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Salt Lake County Council

Committee of the Whole

~MINUTES~

Tuesday, February 27, 2018

[12:08:55 PM](#)

Council Members

Present:

Jennifer Wilson¹
Richard Snelgrove
Jim Bradley
Arlyn Bradshaw
Michael Jensen²
Sam Granato³
Steven DeBry
Max Burdick
Aimee Winder Newton, Chair

Citizen Public Input ([12:08:58 PM](#))

No one appeared for Citizen Public Input.

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Review of New Hires ([12:09:07 PM](#))

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

Agency

Position

Parks & Recreation Division

Construction & Maintenance Specialist 11
Second Assistant Golf Professional 13

Center for the Arts

Theatre Operations Manager 16

Sheriff's Office

Mental Health Therapist 14
Emergency Medical Technician 11
Medical Records Technician 10
2 Jail Clerk 10

¹ Attended up to the discussion regarding the transportation pilot program; participated electronically for the rest of the meeting.

² Participated electronically

³ Attended up to the Transfer Station discussion; absent for rest of the meeting.

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<i>Facilities Services Division</i>	Energy Manager 16
<i>Salt Lake County Health Department</i>	Medical Billing Adjudicator 12 STD Health Investigator 14
<i>Justice Courts</i>	Judicial Assistant 11
<i>Information Services Division</i>	District Worker 9 Software Engineer 16
<i>Public Works Department</i>	Accountant 15 2 Heavy Equipment Operator 10
<i>Recorder's Office</i>	Land Records Specialist 11
<i>Library Services Division</i>	2 Library Shelver 7 Office Specialist 10 Public Services Librarian 14
<i>Youth Services Division</i>	Family Therapist 14
<i>Real Estate Section</i>	Real Estate Specialist 14

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Interim Budget Adjustment ([12:09:23 PM](#))

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

Office for New Americans & Refugees

Interim budget adjustment to recognize a \$25,000 grant received from American Express, which will be used to provide ESL classes (\$20,000), and the USU Extension Nutrition Program (\$5,000) at senior centers.

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Flood Control Engineering Division

Interim budget adjustment to transfer \$5,821,555 of Excise Tax Projects from Department 503700000 to Department 451000000.

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Salt Palace Convention Center

Interim budget adjustment of \$49,000 to be used to repair the escalator.

Interim budget adjustment of \$41,000 to purchase a new dishwasher conveyor unit.

Mr. Brad Kendrick, Budget and Policy Analyst, Council Office, stated the bid for this repair came back at \$43,000 instead of \$41,000. He asked that the increased amount be included in the motion, if this request is approved.

Interim budget adjustment to transfer \$32,680 in under-expend from the AV project to the restroom project.

Council Member Newton asked what procedures were in place relating to underexpended funds. She asked if the underexpended funds reverted back to the Capital Improvements budget to be used for the next project in line or if the funds were to be used by the organization that did not spend the entire allocation.

Mr. Kendrick stated projects requested for underexpended funds go through another level of scrutiny. However, these projects are at the Salt Palace, which uses a different funding source.

Council Member Bradshaw, seconded by **Council Member Burdick**, moved to approve the interim budget adjustments with the increased funding from \$41,000 to \$43,000 to purchase a new dishwasher conveyor unit, and forward the requests to the 4:00 p.m. Council meeting for ratification. The motion passed unanimously. Council Members Jensen, Granato, and DeBry were absent for the vote.

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Legislative Update

S.B. 120 – Local Governments Fees and Taxes Amendments (Sen. Deidre Henderson)

This bill prohibits a municipality from imposing a transportation utility fee on a legal subdivision. It defines terms; and limits any authority a municipality has to impose a transportation utility fee by prohibiting a municipality from imposing a transportation utility fee on a legal subdivision.

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Ms. Kara Trevino, Legislative Director, Council Office, stated this bill exempts counties from having to pay transportation utility fees. Transportation utility fees are a new funding source that cities have started, mostly cities in Utah County. They came up with a way to charge residents \$2-\$3 a month on their utility bill, and charge some commercial properties, including counties for their buildings. Utah County went to Senator Henderson and said it was not fair for counties to pay this utility fee, so she exempted counties from having to pay it.

Council Member Bradshaw, seconded by Council Member Burdick, moved to support S.B. 120. The motion passed unanimously. Council Members Jensen and DeBry were absent for the vote.

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H.B. 430 – Affordable Housing Amendments (Rep. Rebecca Edwards)

This bill creates a commission in the Department of Workforce Services. It defines terms; creates the Commission on Housing Affordability in the Department of Workforce Services; describes the membership, duties, and reporting requirements of the commission; and provides a sunset date.

Ms. Kara Trevino, Legislative Director, Council Office, stated this creates a ten-member Commission on Housing Affordability and outlines the membership. Membership would include a representative from counties of the first class and rural counties, the League of Cities and Towns, the Utah Redevelopment Association, a non-profit organization that addresses issues related to affordable housing and one with expertise on affordable housing issues in rural communities, and a housing advocate.

Council Member Wilson asked what the objectives were.

Ms. Trevino stated the objectives are to increase public and government understanding of the affordable housing needs in the state, and how those needs will be met through empirical study, investigation, identification, and by recommending and implementing specific strategies, policies, procedures, or programs. It facilitates communication through coordination of public and private entities.

Council Member Wilson asked if it related to the 10 percent set aside.

Ms. Trevino stated it does not call that out specifically, but it is in there.

Council Member Wilson stated fine-tuning policies, coming up with solutions, and looking at federal opportunities is great, but she would not want this to be driven by an ulterior motive for communities to try to pass the buck onto others.

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Ms. Trevino stated she did not think it did that. The committee would be a funded task force and have broad representation. It also has a five-year life. This bill happened during the interim and is on the consent calendar in the House.

Council Member Bradley stated he shared Council Member Wilson's reservations about the motives. There have been a number of efforts to limit a commercial development area's requirement for affordable housing as part of the deal. He did not know if this would cause an inroad to that.

Ms. Trevino stated the ten present set aside may be a discussion item. If this is not the best source for that, she suggested finding a different one.

