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Salt Lake County Council

Committee of the Whole

~MINUTES~

Tuesday, January 23, 2018

1:30 PM

Committee Members

Present:

Jennifer Wilson
Richard Snelgrove
Jim Bradley
Arlyn Bradshaw¹
Michael Jensen
Steven DeBry
Max Burdick²
Aimee Winder Newton, Chair

Excused:

Sam Granato

Citizen Public Input

No one appeared for Citizen Public Input.



Review of Proposed Hires

Mr. Brad Kendrick, Budget & Policy Analyst, Council Office, reviewed the following proposed hires:

Agency

Position

Salt Lake County Health Department

Vital Records Specialist 10
Community Cleanup Coordinator 15
Environmental Health Scientist 14

Facilities Management Division

Plumbing Supervisor 13

Flood Control Engineering Division

Heavy Equipment Operator 10

Parks & Recreation Division

Child Care Group Leader 10

¹ Participated electronically

² Present through H.B.136; participated electronically for the rest of the meeting.

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	Assistant Golf Professional 14
<i>Public Works Engineering Division</i>	Permit Specialist 12
<i>Sheriff's Office</i>	Jail Deputy I and Deputy II 6 Jail Warehouse/Dock Worker 10 Jail Clerk 10 Cash Accounting Specialist 10 Deputy II Sergeant 23
<i>Library Services Division</i>	Library Manager 16
<i>District Attorney's Office</i>	Legal Investigator 30
<i>Aging & Adult Services Division</i>	Office Specialist 10
<i>Council Office</i>	Tax Administrator 18
<i>Criminal Justice Services Division</i>	Office Specialist 10
<i>Economic Development Division</i>	Grant and Research Coordinator 15
<i>Human Resources Division</i>	Human Resources Specialist 13
<i>Mayor's Office</i>	Associate Deputy Mayor
<i>Office of Transportation, Housing & Economic Development</i>	Executive Administrative Assistant
<i>Clark Planetarium</i>	Public Relations Coordinator 14 Grant & Development Coordinator 13

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Interim Budget Adjustments

Mr. Brad Kendrick, Budget & Policy Analyst, Council Office, reviewed the following interim budget adjustment requests, which have been placed on the Council agenda for formal consideration:

Center for the Arts

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Interim budget adjustment of \$41,500 for heat exchange emergency repair at the Utah Museum of Contemporary Art. Funding will come from under-expend in the Abravanel Hall Lobby renovation project.

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Salt Lake County Justice Court

Interim budget adjustment to transfer \$10,000 from Capital to Operations to update the furniture in the courtroom.

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Salt Lake County Health Department

Interim budget adjustment to re-budget \$75,298 for the 2017 South East Health HVAC Roof Top Unit Replacement Project. Additional work to the project pushed its completion date to 2018.

Council Member Snelgrove, seconded by Council Member Jensen, moved to approve the requests and forward them to the 4:00 p.m. Council meeting for ratification. The motion passed unanimously.

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Legislative Update

Metro Township Modifications (Sen. Karen Mayne)

This is a clean-up bill. It changes metro township chair to metro township mayor. It requires only one County Council member on the Greater Salt Lake Municipal Services District Board. It also clarifies that all revenues can be shared by the GSLMSD, and the GSLMSD can perform administrative functions on behalf of the metro townships.

Ms. Kara Trevino, Legislative Specialist, Council Office, stated one of the key things this bill does is to reduce the number of Council Members on the Greater Salt Lake Municipal Services District (GSLMSD) Board from two to one. Since the board member votes are weighted, there is no need for an odd-numbered board.

Council Member Newton asked if the Council's representative on the board had to be an at-large Council Member.

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Ms. Trevino stated no, but if there are two Council Members, the weighted vote would be split between them.

Council Member Jensen, seconded by Council Member DeBry, moved to support the metro township modifications. The motion passed unanimously.

Waste Management Amendments (Rep. Lee B. Perry)

These amendments are in response to the 2017 H.B. 115, which limited the criteria the Department of Environmental Quality (DEQ) could use for fees that resulted in one per ton fee. The bill would establish additional criteria for DEQ to consider when setting the annual fee schedule. Currently, it does not have to be uniform and equal, or consider class of permit, the public purpose served, the division staff time spent on oversight of the facility, or compliance burdens and risk factors.

Ms. Kara Trevino, Legislative Specialist, Council Office, stated last year, the Council opposed H.B. 115, which shifted how fees were paid to the Department of Environmental Quality (DEQ) to administer the solid waste program to the public landfills. At the end of last year's session, there was a compromise bill to have DEQ hold meetings throughout the state and come up with a fair and equitable fee, but the DEQ came up with a fee structure that shifted fees to the public landfills. A coalition worked all summer to come up with middle ground, but DEQ did not adopt that. The coalition is trying to work with Rep. Perry to get DEQ to consider a fair and equitable fee, not the fee structure it adopted. She recommended the Council reaffirm its position to work with the coalition to get an equitable fee schedule.

Council Member Jensen, seconded by Council Member Burdick, moved to maintain last year's position to oppose the waste management amendments. The motion passed unanimously.

Appropriation Requests

Parley's Trail Funding

Ms. Kara Trevino, Legislative Specialist, Council Office, stated the County is asking the State for \$2 million to finish the final segment of Parley's Trail. The County has funded two-thirds of it at about \$6 million. This final segment is in South Salt Lake by the spaghetti bowl and the homeless shelter area.

