

**MINUTES**  
**SPECIAL COMMISSION MEETING**  
**OF THE BOARD OF COMMISSIONERS OF WEBER COUNTY**  
Friday, January 17, 2014 - 1:00 p.m.  
Commission Chambers, 2380 Washington Blvd., Ogden, Utah

*In accordance with the requirements of Utah Code Annotated Section 52-4-7(1)(d), the County Clerk records in the minutes the names of all citizens 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.*

**COMMISSIONERS:** Kerry W. Gibson, Chair, Jan M. Zogmaister and Matthew G Bell.

**OTHERS PRESENT:** Ricky D. Hatch, County Clerk/Auditor; David C. Wilson, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

**A. WELCOME – Chair Gibson**

**B. DISCUSSION ON SEPARATION OF THE RECORDER/SURVEYOR'S OFFICE**

Chair Gibson thanked everyone for their interest in this item. Due to the amount of people attending, this meeting was moved to the Chambers. He said that this item had arisen in the last couple of weeks and the Commission thought it important to have an open discussion. He was contacted by LeAnn Kilts, of the Recorder/Surveyor's Office, about the possibility of separating the Recorder and Surveyor's Offices. The commissioners expressed concern that there are only two weeks to make this important decision.

Ms. Kilts, who has been working in the Recorder's Office for the past 33 years (currently in mapping), stated that she cares about the Recorder's Office, and that she is very passionate about the work in that office and thus wishes to present some concepts to streamline its processes and thereby also aid county staff in other offices that are impacted. She feels that the separation of the Recorder and Surveyor will make both departments more efficient and productive and this can be very positive for Weber County. She explained the Recorder's function, which is responsible for maintaining and abstracting all the documents that get recorded and also to create land serial numbers for assessment purposes, which impacts other county offices.

She had been asked to prove in the budget how she could move forward in separating the two offices with no growth, which she outlined by reducing the Special Projects Fund by \$16,095, adjusting the recently vacated position in the Recorder's Office to an entry level position, and reconstructing the salary scale to make her salary reflect that of a department head. If the Special Project line item cannot be reduced due to contractual obligations, then the department's revenue may be reduced by \$16,095. Commissioner Zogmaister asked about the Special Projects Fund and the contractual obligations. Ms. Kilts said that there is a plan to duplicate deed records. Ms. Kilts said that the idea of separating the offices developed with her vast experience in the Recorder's Office. She believes that this is a solid proposal based on sound judgment and would like to see the Recorder's Office progress further through the GIS system.

Ernest Rowley, County Recorder/Surveyor, stated that the 2014 budget would have to change but not in salaries because his salary, his Chief Deputy's and Administrative Assistant's come out of the Surveyor's budget. When these offices were consolidated in 2007 he maintained two separate budgets, except for office expenses/supplies and software maintenance. He said that there would be an increase to the Surveyor's Office of about \$28,000 for interactive mapping. He had requested funds for the Special Projects Fund this year to handle duplicating the deed records, a statutory requirement that has not been done in previous administrations. When the offices were consolidated, the elected official and chief deputy were removed from the Recorder's Office budget, and Mr. Rowley estimates it would cost about \$275,000 in benefits and salaries for the separation. He noted that Ms. Kilts' mapper position would be vacant.

Chair Gibson asked if there are any additional staff requirements that a separate Recorder may be entitled to and David Wilson, Deputy County Attorney, responded that the Recorder is entitled to have a chief deputy and an administrative assistant but funding is the issue.

Mr. Rowley feels that he has been fiscally responsible. Since 2007 there has been a \$36,714 increase in salaries for both the Recorder and Surveyor staff, which include merit and/or COLA for most of the interim years, and a \$26,942 decrease in the operating budget (which would be a higher decrease without the one-time funding for the special project). He explained that for years when a parcel was subdivided it received a new number and the old parcel number was kept for that parcel. When he was elected Recorder/Surveyor he met with the State Tax Commission, which indicated that process created problems for them in managing parcel numbers and they preferred that the original number be killed and receive a new number so that the new legal descriptions would have unique serial numbers. Today, a new parcel number is assigned to the new split parcel, the remainder (old) number is killed and a new one is assigned to it. If this is causing problems for county departments he would like the department heads to address it with him.

