



# HILDALE CITY

P.O. BOX 840490 320 E. NEWEL AVE. HILDALE, UTAH 84784 PHONE: 435-874-2323 FAX: 435-874-2603

**Hildale City, Utah  
Informational Packet  
October 3, 2018**



# HILDALE CITY

P.O. BOX 840490 320 E. NEWEL AVE. HILDALE, UTAH 84784 PHONE: 435-874-2323 FAX: 435-874-2603

## Table of Contents

I.	Notice and Agenda .....	3
II.	Minutes of 9/5/18 Meeting .....	4
III.	Reports of Administrative Departments .....	14
IV.	Minutes of 8/28/18 Utility Board Meeting.....	25
V.	Consideration and Possible action on IGA for School Resource Officer .....	35
VI.	Consideration and Possible Action on Use of Public Building .....	52
VII.	Consideration and Possible Action on Ratification of Insurance Proposal .....	53
VIII.	Financials .....	
	See Addendum	

## NOTICE AND AGENDA

NOTICE IS HEREBY GIVEN TO THE HILDALE CITY COUNCIL AND THE PUBLIC, THAT THE HILDALE CITY COUNCIL WILL HOLD A COUNCIL MEETING ON WEDNESDAY THE 3<sup>rd</sup> DAY OF OCTOBER, 2018 AT HILDALE CITY HALL, 320 EAST, NEWEL AVENUE, WHICH MEETING SHALL BEGIN AT 6:30 P.M. MDT.

THE AGENDA SHALL BE AS FOLLOWS:

1. ROLL CALL AND PLEDGE OF ALLEGIANCE
2. APPROVAL OF MINUTES FROM 09/5/2018 CITY COUNCIL MEETING
3. PUBLIC COMMENT
4. REPORTS OF ADMINISTRATIVE DEPARTMENTS
  - a. Building Department b. Fire Department c. Parks d. Public Works e. Police f. Utilities Department g. UEP  
h. Community Outreach Department i. Planning and Zoning j. DOJ Compliance k. Manager
5. APPROVAL OF MINUTES AND RATIFICATION OF ACTION ITEMS FROM 08/28/2018 UTILITY BOARD MEETING
6. CONSIDERATION AND POSSIBLE ACTION ON IGA FOR SCHOOL RESOURCE OFFICER
7. CONSIDERATION AND POSSIBLE ACTION ON USE OF PUBLIC BUILDING
8. CONSIDERATION AND POSSIBLE ACTION ON RATIFICATION OF INSURANCE PROPOSAL
9. CONSIDERATION AND POSSIBLE ACTION ON APPOINTING PLANNING AND ZONING COMMISSION MEMBER
10. CONSIDERATION AND POSSIBLE ACTION TO PAY BILLS AND APPROVE CHECK REGISTER
11. REPORTS FROM MAYOR AND COUNCIL MEMBERS
12. CLOSED EXECUTIVE SESSION IF NEEDED
13. DISCUSSION OF PENDING OR CONTEMPLATED LITIGATION, CLAIMS, AND DEMANDS
14. CONSIDERATION AND POSSIBLE ACTION ON ASSEMBLING A COMMITTEE FOR REVIEW AND/OR MODIFICATION OF IGA'S
15. CONSIDERATION AND POSSIBLE ACTION ON ASSEMBLING A COMMITTEE FOR REVIEW AND/OR MODIFICATION OF CITY POLICIES ON DISPUTED PROPERTY
16. CONSIDERATION AND POSSIBLE ACTION ON ASSEMBLING A COMMITTEE FOR SELECTION OF COMMUNITY ENGAGEMENT AWARD
17. DISCUSSION AND POSSIBLE ACTION ON STRATEGY SESSION PLANNING FOR COUNCIL AND MAYOR
18. ADJOURNMENT

# Hildale City Council Meeting

320 East Newel Avenue, Hildale, Utah 84784

Wednesday September 5, 2018

**Present:**

**Council Members:** Stacy Seay, JVar Dutson, Jared Nicol, Maha Layton, Lawrence Barlow

**City Recorder:** Vincen Barlow

**City Manager:** John Barlow

**Staff:** Weston Barlow, Andy Barlow, Susie Barlow, Leonard Black, Nathaniel Barlow, Chief Askerlund, Harrison Johnson, John Barlow, Mariah La Corti, Officer Taylor Barlow,

**Public:** Joseph Allred, Vance Barlow, Sarah Barlow, Eric Velandar, Mindy Barlow, Joan Barlow, Savanah Adams, Willie Jessop, Lee Steed, Debbie Steed, Ray Chatwin, Toni Chatwin, Jessica Chatwin, Thomas Steed, Melissa Galbraith (this list may be incomplete)

**#1 Call to Order and Pledge of Allegiance**

Stacy Seay called the meeting to order at 6:30 p.m. The crowd all joined together in the Pledge of Allegiance.

**#2. Approval of Minutes from 08/01/2018 City Council Meeting**

**JVar Dutson moved to approve the minutes of the 8/1/2018 City Council Meeting  
Maha Layton seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**#3. Public Comment**

Debbie Steed, wife of Lee Steed, came to talk to the Board about what happened on 9/4/18. In 2000 they built their home and purchased a 1,000 gallon tank from Nap Jessop. She stated that at that time, renting was not an option. Due to the time that has elapsed they are not able to provide a receipt for such. She stated that she was made to feel like a bad guy while the utility department and cops removed the tank from their property, leaving them without gas. She asked for suggestions on what to do about the tank. Most councilmembers thanked her for coming and sharing their side of the story and assured her that she has been heard and that this will be followed up on to make sure things are right.

Willie Jessop expressed his disappointment about the administration making enemies out of the public by acting heavy-handedly. He asked to be treated the way that those acting would like to be treated. He explained that rules and regulations are not the problem; the problem is the way the people are treated. He cautioned the city against attempting to remove his propane tank, which was obtained the same way Lee Steed's was. He talked about why the city is uninsurable. Lee Steed commented about city officials and officers trespassing on his property without permission and without due process. He claimed he was not given an opportunity to discuss the issue at hand, and what transpired was not right. Maha expressed her appreciation for the comments and assured Lee that communication and due process are important. Stacy explained that no action could be taken at this time but that this issue will be followed up on.

#### **#4. Reports of Administrative Departments**

Andy Barlow presented for the building department. Everything is going as normal. There are some permits out for projects that he has inspected. With the moratorium on land use he is only inspecting and going forward with projects that are not stopped by the moratorium.

He announced that he is the CDBG Grant Manager for the Town of Colorado City and invited any interested parties to attend a meeting 9/6/18 at 6:00 to give input on 2019 projects.

Chief Barlow provided a report for the packet. John pointed out that The Fire Department volunteered to cover shifts in Draper while firefighters paid their respects to a passed chief.

Nathaniel Barlow reported on the parks. He explained that the grass and weeds are still growing and there is plenty of work to do.

Chief Askerlund addressed the public and asked them to contact him if there are any concerns with the police department. 321 calls for service were responded to in the month of August. Vandals are a big concern. He and the Mayor have discussed starting a neighborhood watch, which the police department cannot start, but can be involved in. He encouraged the idea and offered assistance and training as it develops. The curfew in Hildale is 9:30 and 10:00 in Colorado City; he has requested that this be standardized for ease of enforcement. There are a lot of exceptions to curfew laws, but the law gives officers probable cause to stop youth and make sure they are not up to no good. Chief Askerlund pointed out that the city's noise ordinance needs to be revisited.

There was discussion on the officers being involved in the incidents yesterday. Chief Askerlund explained that it is their duty to keep the peace and they were there on request of a city employee for such. He stated that Lee Steed was given the opportunity to file a report.

The Marshal's office is committed to meeting the requirements of DOJ case, going above and beyond what is required; his goal is to get the injunction ended prior to the 10 years through these actions.

A night out against crime will be held on October 2, 2018, giving the public an opportunity to discuss issues, ask questions and get answers.

Harrison Johnson presented for the Utility Department. He read aloud a letter written for the council. The objective of the Department is to be customer service oriented, while making sure policies and rules are enforced equally. He pointed out safety and security risks that are being addressed. He is working on a policy for dealing with aging and delinquent accounts. The Utility

Board approved a billing cycle change which allows customers to pay on the 1<sup>st</sup> of the month without receiving a late fee. He gave an update on the sewer pond dredging. The Department is conducting research to see if providing fiber optic would be cost effective. He informed the council of a chlorine test reporting violation that happened in July. The management is doing a professional development plan for each employee, so that the employees are working toward their goals, whether they are related to the city or not. He reported on the backflow protection issue. A notice will be included in the utility bills for August, educating and informing the public of how to be in compliance. Harrison invited any feedback. Councilmembers commended Harrison for his hard work thus far.

John Barlow gave the Managers Report. He briefly talked about the Council supporting staff that has followed policy. He discussed a few things that have happened in the Utility Department within the last month that will have a huge positive impact on the community.

John is filling the function of the Planning and Zoning Administrator right now, he explained that land use ordinances outline where things are. He has proposed a philosophical principal for the commissioners to follow which is to develop land use ordinances that are structurally sound and then relax the ordinances enough to get them passed quickly. John walked the council through what to expect when reviewing the proposed ordinance. Key issues that the Council were asked to look at carefully when reviewing the proposed ordinances include allowed non-conforming uses and conditional use permits. Maha asked the public to speak up and give feedback at the public hearings.

Central Street detention pond is deeper and safer due to being used as a resource extraction for other projects. Carling street detention pond is nearly complete. After looking at the Canyon Street project closer it was noticed that the plans included the use of a canal that runs along Canyon Street at the point of the mountain. John authorized a change order for the funding of digging deeper to put in a drain pipe to avoid pushing pedestrians into the road. John explained that while this is in the best interest of the city this may benefit Jeff Barlow and he disclosed conflict of interest with Jeff Barlow being his brother. This will be happening within the next couple weeks.

The cemetery on Canyon Street is in dire condition. John will propose a cemetery budget asking the UEP to fund a renovation in an effort to show the public that the city cares about the cemetery; the city will offer to maintain the cemetery in exchange and possibly use some of the city's parks maintenance money to contribute. Maha expressed concerns about administration spending time on this at the moment because of this being low on the priority list. John explained that he has not spent much time, simply gathered volunteers to work on it.

Harrison Johnson is taking the lead on getting bids for physical security and access control. It is likely there will be bids presented at the next meeting.

In an effort to be transparent and facilitate a better understanding John is looking into an online system that will publish Hildale City financial reports as they are updated in the accounting software. If the pricing is affordable the council may see a proposal to purchase the license.

Christian has spent a lot of time on developing narratives that are required for insurance applications. Three applications were submitted: 1st to renew the insurance that the city currently had, 2nd to expand the City’s general liability coverage to include actions taken by public and appointed personnel, 3<sup>rd</sup> for insurance that would cover the Hildale City Police Department. The renewal was accepted right away and we are waiting to hear back on the others.

John believes that public trust in Hildale City is dropping. He will present a way to address this concern and invited the council to propose solutions.

Action has been taken to terminate the lease with Sunny Creek Sales, the trailer across from City Hall, council will receive more details as they develop.

Administration is working on planning a tour of operations and strategy session as requested by the council. Hildale City will be sponsoring a career fair. The Outreach Department will be sponsoring a Cactus Apple Fair.

Engineering for the Utah Avenue Safe Routes to School Project is mostly done. Funds may allow sidewalk on the north part of Utah Avenue in addition to what is going to go in from the original plan. Councilmembers made suggestions on other sidewalk options. Discussion was had on a plan to use Public Works funds to make Utah Avenue safer in the school zone.

A roundabout would not work on Utah Ave and Central Street without doing serious excavating. Engineers proposed a simple intersection structure that will be implemented with after speaking with Public Works.

**#5. Consideration and Possible Action on Canceling Change Order for Flood Mitigation**  
 Maha declared Jeff Barlow is her brother, but put in on the record that she supports this decision.

**JVar Dutson moved to approve the change order for flood mitigation.  
 Lawrence Barlow seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton			X
Jared Nicol	X		

Motion carried.

**#6. Consideration and Possible Action on Opengov License Purchase**  
 Skipped

**#7. Approval of Minutes and Ratification of Action Items from 7/31/18 Utility Board Meeting**

**JVar Dutson moved to approve the minutes and ratify the action items from the 7/31/18 Utility Board Meeting  
Stacy Seay seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**#8. Approval of Minutes and Ratification of Action Items from 7/2/18 Planning and Zoning Commission Meeting**

**Lawrence Barlow moved to approve the minutes of the 8/1/2018 City Council Meeting  
Jared Nicol seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**#9. Approval of Minutes and Ratification of Action Items from 7/11/18 Public Works Advisory Board Meeting**

**JVar Dutson moved to approve the minutes of the 7/11/18 Public Works Advisory Board Meeting  
Stacy Seay seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.