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Council Member Burdick asked if the \$2 million request included design, and if \$2 million was enough.

Ms. Erin Litvack, Deputy Mayor of County Services, stated the County has figured out trail designs and appropriate routes, but still needs to have the Army Corp of Engineers and other groups give their approval. This last segment of the trail is the shortest, but the most expensive. The \$2 million estimate is an appropriate amount to ask the State to pay.

Council Member Wilson asked who the partners were on this. She assumed South Salt Lake City was a partner.

Ms. Trevino stated the Utah Transit Authority set aside some money for this, and other municipalities support it. The Council will be updated throughout the process.

Council Member Jensen, seconded by Council Member Burdick, moved to support the appropriation request. The motion passed unanimously.

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iSEE Utah

Ms. Kara Trevino, Legislative Specialist, Council Office, stated the State annually funds iSEE, which is comprised of eight or nine organizations, i.e. the Natural History Museum of Utah, the Clark Planetarium, Discovery Gateway. The funding enables school children to attend the organizations' facilities. This year iSEE is asking for an increase of \$538,342, \$350,000 of which will make Hogle Zoo part of iSEE rather than a provisional group. The remaining \$188,342 will be divided by formula to the rest of the groups. The cost of the programs in the facilities are going up due to the cost of living and because there are more children.

Council Member Jensen, seconded by Council Member Wilson, moved to support the appropriation request. The motion passed unanimously.

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Discovery Gateway

Ms. Kara Trevino, Legislative Specialist, Council Office, stated last year, Discovery Gateway requested \$1 million for a capital project, but received \$500,000. This year it is requesting the additional \$500,000. The Council was supportive last year because of its involvement with Discovery Gateway. Discovery Gateway will be taking the lead on this.

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Council Member Jensen, seconded by Council Member Wilson, moved to support the appropriation request. The motion passed unanimously.

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H.B. 216 Jordan River Recreation Area (Rep. Mike Winder)

This bill deals with an area along the Jordan River. It defines terms; and authorizes the Division of Parks and Recreation, in consultation with the Jordan River Commission and the relevant land owning jurisdiction, to expend money as appropriations allow on projects around the Jordan River.

Ms. Kara Trevino, Legislative Specialist, Council Office, stated Rep. Winder is asking for \$500,000 for capital improvements, which would be in a defined area, such as a boat launch, picnic area, etc. He is also asking for another \$500,000 for an urban ranger program.

Council Member DeBry stated he thought “urban ranger” was a misnomer, and asked what the urban ranger program entailed and how it would be implemented.

Council Member Newton stated an urban ranger program currently exists through the Utah Division of Forestry, Fire and State Lands, wherein it has people help clean up trash and be the eyes and ears on the river. The program does not supersede law enforcement.

Ms. Trevino stated the bill says the Division of Parks and Recreation in consultation with the Jordan River Commission will expend money to partner or contract with local law enforcement, a certified peace officer, or an urban ranger program to provide patrol, security, and law enforcement for the area 250 yards on each side of the Jordan River.

Council Member DeBry asked who would have oversight of the program.

Council Member Newton stated the law enforcement responsibility would be the city that the part of the Jordan River is in. This is just to supplement efforts by law enforcement. Originally, the bill was to provide resources around the homeless resource center.

Ms. Erin Litvack, Deputy Mayor of County Services, stated it was her understanding the County would work collaboratively with the commission and municipalities that belong to the commission to determine what that program would look like. She viewed it similarly to protective service officers protecting county venues. It is another level of security, patrol, and law enforcement in partnership with the local jurisdiction for that area.

Council Member DeBry suggested just asking for more money for a metro task force to patrol that corridor.

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Council Member Newton stated the Mayor's staff is working with the sponsor on tweaks. She suggested Council Members work with Ms. Trevino on any clarifications they may want.

Council Member Bradley stated anytime the County can get resources for the Jordan River, it needs to do so. From a public safety aspect, people do need to feel comfortable using the parkway and the County needs to work out how to do that. A lot of resources have gone into the Jordan River Commission, but the County needs to ensure coordination with its efforts as well. He asked if any of the money for capital improvements would be available for acquisition.

Ms. Trevino stated she did not think it could be used for acquisition.

Ms. Litvack stated the County had language added to the bill that there be an approval process of the recommendations for spending the money. The bill requires the landowner to give approval for any capital expenditures along the river. The County will inherit the liability of those improvements.

Council Member DeBry stated he would support the bill, but still wanted more information.

Council Member Jensen, seconded by Council Member DeBry, moved to support H.B. 216. The motion passed unanimously.

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H.B. 38 Firework Amendments (Rep. James A. Dunnigan)

This bill was recommended by the Business and Labor Interim Committee. It amends provisions related to the permissible discharge of fireworks. It amends and clarifies the dates on which a person may legally discharge fireworks; increases the criminal fine for discharging fireworks outside of permitted dates and times; clarifies when a municipality may prohibit a person from discharging fireworks; increases the areas within which a municipality or the state forester may prohibit the discharge of fireworks; in certain situations, requires local governments and the state forester to create and provide maps identifying areas in which fireworks are prohibited due to hazardous environmental conditions; requires retailers that sell fireworks to display: maps a county provides indicating areas within the county in which fireworks are prohibited due to hazardous environmental conditions; and signs regarding permissible discharge dates and times and certain criminal penalties; prohibits the state forester from limiting or restricting the discharge of fireworks within municipal boundaries; and imposes civil liability when certain fireworks discharge causes a fire.