Mr. Wilson addressed the commissioners' questions by citing statute that each county legislative body shall ensure that any ordinance consolidating or separating county offices is enacted before February 1 of the year in which county officers are elected and takes effect on the first Monday in January after the year in which county officers are elected. If the Commission does not act in the next two weeks, it would be six years before they could take action. Chair Gibson asked what reasons had been given for the consolidation in 2006, and if there was a provision allowing for the offices to be separated and an appointment made. Commissioner Bell read from past minutes that the past Recorder and Surveyor had believed there would be some efficiencies and savings. Commissioner Zogmaister wanted to know whether the efficiencies had occurred and wanted budget figures from the County Comptroller. She noted that according to what Mr. Rowley presented today, there were 20 staff in the Recorder's Office and 8 in the Surveyor's in 2006 and in 2013 there were 15 in the Recorder's and 7 in the Surveyor's Office with a vacancy and an intern position and asked what was the proposed staffing if the separation occurs.

Ms. Kilts stated that the Recorder's Office has decreased from 20 to 15 employees and the employees work hard and try to be the most efficient possible with what they have. She would maintain the 15 employees in the separation and stated that some of those employees have experience in other areas and could handle the duties of a chief deputy. She addressed the commissioners' questions stating that the manner in which parcel numbers are being handled now affect employees in other departments because the parcel numbers have increased, which has increased their work load. Many departments rely on the Recorder's Office. She stated that a person just retired from the Recorder's Office and they would keep that position but hire at an entry level and take part of that salary toward the Recorder's salary. She suggested that instead of creating new numbers for remaining parcels, these would maintain their original numbers, which allows the other offices to deal with one number rather than multiple numbers. These new numbers have proven very difficult down the line and this simple change would alleviate undue pressures that the current staff is under.

Mr. Rowley addressed Commissioner Bell's question stating that current statute for a county where the office of county surveyor is consolidated with another elected office requires that all county surveying work shall be performed by a licensed professional land surveyor.

### C. PUBLIC COMMENTS:

Jan Wilson worked in the Recorder's Office 28 years ago, at which time they had a Recorder and a Surveyor and it was a check and balance system. She believes the offices need to be separated now for that very reason.

Karen Thompson just retired after 33 years in the Recorder's Office. She believes the offices should be separated because the surveyors are their own entity and function fine on their own but that the Recorder's Office needs more leadership and that she knows that Ms. Kilts can do the job. She suggested that the commissioners speak with other pertinent county offices because they may offer opinions that can assist in this decision. In working with Ms. Kilts she feels very strongly that she is the most capable person for the Recorder position. Ms. Thompson also suggested that people be able to offer their opinions to the Commission in a more private manner. She knows that the employees in the Recorder's Office can handle the job because they have the expertise and she has seen how they rally and get things done.

Fen Malloy noted that the noticing period for this meeting had been short and would have liked more time to formulate some thoughts. He is a title manager and has been in the business for 25 years. He has dealt with every county in the State and had frequently praised the Weber County Recorder's Office. He said that when Mr. Rowley moved into this position it was a well established wonderful system that ran very smoothly but since the offices were combined there has been a lot of tension and problems.

Mr. Malloy stated that not many people will come forward in the public meeting because of concern for their jobs and positions. He recommends people being allowed to offer their opinions in private in order for the commissioners to obtain a clearer picture and better information. He had pages of information on policies that have been changed with this administration that title/escrow companies do not agree with, but due to having only three minutes to speak, he briefly touched upon a couple items and offered to speak with the commissioners further if they wished. He spoke of the current practice of assigning new parcel numbers and the problems that it causes such as to the Treasurer's Office when dealing with delinquent taxes and having to try to follow all the prior parcel numbers. He said that if a deed gets recorded and the vacated alley is not mentioned on the deed, they get segregated and a new parcel number is given to the house as well as a new parcel number given to the vacated alley. Often those selling the property are not aware of this and move away. Taxes become delinquent on the vacated alley, but it land locks the current land owner. This is a huge issue for title officers in trying to find the prior land owner to get a deed to correct the problem. Rather than segregating, it would be easier to contact the seller and get another deed and the problem would be fixed very quickly. Mr. Malloy stated that the women who work in cadastral mapping are fantastic and awesome to work with. He stated that Ms. Kilts would be remarkable as the Recorder. He said that Weber County is large enough and needs a Recorder and a Surveyor who are experts in their respective areas. He stated that it had not been prudent to just merge two offices and try to make it work, because it has not worked.