Council Member Bradshaw, seconded by Council Member Wilson, moved to support H.B. 430. The motion passed unanimously. Council Members Jensen and DeBry were absent for the vote.

County Revolving Loan Fund (Rep. John Knotwell)

This bill allows the Economic Development Loan Fund to provide capital to small to medium businesses with performance-based tax incentives.

Ms. Kara Trevino, Legislative Director, Council Office, stated this bill has a title, but not a number or language yet. It is being pushed by the Utah Association of Counties in conjunction with Salt Lake County to be the pilot for it.

Mr. Stuart Clason, Director, Economic Development, stated the intent of this legislation is to allow companies to get an income tax rebate based around job creation. It would allow the Governor's Office of Economic Development to give a post-performance income tax rebate if a business could show evidence it created jobs. Then, the County would put a loan on its reserve to grow and expand the program. The target would be small to medium businesses, defined as companies with 500 employees or less. The loans would be made in the same way that the County's loans are presently made based on job creation. It would be a set amount of dollars per job. With the County's current loan program, a business gets \$35,000 of loan dollars.

Council Member Snelgrove asked what the typical dollar amount of the loan would be.

Mr. Clason stated loans with the present program are around \$350,000-\$400,000, and his office would like to stay within that range. To do larger loans would require more community reinvestment banks (CRA) in the loan pool and growing the loan loss reserve. The loan loss reserve ratio is about \$1 dollar for every \$9 of loanable money provided by the

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CRA banks. If the County is going to be limited by its loan loss reserve, it could lower the loan amounts as it gets rebates from the State. However, the legislation has a cap of less than 50 jobs because the State's program is 50 jobs or more.

Council Member Snelgrove stated at some point, the County needs to address the need for micro loans in its community.

Mr. Clason stated the present loan fund is provided by the Community Development Block Grant, which limits the County geographically because it is predicated upon the U.S. Housing and Urban Development's (HUD) rules. Replacing the loan loss reserve over time with this post-performance rebate, would allow the County to be more footloose.

Council Member Snelgrove asked if small entrepreneurs at the home-based level would be able to get loans.

Mr. Clason stated yes; it is government money so is equitable for consumers. If a company is eligible for traditional financing, the County would not grant a loan. It would only do short-term loans to non-bankable consumers, which would include a small home-based company.

Council Member Wilson, seconded by Council Member Granato, moved to support the County Revolving Loan Fund legislation. The motion passed unanimously. Council Members Jensen and DeBry were absent for the vote.

H.B. 399 1st Substitute – Opioid Abuse and Prevention And Treatment Amendments (Rep. Steve Eliason)

This bill requires a warning label and informational pamphlet to be distributed with an opiate prescription. It requires the Department of Health to develop a pamphlet with information about opiates; and requires a pharmacist who is dispensing certain prescriptions for an opiate to affix a warning label and to display an informational brochure.

Ms. Kara Trevino, Legislative Director, Council Office, stated this bill requires pharmacists for Schedule 2 and 3 opiates to affix a warning label when they dispense them. The bill has passed out of committee and is on the House reading calendar.

Council Member Wilson asked how the State Health Department would interact with the Salt Lake County Health Department on this.

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Mr. Gary Edwards, Director, Salt Lake County Health Department, stated the State Health Department would be responsible for preparing the pamphlet, but the Salt Lake County Health Department would be part of the distribution network as it has a relationship with a lot of pharmacies. The State Health Department would work with the Utah Division of Substance Abuse and Mental Health to prepare the information to keep it current.

Council Member Wilson, seconded by Council Member Bradshaw, moved to support H.B. 399 1st Substitute. The motion passed unanimously. Council Member DeBry was absent for the vote.

H.B. 400 1st Substitute – Controlled Substance Abuse Amendments (Rep. Steve Eliason)

This bill amends the Utah Controlled Substances Act. It requires a prescriber to discuss the risks of using an opiate with a patient or the patient's guardian before issuing an initial opiate prescription.

Ms. Kara Trevino, Legislative Director, Council Office, stated this bill requires a prescriber to discuss the risks of an opiate with a patient before giving them a prescription for it.

Mr. Gary Edwards, Director, Salt Lake County Health Department, stated the bill describes specific things a prescriber has to tell the patient about the opiate, i.e. risks, the reason why the prescription is necessary, alternative treatments if there are any, and interaction with other drugs.

Council Member Bradshaw asked if that was not already required.

Mr. Edwards stated now the prescriber is required to ask if the patient wants counseling; this bill requires them to provide that counseling.

Council Member Burdick asked if the risks included whether or not the drug was addictive.

Mr. Edwards stated that would be one of the risks. The prescriber would rely primarily on the manufacturer's information provided with the prescription regarding the side effects and whether the drug was addictive.

Council Member Bradshaw, seconded by Council Member Wilson, moved to support H.B. 400 1st Substitute. The motion passed unanimously. Council Members Jensen and DeBry were absent for the vote.

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H.B. 158 1st Substitute – Software Vendor Amendments (Brad M. Daw)

This bill modifies provisions related to the controlled substance database administered by the Division of Occupational and Professional Licensing (DOPL). It modifies the requirements related to providing information to DOPL for inclusion in the controlled substance database; and modifies who may be penalized for failing to submit information to the controlled substance database as required by state statute.

Ms. Kara Trevino, Legislative Director, Council Office, stated this bill requires vendors or groups who collect pharmacy data to submit the same information that other retail pharmacies submit to the controlled substance database so it is complete. Right now, there might be some lags in getting that information.

Mr. Gary Edwards, Director, Salt Lake County Health Department, stated this bill clarifies that pharmacists, pharmacies, and third parties have to submit that information to the database.

Council Member Bradshaw, seconded by Council Member Wilson, moved to support H.B. 158 1st Substitute. The motion passed unanimously. Council Member DeBry was absent for the vote.

H.B. 127 1st Substitute – Controlled Substance Database Acts Amendments (Rep. Justin L. Fawson)

This bill amends portions of the Controlled Substance Database Act. It changes the requirements for checking the controlled substance database; modifies enforcement provisions; and delays enforcement of the requirements in this bill.