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Ms. Kara Trevino, Legislative Specialist, Council Office, stated this bill limits how many days fireworks are permitted, which is the day before and the day after the 4th and 24th of July, rather than three days before and after. Aerials will still be allowed, but this allows local governments to limit where they can be used based on dry fields, urban interface, etc., and reasons for restricting them.

Council Member DeBry stated this bill is long overdue considering all the fires that have occurred.

Council Member DeBry, seconded by Council Member Jensen, moved to support H.B. 38.

Council Member Bradley stated he would like to restrict fireworks as much as possible, given Utah's weather patterns of drier and drier summers. He suggested restricting them to July 4th and 24th, rather than expanding days on either side of those dates, or banning them altogether and just having local governments provide firework shows in the parks.

Council Member Jensen asked if fireworks would still be allowed on Chinese New Year and New Year's.

Ms. Trevino stated fireworks would still be allowed on those dates.

Council Member Snelgrove stated the legislative change has to do with fire and fire prevention, but limitations on New Year's and Chinese New Year should be considered as those holidays are during the inversion season and fireworks impact air pollution. He asked if the bill was too far along to have the House look into that. If so, the stage could be set for next year.

Ms. Trevino stated she thought it was too late for that. This was discussed during the interim, and it is on the third reading calendar.

Council Member DeBry, seconded by Council Member Jensen, moved to support H.B. 38. The motion passed unanimously.

H.B. 79 Private Attorney General Doctrine (Rep. Brian M. Greene)

This bill repeals a provision that disavows the private attorney general doctrine.

Ms. Kara Trevino, Legislative Specialist, Council Office, stated the Council has opposed this the last two years. Last year, it made it out of the House.

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Ms. Darcy Goddard, Deputy District Attorney, stated last year it made it out of the house unanimously. The County wants to avoid that happening again because it is harder to stop it once it gets to the Senate. This was and continues to be a terrible bill. It exposes the County to potential astronomical attorney fees and awards, even in cases where the plaintiff does not prevail if the plaintiff can argue that he or she was advancing a public interest in addition to their own. The District Attorney's Office would like the Council to oppose this again so it can start working behind the scenes and with the committee members in the House.

Council Member Jensen, seconded by Council Member DeBry, moved to oppose H.B. 79. The motion passed unanimously.

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H.B. 111 Community Reinvestment Agency Modifications (Rep. Kim F. Coleman)

This bill modifies provisions related to the Community Reinvestment Agency Act. It removes the housing allocation requirement for certain community reinvestment project areas.

Ms. Kara Trevino, Legislative Specialist, Council Office, stated the Council opposed this last year. It removes the 10 percent set aside for redevelopment project areas (RDAs) and commercial project areas (CDAs) done through interlocal agreements. Most people have the position that affordable housing is crunched. This is a funding source for affordable housing, so unless the funding is replaced, it should not be removed.

Council Member Jensen, seconded by Council Member Bradley, moved to oppose H.B. 111. The motion passed unanimously.

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S.B. 38 Removal of Elected Officials (Sen. Daniel W. Thatcher)

This bill was recommended by the Political Subdivisions Interim Committee. It establishes a process to remove a county elected officer from office for mental incapacity. It defines terms; establishes a process to remove a county elected officer from office for mental incapacity; provides that the provisions of this bill apply only to a county, with at least five members on the county legislative body, that opts into the provisions of this bill; requires a county to determine whether the county elected officer has the mental capacity to fulfill the essential functions of the applicable office, with or without reasonable

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accommodations; establishes a process for: a voluntary mental capacity evaluation; if the county elected officer refuses to undergo a voluntary mental capacity evaluation, a court order to undergo the evaluation; provides certain exceptions to the Open and Public Meetings Act; permits the county legislative body to remove a county elected officer from office if the qualified medical professional who conducts the mental capacity evaluation determines that the county elected officer lacks the mental capacity to fulfill the essential functions of the applicable office, with or without reasonable accommodations; requires the county legislative body to provide reasonable accommodations under certain circumstances; and provides for the award of court costs, attorney fees, and sanctions under certain circumstances.

Ms. Kara Trevino, Legislative Specialist, Council Office, stated this bill has a narrow process for a County to remove an elected County officer for mental incapacity. The Council would have to adopt an ordinance setting up the process; it is not mandated. Additionally, it can only be done if there is a five-member legislative body, so it is restricted to five counties in the State.

Council Member Bradley asked how mental incapacity was defined. He wanted to make sure language was tight enough so as not to have abuse.

Ms. Goddard stated it is fairly tight and the process is fairly rigid. Mental incapacity would be defined as diminished capacity that makes it impossible for an elected official to fulfill the duties of their office.

Council Member Bradley asked who would judge whether an elected official was mentally incapacitated.

