County

ATTORNEY

By [Signature]  
Jonathan Pace  
Date 1/3/19

INDIGENT DEFENSE COORDINATOR

By [Signature]  
Michael D. Bouwhuis  
Date 1/10/19

1/8/2019

**ADDENDUM TO AGREEMENT FOR INDIGENT DEFENSE ATTORNEY  
IN JUVENILE COURT**

This Addendum, by and between Weber County ("County"), a political subdivision of the State of Utah, and Jennifer Clark ("Attorney") (collectively referred to as the "Parties"), amends and modifies the Parties' Agreement for Indigent Defense Attorney in Juvenile Court.

**RECITALS**

**WHEREAS**, pursuant to Chapter 6 of Title 78A, Utah Code Ann. (1953, as amended), County has the responsibility to provide legal counsel to minors in certain situations where the state or a political subdivision of the state has initiated an action under Part 6, Part 7, or Section 78A-6-1101; and

**WHEREAS**, the County was asked to provide funding to public defender attorneys to represent minors in juvenile detention hearings, and in January 2018, Attorney voluntarily agreed to take a \$1,200 annual reduction in pay to help fund said representation at juvenile detention hearings;

**WHEREAS**, on December 11, 2018 the County passed the budget for 2019 with an increase to the indigent defense budget to cover juvenile detention hearings;

**WHEREAS**, the County now desires to restore Attorney's pay to the level it was at previous to the \$1,200 reduction in pay;

**NOW THEREFORE**, it is agreed between the Parties as follows:

- 1. Paragraph 17 of the Agreement for Indigent Defense Attorney in Juvenile Court shall be modified as follows:

County agrees to pay Attorney the following amounts annually:


<b>Basis for Amount</b>	<b>Amount</b>
Child Welfare Representation	\$84,641
Delinquency Representation	\$31,200
Child Welfare Drug Court	\$7,800
Additional Increase	\$2,148
<b>Total</b>	<b>\$125,789</b>

Payment shall be made to the Attorney in equal monthly installments of \$10,482.42 per month. The first installment is due before the end of January 2019 and a like sum on the last day of each month thereafter through December 31, 2019.

- 2. All other terms and conditions of the Parties Agreement for Indigent Defense Attorney in Juvenile Court shall remain unchanged.

IN WITNESS WHEREOF the Parties have hereunto set their hands as of the 8<sup>th</sup> day  
of January, 2019..

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

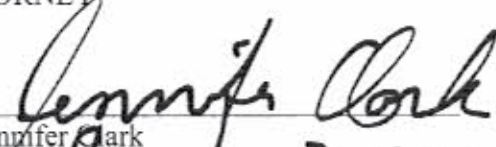
By   
James "Jim" Harvey, Chair

Commissioner Harvey voted aye  
Commissioner Froerer voted aye  
Commissioner Jenkins voted aye

ATTEST:

  
Ricky Hatch, CPA  
Weber County

ATTORNEY

By   
Jennifer Clark  
Date January 7, 2019

INDIGENT DEFENSE COORDINATOR

By \_\_\_\_\_  
Michael D. Bouwhuis  
Date \_\_\_\_\_



IN WITNESS WHEREOF the Parties have hereunto set their hands as of the \_\_\_\_\_ day of \_\_\_\_\_, 2019..

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

By \_\_\_\_\_  
Scott Jenkins, Chair

Commissioner Harvey voted \_\_\_\_\_  
Commissioner Froerer voted \_\_\_\_\_  
Commissioner Jenkins voted \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Ricky Hatch, CPA  
Weber County

ATTORNEY

By \_\_\_\_\_  
Jennifer Clark

Date January 7, 2019

INDIGENT DEFENSE COORDINATOR

By \_\_\_\_\_  
Michael D. Bouwhuis

Date 1/7/19

1/8/2019

**ADDENDUM TO AGREEMENT FOR INDIGENT DEFENSE ATTORNEY  
IN JUVENILE COURT**

This Addendum, by and between Weber County ("County"), a political subdivision of the State of Utah, and Ammon Nelson ("Attorney") (collectively referred to as the "Parties"), amends and modifies the Parties' Agreement for Indigent Defense Attorney in Juvenile Court.

**RECITALS**

**WHEREAS**, pursuant to Chapter 6 of Title 78A, Utah Code Ann. (1953, as amended), County has the responsibility to provide legal counsel to minors in certain situations where the state or a political subdivision of the state has initiated an action under Part 6, Part 7, or Section 78A-6-1101; and

**WHEREAS**, the County was asked to provide funding to public defender attorneys to represent minors in juvenile detention hearings, and in January 2018, Attorney voluntarily agreed to take a \$1,200 annual reduction in pay to help fund said representation at juvenile detention hearings;

**WHEREAS**, on December 11, 2018 the County passed the budget for 2019 with an increase to the indigent defense budget to cover juvenile detention hearings;

**WHEREAS**, the County now desires to restore Attorney's pay to the level it was at previous to the \$1,200 reduction in pay;

**NOW THEREFORE**, it is agreed between the Parties as follows:

1. Paragraph 17 of the Agreement for Indigent Defense Attorney in Juvenile Court shall be modified as follows:

County agrees to pay Attorney the following amounts annually:


<b>Basis for Amount</b>	<b>Amount</b>
Child Welfare Representation	\$69,367
Mental Health Hearings	\$3,900
<b>Total</b>	<b>\$73,267</b>

Payment shall be made to the Attorney in equal monthly installments of \$6,105.58 per month. The first installment is due before the end of January 2019 and a like sum on the last day of each month thereafter through December 31, 2019.