**#10. Public Hearing on Compensation of the Elected and Statutory Officers of Hildale City**

**Lawrence Barlow moved to go into the public hearing on the compensation of the elected and statutory officers of Hildale City  
 JVar Dutson seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

John gave an overview of what is being proposed. Pay increases are being proposed for the City Manager and Recorder as the six month probationary period has ended. He has outlined an objective pay structure based on years of service and education and will be working with Utilities and Colorado City Department Heads to implement it. Until that time as a temporary solution, he has made recommendations based on where he feels individuals will fall on that scale. Administrative staff whose six month probationary period will be given temporary raises based on this scale, but that does not need to be taken before the public for scrutiny. These raises were budgeted for in the budget. No other public input was given.

**Maha Layton moved to close the public hearing and reconvene the regular Council Meeting  
 JVar Dutson seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**#11. Consideration and Possible Action on Compensation of the Elected and Statutory Officers of Hildale City**

**JVar Dutson moved to increase the salary of the City Manager, John Barlow, to \$56,456.00.  
 Stacy Seay seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		

JVar Dutson	X		
Maha Layton			X
Jared Nicol	X		

Motion carried.

**JVar Dutson moved to increase the salary of the City Recorder, Vincen Barlow to \$53,832.00**

**Maha Layton seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**#12. Consideration and Possible Action on Cost Reimbursement Plan for Private Vehicle Use of City Manager**

There is a vehicle being used by the building department that is close to the end of its life. John proposes auctioning off that vehicle and moving the vehicle that he is currently using to that Department and getting a reimbursement for use of his private vehicle.

Maha expressed her concern with not having enough information on the city's current vehicle situation to make this decision. JVar explained that this is a really good rate and proposed that this be approved temporarily and John be asked to come back with more information.

**Stacy Seay moved to approve a temporary reimbursement of \$220.00 a month to the City Manager for use of his private vehicle until council is given an opportunity to assess other options**

**JVar Dutson seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton		X	
Jared Nicol	X		

Motion carried.

**#13. Consideration and Possible Action on Appointing Planning and Zoning Commission Member**

Skipped

**#14. Consideration and Possible Action to Pay Bills and Approve Check Register**

JVar asked about the \$200,000 budgetary shortfall. John explained that money was budgeted to take from reserve funds and use it elsewhere. John recommended that the council compare revenues to expenditures for a better understanding of where the city is financially, more money is being brought in than expended.

Susie Barlow presented, walking the council through the provided financial report in detail and answering questions.

**JVar Dutson moved to pay bills as they become due and the funds become available  
Stacy Seay seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

Brief recess taken at 9:40. Meeting reconvened shortly thereafter.

**#15. Consideration and Possible Action on Accepting Caselle Software and Service Proposal for Payroll Systems**

There is an issue with records management presently. Moving to a cloud base system would save everyone a lot of time because of the OCR capability. The Caselle system is compliant and up to date with Federal PII regulations.

If the records management module is purchased, Caselle will waive the fee for the payroll module. The payroll module would make the accounts payable job much easier.

**Maha Layton moved to approve the purchase of the Caselle Document Management Software which includes Caselle Direct Deposit  
Lawrence Barlow seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**#16. Consideration and Possible Action on Adopting Ordinance No. 2018-004 Amending the Meetings for the City Council**

Jared expressed his concern with having only one meeting a month because of the length of the meetings and being required to rush through items. John explained that it is helpful to the staff because of the extreme amount of preparation work that it takes to put meetings together.

Maha explained that if meetings are going to be held once a month, there should not be “emergency” meetings. JVar asked to move forward with Town Hall Meetings to increase public involvement.

**JVar Dutson moved to adopt Ordinance No. 2018-004 amending the meetings for the city council**

**Maha Layton seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**#17. Consideration and Possible Action on Adopting Resolution No. 2018-09-01 Regarding Segregation and Allocation of Funds**

Weston presented. This was passed by the Utility Board. He gave a brief explanation on how the numbers were reached. This has to be done for auditing purposes. He explained that sewer is owned by Hildale and Propane by Colorado City. Everything else is dually owned.

Maha expressed her appreciation to Weston for everything he has been doing.

**Stacy Seay moved to adopt Resolution No. 2018-09-01 regarding segregation of utility funds**

**Maha Layton seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**#18. Reports from Mayor and Council Members**

This is an opportunity for council members to bring up things that they would like to see on the agenda, no discussion can be had.

Maha would like to see signage for the Montessori School on Carling Street. She would like to see the packets uploaded on-line. She made a suggestion to the council members to refrain from using the word “legally”. She would like to see polls from the Hildale Citizens regarding what they feel the most important issues are.

JVar reiterated his request for a Town Hall Meeting once a month. He would like to address the Garkane Directors to request fair treatment. He will meet with Harrison to assure due process is being given.

Jared thanked the staff for their hard work.

**#19. Closed Executive Session**

Not needed

**#20. Discussion of Pending or Contemplated Litigation, Claims and Demands**

Not needed

**#21 Adjournment**

With no other business, meeting was adjourned at 10:10 p.m.

I verify that a copy of the notice and agenda was delivered to the Mayor and City Council members and posted at the City Hall, 320 E. Newel Avenue, Hildale, Utah and sent to the Utah State Public Meeting Notice coordinator.

Minutes were approved at the City Council Meeting on \_\_\_\_\_.

\_\_\_\_\_  
Vincen Barlow, City Recorder

# HILDALE FIRE DEPARTMENT

## FIRE CHIEF'S REPORT TO THE BOARD

---

October 3, 2018

(Prepared 9/27/18)

**ADMINISTRATIVE ACTIONS:** The District was given notice of award by the Assistance to Firefighters Grant program (AFG) for a \$31,948 project to purchase washers and dryers for cleaning firefighter turnout gear. The District is required to match 5% (\$1,597) for a total project of \$33,545. The project includes 4 special extractor washers and 3 gear dryers. Two of the washers and two dryers will be installed at Station 1, while the other two washers and one dryer will be installed at Station 2. This is expected to lengthen the life of the turnout gear and reduce costs incurred when sending the clothing to vendors specializing in the cleaning process. This is a much needed step towards a cancer prevention program by reducing the carcinogens embedded into the fabric during firefighting. Requests for Bids have been sent out and are due by October 12. It will require some minor modifications at both stations for installation of the washers.

On September 13, Kevin attended the Washington County LEPC meetings in St. George, including the Washington County EMS Council, WC Fire Chiefs Association, the Planning, Training and Exercise Committee. Earlier the same morning he attended the DRMC Trauma Process Improvement Committee meeting at the hospital.

Kevin attended a two day session with the Rural EMS Directors of Utah group in Duchesne, Utah. This is an opportunity to collaborate with other agencies dealing with similar issues of volunteer personnel availability, state mandates, training and certification, and how to provide the best care possible in remote settings. The motto of the association is: "In Utah, where you live, work or play will not determine if you live."

Kevin attended the Kingman Regional Medical Center Tape & Chart review on September 11 in Kingman, providing the opportunity for a good communication with Dr. Merrill regarding the development of our Treat & Refer program.

The All-Hazards Subcommittee of the SWRRT met in Cedar City on September 24 with a focus on sustainability and operating guidelines.

**TRAINING REPORT:** The September ALS Inservice included a case review on an elderly fall injury. The training was on pulmonary embolisms. Two groups of paramedic students gave short presentations on anticonvulsant medications and beta blocker medications.

Fire training has been on basic skills, salvage and overhaul, addresses and hydrants. The special operations drill was on bonding and grounding during hazardous material incidents requiring transfer of flammable products from one container to another.

Six department members attended the four-day Arizona State Fire School in Mesa. Courses included Fire Protection Systems, Tactics & Strategy, Reading Smoke, Fire Cause and Origin, and Leadership. We again received a scholarship for tuition and travel assistance.

The paramedic students are well into their fourth semester and are now doing field ride-a-longs with our agency, Hurricane Fire & Rescue, Gold Cross Ambulance, Bullhead City Fire, and American Medical Response (AMR) in Kingman.

**MAINTENANCE REPORT:** Ambulance 110, the front-line ambulance, required a turbocharger replacement at the dealer. The repair was still covered under warranty. There has been a small leak in the E1021 radiator since it was new. Pierce Mfg. shipped a new radiator and the Cummins mobile repair mechanic has installed it.

The staff/command vehicle #508 (Ford Excursion used by Asst. Chief Edwin) has over 200,000 miles on it and is showing signs of engine failure. State contract pricing is being obtained to consider a new replacement vehicle.

Crews have been beginning the annual hose testing process. The fall hydrant maintenance round is almost complete.

**FIRE PREVENTION:** 13 LNTB contacts were made during the month. Several chimney inspections were made and requests are starting to come in for loan of our chimney cleaning kit. In July and August, there were 42 First Aid/CPR students, 9 CPR Pro students, 25 Pediatric Advanced Life Support refreshers, 5 new instructors and 5 instructor renewals ran through our Training Center.

**OTHER:** Two mutual aid responses were made into Hurricane, one fire and one medical.

EMS crews have done four high school football game standby's at both El Capitan High School and the Fredonia High School. Kane County EMS covers the Fredonia area on a daily basis, but they can only respond out of state for 9-1-1 calls. Due to state ambulance laws, they cannot provide a standby without being licensed in Arizona.

---

# Public Works Report

## October 2018

The crew has got the new crusher plant up and going. Just a few more bugs to work out and it will be running efficiently to make base. We have been running the plant we have now and have a big pile of base ready to use. We found we need a wider stacker belt. we have been making a deal on a bigger one.

On Johnson Ave the curb is all poured and the waterways across the streets. We are trying to see how far we can go on driveways. We plan to do 3' slurry in front of the curb.

In Hildale the Carling St. detention pond project is in nearly finished and appears to be going well.

The Canyon Street drainage is well under way and will be finish before another month.

We had some significant flooding that has required a lot of road repairs.

We did a temporary hire that is working on the watering system in the planter strips. We plan to work on roadsides and planter strips to beatify our community.

The safe route to school project on Utah Ave. is about ready to go. The engineering is about done, and we will be able to move forward.

We have the agreement with ADOT in place for the HURF exchange on the ADA project. We hope that will go out to bid within this month.

We are out of pothole material. The supplier has been out of cold mix they say they will make some within two or three weeks. We will repair the streets as soon as we can get some more.

Thanks for the opportunity to help improve our community.

Public Works Director

Dean Cooke, PWD





# MARSHAL'S OFFICE

Colorado City, AZ / Hildale, UT

*Courage – Compassion - Integrity*

October 2, 2018

## Town Council Report

### **Calls**

September in the Marshal's Office has been an active month with numerous animal complaints, several motor vehicle crashes, and a few vandalisms; not to mention the traffic complaints.

So, to bring it down to the numbers, we had 35 animal complaints, 7 vehicle crashes, 11 vandalism calls, and 23 traffic complaints. There was also 25 traffic stops for the month of September. In total, we responded to 260 calls this month.

### **Training**

This month, we haven't done a lot of training in the office with all of the officers but several officers have attended training here in the community and also in St. George to learn more about ways to help victims of domestic violence.

### **Misc.**

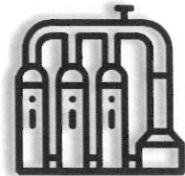
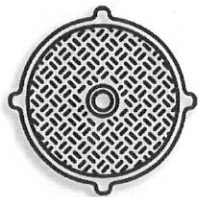
Mid-way through the month, we completed pre-testing for another sergeant. We look forward to getting another one on board to help with the myriad duties there is to perform around the office.

Several officers and the chief assisted the Water Canyon Schools in a lockdown due to a man with a gun being in the area. This issue was resolved fairly soon after with no negative results.

As always, we appreciate the opportunity to serve the community and are always open to suggestions to make it a safer place to live.

Respectfully,

Mark Askerlund



# Hildale-Colorado City Utility Department

Manager's Report to the Board

Harrison Johnson

10/1/18

## **New Hires**

---

After posting a notice of employment opportunity, establishing interview criteria, convening an interview committee, and scoring the applicants, we chose Randy Barlow to serve as the Department's newest utility technician. Randy brings years of experience managing large construction projects that include both above and below ground work. He is also a certified master electrician who we believe will be a great asset to the department in the years to come.

In response to the immediacy of needing an accounts payable clerk upon the resignation of Mary Ellen, we moved to hire Athena Cawley. She comes highly recommended from both the Mayor of Hildale, her former employer and Mary Ellen herself. She will be a great addition to our team.

## **Progress on Safety and Security**

---

I've met with another security company this last week and we are awaiting a quote from them, once we have that quote we are going to move forward. I have conducted more inspections for safety and security this last month and are developing procedures to mitigate risk to the crew and the public.