Ms. Goddard stated there are a few different stages to the process: first, the council or commission would have to decide if it wanted to vote on it, and it would have to be a unanimous vote before it could go forward. At that point, a letter would be given to the elected official, and the elected official would have five days to resign or respond saying they disagreed and would not be resigning. Then, the council or commission would have the option of petitioning a court for a finding of mental incapacity within the meaning of the statute. The council or commission would be on the hook for the attorney fees for the elected official if he or she was found to be competent, and the elected official would be guaranteed the right to an attorney. There could also be a monetary penalty in that instance. The council or commission would also have to pay for the independent medical examination or court-appointed medical examiner. So there are some important procedural safeguards in place. The County would only be able to go through the procedure if it adopted the statute, and it could not pick and choose the pieces; it had to adopt the statute in whole.

Council Member Bradley stated so the court procedure would be what determined incapacity.

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Ms. Goddard stated yes, unless the elected official agreed with the letter or just decided to resign.

Mr. Sim Gill, District Attorney, stated there are sufficient safeguards in the bill to address the concerns Council Member Bradley has, but also allow the Council an option it does not have. He thought the County should support it, but be mindful of the constitutionality aspects of it.

Council Member DeBry stated he wondered about the Health Insurance Portability and Accountability Act (HIPPA), and right to privacy laws.

Ms. Goddard stated one way that would be addressed is by closing the meeting when the Council discussed the letter and process with the elected official. Closing a meeting to discuss the character and fitness of an individual is a very legitimate usage of a closed meeting within the Open and Public Meetings Act. The records generated would be subject to all provisions one has in pursuing court records.

Council Member DeBry asked why this was specific to County elected officials.

Ms. Goddard stated there was pushback at the state and city levels. If the County goes forward with this, an elected official will be arguing against it saying that the statute is unconstitutional. There is a good argument that the Utah State Constitution needs to be amended. A constitutional amendment was drafted this year, but not pursued. However, it is still floating out there.

Mr. Gill stated the bill fills a void that existed, which the County experienced. It gives the County a path should such an incident ever arise again.

Council Member Jensen stated even if the statute passes, the County cannot do anything unless it adopts an ordinance.

Ms. Goddard stated that is correct.

Council Member Jensen stated he would hate to see this used as a political tool. Before supporting the bill, he would like to take a week and review it, and asked if the Council would be amenable to that.

Council Member Newton stated Sen. Thatcher would like to get something passed, which is why he took out "cities" after getting pushback from the League of Cities and Towns. She did not understand why cities opposed it since they would still have to adopt an ordinance for it to apply.

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Council Member DeBry stated the bill should be fair and equitable; it should be inclusive across the board. Regardless of whether an elected official is a legislator, county council member, city council member, mayor, etc., they are still responsible to the public, and if they are mentally incapacitated, there should be a tool to deal with that.

Ms. Trevino stated this bill will move quickly because it is a Political Subdivisions Interim Committee bill.

Ms. Goddard stated the vote was not unanimous, so there will be a hearing. There is still time to go to Sen. Thatcher with requests. At the time he dropped "cities" from the bill, opt-in language was not in there.

Council Member DeBry, seconded by Council Member Jensen, moved to table a position on S.B. 38 for a week. The motion passed unanimously.

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H.B. 176 Temporary Replacement for County Elected Officials (Rep. Val K. Potter)

This bill provides for a temporary manager to fulfill the duties of a vacant county office until the county legislative body appoints an interim replacement. It provides for a temporary manager to fulfill the duties of a vacant county office until the county legislative body appoints an interim replacement; imposes limitations on the temporary manager's authority; and allows the county legislative body to remove a temporary manager and appoint a replacement temporary manager under certain circumstances.

Ms. Darcy Goddard, Deputy District Attorney, stated this bill deals with the period of time when an elected official resigns from a term, is replaced midterm, or dies, and someone has to fill that job until the party selects a replacement. That happened last year in the Sheriff's Office, and it went smoothly. It also happened in the Recorder's Office, and did not go smoothly.

The bill gives an order of succession, for example, which chief deputy in the District Attorney's Office would take over the duties if something were happen to the District Attorney, or if there is no chief deputy in a particular office, it gives an order of which management employee would take over. Also, it allows an elected official to file a succession plan with a County Clerk. Secondly, it limits what actions the temporary office manager can take in the interim period between the elected official's resignation and the party putting in its selected replacement. The temporary office manager could not promote or demote people, and could only fire for cause under the County Personnel Management Act, nor could they exceed 10 percent of expected office expenditures. It allows stability in budgeting and personnel that is not currently in law. The third thing it does is allow the legislative body of the political subdivision or municipality to remove the person for cause, if for example, they found that person unfit to fulfill the duties of

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the office. That would have to be done by a unanimous vote, and someone else would have to be installed for the duration of that period. The goal of the bill is to provide some structure for the counties facing such circumstances.

Council Member Wilson stated the summary says the County legislative body will appoint the interim replacement, but the Council is not the body who appoints the replacement.

Ms. Goddard stated technically, the party submits a name to the Council and the Council appoints the person. That is clarified in the bill.

Council Member Bradley stated a legislative body labeling someone unfit for a public office is condemning. He was given some comfort by the fact it had to be a unanimous vote.

Council Member Jensen, seconded by Council Member Burdick, moved to support H.B. 176. The motion passed unanimously.

H.B. 72 Personal Communications of Governmental Entity Employees and Officers (Rep. Justin L. Fawson)

This bill provides that a personal communication, otherwise excluded from the definition of "record" is included in the definition if the personal communication relates to certain political activity

Ms. Kara Trevino, Legislative Specialist, Council Office, stated the way this bill is written is horrible. The bill will be fixed. The bill would change the definition of a record for any government employee, making any political communication GRAMA-able.