Ms. Kara Trevino, Legislative Director, Council Office, stated this bill makes it clear that doctors have to check the database when prescribing an opioid to their patient to see if they have a history, such as doctor shopping. It provides three exceptions, i.e. if the database is down for some reason or if there is no internet access.

Council Member Bradshaw, seconded by Council Member Wilson, moved to support H.B. 127 1st Substitute. The motion passed unanimously. Council Member DeBry was absent for the vote.

H.B. 462 – Homeless Services Amendments (Rep. Steve Eliason)

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This bill amends sales and use tax provisions and provisions related to the Housing and Community Development Division. It defines terms; allows redevelopment agencies to transfer funds to counties and cities under certain circumstances; requires the Housing and Community Development Division to calculate an annual local contribution amount from municipalities in the state and provide the information to the State Tax Commission; requires the State Tax Commission to retain certain local option sales taxes and deposit them into the Homeless to Housing Reform Restricted Account; amends provisions related to how money in the Homeless to Housing Reform Restricted Account may be spent by the Housing and Community Development Division.

Homeless Shelter Funding Amendments (Sen. Gene Davis)

This bill is expected to use the 1 percent local option sales tax to offset the increased public safety costs of communities that house homeless shelters.

Ms. Kara Trevino, Legislative Director, Council Office, stated both bills are expected to move forward, but they are different in their approach. H.B. 462 provides funding for homelessness. It got language and a number Friday, was heard in committee yesterday where it passed, and is now on the House floor. The idea is that homelessness is a statewide problem so cities and counties should help fund that. The State is asking \$3.3 million from cities statewide. The affordable housing component will be based on population, and a city that already has a shelter would not have to pay. The 10 percent set aside could also help pay the assessment. Sen. Davis' bill would provide funding for a municipality impacted by having a shelter in its boundaries. It would not provide operations and maintenance of the shelter. Sen. Davis' bill does not have a number or language yet.

Council Member Newton stated West Valley City has a homeless shelter on its boundary, but it is not technically in its city. However, it still has its fair share of homeless resources and affordable housing. She asked how the bill would affect cities like that, and whether there was any opposition in committee to Rep. Eliason's bill.

Ms. Trevino stated the League of Cities and Towns opposed Rep. Eliason's bill. Cities were opposed to the State withholding their sales tax based on a formula, although host cities were supportive of getting funds. Also, cities do not think the Legislature has coalesced around the two bills. She thought these two bills would merge.

Council Member Bradshaw stated the Council has supported this in concept.

Council Member Bradshaw, seconded by **Council Member Jensen**, moved to support both bills in concept, but monitor the details; and that the Council be informed of where things land next week.

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Council Member Newton asked how the 1 percent local option sales tax would work in Sen. Davis' bill.

Ms. Trevino stated both bills use the local option sales tax. The League of Cities and Towns makes the concept simple saying one bill is for the inside of the shelters and one is for the outside of the shelters. Both bills are going to be fluid, so she would stay in touch.

Council Member Bradshaw, seconded by Council Member Jensen, moved to support both bills in concept, but monitor the details; and that the Council be informed of where things land next week. The motion passed unanimously. Council Member DeBry was absent for the vote.

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S.B. 230 – Law Enforcement Protection Amendments (Sen. Don L. Ipson)

This bill amends provisions relating to publicly available personal information of law enforcement officers. It creates a process by which a law enforcement officer may have their own personal information removed from publicly available state or local government sites; requires that the law enforcement officer deliver copies of a form to the affected state or local government agency; and provides that the ban on the information may remain in place for up to four years.

Ms. Kara Trevino, Legislative Director, Council Office, stated Sen Ipson ran a bill last year that protected law enforcement and their family's information from being online if they wanted it protected. Since the passage of that bill, County agencies did not know who they needed to protect and how to administer the situation if they already had that information online. So this is a fix to that bill.

Ms. Darcy Goddard, Deputy District Attorney, stated Sen Ipson's bill last year was well-intentioned, but elected officials would be required to know if they had personal information of a law enforcement officer or a relative of the law enforcement officer online. Basically, the bill used a procedure from GRAMA that protects an at-risk monopoly, but with broader language, in that the protected information included not just a home address, but also a cell phone and pictures. For example, if the County Library Division had pictures of children in a reading circle on its website, but one of the children happened to be the child of a law enforcement officer, the library would be in violation of state law, but it would have no way of knowing that.

A lot of elected officials statewide were concerned about the bill, particularly recorders. So Sen. Ipson agreed to run another bill that he thought would fix that. This bill provides a way to at least notify County agencies so they can respond to situations. The District Attorney's Office is

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working with some of its client agencies to develop a form they can hand out that explains to people what their rights are. The rights would be very similar to those of at-risk employees under GRAMA. The form would allow them to identify other people who live in their home that the County might not otherwise know about. Sen Ipson will be presenting the bill Wednesday.

Council Member Wilson, seconded by Council Member Bradshaw, moved to support S.B. 230. The motion passed unanimously. Council Member DeBry was absent for the vote.

S.B. 205 1st Substitute – Incarceration Reports (Sen. Todd Weiler)

This bill requires the Department of Corrections and county jails to report on in-custody deaths and opiate addiction treatment services. It requires the Department of Corrections and county jails to report to the Commission on Criminal and Juvenile Justice regarding: in-custody inmate deaths; treatment services for inmates with an opiate addiction; and prescriptions not dispensed to an inmate during incarceration; and requires the Commission on Criminal and Juvenile Justice to compile the information reported and submit the compilation to the Law Enforcement and Criminal Justice Interim Committee.

H.B. 410 – Alcohol and Substance Use Withdrawal in County Jails (Rep. Carol Spackman Moss)

This bill establishes a workgroup to study alcohol and substance use withdrawal in county jails. It requires the Utah Substance Use and Mental Health Advisory Council to convene a workgroup to study alcohol and substance use withdrawal in county jails; and requires that the Utah Substance Use and Mental Health Advisory Council report to the Law Enforcement and Criminal Justice Interim Committee.