## **Disputed Property Policy**

---

The Department is in the process of working with community members to formalize a dispute procedure, so citizens have the opportunity to bring claims to the Department and even the Utility Board/City Council for preliminary hearings. Board Members, City Councilmen and Women, City Managers and Department heads will be available to sit down and discuss anyone's feedback or commentary on disputed property policies.

These policies shall be brought before the Utility Board at the end of October.

## **Water Theft**

---

We've dealt with at least one incident of water theft over this last month where an individual was taking water from a hydrant and it was not approved by the city nor were they paying for the water. In this case we referred the investigation to Washington County Sheriff's Office due to a potential conflict of interest and since it was in the Hildale side, Hildale City Administration will be handling it from that point forward.

There have been other reports of water theft around the community, and we urge the public to call the police if they see someone taking water from a hydrant without an approved city hydrant meter.

The current policy is to sign out a city meter with a deposit and charge the customer \$5/1000 gallons for water. We will authorize use of a private meter only if we do not have any available.

## **Ongoing TCWW vs. UEP Deal**

---

With the help of Mayor Allred, the Colorado City Council has approved the agreement between TCWW and the UEP. The next steps are for the parties to approach the Arizona Department of Revenue to see if they would drop the tax lien against TCWW that is currently north of \$300,000.

In discussions with TCWW's board, the Department relayed to them that we are planning on using only municipal sources of water for the months from October to May of 2019. As their only customer this would leave them without revenue. It was resolved that the best path forward would be to stand behind their agreement with the UEP as it gives them the best opportunity to liquidate with the least amount of outstanding debt.

Another question that will be posed in the coming months is the transfer of assets from the TCWW and the UEP to the respective cities. The Department is completely indifferent to which city gets which asset as we manage both, our only interest is in the assets being held by one or the other.

## **Power Plant Well and Pressure Drop**

---

This month we had a pump motor breakdown, which required the well to be shut down and pulled. During the maintenance process storage tanks dropped to lower than normal levels and may have caused some areas to experience low pressure. During times when the system experiences low pressure, the risk of backflow or back pressure becomes more acute. It was brought back online on September 27<sup>th</sup> through diligent and meritorious effort from Weston Barlow and Ralph Johnson Jr.

## **Sewer Pond Treatment**

---

The Department is still weighing its options on how best to proceed with reducing the sludge blanket and returning treatment pond one to service. The current plan is to dredge the intake valve only, return the pond to service, and add enzymes to reduce the organic material. The time table is likely six months or longer, and the more the sewage dries the less cost and time intensive it will become. The cost of the project should not exceed \$30,000 and should allow the ponds to operate indefinitely without the need to dredge.

## **Discussion on Water Infrastructure Development**

---

*One of the key political decisions that will need to be made will be on how to develop infrastructure to improve the overall water quality and also bring cost savings to the customers. -*

Currently we have manganese and iron contamination within the culinary water system, and we use potassium permanganate to treat it. Additionally, there has been low presence of radium in the Power Plant well water. The Power Plant Well uses water from the Shinarump Aquifer, as do wells 17, 19, 21, and 22 which are owned and operated by TCWW. In total, the Shinarump Aquifer provides over half of our source capacity nearing 70%. It is likely that these wells operated by TCWW also have similar contamination levels.

Manganese contamination may present some health risks, especially to the very young, and old. There is not a broad consensus on the effects of orally ingested manganese, but the adverse health effects are thought to be neurological in nature.

In all cases, citizens often complain about the water's aesthetics and the taste.

Operations has presented some preliminary plans to address these contaminant issues through further manipulation of our treatment systems and more information on how that will be achieved is forthcoming.

The most viable option currently would be to use the surface spring water from Water Canyon, currently being used for agriculture through either purchase or lease of the UEP's water rights. Preliminary estimates of rate of flow of the surface spring water are 163 GPM which is roughly 85,000,000 gallons per year and represents a third of our projected water use. This is a conservative estimate and more precise annual flow rates will be calculated with this year's water study. The water quality of the surface spring water is considered to be very high and once treated could greatly enhance the overall quality of the water provided in the valley.

#### Treatment Plant.

Use of the Water Canyon spring water would require a surface water treatment plant and some mainline piping infrastructure to deliver it to culinary water system. Cost estimates range from \$500,000 to \$3,000,000 and a treatment facility will be key item of focus for this upcoming water study.

Funding could come from a variety of sources to include grant funding, water bonds, and the Department's R&R budget. Many grants also require matching funds from the municipal agency itself so it is likely that the ratepayers will bear some of the burden in paying for the qualitative upgrade to the water system.

It is vitally important that the community and the elected leadership has an opportunity to weigh in on this discussion as the qualitative upgrade will likely require water rates to remain higher than they otherwise would be if we keep our current sources.

The paramedic students are well into their fourth semester and are now doing field ride-a-longs with our agency, Hurricane Fire & Rescue, Gold Cross Ambulance, Bullhead City Fire, and American Medical Response (AMR) in Kingman.

**MAINTENANCE REPORT:** Ambulance 110, the front-line ambulance, required a turbocharger replacement at the dealer. The repair was still covered under warranty. There has been a small leak in the E1021 radiator since it was new. Pierce Mfg. shipped a new radiator and the Cummins mobile repair mechanic has installed it.

The staff/command vehicle #508 (Ford Excursion used by Asst. Chief Edwin) has over 200,000 miles on it and is showing signs of engine failure. State contract pricing is being obtained to consider a new replacement vehicle.

Crews have been beginning the annual hose testing process. The fall hydrant maintenance round is almost complete.

**FIRE PREVENTION:** 13 LNTB contacts were made during the month. Several chimney inspections were made and requests are starting to come in for loan of our chimney cleaning kit. In July and August, there were 42 First Aid/CPR students, 9 CPR Pro students, 25 Pediatric Advanced Life Support refreshers, 5 new instructors and 5 instructor renewals ran through our Training Center.

**OTHER:** Two mutual aid responses were made into Hurricane, one fire and one medical.

EMS crews have done four high school football game standby's at both El Capitan High School and the Fredonia High School. Kane County EMS covers the Fredonia area on a daily basis, but they can only respond out of state for 9-1-1 calls. Due to state ambulance laws, they cannot provide a standby without being licensed in Arizona.

---



## **MEMORANDUM**

**To:** Mayor Donia Jessop

**From:** Christian Kesselring, City Attorney

**cc:** John Barlow, City Manager  
Vincen Barlow, City Recorder  
Stacy Seay, Council Member  
Jvar Dutson, Council Member  
Jared Nicol, Council Member  
Maha Layton, Council Member  
Lawrence Barlow, Council Member

**Date:** September 26, 2018

**Re:** Hildale City Injunction Compliance

---

The purpose of this memo is to keep you and the City Council abreast of staff's progress on complying with the injunction entered in the DOJ case by Judge Holland. While many of the affirmative obligations in the injunction have already been accomplished, there are still things to be done – including cooperating with and supporting the court-appointed monitor – which I discuss below.

### **Monitor**

In August, Roger Carter submitted his fourth quarterly Monitor report, which was almost entirely positive and reflects the great strides that both Hildale City and Colorado City have made towards complying with the court order. He has not received any new discrimination complaints against Hildale, and he found us compliant with all items.

As the City moves toward enacting zoning ordinances, we will be involving Roger as he is entitled to review and comment on land use ordinances before they take effect.

## **Website**

The website has been fully populated with information, but as I review some of the linked documents I have found some that are out of date. I have been working with Vincen to ensure that those are updated.

## **Training**

Colorado City Mayor Allred has taken the lead with arranging for the annual training, by contacting the Washington County Attorney's Office, and the Southwest Fair Housing Council to schedule training dates. Although dates have not been confirmed, we are expecting to have the constitutional rights training in late October, and the Fair Housing Act training in late November. We may be combining the policies and procedures training with the Fair Housing Act training. I will be working with the Department of Justice to obtain their approvals of the trainers and materials.

If you have any other questions or concerns about the City's compliance with the court injunction, please feel free to reach out to me.



## Utility Departments of Hildale/Colorado City

Utility Board Meeting Minutes  
320 East Newel Ave, Hildale Utah  
Wednesday, August 28, 2018 6:00 P.M.

### Present: Utility Board

Board Members:	Present	Absent	Excused
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
Nathan Burnham			X
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Staff Present: Mayor Joseph Allred, Vance Barlow, Mayor Donia Jessop, John Barlow, Vincen Barlow, Harrison Johnson, Mary Ellen Johnson, Susie Barlow, Mariah La Corti

Public Present: Kyle Layton, Maha Layton, Eric Velander, Brooke Barlow, Lawrence Barlow, Jennifer Darger, Janet Jeffs,

### #1 Call to Order

Arvin called the meeting to order at 6:01 pm. Vincen called roll. Quorum present.

### #2. Prayer and Pledge of Allegiance

Prayer was offered by Sterling Jessop and the crowd joined in the pledge of allegiance.

### #3. Approval of Minutes from July 31, 2018

A few amendments were noted.

**JVar Dutson moved to approve the minutes of the July 31, 2018 as amended.**

**Jason Black seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

**#4. Public Comment**

Elisa Wall, a resident of Hildale, addressed the Board. She thanked the Board for their dedication and hard work. She asked the Board to vote against a rate increase from TCWW and asked them to keep the growth of the community in mind when considering possible suspension of the impact fee.

**#5. Consideration of Utility Waiver Requests**

320 North Oak Street and 45 South Richard Street submitted wastewater waiver requests for consideration. The requests presented are fairly standard. Staff recommends approval of the requests reducing the monthly sewer rate retroactive 90 days.

**Jason Black moved to approve the staff recommendation for each Utility Waiver Request provided.**

**Haven Barlow seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

**#6. Manager Report**

Harrison read a letter he wrote to the Board aloud. Running the Utility Department has proven to be a monumental task. He requested more time to address the crossing of lot lines.

The Utility Department has approximately \$130,000 of debt over 90 days delinquent. Harrison does not agree with the current collections procedure as it hurts the customers and there is not a lot of money regained. He would like to modify the fee structure and incentivize good payment behavior to be more customer service oriented, while being cost effective, uniform with policies, and recovering debt. This is still in the development stage. He welcomes guidance from the Board on this matter.

Sewer pond dredging: It would be a very time consuming and expensive venture to dredge the pond. Weston and Harrison are developing a plan to reduce the raw sewage waste blanket in the pond by half by using probiotics. An action plan will be presented in a future board meeting.

Violations: The Utility Department received a chlorine testing violation for failing to submit water quality tests timely. This may require the Department to disclose this failure to the public. Corrective action has taken place to avoid this issue in the future.

Gas Taxes: There was a discrepancy with the Department of Revenue for the State of Utah regarding the exempt status of the Department. Vincen is working on this.

Professional Development: Harrison has started this program that will allow the Department to take an active role in developing their immediate and ultimate professional goals. This program should allow standardize employee personnel reviews to assist managers in determining job proficiency and progress.

JVar asked about overtime. Overtime is an issue right now and was addressed later on in the meeting under the hiring of a utility technician.

Arvin expressed his thanks to Harrison and all those assisting him in this.

### **#7. Financial Report**

Vincen presented. He walked the Board through the financials for the period since the last meeting.

### **#8. Consideration of Approval to Pay Bills**

**JVar Dutson moved to pay the bills as they become due and the funds become available.**

**Jason Black seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

### **#9. Consideration and Possible Action on Safety and Security Policy**

Harrison presented a proposed policy for the Board to review. He stated that the safety and security of the field crew and community are the first priorities of the Department. The policy covers employee conduct, authorities, and management responsibility.

There was discussion on how the Board becomes informed of any issues. Jason requested the policy include details of what the possible disciplinary actions could be. Harrison pointed out that this is outlined in the Colorado City Personnel Manual.

JVar expressed his concern about not having a general liability policy in place. Harrison will be getting quotes on systems to secure the Departments assets. The field staff has implemented weekly safety meetings.

**JVar Dutson moved to put the Safety and Security Enforcement Policy as written into place.**

**Michael Cawley seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

### **#10. Consideration and Possible Action on Exploratory Funds for Water Survey**

Sunrise Engineering approached the Department to discuss a grant application that would update the mapping and survey information on the water and wastewater systems. The Department has a Geospatial Information System that is only desktop accessible and can only be edited by a single user. Harrison explained what a GIS is.

Mayor Allred explained that this would make data accessible for all departments and computers within the city. Having that accessibility would be very valuable. John Barlow explained that this would be an asset to the public as well because of their ability to access the information. He feels that it is worth paying Sunrise to write the grant application for us because of their experience.

**Jason Black moved to spend up to \$3,000 of application development from the cities list of preferred vendors for the potential to receive up to \$40,000 of grant money.**

**JVar Dutson seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

### **#11. Consideration and Possible Action on Billing Cycle Revision**

The Department is trying to become more customer service friendly. As part of this goal the Department would like to move the billing cycle from the last day of the billing month to the first business day of the following month. Harrison believes this will reduce administrative costs and help the customers that have financial difficulties. Further, disconnected customers will have all week to get their services reconnected rather than paying for after hours services.