Ms. Darcy Goddard, Deputy District Attorney, stated a published substitute of the bill is being discussed in committee today. It clarifies that any email sent or received on government resources is GRAMA-able.

Council Member Newton asked if that was already a law.

Ms. Goddard stated the law does not make it a record for purposes of GRAMA. This bill makes it clear a personal communication is not outside the scope of GRAMA. She talked with Rep. Fawson letting him know that the wording "government resources" is not strong

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enough and suggested the definition be something that is paid for using public funds. She has not heard back from him, but she thought he would be amendable. This wording would protect first amendment rights.

Ms. Trevino stated the League of Cities and Towns as well as the Utah Association of Counties is working hard to get good language in this bill. She suggested the County just monitor the bill.

Council Member Newton stated the Council will monitor the bill; no vote will be taken today.

H.B. 135 Extraterritorial Jurisdiction Amendments (Rep. Michael E. Noel)

This bill modifies provisions regarding extraterritorial jurisdiction

Ms. Kara Trevino, Legislative Specialist, Council Office, stated this bill transfers management of watershed protection from cities to the Department of Environmental Quality (DEQ) and local health departments. She would recommend the County oppose this bill simply because it is shifting responsibility to the County that it has never had and for which it does not have the expertise.

Ms. Dorothy Adams, Salt Lake County Health Department, stated Salt Lake City spends about \$2.3 million on water resource protection. The users of the water pay for this cost. If this bill passes, the local health departments and the DEQ would not have the ability to pass this cost onto the users. It would become the responsibility of all taxpayers to pay this cost.

Council Member Wilson asked for an update on the process of the bill.

Ms. Trevino stated there was a meeting between the DEQ and other stakeholders with the sponsor, after which the sponsor agreed to hold the bill for a little while. Representative Noel's main issue is private property rights. He feels there is abuse with this authority. He still intends to move the bill forward because he wants a policy discussion to happen. She does not know if the bill will be changed.

Council Member Bradley stated this is an extremely important bill. Salt Lake City's control of the watershed is extremely important to everyone in this valley. He has seen few, if any, examples of the city abusing that power or not handling it the right way. The control of water and the conditions of use of watershed areas will make some people upset; usually it is private property owners who want a water right or to be able to something that would pollute the watershed. The city has been good in terms of standing up and saying no. The purity of water is the citizens' livelihood in Salt Lake County and Salt Lake City has done a great job of conducting that business.

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Council Member Jensen, seconded by Council Member Wilson, moved to oppose H.B. 135 bill. The motion passed unanimously.

H.B. 136 Federal Designations (Rep. Michael E. Noel)

This bill defines terms; states that a governmental entity may not advocate or lobby for a federal designation within the state unless the Legislature passes a concurrent resolution in favor of the proposed designation.

Ms. Darcy Goddard, Deputy District Attorney, stated this bill prohibits any officer or employee from lobbying for any federal designation unless the political subdivision is first given a resolution to the legislation, which the legislature passes in whatever position the entity wants to take.

Council Member Bradley, Council Member Bradshaw, moved to oppose this bill. The motion passed unanimously.

S.B. 19 – Competency to Stand Trial Amendments (Sen. Redd Fillmore)

This bill defines terms; establishes procedures for determining the competency of a defendant charged with a misdemeanor; amends procedures for conducting competency evaluations; adds and modifies time frames for evaluations, reports, and court hearings relating to misdemeanors and felonies; clarifies standards for restoration treatment and competency review.

Ms. Kara Trevino, Legislative Specialist, Council Office, stated this bill addresses a lawsuit the Disability Law Center had against the state regarding competency to stand trial. The bill could shift the cost for additional competency evaluations to the County.

Ms. Karen Crompton, Director, Human Services Department, stated there are a couple of concerns with this bill. The first concern is it lowers the standard for performing competency evaluations. Previously, a person conducting the evaluation had to have a PhD, now it would be a lesser degree. The bill also reduces evaluations from two to one. So if the District Attorney's Office or the Salt Lake County Legal Defender Association challenges the evaluation, then another competency evaluation would be done at a cost to the County. The County is likely to see increased costs.

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Ms. Darcy Goddard, Deputy District Attorney, stated this bill tries to streamline the process for competency evaluations in order to get rid of some of the backlog. It also shortens the time period between evaluations and the overall time period where someone can be kept while restoration services are provided. It reduces costs for the state of Utah. There is no real benefit for the County.

Council Member Jensen asked if Senator Fillmore recognized the impact this would have on the County.

Ms. Crompton stated the Utah State Sentencing Commission has put a hold on this bill so it can have a conversation with Senator Fillmore regarding some of these concerns. The bill will pass in some form, so perhaps the strategy should be to make it the best the County can.

Council Member Jensen, seconded by Council Member Wilson, moved to ask the legislative team to speak with the sponsors and the Utah Association of Counties to try to negotiate as much as the County can. The motion passed unanimously.

Interlocal Provision of Law Enforcement Services (Rep. Daniel McCay)

This bill allows the UPD Board to choose the UPD chief. Current status mandates that it is the Sheriff. This bill would change the word "shall" to "may" and give the Board a choice.