Kirk D. Smith, President of Bonneville Title, noted that he has 30 years of experience in the land records area. He agreed with Chair Gibson's previous comments to take politics out of this and the importance of customer service to the taxpayers. He echoed Mr. Malloy's comments. Weber County had always been the gold standard for a Recorder's Office throughout the State. As Mr. Malloy mentioned, we should not have to wait until a citizen's property goes to tax sale to become aware of a problem with a property, and that for years the Recorder's Office was proactive and flagged certain situations so that problems could be handled before the taxpayer had to go through that ordeal.

Shannon Riley has been working with the County Assessor's Office for 26 years and deals with legal descriptions/boundary line changes. She has talked with Mr. Rowley several times and tried to voice concerns regarding the splitting parcel numbers, the creating of several parcel numbers and the amount of work it has created for staff. It has also been extremely confusing for taxpayers who have several different parcel numbers throughout a year and do not how to reconcile them. This practice has almost tripled her work as well as that of other employees. She noted that at least two other Assessor staff has talked with Mr. Rowley about these concerns.

Commissioner Zogmaister asked if the change made regarding parcel numbers was required. Mr. Rowley said it was optional, that the State Tax Commission does not mandate that, but it was their suggestion. When a parcel number is assigned to a description of land, the Tax Commission would like it to remain with that description of land. If the description changes, the State would like a new number so they can track descriptions. If there are concerns with other departments, he believes that it should be handled between department heads and not with employees.

Commissioner Zogmaister said that she still had not heard whether the anticipated efficiencies with the consolidation had occurred. She noted that it had been mentioned that several people may be willing to speak privately and she hoped they would come to the commissioners because they need to get all the information possible from all affected parties to make this decision. It had also been mentioned that the commissioners should speak with other county offices and she invited them to speak with the Commission. The combination was tried for the past seven years but has not been revisited.

Karla Little, of the Recorder/Surveyor's Office, who has worked in the office for 27 years wanted to address the efficiency issue. With the current administration, the chain of command for the Recorder's Office is at best strained and cumbersome and their standard operating procedures, which have changed and re-changed, often creates questions even among the mappers who have a cumulative 100 years of work experience before Ms. Thompson's recent retirement. The Recorder's staff has been sincerely trying to do their very best to represent property ownership in an efficient manner for the public and other county offices that use that information. Ms. Kilts is the mapping supervisor but has been stripped of her ability to be a supervisor and many times staff cannot effectively answer questions because they have lost confidence due to policy changes. Sometimes they even have to ask amongst themselves if something is still the policy. When she takes a problem to Ms. Kilts, a problem that for many years she would have been able to assist with, now she cannot answer it. The ability has been taken away from Ms. Kilts to make decisions, which she is quite capable of making.

Ms. Little stated that she did not wish to criticize Mr. Rowley but that perhaps he is spread too thinly and has too many responsibilities with the legislature and other committees that he belongs to and many times he is gone. Because of the chain of command, the Recorder staff has been told they are not to ask what the surveyors are doing, when they will return, etc., that it is none of their business, but sometimes they need to answer questions posed by title companies or other county offices, questions that that prior to the consolidation they could have answered and the work could have moved on, but now sits sometimes longer than they wish it would. Because Mr. Rowley is busy, sometimes he does not get back with staff and if he does, he does not recall what was discussed and the issues have be rehashed anew. Regarding the front counter, Ms. Little said that questions arise but they have lost a supervisor position and no one else dares to step forward. Sometimes the office manager is not there and has little training or expertise and questions cannot be answered timely which drags on with more phone calls and taking of messages. There is no chief deputy that understands the Recorder's side. She feels that customer service at the counter has been hurt because they lost a supervisor that had experience and training. She believes that the Recorder's Office can function without a Chief Deputy because of staff's expertise but currently no one will make a decision because they are afraid.

Ms. Little reiterated that she is not trying to make it personal, but those who remember and worked with the Recorder's Office before consolidation will state how well it worked and that it is a check and balance system. Some of the previous procedures were tried and true and the policies that were in place were there because they were proved effective in solving problems but now the problems have arisen again. As Mr. Malloy stated, the alleyways and vacated streets do become a problem.

Commissioner Bell expressed concern that land title companies are having problems and that there appears to be some internal problems as well and would like them resolved. He noted that it was difficult for some to come forward and expressed thanks to those who spoke. The commissioners offered to be available from now on to anyone who wishes to speak to this issue. This item will be on Tuesday's agenda.

**ADJOURN**

Commissioner Bell moved to adjourn at 2:14 p.m.; Commissioner Zogmaister seconded, all voting aye.

Attest:

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Kerry W. Gibson, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor