BOARD OF DAVIS COUNTY COMMISSIONERS MINUTES

Board of Davis County Commissioners - Work Session Minutes
Tuesday, August 26, 2025

The Board of Davis County Commissioners met for a scheduled meeting at 8:15 AM on August 26, 2025, in room 306 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah. Required legal notice of this meeting was given.

All documents from this meeting are on file in the Davis County Clerk's Office. The agenda for this meeting is incorporated into the minutes as item headers.

Following the approved Davis County policy, artificial intelligence (AI) was utilized in the preliminary creation of these minutes. The final minutes were edited and completed by Davis County Clerk's Office staff.

ROLL CALL

Chair Lorene Kamalu [arrived at 8:30 AM]
Vice Chair John Crofts
Commissioner Bob Stevenson
County Clerk Brian McKenzie
County Controller Scott Parke
County Attorney Troy Rawlings
Chief Deputy Civil Attorney Neal Geddes
Legal Defender Coordinator Todd Utzinger [arrived at 8:20 AM]
Community and Economic Development (CED) Director Kent Andersen
CED Tourism Director Jessica Merrill
CED Grants Administrator Ryan Steinbeigle
Health Department Director Brian Hatch
Human Resources and Risk Director Chris Bone [arrived at 8:40 AM]
Commission Office Carrie Batte
Deputy Clerk Jessy Turner

AGENDA ITEM

1 8:15 - 9:15 AM
#2025-962. A Work Session to Discuss the Transient Room Tax and Expenditure of Revenue Concerning Opioid Money - *recommended by Troy Rawlings, County Attorney*

[Minute 01:32] Attorney Rawlings initiated the discussion by asking about Davis County's current transient room tax rate, unsure if it was already at 4.5% or lower. CED Director Andersen confirmed that the County was currently at 4.25%, but a resolution had been instituted to make the 4.5% rate effective on January 1, 2026. Attorney Rawlings then proposed that the additional quarter percent generated by this increase could be specifically utilized for law enforcement activities that directly result from tourism impact. He emphasized that he, along with the municipal police chiefs and the County Sheriff, would be willing to quantify these impacts to justify allocating the funds to law enforcement budgets, citing examples such as assaults at hotels during events that local police departments respond to. He believed the number of such incidents would be larger than many might expect.

[Minute 02:37] Director Andersen provided clarity by reading the definition of "mitigation," which is an allowed use of the funds. He stated that "mitigation" refers to "an activity to address the direct impacts of tourism, recreation related to tourism or conventions in a county, specifically sanitation and solid waste disposal, emergency medical services, search and rescue services, law enforcement, road repair, and road upgrades." Jessica Merrill characterized this definition as "pretty broad" as long as the use is tied back to tourism or recreation and agreed that using the funds for law enforcement would be allowable.

Jessica estimated that the additional quarter percent would generate approximately $150,000.00 based on the previous year's numbers. Attorney Rawlings further clarified that he did not believe these funds could be directly dispersed to individual municipalities, but would likely go primarily to the Sheriff's Office. Jessica also noted that cities with hotels already receive a separate 1% unrestricted tourism tax.

[Minute 06:06] Regarding reporting, Jessica highlighted that the statute requires "very specific direct impacts back to tourism," such as exact numbers of search and rescues involving out-of-county visitors. She and Controller Parke reiterated the need for a high level of detail and essentially "billing" them as tourism expenditures through a transfer. Jessica suggested that for cleaner reporting, and in case of an audit, the allocation should be very specific. For example, listing the use as funding a "full-time patrol officer up in the mountains" would be a clear, direct, and allowable use. He suggested some amount might also be allocated to his office for the prosecution of cases directly resulting from such tourism-related incidents. However, he acknowledged this would be a "de minimis" amount compared to the Sheriff's needs. Controller Parke said there are many potential ways to utilize the funds and requested that the Commission provide its vision so that others can determine the most compliant use that fits the vision.

[Minute 10:44] The Commissioners then discussed the proposal. Commissioner John Crofts recommended following Attorney Rawlings' suggestion. However, Commissioner Stevenson advised waiting for the budget process, as the funds would not take effect until January 1, 2026. He thought it would be more prudent to observe what the fund generates in 2026 and then begin dispersing funds in 2027, and suggested the Sheriff should recommend the best way to incorporate it into the budget. Commissioner Crofts conceded to pushing the decision to be discussed further during the budget process, where the Sheriff could make a recommendation. He then stated for the record that he "would propose pushing this towards Troy's recommendation."

[Minute 12:44] Director Andersen proposed a $120,000.00 transfer in the next year's budget and mentioned working with Controller Parke and the Sheriff's Office to allocate funds, potentially for the shooting range or prosecutors. Attorney Rawlings reiterated that $150,000.00 was a minimal amount, and it wouldn't be efficient for his office to quantify individual prosecution cases for such a small sum; he feels the primary impact should be on the Sheriff's budget. Controller Parke recommended postponing the decision until the individual budget kickoff meetings to consider broader implications, a suggestion that was ultimately accepted.

[Minute 13:51] The discussion then moved to discussing the usage of the Opioid Settlement monies. Attorney Rawlings strongly recommended that the $7 million in opioid settlement funds be placed into the General Fund and then allocated for "allowable uses under the settlement agreement" to the Sheriff's Office, County Attorney's Office, Public Defenders, Pre-Trial Services, and Davis Behavioral Health (DBH). Attorney Rawlings, Commissioner Stevenson, and Chief Deputy Geddes had a meeting with Attorney General Derek Brown last week, and said the Attorney General was sympathetic to the County's situation. Attorney Rawlings then expressed profound frustration and criticized the 2023 state statute concerning opioid funds, labeling it an "unconstitutional and unlawful interference with Davis County's separate settlement agreements." He argued that the State "strong-armed" Davis County into a settlement, then imposed a statute requiring the County to develop new programs to use the money, rather than funding existing, justifiable programs. He described this as an "egregious power grab" by the State Legislature.

Attorney Rawlings declared that if the State were to sue Davis County for using the money as allowed under the original settlement agreement—which specifies eight allowable uses, all justifiable by existing programs—the County would win the litigation. He highlighted the significant impact of the delay, noting that the $7 million was sitting idle while the County faced a budget situation that might lead to reductions in force (RIFs). Despite his strong feelings, Attorney Rawlings acknowledged that Legal Defender Coordinator Todd Utzinger and his team were developing a plan to create a new "rehabilitation services division" within the County Attorney's Office, with a new division chief, to meet the state statute's requirement for "new" programs. This new division would house specialty courts and formalized diversion programs.

[Minute 18:19] Commissioner Stevenson fully supported Attorney Rawlings, agreeing that the Legislature and State Attorney General's Office had overreached. He also noted that during a recent meeting, Attorney General Derek Brown and his team seemed sympathetic to the County's position. He also feels the monies should be utilized rather than sitting untouched.

[Minute 19:56] Commission Kamalu said when this originally happened, a work group was created to determine potential uses of the funds. Todd said the work group's recommendations on how the money could be used did not adequately consider the interests of the County Attorney's, Sheriff's, or Public Defender's offices. Instead, it primarily benefited Davis Behavioral Health and Pre-Trial services. Since March, Todd, along with Sheriff Sparks, Attorney Rawlings, and Pre-Trail Services Coordinator Johnnie Blackmon, have been developing a new proposal that aims to meet both the settlement agreement and statutory requirements, while avoiding duplication of efforts. The proposals include things like: a $200,000.00 body scanner for the jail to detect concealed items like opioids, preventing black markets and overdose deaths; $25,000.00 for Narcan supplies in the Correctional facility to reverse opioid overdoses; a dedicated deputy for "warm handoffs;" and forensic social workers to meet with clients in jail for quick treatment. Todd confirmed that the new proposals were not "making-up stuff" but represented improvements that would enhance services, even if they wouldn't have been necessary without the state statute. The final proposal is getting close to completion and he anticipates it will be done shortly.