Ms. Kara Trevino, Legislative Specialist, Council Office, stated this bill would change the language in the code that requires the Sheriff be the chief of the Unified Police Department (UPD). The bill changes a word from "shall" to "may" and leaves the decision as to who runs the UPD up to the UPD Board of Trustees.

Council Member Snelgrove, seconded by Council Member Jensen, moved to support the bill.

Council Member Bradley stated he has been a member of the UPD board since its inception. The board passed this policy at its last meeting by a 5 to 4 vote, but it is a misguided effort. The three major functions of any organization in government are to set policy, set a budget, and execute services. The board now has the policy and the budget responsibilities, but it wants to direct the services as well. That may violate a balance of power that has worked well in all forms of government throughout the United States. Good decisions are usually an outgrowth of the balance of powers. The County Council would never say it wanted someone else to run the County other than the elected Mayor. This is what the UPD board is asking. There have been no problems of leadership from the elected Sheriff. Personalities may get involved, but in terms of efficiency and direction of the UPD, it has been

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terrific, and no member of the board finds fault with UPD, how it functions, and the good it serves. This is a preemptive idea that is not based upon a problem that needs to be solved. When the UPD was created, the sitting Sheriff gave up policy and budget responsibilities in order to make the UPD work. This bill would do a dishonor to that agreement without any real reason. If this issue comes up down the road, it can be dealt with at that time. UPD is an entity with multiple cities deciding collectively how to provide a better service to its citizens.

Council Member Wilson stated there are compelling arguments on both sides of this issue. The board had a divided vote on this issue and the County Council weighing in at this time may not be that helpful.

Council Member Wilson, seconded by Council Member Bradshaw, made a substitute motion to remain neutral on the bill.

Council Member DeBry stated he will abstain from a vote on this matter. He is employed by the UPD.

Sheriff Rosie Rivera stated she opposes this bill. She was told the reason for the bill was not because of issues with the current Sheriff or services, but it is a matter of control. New board members were asked to vote on this matter immediately after their election and before they had a big picture of the UPD. It will take a while to figure out the pros and cons of this change, such as the cost to citizens. The current system has an extra level of checks and balances. This bill is being rushed when there is no emergency.

Council Member Newton asked if the bill only changed the verbiage or if it included splitting apart the UPD.

Ms. Trevino stated it is her understanding that only the verbiage changes. However, she has not yet seen the bill.

Sheriff Rivera stated there would be no reason for the Sheriff to be part of something when he or she has no decision-making power. That is something the Council will have to look at.

Council Member Wilson stated changing "shall" to "may" is a pretty strong move because it empowers the board.

Sheriff Rivera stated the Sheriff's Office has given up a lot of control. Checks and balances are very important. She did not want to make changes and then have regrets later.

Council Member Bradley stated the County's contribution to UPD is about \$16 million per year and the Sheriff runs the countywide services, such as Canyon Patrol. Interrupting these services does not make any sense. He strongly opposes this bill.

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Council Member Snelgrove stated the comments sound like a breakup of the Sheriff's Office and UPD is looming.

Council Member Bradley stated he was not suggesting that at all.

Council Member Snelgrove stated by Council Member Bradley's comments, things are efficient and going well. That is his observation as well; the current and past Sheriffs run a good ship. That being said, this bill empowers the municipalities and client cities should the situation change and they are unhappy with their level of service. This is a fall back bill, a safety valve in circumstances by which conditions change. It is more empowerment where the power used to be, which is with the elected officials closest to the citizens and the client cities being served.

Council Member Jensen stated he has a different perspective and memory. When UPD was created, then Sheriff Jim Winder did not want to head the UPD. Since the creation of UPD was going to happen regardless, the word "shall" was put into the bill to require the Sheriff to head the UPD. Part of the agreement was an understanding that at some point the wording would change to "may." So this has nothing to do with Sheriff Rivera. In addition, most boards operate with the power of policy, budget, and services. The board picks the CEO or director to run the day to day operations of the organization. If the board members get involved in day to day operations, they are a terrible board and the voters should kick them out. UPD is a law enforcement agency with multiple partners and those partners have to have a say on who runs it. That was the original intent.

Council Member Wilson stated it is up to the UPD board to support or oppose this bill. She did not know why the Council should weigh in on it.

Council Member Jensen stated because the County has law enforcement needs in the unincorporated area and the canyons.

Council Member Wilson stated the County also has membership on the UPD board.

Council Member Jensen stated the County Council was the governing body that set up the UPD. He feels vested in this issue because he made the original agreement with Sheriff Winder.

Council Member Bradley stated that recollection is somewhat correct, but the fact is that the UPD is a unique animal and however the Council muddled its way into creating it, it worked. Having an elected Sheriff who still has responsibilities for public safety in Salt Lake County is unique. Sheriff Rivera will not abdicate those responsibilities if the board decides to put in someone else to run UPD. Making a change now will disrupt the balance of power.

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Council Member Jensen stated nothing would change. The UPD would still contract with the Sheriff's Office.

Council Member Snelgrove stated everyone can agree that changing the verbiage is not going to change the good work done by the UPD. Change will only happen if it becomes necessary and then the local municipalities should be empowered to make a change.

Council Member Newton stated a lot of cities within the County have a council-manager form of government where the Council gets to decide who their CEO is; this is a similar situation. The UPD board should have the option to elect someone else to manage UPD if it chooses.