Ms. Darcy Goddard, Deputy District Attorney, stated S.B. 205 1st Substitute would allow the collection of information relating to withdrawal of inmates through the Commission on Criminal and Juvenile Justice (CCJJ). Information would include how many people died in the jails each year, their causes of death where possible, prescriptions they were taking while incarcerated, and specific information relating to whether any of the jails supplied Methadone or any of the other drugs used to mitigate some of the opioid or heroin withdrawal experiences. The draft is causing a lot of concerns because it calls for information that is protected by HIPPA, to the extent it calls for information about specific inmates who died and their prescriptions. She met with Sen. Weiler last week, and asked what his goals were. Then, sent him some language she thought would get him what he wanted, but avoid the HIPPA concerns that some of counties were raising, but she has not heard back yet. The goal is to

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have better information of what is happening in the jails to see if they can support using Methadone for withdrawal.

H.B. 410 seeks similar information about withdrawal, but relates to alcohol. The bill creates a task force to look at alcohol withdrawal. The task force membership initially did not include anyone from Salt Lake County or anybody who crafted law that could give her advice on constitutional minimums versus best practices. So the County asked Rep. Moss to consider adding someone from Salt Lake County, maybe a couple of attorneys, and she did so.

Since the legislative session is almost over, Sen. Moss's bill may not move quick enough, although it did pass out of committee today unanimously. These two bills are not married yet, but she suspected they would be. Sen. Weiler is open to lifting the language regarding the task force from Rep. Moss's bill and putting it into his bill. He has also agreed to be the floor sponsor of Rep. Moss' bill, and Rep. Moss will probably reciprocate.

Council Member Newton asked if the District Attorney's Office wanted the Council to support Sen. Weiler's bill, with the caveat he include the language from Sen. Moss's bill.

Ms. Goddard stated she would like the Council to support the bill if the HIPPA concerns are addressed.

Council Member Wilson stated HIPPA is highly complex and she would not want to address privacy issues in a way that they should not be addressed. Both bills allow the County to take a step forward, and that would help because it is seeing complications in its jails and not meeting the level of care it needs to in order to move forward.

Ms. Goddard stated there is a way to comply with the existing bill and concerns with HIPPA. The suggestion she made to Sen. Weiler would specifically address HIPPA and allow people to identify information to the extent it was necessary. There is an exception to HIPPA for certain transferring of information – sort of monitoring the public health system, which the County could probably rely on. However, she was not sure other counties agreed, and to the extent the information only came from the County, it would not be as helpful as if it was statewide.

Council Member Burdick asked if it was a violation of HIPPA to provide names.

Ms. Goddard stated Sen. Weiler is asking for cause of death, and in a small group setting, with that information, a person could figure out someone's name. That is protected information under HIPPA, but there is probably a way to address that by sharing information for oversight of public health. Sen Weiler's current draft also asks for prescriptions an inmate was on when they came into the jail and whether they were asked to continue those prescriptions, and that is protected information. To get that information, a question might have to be more general, like "Are there drugs that are specific to the treatment for mitigation of

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effects of opioid withdrawal that the jail declines to provide, including methadone, morphine, etc.?”

Council Member Wilson asked if a person’s right to privacy under HIPPA was mitigated by performing a criminal act.

Ms. Goddard stated law enforcement can get access to some information, but this would be shared with CCJJ, and it is not a law enforcement agency. However, in this capacity, one could argue it was overseeing medical care in the jails.

Mr. Sim Gill, District Attorney, stated there are ways to share that information if it is within the context of the treatment program, and part of a judicial outcome. However, that has to be a pre-set agreement, whereby a person would enter into that as part of the treatment modality. That would require some foresight by the people who were implementing the program.

Council Member Burdick stated he would support the bills if the HIPPA stuff were addressed.

Council Member Wilson stated there is HIPPA liability, but oftentimes HIPPA is overstated because it is such a complex law. She would be comfortable supporting the bills given HIPPA is fluid and complex, and that Ms. Goddard was on top of it, but would like her to continue working on it.

Ms. Goddard stated she thought the County could comply with the bills as they were, but it would have a better chance of complying on a larger scale.

Council Member Wilson, seconded by Council Member Burdick, moved to support both bills. The motion passed unanimously. Council Member DeBry was absent for the vote.

H.B. 293 1st Substitute – Education Funding Amendments (Bradley G. Last)

This bill amends and enacts provisions related to public education funding. It amends and enacts defined terms for the Minimum School Program; amends for a five-year period the calculation of the minimum basic local amount and minimum basic tax rate; establishes the equity pupil tax rate; directs the State Board of Education to deposit proceeds from the equity pupil tax rate into the Local Levy Growth Account; directs the Legislature to annually appropriate money from the Local Levy Growth Account to guarantee local levy increments; directs the State Board of Education to use the appropriation to increase the number of guaranteed local levy increments to 20, giving first priority to

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guaranteed voted local levy increments and second priority to guaranteed board local levy increments; and the guaranteed amount for each local levy increment per weighted pupil unit after increasing the number of guaranteed local levy increments; directs a local school board to use funds received from the state local levy guarantee programs for public education purposes; creates the Local Levy Growth Account; modifies the property tax rate cap for the school board local levy to subject all school districts to the same rate cap; repeals the following outdated levies prohibited since January 1, 2012: the board-approved leeway; the capital outlay levy; the additional levy for debt service, school sites, buildings, buses, textbooks, and supplies; and the board leeway for reading improvement; repeals outdated language, including language related to school capital outlay in counties of the first class repealed December 31, 2016; modifies the definition of "certified revenue levy" in the Property Tax Act; modifies provisions governing notice requirements for a proposed tax increase by the state; and provides a repeal date.

Ms. Kara Trevino, Legislative Director, stated there are two different equalization bills for education. This House bill freezes the basic levy for five years. Whatever decreases will be new money and basically a tax increase and will be diverted to another category.

Council Member Newton stated she liked the bill. It basically equalizes the school districts that are not generating enough. Poverty and other issues here in Salt Lake County impact a lot of kids in the schools.

Council Member Bradshaw asked if the equalization was statewide.

Ms. Trevino stated it is statewide, and everyone is supportive of it.