John Barlow outlined the problem that brought this up. It is currently impossible for a customer that pays their bill on the 1<sup>st</sup> of the month to avoid a late fee. With this change payments received prior to the first business day of the month will not get a late fee.

**Stacy Seay moved to approve the billing cycle change as recommended.**

**JVar Dutson seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

### **#12. Consideration and Possible Action on Fiber Optic Network Research Proposal**

The Department would like devote time researching whether or not it will be beneficial to the Department to provide internet services. He would like to present a cost-benefit analysis to the Board. He is seeking the Board approval for the staff to spend their time on this.

**JVar Dutson moved to approve staff to research whether or not providing internet services would be in the interest of the department and community.**

**Jason Black seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

### **#13. Consideration and Possible Action on Organizational Structure**

This has been requested by city councils and staff alike. Harrison presented a proposed organizational structure in hopes of better facilitating efficiency of operations. The document identifies the organization of supervision, tasking and evaluation of department employees.

**Haven Barlow moved to approve the organizational structure of the Utility Department as presented.**

**JVar Dutson seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		

Jason Black	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

**#14. Consideration and Possible Action on Technician Hiring Policy**

Weston’s pay rate was briefly discussed because of the recommendation.

**JVar Dutson moved to appoint Weston Barlow as the Operations Manager for the Utility Department.**

**Haven Barlow seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

Harrison presented a policy to the Board for hiring of non-management/supervisory positions. Joseph Allred helped in clarifying that the Board will give Harrison permission to open the needed position and Harrison will be allowed to hire individuals based on what is outlined in the policy without coming back before the Board.

**Jason Black moved to approve the field staff hiring policy as presented, authorizing the Department to hire two new technicians.**

**Haven Barlow seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

**#15. Consideration and Possible Action on Backflow Protection Enforcement Sweep**

Harrison explained the issue of cross connection and backflow control that must be enforced in order to maintain the safety and integrity of the culinary water system.

He is asking permission to put an enforcement sweep notice in the utility bill this month and enforce the Ordinances. Harrison gave a few examples of why this is important and why it should be done this way.

JVar, Arvin and Jason all brought up their concern about making sure that the public is educated. Harrison reiterated that there is an immediate issue that must be fixed.

Joseph Allred gave his opinion that the notice seems harsh. He feels that it can be worded more softly.

Christian Kesslering explained that there is a requirement from the State that this be enforced. Harrison explained that this policy is in place, it is not new, it just needs to be enforced.

**Jason Black moved to approve the enforcement sweep for compliance with Hildale-Colorado City ordinances pertaining to cross connection and backflow control. Haven Barlow seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

**#16. Consideration and Possible Action on Twin City Water Works Rate Increase and Water Supply**

Harrison presented. He understands that this is a sensitive issue. His recommendation is contingent purely on having the lowest rate possible for the highest quality of water for the customers. The 54% increase that was requested would dramatically increase the cost to the customer. There is no requirement that a negotiation be done at this time, per the contract. The Board is not required to take any action until 2020. The money being paid to Twin City Water Works is far more than the power and maintenance fees for their wells. According to the numbers, neither the current price nor price increase are justified.

There was brief discussion on why Twin City Water Works is requesting the increase, and nobody has an answer. That would have to be disclosed by Twin City Water Works.

Janet Jeffs addressed the Board. To her understanding, part of the payment goes to the infrastructure. Deep wells, which the city is asking to be used, cost more to run. She stated that the figure might be high, but is negotiable. They requested the increase because of the projected increase in expense. Documentation on the infrastructure of the deep wells has been formally requested.

Weston feels that the Department will not need any extra water that the cities wells cannot provide through the winter. It is only through the higher usage summer months that there is not enough.

Harrison explained that it costs us approximately .25 per thousand gallons plus maintenance costs for the water from our own wells. He strongly recommends rejection of the rate increase to keep water rates lower for the customers. Harrison reiterated that this decision should be purely based purely on the financial situation not emotions.

Michael pointed out Twin City Water Works history with the community and that they may go out of business without our business.

Arvin commented on the UEP's proposal that was accepted last month. In the end, what is best for the Utility Department has to be done.

JVar expressed his appreciation to Twin City Water Works for the ability to have water in the community.

Mayor Allred suggested that the Board could consider tabling the item for receipt of the information requested. John Barlow agreed that having some financial statements may help the city understand what is going on and waiting to give a response would not hurt anything.

**JVar Dutson moved to table this item pending further information.**

**Michael Cawley seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

**#17. Consideration and Possible Action on Suspension of Water Service Impact Fees**

There has only been one water service impact fee paid since the increase. What the Department needs is for people to use and pay for water and wastewater services. The infrastructure is highly underutilized, so infrastructure improvements, paid for by the impact fees, are not needed at this time. Harrison recommends that the impact be repealed to promote growth and it can be reassessed if the growth rate will require infrastructure improvements.

John Barlow gave information on what impact fees are for vs. why our town is different than other towns.

Mayor Allred stated that the Utility Boards recommendation on this matter would be highly considered. He recommends a financial study be done to justify the recommendation. Harrison feels that it is very clear that the impact fee is not needed, and he will provide any documentation requested to show that.

Vance Barlow added that in Arizona it is extremely difficult to get the fee back in place if decided that it is needed, so he strongly suggested staff thoroughly review the study that was done and come back with a plan for the projects that the impact fees were supposed to pay for. Harrison stated that he and Weston reviewed the list and the current projects do not need an impact fee to fund them.



Mayor Donia Jessop addressed the Board. She stated that we need more people here and the only way to entice people to come is to lower or eliminate the impact fee.

Ralph Johnson asked if this was discussed with the Engineers who did the study. John has had extensive conversations with them. The demographic has changed. We need more people.

In closing, Arvin pointed out that by voting on this it will allow the City Councils to move forward.

Michael expressed concern regarding paperwork associated with the impact fee. Harrison informed him that removing the impact fee will not decrease the paper trail; there are still construction costs, connection fees and utility applications that will be.

**Jason Black moved to have staff take an analysis and recommendation of a new impact fee before the cities for consideration.**

**JVar Dutson seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

**#18. Consideration and Possible Action on Setting the Next Utility Board Meeting Date**

Vincen presented. He and Mariah will be attending a clerical conference in Vernal the day following the regularly scheduled meeting, and it would be difficult to make it after attending the meeting. After discussion a date was decided on.

**Michael Cawley moved to change the next Utility Board Meeting to October 2, 2018 at 6:00 p.m.**

**Jason Black seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

**#19. Adjournment**

Meeting was adjourned at 9:02 p.m.

**Summary of Board Actions:**

Approval of Minutes

Approval of Utility Waiver Requests

Approval to Pay Bills

Safety and Security Enforcement Policy put in place

Approval of GIS Grant Application

Billing Cycle Revision

Pending Minutes - Subject to Approval



## MEMORANDUM

**To:** Mayor Donia Jessop

**From:** Hildale City Staff

**cc:** John Barlow, City Manager  
Mark Askerlund, Police Chief  
Stacy Seay, Council Member  
Jvar Dutson, Council Member  
Jared Nicol, Council Member  
Maha Layton, Council Member  
Lawrence Barlow, Council Member

**Date:** September 26, 2018

**Re:** Washington County School District School Resource Officer Program

---

Staff, and particularly Chief Askerlund, have been working towards partnering with Washington County School District to have one of our officers assigned as a school resource officer ("SRO") at Water Canyon High School.

While an SRO works closely with school administration, they act as a law enforcement officer with full law enforcement powers. The anticipated benefits do include increased safety and decreased behavior issues, but perhaps just as important is elevating the profile and perception of our law enforcement among the students and their parents. There are guidelines in state code and in the district policies that try to ensure that interventions by SRO's start at the lowest appropriate level.

Typically, the school district pays for 50% of the defined costs for the officer (salary, equipment, vehicle, etc.), which comes as a reimbursement periodically throughout the year. Hildale's reimbursement formula will probably be 30%, however, because we only plan to have the SRO in the school three days out of the week instead of five. There may be additional grants

available to help further off-set the costs of the SRO program, and if those are awarded then some of the grant funds will probably be credited to the school district, proportionally. You should also be aware that ordinarily neighboring cities would be asked to agree to reimburse costs for their resident students attending our school, but in staff's judgment the low number of students coming in from outside our boundaries probably do not justify the delay in implementation that would be inevitable with those negotiations.

Another issue that may need to be dealt with at a later time is how this funding implicates our police IGA with Colorado City. Hildale already pays a significant amount for policing within our borders (currently budgeted at about \$250,000), and conversely Colorado City would like to receive some portion of the reimbursement from the school district. These are issues that need to be addressed if Hildale goes forward with this program, however they do not need to be addressed now. Rather, it is likely that the issues will be taken into consideration as we negotiate the overall terms of the IGA with Colorado City, and we will have a few months to do that before the school district issues reimbursements.

The attached contract is being used as a model for our own contract, which will be provided to you shortly. The contract you are looking at has been working well in the St. George area, and the school district has a system that has been working well to administer the reimbursements. The final contract will be very similar to this one, with some adjustments to the funding mechanism, so please review this in detail to be well informed in advance of the October 3 meeting.

Of the many options available to the Council, staff has narrowed it down to three:

- (A) Choose not to implement an SRO program at this time;
- (B) Implement an SRO program on the terms being proposed; or
- (C) Direct staff to negotiate better terms and come back with a revised contract and propose more options for the council to select among

Questions about the operational details of this proposal should be directed to Chief Askerlund, and about the legal implications to Christian Kesselring.



26 between Local Education Agencies and Law Enforcement Agencies which requires amending  
27 the Agreement; and

28 WHEREAS, the Utah State Legislature, in the 2017 and 2018 General Session, passed  
29 H.B. 239 and H.B. 132, respectively, which sets forth certain requirements for schools referring  
30 low level offenses, including class C misdemeanors and truancies to law enforcement or court; ;  
31 and

32 WHEREAS, the Parties, through their respective governing bodies, have determined that  
33 the interests and welfare of the general public will best be served by amending the Agreement;  
34 and

35 WHEREAS, the governing bodies of the Parties have, by resolution, previously agreed  
36 to coordinate and finance the placing of police officers as School Resource Officers, (hereinafter  
37 referred to as "SRO") in public schools for the protection and safety of District property and  
38 students; and

39 WHEREAS, the Law Enforcement Agencies have the resources to provide SROs and  
40 manage the school resource officer program.

41 NOW, THEREFORE, in consideration of the mutual covenants and benefits set forth herein, and  
42 further valuable consideration, the receipt and sufficiency of which are hereby acknowledged,  
43 the Parties hereby agree that the Agreement shall be amended to read as follows:

44 AGREEMENT:

- 45 1. Purpose. The purpose of this Amended Agreement is to:
- 46 a. Provide for and maintain a safe, healthy, and productive learning environment in District  
47 schools while respecting the rights of students and District employees;

- 48 b. Create a cooperative, proactive, and problem-solving partnership between the  
49 respective Law Enforcement Agencies and the District;
- 50 c. Identify situations where the use of restorative approaches to address negative behavior  
51 may be utilized; and
- 52 d. Provide guidance for District employees and SROs for conferring with each other when  
53 the alleged offence is a Class C misdemeanor, an infraction, a status offence on school  
54 property or at District-sponsored activities, or truancy regarding what offense type a  
55 particular behavior might constitute were it to be charged.
- 56 2. Assignment of SROs. The SRO program will consist of assigning an SRO in each of the  
57 District's contracted schools for eight hours per school day as set forth in the District calendar.  
58 During non-school days, SRO's schedules will be managed through the responsible Law  
59 Enforcement Agency. The Parties shall determine the schools where SROs will be assigned on  
60 an annual basis at least six (6) months before the beginning of the academic year. Parties shall  
61 jointly discuss SRO applicants. Each determination on whether to place SROs in a school shall  
62 require a majority vote of the Parties that would be required to fund the SRO under this  
63 Amended Agreement. Votes shall be weighted in accordance with the percentage of funding  
64 provided by the entity for the SRO being proposed for each school as set forth in Section 8 of  
65 this Amended Agreement. The District or school of assignment may request additional hours  
66 beyond the regularly scheduled assignment from the responsible Law Enforcement Agency.  
67 Upon approval, the Law Enforcement Agency will be compensated or reimbursed for the  
68 additional cost associated with that coverage. The placement of an SRO in a school shall at all  
69 times be subject to the availability of personnel and resources of the responsible Party for  
70 placing the SRO in the school. Should the responsible Party determine that the personnel or

71 resources are unavailable, the Parties to the Amended Agreement that are affected by the  
72 decision shall be entitled to a refund of monies paid in advance for the time the SRO was  
73 unavailable at the school to which the SRO was assigned. All scheduling, deployment, and  
74 supervision of the SROs shall be the responsibility of the responsible Law Enforcement Agency,  
75 including the right to substitute another SRO when the regularly scheduled SRO is unavailable.  
76 The Law Enforcement Agencies will accept feedback from the District about an SRO's  
77 performance.