Council Member Wilson, seconded by **Council Member Bradshaw**, made a substitute motion to remain neutral on the bill. The motion failed 3 to 4 with **Council Members Wilson, Bradshaw, and Bradley** voting in favor, and **Council Members Jensen, Snelgrove, Burdick, and Newton** voting in opposition. **Council Member DeBry** abstained from the vote.

Council Member Snelgrove, seconded by **Council Member Jensen**, moved to support the bill. Roll was called showing that **Council Members Jensen, Snelgrove, Burdick, and Newton** voted "Aye," and **Council Members Wilson, Bradshaw, and Bradley** voted "Nay." **Council Member DeBry** abstained from the vote. The motion passed 4 to 3.

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Dr. Martha Hughes Cannon (Sen. Todd Weiler)

This resolution requests that the Joint Committee on the Library of Congress approve the replacement of Utah's statue of Philo Farnsworth in the National Statuary Hall Collection in the United States Capitol with a statue of Dr. Martha Hughes Cannon; and directs the Governor to oversee the creation of a nonprofit organization to commission a statue of Dr. Martha Hughes Cannon, oversee its placement in the United States Capitol, and oversee the removal of the Philo Farnsworth statue from the United States Capitol.

Council Member Snelgrove stated there is a proposed joint resolution to honor Dr. Martha Hughes Cannon by placing a statue of her in Statuary Hall in the U.S. Capitol. This is recognition that Dr. Cannon deserves. The statue of Philo Farnsworth would be repatriated back to Idaho. He asked about the status of that resolution.

Ms. Trevino stated she would check on it.

Council Member Snelgrove stated he thought the Council would like to support that resolution.

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Mental Health Hires for the Jail

Sheriff Rosie Rivera stated she is updating the Council regarding a budget matter. In order to comply with a consent order, the jail has attempted to hire a psychiatrist for the last 18 months. Being unable to recruit a psychiatrist, the Sheriff's Office employed the services of a recruiting company. That company has found a doctor willing to take the job, but the doctor is asking for \$30,000 more in salary than the advertised rate. The recruiting company also has a fee of \$70,000. She was notifying the Council that she will be asking for a budget adjustment in June to re-budget funds to cover this expense.

Council Member DeBry stated it is commendable that the Sheriff is able to absorb this increase from her current budget.



Change From Bi-Monthly to Bi-Weekly Employee Payroll

Mr. Darrin Casper, Deputy Mayor of Finance and Administration, delivered a PowerPoint presentation regarding the proposal to change employee payroll from twice per month to every other week. He reviewed the proposal, which has an implementation date of July 1, 2018,

Ms. Erin Litvack, Deputy Mayor of County Services, continued the PowerPoint presentation. She reviewed the employee educational campaign, and advantages and disadvantages to employees,

Council Member DeBry asked about employee feedback on this proposal.

Ms. Litvack stated employee feedback was very mixed. However, the Mayor's Office did not conduct a full-on survey.

Mr. Casper stated he received results from a UPEA survey. Thirty-nine percent of employees were opposed to this measure, thirty-one percent were in favor, and thirty percent had no opinion. He continued the PowerPoint presentation regarding business process advantages and accounting changes.

Council Member Snelgrove, seconded by **Council Member Bradley**, moved to approve the proposal. The motion passed 6 to 1 with **Council Member Jensen** voting in opposition. **Council Member Bradshaw** was absent for the vote.

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Review of Central Staff Management Plan

Mr. Jason Rose, Legal Counsel, Council Office, stated on May 19, 2015, the Council adopted a Council Central Staff Management Plan. He distributed a printed copy of the plan and noted that if Council Members wanted to make changes, the plan could be put on a future agenda. The plan defines “central staff,” lists the individual job titles, and puts in place some principals for office management. That includes whom the staff report to, work hours, doing confidential work for Council Members when asked, and how to handle leave and Human Resource issues.

Council Member DeBry stated the confidentiality of staff is impeccable and the system works great.

Council Member Newton stated the staff balances things very well while working for nine people.

Council Member Snelgrove stated Council staff has great professionalism, as exhibited by the fact that he has no idea of anyone’s political affiliation.

Council Member Wilson stated she appreciated all the time the staff put into making the Council Office work smoothly.



Procurement Ordinance and Policy

The Council reviewed the following Countywide amended policies and procedures, and a corresponding ordinance, which have been placed on the Council agenda for ratification:

- #7010 - Procurement
- #7030 - Request for Proposals

Mr. Jason Yocom, Director, Contracts & Procurement Division, stated the Federal Uniform Guidance has gone into place and it creates some procurement regulations for non-federal entities that receive federal funding, which includes the County. The two areas of concern are the small cost purchase limit and the County’s local business preference. The Federal Uniform Guidance has a small cost purchase limit of \$3,500, compared to the County’s \$5,000, and local business preferences are prohibited. After discussions with Mayor’s Finance and the County’s outside auditors, it became apparent that the Federal guidelines had to be implemented Countywide. Therefore, the recommendation is to lower the small purchase limit

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to \$3,500. Some fiscal managers are unhappy about this change because they are losing control over their own purchasing power.