Council Member Bradshaw, seconded by **Council Member Granato**, moved to support H.B. 293 1st Substitute. The motion passed unanimously. **Council Member DeBry** was absent for the vote.

Ms. Kara Trevino, Legislative Director, Council Office, stated Sen. Lincoln Fillmore has an equalization bill too, S.B. 145, which takes general fund education money and puts it into the Weighted Pupil Unit, so there would be winners and losers throughout the state. In Salt Lake County, the winners would be the Granite and Jordan School Districts and the losers would be the Canyons and Salt Lake School Districts. She did not hear where the Murray School District would end up. She did not know whether the Council would want to take a position on that one.

H.B. 379 – Death Penalty Amendments (Rep. Gage Froerer)

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This bill modifies the Utah Criminal Code regarding aggravated murder as a capital felony. It prohibits the state from seeking the death penalty for aggravated murder committed before May 8, 2018, unless the state filed the notice of intent to seek the death penalty before May 8, 2018; and prohibits the state from seeking the death penalty for aggravated murder committed after May 7, 2018.

Council Member Snelgrove stated he would like the Council to consider this bill, and hopefully, support it. The death penalty is a direct burden to the taxpayers. It costs taxpayers upwards of a couple million dollars through the appeals process, which can go on for years. Salt Lake County is where most of the murders in Utah are committed, so also where the capital crimes or offenses are going to be prosecuted.

Council Member Snelgrove, seconded by Council Member Bradshaw, moved to support H.B. 379.

Council Member Burdick stated it is hard to have a debate so quickly on such a tough issue.

Council Member Snelgrove stated it is important to get support on this issue, and there are only two weeks left in the legislative session. The clock is ticking.

Council Member Jensen stated he understood about the money piece because it does cost money to do that. However, at the end of the day, if someone does something egregious, society does not want them around anymore.

Council Member Snelgrove stated life in prison with no possibility of parole may be just as strong a deterrent if not stronger to some criminals. Being incarcerated for 23 out of 24 hours a day for life would be a miserable existence.

Council Member Jensen stated this is not about a deterrent, but about a crime being so egregious the person who committed it needs to pay the ultimate price. A lot of times, it is to help the family and community get closure. If someone is going to cross that line, he was willing to go the length of paying the cost.

Mr. Sim Gill, District Attorney, stated this is a very nuanced and complex issue, and an important one. Sen. Stephen Handy has a bill that seeks the exact costs of the death penalty and to which entities that falls upon. It is important to have those hard numbers and a conversation about the number of aggravators, the value of their life, and the effectiveness of the death penalty. There are 66-76 crimes that qualify a case for the death penalty, and that is far too many. However, a decision should be premised on the right information, and the County does not have that. It has a lot of anecdotal information, not substantive information. If the argument is going to be based on costs, and there is such a massive split division, it is

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incumbent on the Council to make sure the data and numbers are accurate, and to approach this in a more thoughtful and methodical manner.

While he was not necessarily a big fan or supporter of the death penalty, his duty was to participate in democracy and follow the laws that have been posted. He suggested four scenarios where the death penalty might be considered: when someone is doing life in prison without the possibility of parole, and who kills other prisoners; when a child abductor sexually assaults and murders their victims; when someone commits mass murders; and when a person targets law enforcement officers in the line of duty to actually murder them.

Council Member Wilson stated the Council is in a position to weigh in on this and it is in the interest of time; however, it should have a really in-depth conversation about it. It cannot come up with a consensus decision or a well-thought out position today. To counter Council Member Jensen's position, there is a history of unfairly utilizing the death penalty. There are now more compelling methods and systems, such as a DNA match to determine that, but this is about someone's life. Just as she no longer buys that every doctor is not good, she also no longer believes that every judicial system is without corruption. With that, she was not in a position having had limited debate to weigh in for or against it.

Council Member Wilson, seconded by Council Member Burdick, made a substitute motion to refrain from taking a position on H.B. 379.

Council Member Bradley stated Council Members are delusional if they think continued debate on this issue will bring new information to the table. This debate has been going on for centuries. It is a moral construct – basically the Old Testament versus the New Testament, in terms of an eye for an eye versus turning the other cheek. Plenty of data has been gathered on the costs of incarcerating someone for life versus putting them to death. Studies are done time and time again that show the death penalty is more costly. So a long, future debate will probably not be all that productive. He recommended supporting the bill. While the cost benefit is not the basis and foundation of this, saving taxpayer money is certainly a pleasant outcome, and it could save the life of someone who has been wrongfully convicted.

Council Member Wilson, seconded by Council Member Burdick, made a substitute motion to refrain from taking a position on H.B. 379. The motion failed 4 to 4, with Council Members Jensen, Newton, Burdick, and Wilson voting in favor of it, and Council Members Bradley, Bradshaw, Granato, and Snelgrove voting in opposition to it. Council Member DeBry was absent for the vote.

Council Member Jensen stated people are put to death for treason, and while treason is horrible, he wondered if it was a higher scale than murder. People convicted of a murder have to go through a trial, and it has to be proven that what they did was of such an egregious nature, they could not be allowed to live. There comes a time when a line in the sand has to be drawn to let someone know that they could not do something like that and live

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themselves. Using the examples Mr. Gill gave, he wondered how society would want those people to live.

Council Member Burdick stated while this debate has gone on forever, he was not in a position to vote on it because it is so complex. He understood that the Council had little time left to take a position because the legislative session was almost over, but did not think it should make such a tough last minute decision.

Council Member Bradley stated everyone has given serious thought to the death penalty, and whether it is right or wrong. Further debate is not going to change where a person is on that. This issue has been debated, and further debate is not going to add any more knowledge about it.

Council Member Burdick stated this bill was presented to the Council on the basis of funding and the cost of going through the appeal process on a death penalty charge. The data on that is not in front of the Council.

Council Member Bradley stated the debate should be whether to take lives, not the reverse.

Council Member Jensen stated getting rid of the death penalty is a different policy position than taking a position on a financial matter. He wanted the County to be as frugal as it could be; however, this is a big policy issue. With that, all nine Council Members should be here to vote, and Council Member DeBry was not here today. So voting without him here was not a true reflection of how the Council felt.