78 3. Duties of the SROs. The following duties shall be performed by the SROs:

- 79 a. Act as a positive role model to students;
- 80 b. At the request of the LEA, teach a vocational law enforcement class;
- 81 c. Keeping in mind restorative approaches to negative behaviors, differentiate between  
82 school disciplinary issues and crime problems and respond appropriately;
- 83 d. Confer with District employees when requested to help distinguish between behavior  
84 that may be referred to law enforcement or juvenile court and behavior that may not be  
85 referred to law enforcement or juvenile court under Utah Code 53G-8-211;
- 86 e. Initiate positive interaction with students in the classroom and general areas of the  
87 school building and be a positive role model, while increasing the visibility and  
88 accessibility of police to the school community;
- 89 f. De-escalate school-based incidents whenever possible;
- 90 g. Develop a comprehensive school safety plan in collaboration with District employees,  
91 staff and District risk management;
- 92 h. Work with the District to improve the social, emotional, and behavioral skills of students  
93 in order to maximize their ability to achieve academically and become successful,  
94



- 95 contributing community members by addressing issues such as substance abuse,  
96 violence reduction, social skills, problem-solving skills, and other areas of District and  
97 community concern;
- 98 i. Work to prevent or address any disruption that could place students, faculty, and staff at  
99 risk of harm by working with District employees with the goal of preserving a safe school  
100 environment.
- 101 j. Recognizing that disciplining students is a District responsibility, the SRO will notify  
102 appropriate District employees about disciplinary problems who will then take action in  
103 accordance with District policy;
- 104 k. Participate in meetings with school administration during the SRO's normal shift when  
105 requested;
- 106 l. Use the least disruptive method in conjunction with school administration when  
107 conducting an arrest of, or issuing a citation to, a student at a school, at a school event,  
108 or on District property;
- 109 m. Notify parents as soon as possible when students are arrested or when the SRO  
110 believes that parental notification is warranted due to student behavior; and
- 111 n. Become familiar with the District student discipline policies in order to refer students to  
112 District employees for disciplinary problems;
- 113 o. Investigate possible criminal offenses and conduct, including conducting probable cause  
114 searches;
- 115 p. Transport a minor enrolled in a school to a location if the location is permitted by law;
- 116 q. Take temporary custody of a minor pursuant to Subsection 78A-6-112(1); or
- 117 r. Protect the safety of students and the school community, including the use of reasonable

118 and necessary physical force when appropriate based on the totality of the  
119 circumstances; and

120 s. Together with the building principal, complete SRO training as described in Utah Code  
121 53G-8-703.

122 4. Duties of the District. The following duties shall be performed by the District:

123 a.

124 Address student behavior that may not be referred to law enforcement or juvenile court  
125 under 53G-8-211

126 b. Designate a District employee to serve as the contact person for the Law Enforcement  
127 Agency to facilitate communication between the Agency and the District;

128 c. Provide an office or work space for SRO materials and personal effects;

129 d. Require School Administrators (as defined in Section 5 of this Amended Agreement) to  
130 complete the training, along with the SROs assigned to the School Administrators'  
131 school, as described in 53G-8-702;

132 e. Provide ongoing feedback to the Law Enforcement Agency designee for SRO program  
133 evaluation purposes;

134 f. Offer an opportunity for the SRO and school administration to meet with community  
135 stakeholders, including parents, throughout the school year; and

136 g. Require School Administrators to notify SROs in the School Administrators' building  
137 when the SRO is responding to a school-based infraction if any student involved  
138 possesses disabilities and/or an Individualized Education Plan ("IEP") and who  
139 therefore may require special treatment or accommodations;

140 h. Provide SRO access to educational records as school officials, defined in the Family

- 141 Education Rights to Privacy Act (FERPA), when the SRO has a legitimate educational  
142 interest in assisting the School Administrator to maintain a safe school environment.
- 143 i. Acknowledge that records created and maintained by the SRO are law enforcement unit  
144 records and are separate from education records
- 145 5. Duties of School Administrators: For purposes of this Amended Agreement, “School  
146 Administrators” shall be defined as a Principal or Vice-Principal of the school. The following  
147 duties shall be performed by the School Administrators:
- 148 a. Make every effort to handle routine discipline for normal developmental behavior without  
149 involving the SRO in an enforcement capacity unless necessitated by law;
- 150 b. Ensure the SRO is informed of any special circumstances for a student in contact with  
151 the SRO, for example parental requests, Behavioral Contracts, I.E.P., etc.;
- 152 c. Ensure that an administrator is present at the school at all times when an SRO is  
153 present; and
- 154 d. Attend an annual training as described in 53G-8-702 with the School Administrators’  
155 SRO.
- 156 6. Duties of the Law Enforcement Agency: The following duties shall be performed by the Law  
157 Enforcement Agency:
- 158 a. Provide SRO supervision;
- 159 b. Provide SRO training to comply with state requirements when such training is required  
160 by state statute;
- 161 c. Provide the SRO with uniforms and equipment;
- 162 d. Follow the agreed upon schedule for deployment of SROs at schools;
- 163 e. Ensure that the SRO supervisor maintains communication with the School

- 164 Administrators and District employees throughout the year to evaluate the performance  
165 of services provided by the SRO; and
- 166 f. Provide time for the SROs and the School Administrators or their designees to attend  
167 the four-hour SRO training at the beginning of the school year and the three, two-hour  
168 follow-up SRO trainings throughout the school year.
- 169 7. Respect for Student's Rights. The following practices and procedures shall be adhered to  
170 by the Parties in order to protect the rights of students:
- 171 a. District employees may only conduct a search of a student's person or possession  
172 unless there is reasonable suspicion that the search will turn up evidence that the  
173 student has violated a school rule or law, and the search is justified in scope given such  
174 suspicion.
- 175 b. An SRO may only conduct a search of a student's person or possessions where there is  
176 a reasonable suspicion to believe that the search will turn up evidence that the student  
177 has violated or is violating the law or the rules of the school, and the search is justified in  
178 scope given such suspicion;
- 179 c. SROs shall not ask School Administrators or District Employees to search a student's  
180 person or possessions in an effort to circumvent the student's rights;
- 181 d. Conversations between SROs and students will be on the premise of building  
182 relationships to help develop a healthy learning environment and promote appropriate  
183 social behaviors, or when the SRO believes the student adds pertinent information to an  
184 investigation. An SRO may question a student about criminal conduct that could expose  
185 the child to **criminal charges or arrest** under the following conditions:
- 186 i. If the student is 14 years and older, the child will be informed of his or her Miranda rights

- 187 before questioning;
- 188 ii. If the student is under the age of 14, the child will be informed of his or her Miranda  
189 rights only in the presence of the child's parent or guardian before questioning;
- 190 iii. The SRO shall inform a School Administrator prior to questioning the student when  
191 practical;
- 192 iv. An SRO shall not ask a School Administrator or District employees to question a  
193 student in an effort to circumvent these protections;
- 194 v. If an exigent circumstance or immediate threat exists, a School Administrator or  
195 SRO may question a student about criminal conduct or conduct a search of a  
196 student's person and possessions;
- 197 vi. Strip searches of students by School Administrators, District employees or SROs  
198 shall be prohibited;
- 199 vii. An SRO shall not use physical force or restraints on a student, including handcuffs,  
200 tasers, or other physical or chemical restraints unless a student's actions pose a  
201 threat, the student is subject to arrest, or the SRO is taking the student into custody  
202 for violating a state law, federal law, or municipal ordinance in the presence of the  
203 SRO or for being truant, pursuant to Utah Code 78A-6-112(1).

204 8. Funding. The funding of the program for the subsequent academic years shall be as  
205 follows:

206 Washington County School District: 50% of the overall cost.

207 The remaining 50% shall be divided among the remaining parties in the following manner:

208

209 City of St. George: Pro-rata according to the number of St. George  
210 resident students enrolled in the school.

211

212 Ivins City: Pro-rata according to the number of Ivins City

213 resident students enrolled in the school.  
214  
215 Santa Clara City: Pro-rata according to the number of Santa Clara  
216 City resident students enrolled in the school.  
217  
218 Washington City: Pro-rata according to the number of Washington  
219 City resident students enrolled in the school.  
220  
221 Washington County: Pro-rata according to the number of Washington  
222 County resident students enrolled in the school.  
223  
224

225 9. Program Costs. Each Law Enforcement Agency shall provide each party a breakdown of  
226 the annual cost of the School Resource Officer program along with each party's annual  
227 contribution by March 31 or each year. The costs of the program shall include the following:  
228 a. The salary of the SRO including benefits and payroll taxes; and  
229 b. The equipment necessary for each SRO in accordance with the established policies of  
230 the Law Enforcement Agency; and  
231 c. The automobile provided for each SRO; pro-rated over 5 years; and  
232 d. Insurance costs related to each SRO and automobile; and  
233 e. Any other costs as determined by the parties to this Amended Agreement by majority  
234 vote of the board.

235 10. District Contribution. The District agrees to provide lockable office space, a telephone,  
236 necessary office equipment such as a desk and chairs, and other equipment as agreed upon by  
237 the District and the Law Enforcement Agency.

238 11. Grants and other Funds. The Parties to this Amended Agreement agree to cooperate to  
239 secure grants and other funding sources to help offset the costs of this program. The Parties  
240 shall make reasonable efforts to pursue such funding and cooperate in making funding  
241 applications and/or requests. All monies received from such funding shall be used in

242 accordance with the terms of the funding requirements and applied to the cost of funding this  
243 program pursuant to Paragraph 9 of this Amended Agreement.

244 12. No Separate Entity Created. This is an Agreement for joint and cooperative action. No  
245 separate entity is created.

246 13. Administration of Amended Agreement. This Amended Agreement shall be administered  
247 by a board comprised of one representative from each of the parties appointed by resolution of  
248 the governing body of each of the Parties. Unless otherwise authorized by this Amended  
249 Agreement, the board shall have advisory power only.

250 14. Personnel. The SROs provided under this Amended Agreement shall at all times be  
251 employees of, and under the control of, the Law Enforcement Agency and subject to the policies  
252 and procedures established by the Law Enforcement Agency.

253 15. Term. The term of this Amended Agreement shall be ten (10) years from the effective  
254 date.

255 16. Effective Date. This Amended Agreement becomes effective upon the date of adoption of  
256 a resolution approving this Amended Agreement by the governing body of the District. The  
257 Amended Agreement shall be filed with the keeper of the records of each of the Parties.

258 17. Residency. An SRO assigned to a school may do so notwithstanding any residency  
259 requirement of any party to the Amended Agreement.

260 18. Withdrawal or Termination by Participant. A Party to this Amended Agreement may  
261 withdraw from participation by giving written notice of withdrawal to all Parties, served by  
262 certified mail, no later than six (6) months prior to the ensuing fiscal year, i.e., the fiscal year that  
263 has not been budgeted and/or approved. For the purposes of this Amended Agreement the  
264 fiscal year shall be July 1st to June 30th. The notice of withdrawal shall be a resolution of the

265 Party's legislative body, signed by its executive and shall be addressed to each Party's  
266 municipal or county executive, and the Superintendent of the District.

267 19. Property. Any property acquired to equip the SROs under this Amended Agreement shall  
268 become the property of the SRO's Law Enforcement Agency. Any office space and office  
269 equipment provided by any party shall remain the property of that party. Any property acquired  
270 with grant money acquired to fund the SROs shall become the property of the Law Enforcement  
271 Agency acquiring such grant money unless otherwise agreed to in writing by all the Parties to  
272 this Amended Agreement.

273 20. Powers, Immunities, and Privileges of SROs. While performing duties under this Amended  
274 Agreement, whether inside or outside the SRO's own jurisdiction, and pursuant to UCA 11-13-  
275 202 and 11-13-203.5, each SRO assigned under this Amended Agreement shall possess:

- 276 a. All law enforcement powers that the SRO possesses within the SRO's own jurisdiction,  
277 including the power to arrest; and
- 278 b. The same immunities and privileges as if the duties were performed within the SRO's  
279 own jurisdiction.

280 21. Indemnification. Each of the Parties agrees to hold the others harmless and to indemnify  
281 the others for the acts of its employees, SROs, and agents.

282 22. Governing Law; Modification of Amended Agreement. All questions with respect to the  
283 construction of this Amended Agreement and the rights and liabilities of the Parties hereto shall  
284 be governed by the laws of the State of Utah. This Amended Agreement may not be amended,  
285 changed, modified or altered except by an instrument in writing, approved and executed by the  
286 governing bodies of each of the Parties hereto.

287 IN WITNESS WHEREOF, the Parties have signed this Amended Agreement on the dates listed



288 below.

