

IRON COUNTY SPECIAL COMMISSION WORK MEETING
April 6, 2016

Minutes of the Special Iron County Commission Work meeting convened at 1:30 p.m., April 6, 2016 in Council Chambers at the Cedar City Offices, 10 North Main Street, Cedar City, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale Brinkerhoff	Commissioner
G. Michael Edwards	Deputy County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

H. Eugene Adams	County Auditor
Maile Wilson	Cedar City Mayor
Donald Landes	Parowan City Mayor
Steven Decker	Cedar City Library Director
Kristen Robinson	Parowan City Library Director

SYNOPSIS

ADJOURNMENT	1
DISCUSSION REGARDING LIBRARY TAX BEING ASSESSED BY CITIES.....	1
INVOCATION	1

PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Dale Brinkerhoff.

INVOCATION

An invocation was offered by Mayor Don Landes.

DISCUSSION REGARDING LIBRARY TAX BEING ASSESSED BY CITIES

Alma Adams explained that the current funding system had been in place since 1954. Alma noted that each property owner has a "County Library" line item. He explained that most of the collected tax is distributed to Cedar City and Parowan City for their libraries. The remainder goes to the Bookmobile, which services Iron County. Alma explained that Deputy County Attorney Mike Edwards was concerned that the arrangement was not in compliance with Utah state law, and that Cedar City and Parowan City should be assessing the library tax because they have city libraries. He noted that, up to that point, no consensus had been reached. Alma explained that Paul Bittmenn, Cedar City Attorney, felt that the parties could reach a consensus and quantify the arrangement by way of interlocal agreements and comply with Utah state law.

Jon Whittaker relayed various sections of Utah Code that involve county library assessment and potential cooperation. Jon noted that UCA § 9-7-401 discusses city libraries, and that the cities may levy a city library tax. He then relayed UCA § 9-7-501, which discusses county libraries and that counties may levy a county library tax outside of cities which maintain their own libraries. Jon then relayed UCA § 9-7-509, Entitled, "Entities may cooperate, merge or consolidate in providing library services," which discusses cooperation, merging and the acceptable use of interlocal agreements. Jon also relayed that the Utah Attorney General's Office did not want to give an opinion on the matter, and that the Utah State Tax Commission had not

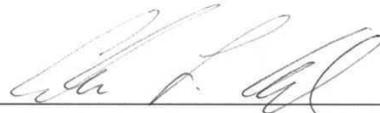
gotten back with him in time for the meeting. The only opinion expressed by a state agency that Jon reported came from a newspaper article wherein Van Christensen, Director of the Local Government Division, stated, "I can't find anywhere in the law where you can't do an interlocal agreement. Where the city and the county can both offer a library under the law then there is no reason why they can't enter into an interlocal agreement on this. I also think it would be good practice; should there be financial issues going forward then they can be answered in the specifics of the agreement." Van Christensen also expressed concern regarding the surplus that had accumulated, "I don't think it's good practice – especially that much money. The issue becomes now, how are you going to distribute that money you've collected over time."

Mike Edwards explained that the county and city libraries in Iron County had been cooperating since the early 1900's. Mike noted that he had reviewed an old version of Utah Code that mentioned such cooperation, perhaps explaining the long standing form of library tax arrangement in Iron County. He expressed concern that the provision found in UCA § 9-7-501 allows counties to collect a library tax outside of cities which maintain their own libraries. Mike further expressed concern that under UCA § 9-7-503 (3)(a), county library tax may not be used for any purpose except that of the county library. He expressed that he understood that the current system serves the citizens of Iron County, he simply wanted to be sure that it complies with the current provisions of the law. Mike stated that Iron County could enter into an interlocal agreement, but that such an agreement could not endorse violating Utah state law. He expressed hope that an interlocal agreement that does not break Utah state law, while maintaining the current library tax arrangement could be reached. Mike noted that currently, all residents of Iron County were able to use both the Parowan and Cedar City libraries without charge, thus indicating cooperation.

After a wide ranging discussion, the commissioners directed Gene Adams to work with Dan Jessen, Enoch City Treasurer, Jason Norris, Cedar City Finance Director and Shayne Scott, Parowan City Manager to determine the most fair allocation of the excess monies accumulated in the Iron County Library Fund. Furthermore, the commissioners directed Mike Edwards to work with Paul Bittmenn, Cedar City Attorney, and Justin Wayment, Parowan City Attorney, to draft acceptable interlocal agreements to clarify the cooperative financial and operational details of the library tax arrangement.

ADJOURNMENT

Dale Brinkerhoff made a motion to adjourn. Second by Alma Adams. Voting: Alma Adams, Aye; Dale Brinkerhoff, Aye.



Signed: Alma L. Adams, Chairman


Attest: Jonathan T. Whittaker, County Clerk