Ms. Trevino stated the Sheriff's Association wanted the Utah Association of Council (UAC) to take a position to oppose the bill, but it did not want to do that. However, the topic might be on an agenda next week at National Association of Counties' conference. She urged the Council to go and maybe weigh in there.

Council Member Snelgrove, seconded by Council Member Bradshaw, moved to support H.B. 379. The motion passed 5 to 3, with Council Members Bradley, Bradshaw, Newton, Granato, and Snelgrove voting in favor of it, and Council Members Wilson, and Jensen voting in opposition to it. Council Member Burdick was absent for the vote.

Council Member Burdick stated the vote makes some Council Members look like they are for the death penalty, when that is not what they are addressing.

Council Member Newton stated she would rather not have taken a position on it, but the minutes would show Council Members' thoughts.

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Council Member Wilson stated she has a position on the death penalty, and is not unwilling to take that position. However, her role today was to weigh in on a legislative issue, and without really drilling down on the cost, she did not think the Council was in a position to take a vote on it.

Council Member Burdick asked if a Council Member could abstain from voting on this.

Council Member Jensen stated the optional ordinance says a Council Member has to vote on a motion unless they have a restrictive conflict.

Council Member Jensen stated this is going to be portrayed in the media that the Council took a position on the death penalty, period, even though the bill is based on costs. If the Council is going to vote on the death penalty, it should have an hour or two debate with all Council Members in attendance.

Council Member Snelgrove stated the motion would have passed even if all nine Council Members had been present.

Council Member Wilson stated while this would be viewed as the Council taking a position on the death penalty, she would not go so far as to say that the Council should not take a position without all nine members present. Most of the time the Council does business with less than nine members, and taking a vote today is no different than any of those other times. This is a part-time Council and each Council Member has a job and other commitments, so it is impossible to have nine members in attendance at every meeting.

H.B. 249 2nd Substitute – Statewide Resource Management Plan Adoption (Rep. Keven J. Stratton)

This bill adopts the statewide resource management plan. It defines terms; adopts the statewide resource management plan, on file with the Public Lands Policy Coordinating Office; requires the Public Lands Policy Coordinating Office, as funding allows, to monitor the implementation of the statewide resource management plan at the state and local levels; and creates a reporting requirement for the Public Lands Policy Coordinating Office to the Commission for the Stewardship of Public Lands.

Ms. Kara Trevino, Legislative Director, Council Office, stated the Council took a position to oppose H.B. 249. The way the original bill was written, the County would have had to ask for a variance to the statewide resource management plan. Since that time, the sponsor has met with County representatives and changed the bill. There is some language in there that says the County's plan must comply with the statewide plan. She and others were working with

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him to see if there was any middle ground on that. He is willing to work with the County and give some exceptions where the County's plan is in conflict with the State's, knowing that the County is different and has been working through its own process with the Wasatch Canyons plan. Therefore, she would like the Council to change its position from oppose to working with the sponsor. The substitute bill has passed the house.

Council Member Bradshaw, seconded by Council Member Wilson, moved to change the Council's position on H.B. 249 from oppose to working with the sponsor. The motion passed 7 to 1, with Council Member Bradley voting in opposition. Council Member DeBry was absent for the vote.

Other Bills

Council Member Burdick asked about the status of the following bills:

- *H.B. 181 2nd Substitute – Home Consumption and Homemade Food Act*
- *H.B. 175 – Legislative Oversight Amendments*
- *S.B. 164 – Transportation Funding Amendments*

Mr. Gary Edwards, Director, Salt Lake County Health Department, stated H.B. 181 2nd Substitute is headed for passage.

Ms. Kara Trevino, Legislative Director, Council Office, stated Rep. Keven Stratton has a fourth substitute of H.B. 175, which strikes out all the local governments. He accidentally forgot counties, but has an amendment to include them. She did not think it would ultimately pass the Senate and did not know that the Council wanted to support it. Then, S.B. 164 has been held in standing committee. She did not think it was going to move forward.

Council Member Wilson asked about the Medicaid expansion bills and efforts to derail that initiative.

Ms. Trevino stated there are no bills on the floor. Rep. Robert Spendlove has a bill, but it has not come out.

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Transportation Pilot Program and \$19,000 Budget Adjustment ([1:33:52 PM](#))

Ms. Noella Sudbury, Director, Criminal Justice Advisory Council (CJAC), stated she is asking the Council to approve a contribution of \$19,000 for a Transportation Pilot

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Program. This program is an outgrowth of the successful Operation Rio Grande. Several individuals have completed the drug court program and are ready and wanting to work. The County is collaborating with the Utah State Division of Workforce Services (WFS) to help them find jobs. They are finding some great jobs that offer a \$12 to \$15 per hour wage. However, the problem is that many of these jobs are not easily accessible. The goal is to remove the transportation barrier for these people to help them become self-sufficient, afford their own housing and transportation and get back on their feet. The LDS Church has offered to donate a van and gasoline for one year to a non-profit organization to help in this effort. The County approached Advantage Services, a non-profit that would accept the donation. She is asking the Council to contribute \$19,000 to pay a part-time van driver to shuttle people to and from work. Advantage Services will hire and manage the driver and take on the liability associated with the van. The County will continue to develop a network of participating employers who are willing to hire individuals with criminal records and to create the shuttle routes.

Mr. Michael Gallegos, Office of Transportation, Housing and Economic Development, stated about four years ago each member of the Salt Lake County Council of Governments (COG) contributed funding to help with the issues surrounding Pioneer Park. The County managed the process on how the funds were spent. After that outreach program ended, there was \$19,000 left in the fund, which was closed out to the County General Fund. That is where this donated money would come from.

Council Member Newton stated for the future, it would be interesting to look into using Uber and Lyft. It might be less expensive than using a van and hiring a driver. She asked how many people would be served by this pilot project and what matrix would be used to gauge success.

Ms. Sudbury stated the van holds 12 people and will do multiple runs. It is difficult to estimate how many will use the program. The idea is to make it a temporary situation and a bridge to self-sufficiency. The success of the program will be judged by the number of people who use the transportation, income pre and post, housing pre and post, how many new employer relationships the County has and what those partnerships offer in terms of wage. If the Council would like other things tracked, she would be glad to do that.