289  
290 **CITY OF ST. GEORGE**

291  
292  
293 \_\_\_\_\_

294 Mayor

295  
296 ATTEST:  
297  
298  
299 \_\_\_\_\_

300  
301 City Recorder

302  
303  
304

305 **IVINS CITY**

306  
307  
308 \_\_\_\_\_

309 Mayor

310  
311 ATTEST:  
312  
313  
314 \_\_\_\_\_

315  
316 City Recorder

317  
318

**SANTA CLARA CITY**

\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_

City Recorder

\_\_\_\_\_  
Date:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**WASHINGTON CITY**

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Date:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**WASHINGTON COUNTY**

\_\_\_\_\_  
County Commission Chair

ATTEST:

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

\_\_\_\_\_  
Date:

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney

**WASHINGTON COUNTY SCHOOL DISTRICT**

\_\_\_\_\_  
Board Chair

ATTEST:

\_\_\_\_\_

\_\_\_\_\_  
Date:

APPROVED AS TO FORM:

\_\_\_\_\_

Clerk

Attorney



# HILDALE CITY

Established 1963

P.O. BOX 840490 320 E. NEWEL AVE. HILDALE, UTAH 84784 PHONE: 435-874-2323 FAX: 435-874-2603

**To:** Hildale City Council and Mayor  
**From:** Mariah La Corti  
**Date:** September 26, 2018  
**Subject:** Use of Public Building

The building at 325 East Newel Avenue is available for the city's use. A few options on how to best utilize this space have been proposed. The Council is being asked to make this decision.

IDEA	PROS	CONS
Community Center for Outreach Department	<p>After school programs for the youth including music and art.</p> <p>Provides a central hub for sports programs, volunteer meetings and event coordination.</p> <p>Could also be used to provide adult education through the Outreach Department.</p>	<p>City may have to pay for the utility and maintenance costs for the location affecting the Departments "budget neutral" status. Estimated at approximately \$250.00 a month.</p>
Adult Education Center	<p>Increase the availability for much needed adult education by providing a resource center.</p> <p>City could charge a lease to the colleges/programs.</p>	<p>City employee(s) would be required to use a lot of time coordinating with colleges and programs and the public to get this going.</p>
Utility Office	<p>Public confusion about whether they are calling/going to the utility office or city hall would decrease.</p>	<p>May take additional staffing to make sure that city needs and utility needs are met in separate locations.</p>
Give back to UEP	<p>No costs to the city</p>	<p>City would have no control over how the building is used.</p>
Home base for Super Heroes	<p>Vandalism and crime may decrease dramatically</p>	<p>Batman vs. Superman            Ironman vs. the Hulk            Captain America: Civil War            Avengers: Age of Ultron</p> <p>So pretty much destruction of the city.            Need I say more?</p>



# HILDALE CITY

Established 1963

P.O. BOX 840490 320 E. NEWEL AVE. HILDALE, UTAH 84784 PHONE: 435-874-2323 FAX: 435-874-2603

**To:** Hildale City Council

**From:** Mariah La Corti

**Date:** September 26, 2018

**Subject:** Insurance Proposal

**Attachments:** (1) Signed Law Enforcement Application  
(2) Signed Public Officials Application  
(3) Signed Binder of Insurance  
(4) Invoice

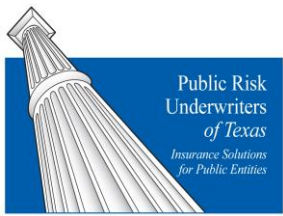
Insurance coverage has been a huge concern for quite some time. However, the belief that the city is “uninsurable” is not correct. Our agent, Mr. Child, provided us with two proposals for insurance, one for offering coverage for law enforcement liability and one for public officials management liability. Both proposals offered a \$1,000,000 per occurrence limit with a \$3,000,000 policy aggregate and \$5,000 deductible. After reviewing the provided proposals, Mayor Jessop signed the insurance binder, getting coverage issued and in force. Please see attached.

You the council are being asked to review this decision. You will need to decide if the risk of not having insurance outweighs the cost of having it.

By ratifying you will be accepting this coverage and it will remain in force as is.

If you choose to deny ratification, we will cancel the action that was taken.

If the council has any concerns with the coverage provide, you may table this item with instruction directing staff to have Mr. Child come back with another proposal containing specified changes.



# LAW ENFORCEMENT LIABILITY APPLICATION

This application will be attached to and become a part of the policy.

## I. GENERAL INFORMATION

1. Name of entity to be insured: \_\_\_\_\_
2. Physical address: \_\_\_\_\_
3. Mailing address (if different): \_\_\_\_\_
4. City: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
5. Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_ Phone: ( ) --
6. E-mail Address: \_\_\_\_\_ Web Page Address: http:\\www. \_\_\_\_\_
7. Do you have a risk manager?  Full time  Part time  No; If part-time, how many hours per week?
8. If yes, please provide name: \_\_\_\_\_ Phone: ( ) --
9. You operate as a: (please check all applicable operations).
 

<input type="checkbox"/> City/Municipality	<input type="checkbox"/> University/School Police	<input type="checkbox"/> Fish & Game	<input type="checkbox"/> Native American / Tribal
<input type="checkbox"/> Township	<input type="checkbox"/> Housing Authority	<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Hospital Police
<input type="checkbox"/> County	<input type="checkbox"/> Transit Authority	<input type="checkbox"/> River, Lake, or Dam Police	<input type="checkbox"/> Environmental Police
10. If other, please explain: \_\_\_\_\_
11. When was your entity organized or incorporated? \_\_\_\_\_
12. What is the current annual operating budget for the law enforcement agency? \_\_\_\_\_
13. Population (If district or authority, show service population): Current? \_\_\_\_\_ Last Census? \_\_\_\_\_
14. Do you have a seasonal population increase of more than 25% during the year?  Yes  No
15. What is the largest city within 25 miles? \_\_\_\_\_
16. Total number of employees: Full-time? \_\_\_\_\_ Part-time? \_\_\_\_\_ Volunteers? \_\_\_\_\_
17. Are you a party to any Mutual Aid Agreements?  Yes  No; If yes, with whom? \_\_\_\_\_
18. Do you provide contracted services for any other entities?  Yes  No; If yes, with whom? \_\_\_\_\_

**Attachment: Please provide a copy of all contracts and agreements entered into with other entities.**

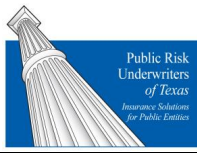
## II. INSURANCE INFORMATION

1. Please complete the following chart based on coverage currently in force. Please indicate where coverage is not in force.
 

	Policy Type	Policy Number	Company Name	Expiration	Limits	Deductible	Premium
a.	Police Liability						
b.	Public Officials						
c.	General Liability						
d.	GL/LE/PO Package						
2. What type of Law Enforcement Liability coverage do you currently have?  Occurrence  Claims-Made
3. If your current coverage is on a claims-made basis, what is the retroactive date? \_\_\_\_\_
4. Does your General Liability policy include coverage for your detention facilities?  Yes  No
5. Has your Law Enforcement Liability coverage ever been denied, canceled or non-renewed?  Yes  No  
If so, please explain: \_\_\_\_\_
6. Please tell us what terms you are interested in this year.
 

	Limits of Liability	Deductible	Effective Date	Bid Date
Option 1				
Option 2				

**NOTE: PRU-TX also provides Public Officials Liability Coverage. Please ask your agent for more information and a PRU-TX application.**



**LAW ENFORCEMENT LEGAL LIABILITY APPLICATION**

**III. HIRING AND TRAINING**

<p>1. What are the minimum educational requirements for applicants?                  High School Diploma or equivalent? <input type="checkbox"/> Yes <input type="checkbox"/> No                  30 or more hours of college? <input type="checkbox"/> Yes <input type="checkbox"/> No                  60 or more hours of college? <input type="checkbox"/> Yes <input type="checkbox"/> No                  Bachelor's degree? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2. Which of the following are included in your selection process prior to employment?                  Written Exam? <input type="checkbox"/> Yes <input type="checkbox"/> No                  Psychological Exam? <input type="checkbox"/> Yes <input type="checkbox"/> No                  Professional psychological evaluation? <input type="checkbox"/> Yes <input type="checkbox"/> No                  Background and employment investigation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>3. Do all law enforcement officers meet your state's minimum standards for training and receive certification prior to assignment to regular street duty? <input type="checkbox"/> Yes <input type="checkbox"/> No  <i>If yes, how many hours of training?</i> _____</p> <p>4. If answer to #3 is "No", please explain.</p> <p>5. Do you follow written policies regarding in-service training or continuing education for all officers? <input type="checkbox"/> Yes <input type="checkbox"/> No  <i>If yes, how many hours per year?</i> _____</p> <p>6. Is all employee training, both past and present, documented and kept on file? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>7. Does your agency have a Field Training Program for new employees? <input type="checkbox"/> Yes <input type="checkbox"/> No  <i>If yes, how many weeks?</i> _____</p> <p>8. Are officers required to complete training in the use of:                  Baton / PR-24 / ASP? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Authorized                  Chemical irritants? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Authorized                  Stun gun or Taser? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Authorized                  Carotid control hold? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Authorized</p> <p>9. How often are officers certified for the following?                  Department issued handgun. <input type="checkbox"/> annual <input type="checkbox"/> bi-annual <input type="checkbox"/> other                  Personal (off-duty) handgun. <input type="checkbox"/> annual <input type="checkbox"/> bi-annual <input type="checkbox"/> other                  Shotgun. <input type="checkbox"/> annual <input type="checkbox"/> bi-annual <input type="checkbox"/> other                  Other, please describe below. <input type="checkbox"/> annual <input type="checkbox"/> bi-annual <input type="checkbox"/> other</p> <p>10. Are all officers required to complete a defensive driving program? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>11. Do all officers receive training in simulated or actual high speed pursuit? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>12. Do all officers receive training in:                  First Aid? <input type="checkbox"/> Yes <input type="checkbox"/> No                  CPR? <input type="checkbox"/> Yes <input type="checkbox"/> No                  Use of defibrillators? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>13. What training is required of reserve and auxiliary officers?  <input type="checkbox"/> Same as full-time officers?  <input type="checkbox"/> Less than full-time officers? If less, explain below</p>
---	--

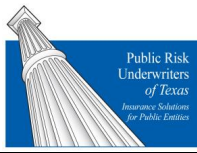
**IV. POLICIES AND PROCEDURES**

<p>1. Do you maintain a formal Policies and Procedures Manual? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2. Do all employees maintain their own copy? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>3. Is every employee held accountable for knowing the contents of the manual? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>4. When was your manual originally assembled? / /</p> <p>5. When was your manual last updated? / /</p> <p>6. Is your manual regularly reviewed by competent legal counsel? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7. By whom?</p>	<p>8. Do you have formal written policies and procedures pertaining to the following subjects: <u>Last Updated</u></p> <p>Use of deadly force. <input type="checkbox"/> Yes <input type="checkbox"/> No _____</p> <p>Use of non-deadly force. <input type="checkbox"/> Yes <input type="checkbox"/> No _____</p> <p>Vehicle high-speed pursuit? <input type="checkbox"/> Yes <input type="checkbox"/> No _____</p> <p>Domestic Violence? <input type="checkbox"/> Yes <input type="checkbox"/> No _____</p> <p>Search and seizure? <input type="checkbox"/> Yes <input type="checkbox"/> No _____</p> <p>Intoxicated arrestees? <input type="checkbox"/> Yes <input type="checkbox"/> No _____</p> <p>Communicable diseases? <input type="checkbox"/> Yes <input type="checkbox"/> No _____</p> <p>Employee moonlighting? <input type="checkbox"/> Yes <input type="checkbox"/> No _____</p>
--	--

**Attachment: Please attach a copy of your current Law Enforcement Policies and Procedures Manual**

**V. RELATED OPERATIONS**

<p>1. Do you handle your own dispatching? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2. Do you dispatch for any other entities? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>3. Do your Law Enforcement dispatchers also dispatch for emergency medical and fire fighting services? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>4. Are all incoming calls recorded? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>5. How long are the tapes maintained?</p> <p>6. How many hours of training do dispatchers receive?</p> <p>7. Do you participate in any internship or ride-along programs? If so, please attach explanation. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>8. Do you own, operate or maintain any fixed or rotary wing aircraft? <input type="checkbox"/> Yes <input type="checkbox"/> No                  Watercraft? <input type="checkbox"/> Yes <input type="checkbox"/> No                  Please explain: _____</p> <p>9. Do you authorize off-duty employment? <input type="checkbox"/> Yes <input type="checkbox"/> No                  If so, who authorizes?                  Is there any moonlighting in bars or taverns? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>10. Do you want coverage for moonlighting? <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>If so, please attach a list of all authorized employers.</b></p>
--	---