[Minute 26:03] Controller Parke stressed that discussions about the opioid money needed to be part of the broader budget process, given the General Fund's shortage and other public safety requests. He advised against making immediate decisions, instead integrating it into comprehensive budget planning. The County is approximately three years into the 18-year opioid settlement. Attorney Rawlings again expressed frustration in how the funds were tied up because of legislation. This is especially concerning as he has intentionally held off on filling a crucial senior sexual violence (SV) prosecutor position due to budget uncertainties and the potential of a RIF, causing increased caseloads for existing attorneys. Todd also highlighted the potential to partially fund drug and mental health court activities, like prosecutors' and defenders' salaries, as an appropriate use under the settlement agreement, though it would be "sticky" under the statute. Attorney Rawlings estimated that Mental Health Court takes about 20% of his time and salary.

Chief Deputy Geddes stated that he believes Attorney General Derek Brown legally and morally agrees with Davis County's position, but that the Legislature might push his office into a lawsuit. There was a sentiment that the Legislature might realize the current statute wasn't working and could make changes in the next session, partly due to negative publicity about counties not spending opioid money.

[Minute 33:42] All three Commissioners advised Attorney Rawlings to hire the needed attorney position now. Commissioner Stevenson stated his belief that the Commission would not proceed with RIFs. He agreed that the opioid money should be worked into the budget process, expecting a clear plan in about six weeks. Todd said he is willing to have individual meetings with the Commissioners to go over a detailed presentation of the plan for the opioid money. Commissioner Stevenson agreed that it would be important for the Commission to better understand how the funds can and should be used.

Commissioner Crofts expressed concern about the prolonged "log jam" and the Legislature creating "special carve-outs" for the money. He was inclined to proceed with a lawsuit against the State to take the money, believing the County's chances of winning were good due to the unfair management of funds.

[Minute 38:29] Commissioner Kamalu said Davis County has a great Criminal Justice Coordinating Council (CJCC) that is very engaged. She wants to do the right thing for the County and wants to use the funds to address what is needed the most. This will provide the best impact short and long-term. Controller Parke said that previously things were handled very conservatively regarding the usage of the settlement funds. He recommended that, in this budget cycle, compliant alternatives could be explored so the funds can be utilized.

ROLL CALL FOR ITEM 2

Chair Lorene Kamalu
Vice Chair John Crofts
Commissioner Bob Stevenson
County Clerk Brian McKenzie
County Controller Scott Parke
Chief Deputy Civil Attorney Neal Geddes
Civil Attorney Chris Preston
Health Department Director Brian Hatch
Human Resources and Risk Director Chris Bone
CED Director Kent Andersen
CED Grants Administrator Ryan Steinbeigle
Deputy Clerk Jessy Turner

2 9:15 - 9:45 AM
#2025-965. A Closed Session for a Real Estate Strategy Discussion - *recommended by Ryan Steinbeigle, Grants Administrator, Community & Economic Development - Economic Development*

Code Allowing for Closed Session: UCA 52-4-205(d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, or to discuss a proposed development agreement, project proposal, or financing proposal related to the development of land owned by the state or a political subdivision, if public discussion would: (i) disclose the appraisal or estimated value of the property under consideration; or (ii) prevent the public body from completing the transaction on the best possible terms.

VOTING:
Motion to Go into Closed Session: Lorene Kamalu. Second: Bob Stevenson. All Commissioners present voted aye.

The closed session began at 9:00 AM. They returned from the Closed Session at 9:35 AM. No decisions had been made.

MEETING ADJOURNED

The meeting adjourned at 09:35 AM.

Minutes Prepared by:	Minutes Approved on:
Jessy Turner	09/16/2025
Deputy Clerk	
Rebecca L Abbott for	Lorene Miner Kamalu
Brian McKenzie	Lorene Miner Kamalu
Davis County Clerk	Commission Chair