2. All other terms and conditions of the Parties Agreement for Indigent Defense Attorney in Juvenile Court shall remain unchanged.

IN WITNESS WHEREOF the Parties have hereunto set their hands as of the 4 day  
of January, 2019..

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY


By   
James "Jim" Harvey, Chair

Commissioner Harvey voted aye  
Commissioner Froerer voted aye  
Commissioner Jenkins voted aye


ATTEST:

  
Ricky Hatch, CPA  
Weber County

ATTORNEY

By   
Ammon Nelson  
Date 1/4/19

INDIGENT DEFENSE COORDINATOR

By   
Michael D. Bouwhuis  
Date 1/10/19

1/8/2019

**ADDENDUM TO AGREEMENT FOR INDIGENT DEFENSE ATTORNEY  
IN JUVENILE COURT**

This Addendum, by and between Weber County ("County"), a political subdivision of the State of Utah, and Richard Williams ("Attorney") (collectively referred to as the "Parties"), amends and modifies the Parties' Agreement for Indigent Defense Attorney in Juvenile Court.

**RECITALS**

**WHEREAS**, pursuant to Chapter 6 of Title 78A, Utah Code Ann. (1953, as amended), County has the responsibility to provide legal counsel to minors in certain situations where the state or a political subdivision of the state has initiated an action under Part 6, Part 7, or Section 78A-6-1101; and

**WHEREAS**, the County was asked to provide funding to public defender attorneys to represent minors in juvenile detention hearings, and in January 2018, Attorney voluntarily agreed to take a \$1,200 annual reduction in pay to help fund said representation at juvenile detention hearings;

**WHEREAS**, on December 11, 2018 the County passed the budget for 2019 with an increase to the indigent defense budget to cover juvenile detention hearings;

**WHEREAS**, the County now desires to restore Attorney's pay to the level it was at previous to the \$1,200 reduction in pay;

**NOW THEREFORE**, it is agreed between the Parties as follows:

1. Paragraph 17 of the Agreement for Indigent Defense Attorney in Juvenile Court shall be modified as follows:

County agrees to pay Attorney the following amounts annually:

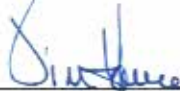
<b>Basis for Amount</b>	<b>Amount</b>
Delinquency Representation	\$69,658
<b>Total</b>	<b>\$69,658</b>




Payment shall be made to the Attorney in equal monthly installments of \$5,804.83 per month. The first installment is due before the end of January 2019 and a like sum on the last day of each month thereafter through December 31, 2019.

2. All other terms and conditions of the Parties Agreement for Indigent Defense Attorney in Juvenile Court shall remain unchanged.

IN WITNESS WHEREOF the Parties have hereunto set their hands as of the 8<sup>th</sup> day of January, 2019..

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

By   
James "Jim" Harvey, Chair

Commissioner Harvey voted   
Commissioner Froerer voted   
Commissioner Jenkins voted 

ATTEST:

  
Ricky Hatch, CPA  
Weber County

ATTORNEY

By \_\_\_\_\_  
Richard Williams  
Date \_\_\_\_\_

INDIGENT DEFENSE COORDINATOR

By \_\_\_\_\_  
Michael D. Bouwhuis  
Date \_\_\_\_\_

IN WITNESS WHEREOF the Parties have hereunto set their hands as of the \_\_\_\_\_ day  
of \_\_\_\_\_, 2019..

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

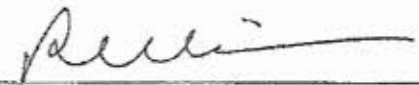
By \_\_\_\_\_  
Scott Jenkins, Chair

Commissioner Harvey voted \_\_\_\_\_  
Commissioner Froerer voted \_\_\_\_\_  
Commissioner Jenkins voted \_\_\_\_\_

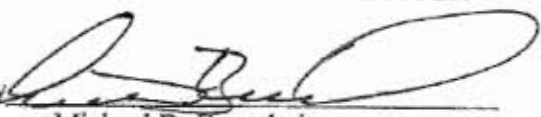
ATTEST:

\_\_\_\_\_  
Ricky Hatch, CPA  
Weber County

ATTORNEY

By   
Richard Williams  
Date 1-7-2019

INDIGENT DEFENSE COORDINATOR

By   
Michael D. Bourwhuis  
Date 1/8/19