**LAW ENFORCEMENT LEGAL LIABILITY APPLICATION**

**VI. DETENTION FACILITY**

If you do **NOT** have a detention facility of any kind, please check this box and skip to the next section.  **No Detention Facility**

<p>1. Which of the following best describes your facility?</p> <p><input type="checkbox"/> Temporary holding facility (under 8 hours – no overnight)</p> <p><input type="checkbox"/> Temporary holding cell (from 8 to 24 hours)</p> <p><input type="checkbox"/> Jail - for persons serving time, awaiting trial or transfer.</p> <p>2. When was your facility built?</p> <p>3. When was your facility last renovated?</p> <p>4. What is the state certified capacity?</p> <p>5. What is the average daily inmate population?</p> <p>6. Does your facility house...</p> <p>Adult prisoners only? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Males and females? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Violent and non-violent prisoners? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7. Do you maintain consistent separation between...</p> <p>Adults and juveniles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Males and females? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Violent and non-violent inmates? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>8. Is your facility equipped with surveillance systems to monitor activity in the following areas? If so, please check.</p> <p>Individual detention cells? <input type="checkbox"/> Audio <input type="checkbox"/> Video</p> <p>Secured common areas? <input type="checkbox"/> Audio <input type="checkbox"/> Video</p> <p>Booking area? <input type="checkbox"/> Audio <input type="checkbox"/> Video</p> <p>Sally port? <input type="checkbox"/> Audio <input type="checkbox"/> Video</p> <p>9. When was your facility last inspected by the following:</p> <p>State Corrections Officials? date:     /     /</p> <p>Fire Inspectors?                     date:     /     /</p> <p>Department of Health?             date:     /     /</p> <p>10. Do you have standard fire protection systems including smoke detectors and fire alarms? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>11. How many hours of training are required prior to employment as a guard or jailer?</p> <p>12. Do dispatchers serve as jailers? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, do they receive the same training? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>13. Do you employ or contract with any of the following:</p> <p>Doctor(s)? <input type="checkbox"/> Employ <input type="checkbox"/> Contract   How many? _____</p> <p>Nurse(s)? <input type="checkbox"/> Employ <input type="checkbox"/> Contract   How many? _____</p> <p>Dentist? <input type="checkbox"/> Employ <input type="checkbox"/> Contract   How many? _____</p> <p>Psychologist? <input type="checkbox"/> Employ <input type="checkbox"/> Contract   How many? _____</p> <p>14. Do each of the above maintain their own professional errors and omissions liability coverage? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>15. Has anyone ever successfully committed suicide in your facility? If yes, please attach explanation. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>16. How many attempted suicides have there been in your facility in the last three years?</p> <p>17. Do you have formal written policies and procedures for</p> <p>Intake screening and classification? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Medical screening? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Suicide detection and prevention? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Periodic walk-through of the facility? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Administration and control of medication? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Use of force? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Emergency evacuation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Communicable diseases? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>18. When was your manual last updated?     /     /</p> <p>19. Is your manual reviewed by legal counsel? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>20. Has your facility ever been subject to a court order or Consent Decree? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
--	---

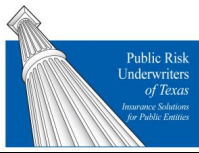
**Attachment: Please provide 1.) a copy of your current Detention Facility Policies and Procedure Manual governing those areas specified above, and 2.) a copy of your latest state inspection report, if applicable.**

**VII. POSITIONS TO BE INSURED (This section must be completed)**

Please complete the following by accounting for each employee only once in their primary classification.

Position	No.	Position	No.	Position	No.
Chief / Sheriff		<i>Armed part-time</i> , auxiliary, or reserve officers.		<i>Unarmed</i> part-time, auxiliary, or reserve officers.	
Deputy Chief / Chief Deputy					
Other ranking officers (Captains, Lieutenants, Sergeants)		<i>What is the average number of hours per officer / per week?</i>		<i>What is the average number of hours per officer / per week?</i>	
<b>Full-time armed</b> officers with arrest authority (non-ranking)		<b>Armed</b> probation officers, both adult and juvenile.		<b>Unarmed</b> probation officers, both adult and juvenile.	
Jail wardens and assistant wardens		Jailers – Full-time and Part-time		School crossing guards.	
District Attorney Investigators		Canines ( <b>provide certification</b> of training for both dog and handler).		Dispatchers/Communications.	
D.A. or Prosecuting attorneys		Civil Process Officers		Animal Control Officers	
Other (describe):		Court Security officers.		Building inspectors	





**LAW ENFORCEMENT LEGAL LIABILITY APPLICATION**

**VIII. LOSS HISTORY**

1. Has any claim been made or suit filed against the entity or any person in their capacity as an official or employee of the entity in the last four years? If yes, please attach a narrative summary with details and status.  Yes  No
2. Does any official or employee have any knowledge of any fact, circumstance or situation which might reasonably be expected to give rise to a claim? If yes, please attach a narrative summary with details.  Yes  No
3. With respect to your Law Enforcement Liability coverage, please complete the following table using the total dollars expended for both the settlements of claims and the expenses associated with defending those claims. "Reserves" refers to the estimated future expenses to resolve or dispose of the claims and includes both settlement and defense expenses.

Year	Premium	Number of Claims	Total Loss Paid Including Deductible	Total Expenses Paid Including Deductible	Total Amount Reserved	Total Incurred Losses + Expenses

**Attachment:** Please provide a currently valued copy of your Law Enforcement Liability Loss Runs for the past four years.  
**NOTE:** Your current and previous carriers are obligated and required to forward currently valued runs at your request.  
**Please consult with your agent.**

**IX. WARRANTY AND ATTESTATION**

**Arkansas:** Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

**Colorado:** It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claiming with regard to a settlement or award payable for insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

**District of Columbia:** **WARNING:** It is a crime to provide false or misleading information to an insurer for the purpose of defrauding the insurer or any other person. Penalties include imprisonment and/or fines. In addition, an insurer may deny insurance benefits if false information materially related to a claim was provided by the applicant.

**Florida:** Any person who knowingly and with intent to injure, defraud, or deceive any insurance company files a statement of claim containing any false, incomplete, or misleading information is guilty of a felony of the third degree.

**Hawaii:** For your protection, Hawaii law requires you to be informed that presenting a fraudulent claim for payment of a loss or benefit is a crime punishable by fines or imprisonment, or both.

**Kentucky:** Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance containing any materially false information or conceals, for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime.

**Louisiana:** Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

**Maine:** It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties may include imprisonment, fines, or denial of insurance benefits.

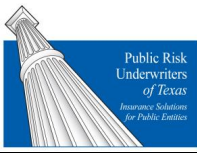
**New Jersey:** Any person who includes any false or misleading information on an application for an insurance policy is subject to criminal and civil penalties.

**New Mexico:** Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to civil fines and criminal penalties.

**New York:** All commercial insurance forms, except as provided for automobile insurance: Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime, and shall also be subject to a civil penalty not to exceed five thousand dollars and the stated value of the claim for each such violation.

**Ohio:** Any person who, with intent to defraud or knowing that he is facilitating a fraud against an insurer, submits an application or files a claim containing a false or deceptive statement is guilty of insurance fraud.

**Oklahoma:** **WARNING:** Any person who knowingly, and with intent to injure, defraud or deceive any insurer, makes any claim for the proceeds of an insurance policy containing any false, incomplete or misleading information is guilty of a felony.



LAW ENFORCEMENT LEGAL LIABILITY APPLICATION

Pennsylvania: Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

Rhode Island: Property Insurance, Real Or Personal: The insurance application form shall indicate the existence of a criminal penalty for failure to disclose a conviction of arson.

Tennessee: It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines and denial of insurance benefits.

Virginia: It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines and denial of insurance benefits.

West Virginia: Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

NOTICE TO ALL OTHER STATE APPLICANTS: Any person who knowingly includes any false or misleading information on an application for an insurance policy is subject to criminal and civil penalties.

The undersigned being authorized by, and acting on behalf of, the applicant and all persons or concerns seeking insurance, has read and understands this Application, and declares that all statements set forth herein are true, complete and accurate. The undersigned further declares and represents that any occurrence or event taking place prior to the inception of the policy applied for, which may render inaccurate, untrue or incomplete any statement made herein will immediately be reported in writing to the insurer. The undersigned acknowledges and agrees that the applicant's submission and Insurer's receipt of such written report, prior to the inception of the policy applied for, is a condition precedent to coverage.

The signing of this Application does not bind the undersigned to purchase the insurance, nor does review of the Application bind the insurance company to issue a policy. The applicant does hereby agree that this policy, if issued, is issued in reliance upon the truth of this application, including all requested attachments, which will be incorporated into and made a part of this policy.



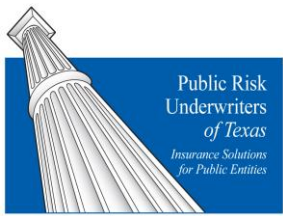
Applicant's Authorized Signature

Title

Date

X. INSURANCE AGENCY INFORMATION (to be completed by your agent)

- 1. Producer's Name:
2. Agency:
3. Mailing Address:
4. City: State: Zip:
5. Phone Number: Fax Number:
6. Are you the incumbent agent? Yes No
7. Are you a licensed Surplus Lines Agent? Yes No License Number:
8. State Tax ID Number:



## PUBLIC OFFICIALS AND EMPLOYMENT LIABILITY APPLICATION

**This application will be attached to and become a part of the policy.**

### I. GENERAL INFORMATION

1. Name of entity to be insured: \_\_\_\_\_
2. Physical address: \_\_\_\_\_
3. Mailing address (if different): \_\_\_\_\_
4. City: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
5. Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_ Phone: ( ) --
6. Do you have a risk manager?  Full time  Part time  No; If part time, how many hours per week? \_\_\_\_\_
7. If so, please provide name: \_\_\_\_\_ Phone: ( ) --
8. You operate as a:  Municipality  Town/Township  County  District  Authority  Commission  Other
9. If "other", please explain: \_\_\_\_\_
10. When was your entity organized or incorporated? \_\_\_\_\_
11. Population (If district or authority, show service population): Current? \_\_\_\_\_ Last Census? \_\_\_\_\_
12. Do you have a seasonal change in population of more than 25% during the year?  Yes  No
13. What is the largest city within 25 miles? \_\_\_\_\_
14. Total number of employees: Full-time? \_\_\_\_\_ Part-time? \_\_\_\_\_ Seasonal? \_\_\_\_\_ Volunteers? \_\_\_\_\_
15. Total number of board members: Elected? \_\_\_\_\_ Appointed? \_\_\_\_\_ If appointed, by whom? \_\_\_\_\_
16. How many employees hold professional designations? Attorney(s), Accountant(s), Engineer(s), Architect(s)
17. Who acts as general counsel? Name: \_\_\_\_\_ Employer: \_\_\_\_\_
18. Do you have your own Law Enforcement department?  Yes  No
19. If not, do you have a contract for these services?  Yes  No
20. Total number of Law Enforcement employees: Full-time? \_\_\_\_\_ Part-time? \_\_\_\_\_ Volunteers? \_\_\_\_\_

**NOTE: Pru-Tx also provides Law Enforcement Liability Coverage. Please ask your agent for more information and a Pru-Tx application.**

### II. INSURANCE INFORMATION

1. Please complete the following chart based on coverage currently in force. Please indicate where coverage is not in force.

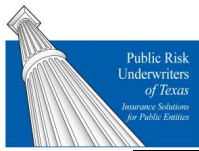
	Policy Type	Policy Number	Company Name	Expiration	Limits	Deductible	Premium
a.	Public Officials						
b.	Employment Practices						
c.	Police Liability						
d.	General Liability						
e.	Pkg. incl. GL/LE/PO						

2. Does your current Public Officials Liability coverage have a Retroactive Date? If so, what is it?  Yes  No
3. Does your current policy provide coverage for employment related practices?  Yes  No
4. Has your Public Officials Liability coverage ever been denied, canceled or non-renewed?  Yes  No

If so, please explain: \_\_\_\_\_

5. Please tell us what terms you are interested in this year.

	Limits of Liability	Deductible	Effective Date	Bid Date
<b>Option 1</b>				



**PUBLIC OFFICIALS AND EMPLOYMENT PRACTICES APPLICATION**

<b>Option 2</b>			
-----------------	--	--	--

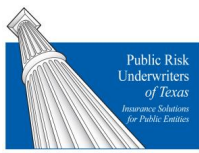
**III. UTILITIES / AUTHORITIES**

Which of the following operations do you own, operate, or administer?