Council Member Snelgrove, seconded by Council Member Bradley, moved to approve the policies and procedures and forward them to the 4:00 p.m. Council meeting for ratification, and to approve the ordinance and forward it to the 4:00 p.m. Council meeting to be introduced. (Final adoption of the ordinance will be considered at the Tuesday, January 30, 2018, Council meeting.)

Council Member Wilson asked about Council Member Bradshaw's objection to the changes.

Mr. Yocom stated Council Member Bradshaw was one of the architects of the County's local business preference policy. That policy would be eliminated. However, the Federal Uniform Guidance encourages government agencies to make and document efforts to solicit small businesses, minority businesses, and women's business enterprises.

Council Member Wilson stated the bottom line is that the County will be non-compliant if it does not make these changes.

Mr. Yocom stated yes. The County would be in threat of audit findings without the changes.

Council Member Snelgrove, seconded by Council Member Bradley, moved to approve the policies and procedures and forward them to the 4:00 p.m. Council meeting for ratification, and to approve the ordinance and forward it to the 4:00 p.m. Council meeting to be introduced. (Final adoption of the ordinance will be considered at the Tuesday, January 30, 2018, Council meeting.) Council Member Wilson added legislative intent that the County pursues soliciting small businesses, minority businesses, and women's business enterprises. Council Member Snelgrove agreed to the legislative intent. The motion passed unanimously. Council Members Jensen and Bradshaw were absent for the vote.

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CONSENT AGENDA

Board Appointments

Mayor Ben McAdams submitted a letter requesting the Council's advice and consent to the appointment of **Michael Anderson** as a member of the Community and Economic Development Advisory Committee to serve a two-and-a-half year term. His term began January 1, 2018, and will end June 30, 2020.

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Mayor Ben McAdams submitted a letter requesting the Council's advice and consent to the reappointment of **Scott Whittle** as a member of the Behavioral Health Services Advisory Council to serve a three-year term. His term will end on September 30, 2020.

Mayor Ben McAdams submitted a letter requesting the Council's advice and consent to the reappointment of **Susan Pizitz** as a member of the Behavioral Health Services Advisory Council to serve a three-year term. Her term will begin January 23, 2018, and end December 31, 2020.

Mayor Ben McAdams submitted letters requesting the Council's advice and consent to the appointments of **Matt Dumont** and **Mary Bennett** as members of the Behavioral Health Services Advisory Council to serve one-year terms. Their terms will begin February 1, 2018, and end January 31, 2019.

Mayor Ben McAdams submitted a letter requesting the Council's advice and consent to the appointment of **Rob Wesemann** as a member of the Behavioral Health Services Advisory Council to serve a three-year term. His term will begin February 1, 2018, and end January 31, 2021.

Council Member Snelgrove, seconded by Council Member DeBry, moved to approve the appointments and forward them to the 4:00 p.m. Council meeting for ratification. The motion passed unanimously. Council Members Jensen and Bradshaw were absent for the vote.

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Tax Matters

The Council reviewed the tax matters, which will be placed on the Council agenda for ratification.

Council Member Snelgrove, seconded by Council Member DeBry, moved to approve the tax matters and forward them to the 4:00 p.m. Council meeting for ratification. The motion passed unanimously. Council Members Jensen and Bradshaw were absent for the vote.

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Resolutions and Agreements

The Council reviewed the following resolutions and agreements. The resolutions authorizing execution of the agreements have been placed on the Council agenda for final approval and execution:

1) *Utah Olympic Legacy Foundation* regarding TRCC funding to help pay for construction of the interconnect facility at the Kearns Olympic Oval.

2) *Millcreek* regarding planning and development services.

Council Member Snelgrove, seconded by Council Member DeBry, moved to approve the resolutions and agreements and to forward them to the 4:00 p.m. Council meeting for ratification. The motion passed unanimously. Council Members Jensen and Bradshaw were absent for the vote.

3) *Unified Police Department* regarding County services for Fleet, Surveyor, Information Services, Facilities and Records Management & Archives.

Council Member Snelgrove, seconded by Council Member Wilson, moved to approve the resolution and agreement and to forward them to the 4:00 p.m. Council meeting for ratification. The motion passed unanimously. Council Member DeBry abstained from the vote. Council Members Jensen and Bradshaw were absent for the vote.



Gifts to Salt Lake County

The Council reviewed the following gifts to Salt Lake County. The Declaration of Gift forms have been placed on the Council agenda for ratification:

Aging and Adult Services Division

Lynda Jacobsen has offered to donate \$29,000 for the Salt Lake County Outreach Program.

Animal Services Division

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Utah Friends for Animal Care and Effective Solutions (FACES) has offered to donate \$14,769.60 to be used for the sterilization surgeries and injured animal surgeries.

Petco Foundation has offered to donate \$10,000.

Maj-Greth H. Holmberg has offered to donate \$2,000.

Council Member Snelgrove, seconded by Council Member DeBry, moved to accept the gifts and forward the Declaration of Gift forms to the 4:00 p.m. Council meeting for ratification. The motion passed unanimously. Council Members Jensen and Bradshaw were absent for the vote.

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Other Business

Approval of Minutes

Council Member Snelgrove, seconded by Council Member DeBry, moved to approve the January 9, 2018, Committee of the Whole minutes. The motion passed unanimously. Council Members Jensen and Bradshaw were absent for the vote.

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The meeting was adjourned at 3:35 PM.

Chair, Committee of the Whole

Deputy Clerk

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