Mr. Gallegos stated his office will also want to look at ways and how this could be sustained through some outside resources.

Council Member Burdick, seconded by Council Member Bradshaw, moved to approve the budget adjustment and forward it to the 4:00 p.m. Council meeting for ratification. The motion passed unanimously. Council Members Jensen and Wilson were absent for the vote.

Council Member Snelgrove stated the economies of using a Lyft or Uber service for this service should not be overlooked. The County could schedule and pay for rides that others take.

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Ms. Sudbury stated that would be a great thing to explore. Next week CJAC is working with the Utah Transit Authority (UTA) to see how it can do something similar with its vanpool program. Leading out on this will bring other partnerships to the table and build on this in a way that is effective for taxpayers.

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Increase to Jail Nursing Supervisor Pay ([1:40:33 PM](#))

Chief Matt Dumont, Salt Lake County Jail, stated the jail is experiencing an emergency situation with retention of its nurse supervisors. The jail has three allocations for nurse supervisors and recently all three supervisors resigned to take higher paying positions elsewhere. The jail has approximately 50 nurses that cover jail medical treatment 24/7. Nurse supervisors were paid \$75,000 per year as exempt employees. Recent efforts to recruit for those positions have not been successful. The jail needs the positions filled to carry out its constitutional mandated services. Therefore, they raised the annual salary for nurse supervisors to \$86,000 per year. He advised the Council that the Sheriff's Office would be coming back to the Council for a mid-year budget adjustment to cover this cost. Until that time, the extra money is coming from under expend in Operations.

Council Member Bradley stated these positions need to be upgraded because the market for nurses is very tight and the jail has to meet its constitutional duties. However, the Council also needs to look at what kind of a ripple effect this would have on the salaries of other supervisory positions. The Council should support the increased pay for nurse supervisors but also have the information at hand as to the consequences of that action.

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Dimple Dell Development Plan ([1:45:22 PM](#))

Mr. Martin Jensen, Director, Parks & Recreation Division, updated the Council on the Dimple Dell Development Plan. He stated included in the 2016 bond was \$4 million set aside for improvement in Dimple Dell Park. The original proposal was to put in a paved trail. There was quite a bit of public opposition to this proposal, so over the past four to five months, his division has been meeting with a working group made up of interested citizens, representatives from Sandy City, and park experts to determine the highest and best use of the \$4 million. After deliberation, a list of 25 projects was selected, which include such things as new restrooms, new trail heads, and fire suppression equipment. In addition, funds have been set aside to restore a historical farmhouse to be used as an education center.

Council Member Bradley stated he knows this has gone through a long process and he appreciates it. It seems like Dimple Dell Park is being balanced between a regional park and preservation of open space.

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Mr. Jensen stated Dimple Dell Park is unique; it is not like any other park. In Dimple Dell Park, a person can have a nature experience in an undeveloped area and that is the level the park is being managed at.

Council Member Burdick stated he was pleased to see that deferred maintenance was being taken care of first. He is very happy with the public process that resulted in this list.

Ms. Joyce Walker, working group member, stated Dimple Dell Park was originally set aside as a nature preserve. It is a unique property that does not fit the standard of the traditional park system. She appreciates the opportunity to be involved in making recommendations for the use of the \$4 million and is committed to raising additional funds to contribute to larger projects, such as the restoration of the farm house into an education center.

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The meeting recessed at [1:55:53 PM](#) and reconvened at [2:07:06 PM](#)

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Update on Transfer Station and Solid Waste Operations ([2:07:06 PM](#))

Mr. Scott Baird, Director, Public Works & Municipal Services Department, delivered a PowerPoint presentation relating to the transfer station and how it functions. He stated last fall the Council requested his office look into three options relating to the transfer station: possible closure, new operator, and raising fees to meet the shortfall of approximately \$2.8 million. He briefly reviewed each option looking at the impact and challenges, factors influencing a County landfill fee, and policy considerations. Additional research needs to be done relating to the options of hiring a new operator and raising fees to meet costs.

Council Member Newton stated there is a huge motivation for the County to be as competitive as possible with the landfill. If the County went out of business, then the private haulers would be able to charge whatever they wanted. The landfill needs to be run like a business. The County and Salt Lake City should not be receiving dividends in years when the landfill is losing money.

Council Member Burdick asked if the remaining information could be pulled together prior to the June budget adjustments. Time is of the essence.

Mr. Baird stated that would be a tight timeline because his office needs to work with Salt Lake City when making any decisions relating to the landfill. It just takes time.

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Mr. Rick Graham, Deputy Mayor of Operations, stated he hoped to be able to get back with the Council in April, so the policy and decision making discussions can take place before the June budget adjustments.

Council Member Newton stated she wanted to pursue the dividend discussion. There is not a business that she knows about that takes a dividend in the years it loses money. The Council could help with this policy discussion.

Mr. Baird stated the dividend has been in the neighborhood of \$1.4 million a year, so about \$700,000 per owner. The owners have come to depend on that revenue stream, so they would have to find a way to replace it or understand that it would not be guaranteed every year. It is the goal of the Solid Waste Management Division to make the landfill profitable so money can be given to the owners.

Council Member Newton asked in the last ten years, which years have been profitable.

Mr. Jared Steffey, Fiscal Manager, Mayor's Operation, stated the landfill has not been profitable over the past five years. It has broken even or lost money. He would get back to the Council with the information for the additional five years.

Council Member Bradley stated providing sanitation services to a community are a public service and those public services are not always profitable. It is one of the things that governments do to affect the quality of life in their communities. The Council cannot be exclusively driven by a profit motive.

Council Member Newton asked for help in figuring out the next steps the Council should to further the process along.

Mr. Graham stated the plan is to come back before the Council when the three options have been fully discussed, evaluated, and prepared so the policy decisions can be made.