	Operation	Yes	No	Annual Budget	No. of employees		Number of Users		
					Full-time	Part-time	Residential	Commercial	Industrial
1.	<b>Water Utility</b>								
2.	<b>Sewer Utility</b>								
3.	<b>Gas Utility</b>								
	Do you produce Gas?			Do you own or operate any gas wellheads or pipelines?				<input type="checkbox"/> Yes	<input type="checkbox"/> No
4.	<b>Electric Utility</b>								
	Do you generate power?			If yes, what is your source?					
5.	<b>Airport Authority</b>								
	Do you operate the airport?			Average number of commercial flights per week?					
				Average number of private flights per week?					
	Do you lease to a third party?			If leased, to whom?					
	Aviation Liability Coverage: Carrier:			Limits:					
	Are expansions or changes of operations or runways expected? <input type="checkbox"/> Yes <input type="checkbox"/> No			If Yes, please explain:					
6.	<b>Housing Authority</b>								
	Number of conventional units?			How many Section 8 and 23 units?					
7.	<b>Transit Authority</b>								
	Type of vehicles? <input type="checkbox"/> Trains <input type="checkbox"/> Buses <input type="checkbox"/> Other, describe:								
8.	<b>Port Authority</b>								
	Please check: <input type="checkbox"/> River <input type="checkbox"/> Ocean <input type="checkbox"/> Lake <input type="checkbox"/> Railroad <input type="checkbox"/> Other:								
9.	<b>Schools</b>								
10.	<b>Medical/Health Care Facility</b>			Please describe:					
11.	<b>Nuclear Facility</b>								
12.	<b>*Other</b>			*List any other subsidiary boards, commissions, or authorities.					

**LAND USE AND PLANNING**

1.	Do you have a zoning commission?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2.	Does your legal counsel attend all meetings of the planning and zoning board?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.	Do officials receive training with respect to "open meetings" and hearing regulations?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4.	Do you have a written master plan for economic development? If so, since when?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5.	Do you have formally approved land use ordinances that have been reviewed by legal counsel?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6.	Do you have a formal procedure to file for a variance to land use statutes?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7.	How many variances have been requested in the last 12 months?	How many have been granted?	
8.	Do you have a formal process for application and approval of permits and licenses?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9.	Do you have a formal written policy prohibiting officers and/or board members from sitting on decisions in which they may have a conflict of interest?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10.	Have you had any disputes or claims involving a wrongful "taking", zoning variance or land use right?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11.	Have you had any disputes or claims involving the approval of building permits, design, or code enforcement?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
12.	Have you had any disputes, claims or complaints involving open or closed landfills in the last 5 years?	<input type="checkbox"/> Yes	<input type="checkbox"/> No



**PUBLIC OFFICIALS AND EMPLOYMENT PRACTICES APPLICATION**

**V. EMPLOYMENT PRACTICES AND PROCEDURES**

1. Do you have a human resources coordinator?  Full time  Part time  No
2. If not, who is ultimately responsible for employment matters?
3. Do you have a written employment manual including all personnel policies and procedures?  Yes  No
4. Do these supervisors receive training in the proper implementation of your policies and procedures?  Yes  No
5. When was this manual last updated? Date?                      /                      /
6. Is this manual reviewed by counsel experienced and qualified in employment law?  Yes  No
7. Is this manual distributed to all employees upon hiring?  Yes  No
8. If not, please explain why.
9. Do you have a written policy with respect to both sexual and non-sexual harassment?  Yes  No
10. Do you follow a formal written procedure for employee disputes/complaints?  Yes  No
11. Are all actions to dismiss or demote employees reviewed in advance by legal counsel?  Yes  No
12. Do you require that due process be served and documented for all proceedings involving dismissal demotion or suspension?  Yes  No
13. Are all probationary or disciplinary actions recorded in writing and signed by the employee?  Yes  No
14. Are you an Equal Opportunity Employer?  Yes  No
15. Has there been a layoff of employees or reductions in service in the last three years?  Yes  No
16. Have you had a strike, slowdown, or other employee disruption in the last three years?  Yes  No
17. Has any person, former employee or job applicant filed a complaint or claim alleging unfair or improper treatment regarding employee hiring, remuneration, advancement, or termination of employment?  Yes  No
18. Have you had any disputes involving integration, segregation, discrimination or violation of civil rights?  Yes  No
19. Have any complaints been filed with the EEOC within the last three years?  Yes  No
20. Have all disputes, complaints, and claims been reported to your current or prior Public Officials carriers?  Yes  No

**Attachment: Please provide a copy of your current employment manual including policies and procedures pertaining to sexual harassment, discrimination, and employee grievances.**

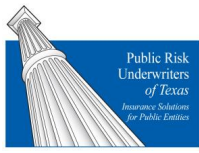
**VI. FINANCIAL / BOND INFORMATION**

1. Please complete the following chart using budget figures for the past three years

Year	Revenues	Expenditures	Surplus(+)/Deficit(-)	Accumulated (+)/(-)

2. What is the amount of your outstanding bonds?
3. What is your latest bond rating? (Moody's or Standard Poor's)  No current Rating
4. What was your previous bond rating?
5. Has any bond issue been defeated within the past three years?  
If yes, has the proposal been resubmitted, or is it expected to be resubmitted?
6. Has your public entity been in default on the principal or interest on any bond?
7. If yes to any of these questions, please give details:

**Attachment: Please attach your most recent audited financial statement. If your entity does not have a formal audit on a regular basis, please provide your most current annual budget.**



**VII. LOSS HISTORY**

1. Has any claim been made against the entity, or any person in their capacity as an official or employee of the entity, in the last five years? If yes, please attach a narrative summary with details and status.  Yes  No

---

2. Does any official or employee have any knowledge of any fact, circumstance or situation which might reasonably be expected to give rise to a claim? If yes, please attach a narrative summary with details.  Yes  No

---

3. With respect to your Public Officials and Employment Practices Liability coverage, please complete the following table using the total dollars expended for both the settlements of claims and the expenses associated with defending those claims. "Reserves" refers to the estimated future expenses to resolve or dispose of the claims and includes both settlement and defense expenses.

Year	Carrier	Premium	Number of Claims	Total Loss Paid and Reserved	Total Expenses Paid and Reserved	Total Incurred Losses + Expenses Incl Deductible

**Attachment:** Please provide a currently valued copy of your Public Officials and Employment Practices Loss Runs for the past five years. **NOTE:** Your current and previous carriers are obligated and required to forward currently valued runs at your request. Please consult with your agent.

**VIII. WARRANTY AND ATTESTATION**

**Arkansas:** Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

**Colorado:** It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claiming with regard to a settlement or award payable for insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

**District of Columbia: WARNING:** It is a crime to provide false or misleading information to an insurer for the purpose of defrauding the insurer or any other person. Penalties include imprisonment and/or fines. In addition, an insurer may deny insurance benefits if false information materially related to a claim was provided by the applicant.

**Florida:** Any person who knowingly and with intent to injure, defraud, or deceive any insurance company files a statement of claim containing any false, incomplete, or misleading information is guilty of a felony of the third degree.

**Hawaii:** For your protection, Hawaii law requires you to be informed that presenting a fraudulent claim for payment of a loss or benefit is a crime punishable by fines or imprisonment, or both.

**Kentucky:** Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance containing any materially false information or conceals, for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime.

**Louisiana:** Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

**Maine:** It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties may include imprisonment, fines, or denial of insurance benefits.

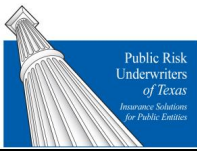
**New Jersey:** Any person who includes any false or misleading information on an application for an insurance policy is subject to criminal and civil penalties.

**New Mexico:** Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to civil fines and criminal penalties.

**New York:** All commercial insurance forms, except as provided for automobile insurance: Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime, and shall also be subject to a civil penalty not to exceed five thousand dollars and the stated value of the claim for each such violation.

**Ohio:** Any person who, with intent to defraud or knowing that he is facilitating a fraud against an insurer, submits an application or files a claim containing a false or deceptive statement is guilty of insurance fraud.





PUBLIC OFFICIALS AND EMPLOYMENT PRACTICES APPLICATION

Oklahoma: WARNING: Any person who knowingly, and with intent to injure, defraud or deceive any insurer, makes any claim for the proceeds of an insurance policy containing any false, incomplete or misleading information is guilty of a felony.
Pennsylvania: Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.
Rhode Island: Property Insurance, Real Or Personal: The insurance application form shall indicate the existence of a criminal penalty for failure to disclose a conviction of arson.
Tennessee: It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines and denial of insurance benefits.
Virginia: It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines and denial of insurance benefits.
West Virginia: Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.
NOTICE TO ALL OTHER STATE APPLICANTS: Any person who knowingly includes any false or misleading information on an application for an insurance policy is subject to criminal and civil penalties.

The undersigned being authorized by, and acting on behalf of, the applicant and all persons or concerns seeking insurance, has read and understands this Application, and declares that all statements set forth herein are true, complete and accurate. The undersigned further declares and represents that any occurrence or event taking place prior to the inception of the policy applied for, which may render inaccurate, untrue or incomplete any statement made herein will immediately be reported in writing to the insurer. The undersigned acknowledges and agrees that the applicant's submission and Insurer's receipt of such written report, prior to the inception of the policy applied for, is a condition precedent to coverage.

The signing of this Application does not bind the undersigned to purchase the insurance, nor does review of the Application bind the insurance company to issue a policy. The applicant does hereby agree that this policy, if issued, is issued in reliance upon the truth of this application, including all requested attachments, which will be incorporated into and made a part of this policy.



Applicant's Authorized Signature

Title

Date

IX. INSURANCE AGENCY INFORMATION (to be completed by your agent)


- 1. Producer's Name:
2. Agency:
3. Mailing Address:
4. City: State: Zip:
5. Phone Number: Fax Number:
6. Are you the incumbent agent? Yes No
7. Are you a licensed Surplus Lines Agent? Yes No License Number:
8. State Tax ID Number:



Agency	Insured	Details	
Olympus Insurance Agency 220 East Morris Avenue, Suite 340 Post Office Box 65608 Salt Lake City, Utah 84165-0608 Phone: (801) 486-1373 / (877) 759-9935 Email: contact@olyins.com	Hildale City Donia Jessop Mayor PO Box 840490 Hildale, UT 84784	Date of Issuance	09/19/18
		Policy Effective Date	09/19/18
		Binder Expiration Date	12/18/18
		Policy Expiration Date	09/19/19

Coverage	Carrier	Limits		Deductible	
Public Officials Management Liability	XL Catlin (A XV)	\$	1,000,000	Public Officials Management Liability	\$ 5,000
	9/19/18 - 9/19-19	\$	1,000,000	Employment Practices Liability	\$ 5,000
	Retro Date: 9/19/18	\$	3,000,000	Policy Aggregate Limit	
	Claims Made	\$	50,000	Non-Monetary Coverage - Defense Only	\$ 5,000
		\$	100,000	Non-Monetary Coverage - Defense Only Aggregate	\$ 5,000
		\$	25,000	Crisis Management	\$ 5,000
Law Enforcement Liability	XL Catlin (A XV)	\$	1,000,000	Each Occurrence	\$ 5,000
	9/19/18 - 9/19-19	\$	3,000,000	Aggregate	
	Occurrence				

This company binds the kind(s) of insurance stipulated here. The insurance is subject to the terms, conditions and limitations of the policy(ies) in current use by the company. This binder may be cancelled by the insured by surrender of the binder or by written notice to the company stating when cancellation will be effective. This binder may be cancelled by the company by notice to the insured in accordance with the policy conditions. This binder is cancelled when replaced by a policy. If this binder is not replaced by a policy, the company is entitled to charge a premium for the binder according to the rules and rates in use by the company. The insured hereby grants authority to agent/broker to complete any carrier required subjectivities and acknowledges that the coverages evidenced by this insurance binder and the attached schedules have been reviewed and are accepted.

<p><b>B. Darrell Child</b> Executive Vice President Olympus Insurance Agency</p>	 Authorized Representative
--	---

Name: Donia Jessop

Signature: Donia Jessop

Title: mayor

Date: 9-19-18





Olympus Insurance Agency  
 PO Box 65608  
 Salt Lake City, UT 84165-0608  
 Phone: 801-486-1373

<b>INVOICE NO. 14744</b>		<b>Page 1</b>
<b>ACCOUNT NO.</b>	<b>OP</b>	<b>DATE</b>
<b>HILD050</b>	<b>TC</b>	<b>09/19/2018</b>
<b>PRODUCER</b>		
<b>B. Darrell Child</b>		

**Hildale City**  
**PO Box 840490**  
**Hildale, UT 84784**

<b>Itm #</b>	<b>Due Date</b>	<b>Trn</b>	<b>Type</b>	<b>Description</b>	<b>Amount</b>
128549	10/05/18	MEM	CPKG	XL Public Officials Liability	\$7,219.00
128550	10/05/18	MEM	CPKG	XL Law Enforcement Liability	\$7,345.00
<b>Invoice Balance:</b>					<b>\$14,564.00</b>

All overdue balances are subject to a 1.5% service charge.  
 All returned checks are subject to a return check fee.