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Update on the Mountain View Corridor Project ([2:36:49 PM](#))

Mr. Joe Kammerer, Project Director, Utah Department of Transportation, delivered a PowerPoint presentation updating the Council on the current status of the Mountain View Corridor. He reviewed why a balanced transportation solution is needed, phase one roadway and transit, phase two roadway, phased implementation overview and schedule, and the pathway to future phases. He stated construction is ready to begin on the next section of the Mountain View Corridor between 4100 South and California Avenue. Funding is still needed for two additional sections on phase one.

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Council Member Burdick asked if there was enough right-of-way on the Mountain View Corridor to add rail.

Mr. Kammerer stated it needs to be looked into. Rail is not being discounted, it just depends on ridership.

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Parley's Interchange Design and Environmental Impact Study ([2:55:37 PM](#))

Ms. Rebecka Stromness, Project Manager, Utah Department of Transportation, delivered a PowerPoint presentation on the Parley's Interchange Environmental Impact Study (EIS) highlighting the study area, why improvements are needed, the purpose of the project, alternatives being considered, other studies, current and upcoming events, and the EIS schedule.

Council Member Bradshaw asked why the study did not include the 4300 South interchange, since that was the last one before the full interchange at 6200 South.

Ms. Stromness stated the Utah Department of Transportation had to draw the line somewhere. If the study gets too big, it could lead to other issues. She would look into the possibility of including the 4300 South interchange.

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Emergency Management Updates ([3:06:17 PM](#))

Chief Clint Meacham, Emergency Management Bureau, Unified Fire Authority, delivered a PowerPoint presentation relating to the Salt Lake County Emergency Operation Plan (EOP) and the Tactical Emergency Critical Care (TECC) kits. He stated the EOP is required by the Federal Emergency Management Agency (FEMA). The Federal Government looks for this plan in the event of a disaster in Salt Lake County for state and federal reimbursement. It also provides basic guidance for the County in the event of a disaster. The EOC is required to be updated every five years. He is asking the Council to approve a resolution authorizing the Mayor to sign the EOP.

The UFA received the Combined Coordinated Terrorism Attack Grant in the amount of \$1.043 million. Embedded within that grant is \$200,000 set aside for citizen awareness and training. Part of that training will be on the use of TECC kits. The kits were created under the guidance of FEMA to provide the basic tools and training to stop bleeding and save lives until the professional first responders can arrive. The kits are very basic with tools that are easy to use. The proposal is to place the TECC kits in all Salt Lake County government facilities and provide training for Salt Lake County employees on the kits use. The kits would be mounted in

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conjunction with the AEDS that are located throughout government facilities. The total cost for this program is \$330,000. The District Attorney's Office has offered to provide partial funding towards this cost and he is requesting the balance from Salt Lake County. The Unified Fire Authority is not asking for the funds today, only for a letter of support for this program.

Mr. Ralph Chamness, Deputy District Attorney, stated the funds donated from the District Attorney's Office would come from the Asset Forfeiture Fund and would require an interim budget adjustment.

Council Member DeBry stated it is hard to approve funds when the amount is not known.

Chief Mecham stated the approval today would be for the resolution authorizing the Mayor to sign the EOP. He would come back at a later date for approval of the TECC funds.

Council Member DeBry, seconded by Council Member Snelgrove, moved to approve the resolution and forward it to the 4:00 p.m. Council meeting for ratification. The motion passed unanimously. Council Member Granato was absent for the vote.

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Closed Session – Deployment of Security, Personnel, Devices or Systems

Council Member Bradshaw, seconded by Council Member Burdick, moved to close the open session of the Committee of the Whole meeting to discuss the deployment of security, personnel, devices or systems. The motion passed unanimously. Council Member Granato was absent for the vote.

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The Council reopened the meeting by motion during the closed session.

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CONSENT AGENDA ([3:30:16 PM](#))

Board Appointments

Mayor Ben McAdams submitted a letter requesting the Council's advice and consent to the appointment of **Tyler Money** as a member of the Community and Economic Development Advisory Council to serve a two and 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 modified terms for **Matt Klein** and **Rocio de Maria Torres Mora** as members of the Community and Support Services Advisory Board. They will complete the terms of previously vacated positions, which will begin immediately and end September 30, 2018.

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

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Resolutions

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:

Bond Resolutions

Summit County regarding the issuance of Revenue Bonds on behalf of the Utah Olympic Legacy Foundation.

Waterford School regarding the execution and delivery of an Amendment to the Indenture of Trust and an Amendment to Loan Agreement relating to the School Facility Revenue Bonds.

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Resolution and Interlocal Agreement

Cottonwood Heights Canyon Center CDA regarding the transfer of \$6 million for a parking structure. Salt Lake County will transfer \$6 million from its Transportation Funds to be used to acquire a perpetual public parking easement on a parking structure to be constructed within the CDA.

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Resolution and Amendment to Interlocal Agreement

Cottonwood Heights Canyon Center CDA regarding the amendment of exhibits that were previously adopted on November 8, 2011, relating to the project area plan, budget, and easement agreement, as well as other amendments outlined in the interlocal agreement.

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

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Gift to Salt Lake County

The Council reviewed the following gift to Salt Lake County. The Declaration of Gift form has been placed on the Council agenda for ratification:

Sheriff's Office

Otsuka America Pharmaceuticals has offered to donate up to 120 Abilify Injections to be used by the Sheriff's Office. The estimated value of this gift is \$258,802.80.

Council Member Bradshaw, seconded by Council Member Snelgrove, moved to accept the gift and forward the Declaration of Gift form to the 4:00 p.m. Council meeting for ratification. The motion passed unanimously. Council Member Granato was absent for the vote.

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Other Business

Cancellation of Meeting

Council Member Bradshaw, seconded by Council Member Snelgrove, moved to cancel the March 6, 2018, Committee of the Whole and Council meetings. The motion passed unanimously. Council Member Granato was absent for the vote.

Approval of Minutes

Council Member Bradshaw, seconded by Council Member Snelgrove, moved to approve the minutes of the Salt Lake County Committee of the Whole meeting held on Tuesday, February 6, 2018, and Tuesday, February 13, 2018. The motion passed unanimously. Council Member Granato was absent for the vote.

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The meeting was adjourned at [3:51:00 PM](#).

Chair, Committee of the Whole

Deputy Clerk

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