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Salt Lake County Council

Committee of the Whole

~MINUTES~

Tuesday, January 30, 2018

[1:37:28 PM](#)

Committee Members

Present:

Jennifer Wilson
Jim Bradley
Arlyn Bradshaw
Sam Granato
Steven DeBry
Aimee Winder Newton, Chair

Excused:

Richard Snelgrove
Michael Jensen
Max Burdick

Citizen Public Input

Mr. Steve Van Maren spoke under "Citizen Public Input" regarding the SCR 1 resolution that is under consideration at the State Legislature. He stated he was opposed to replacing the Philo Farnsworth statue with the Martha Hughes Cannon statue. There is already a polygamist statue representing Utah in Statuary Hall. It would not be fair to the current environment.



Review of New Hires ([1:37:28 PM](#))

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

Agency

Position

Salt Lake County Health Department

Community Cleanup Coordinator 15

Sheriff – County Jail

Office Coordinator 12

Nursing Supervisor 17

Classification Specialist 11

Youth Services Division

Youth Services Case Manager 14

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	2 Youth Workers 12
<i>Solid Waste Management Division</i>	Landfill Scalehouse Operator 10 Heavy Equipment Operator 10 Landfill Operations Manager 15
<i>Treasurer</i>	Taxpayer Care Specialist 11
<i>Parks and Recreation Division</i>	Lead Custodial Maintenance Worker 9
<i>Criminal Justice Services Division</i>	Treatment Specialist 15
<i>District Attorney</i>	Prosecuting Attorney 17
<i>Facilities Services Division</i>	Electrician 13
<i>Clerk</i>	Election Coordinator 12 Marriage & Passports Specialist 11 (part-time)

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Budget Adjustment ([1:37:45 PM](#))

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

Information Services Division

Interim budget adjustment for an appropriation shift of \$75,000 from Operations to Pass-through to cover increased customer needs in various telecom pass-through categories.

Council Member Bradshaw, seconded by Council Member Granato, moved to approve the interim budget adjustment request and forward it to the 4:00 p.m. Council meeting for ratification. The motion passed unanimously. Council Member Wilson was absent for the vote.

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Legislative Updates ([1:38:15 PM](#))

SCR 1 Concurrent Resolution Recommending Replacement of Statue of Philo Farnsworth in Utah State Capital – Sen. Todd Weiler

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This resolution requests that the Joint Committee of 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.

Ms. Kara Trevino, Legislative Director, Council Office, stated Council Member Snelgrove requested the Council take a position on this resolution.

Council Member Bradshaw stated he would like to wait before taking any position on this resolution until Council Member Snelgrove is in attendance.

[Later in the meeting [3:10:25 PM](#)]

Council Member Wilson stated she was not in attendance when the Council decided to postpone any decision on the SCR 1 resolution and requested this item be brought back for discussion. She stated there are only nine women statues in Statuary Hall. The issue is not who is better – Philo Farnsworth or Martha Hughes Cannon, but the issue is that there is not enough women represented in Statuary Hall. The requirement at the federal level is a statue needs to stay in Statuary Hall for 10 years. Mr. Farnsworth's statue has been there for 20 years.

Martha Hughes Cannon came across the plains as a pioneer and lost her father and sister due to illness right after they arrived in the valley. As a result, she became really dedicated to medicine and the advancement of medicine. Ms. Cannon was the only women in her class at medical school. She was very vocal and involved in the Utah Women's Suffrage movement and was the first woman state senator in the United States. The Council should take a stand on this issue.

The amendment giving women the right to vote will celebrate its anniversary in 2020 and it is important for Utah to be recognized as a leader. Utah gave women the right to vote 50 years before the amendment passed.

Council Member Wilson, seconded by Council Member Bradshaw, moved to support SCR 1. The motion passed unanimously. Council Member Granato was absent for the vote.

H.B. 199 Division of Substance Abuse and Mental Health Amendments - Rep. Kelly B. Miles
([1:39:45 PM](#))

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This bill amends and defines terms; requires the local substance abuse authorities and the mental health authorities to identify in their state plans which programs and treatments are evidence-based; establishes requirements for an evidence-based treatment program; requires the division, the local substance abuse authorities, and the local mental health authorities to incrementally increase the percentage of evidence-based treatment programming, requires that certain training be for the provision of evidence-based treatment programs, specifies the allocation of certain future appropriations through fiscal year 2025, creates the Outcome Improvement Advisory Board.

Ms. Kara Trevino, Legislative Director, stated this bill requires that expenditures of state funds on substance abuse disorders, mental health treatment, or programming be limited to evidence-based treatment. The bill is problematic for Salt Lake County Behavioral Health Services due to the way it does its programming.

Mr. Tim Whalen, Director, Behavioral Health Services Division, stated the County already does evidence-based services. All counties within Utah oppose this bill, except for one. The language in the bill comes from that one county. The language is very specific to a certain evidence-based practice. The bill prescribes the training, the supervision model, and the frequency of the supervision model. Everything that needs to be done is specific to one evidence-based practice. This is not a good or fair approach. He asked the bill sponsor for a meeting to discuss what were evidence-based, what the counties would have to have in place to do this specific program, and what this would cost. The bill has no description or attachment to outcome, it is not asking for outcomes, it is just telling counties how to do the process. Funding has been attached to the bill. Appropriations can be reduced if the County does not adhere to this one model. He asked the Council to oppose this bill.

Council Member Bradshaw, seconded by Council Member Granato, moved to oppose H.B. 199. The motion passed unanimously. Council Member Wilson was absent for the vote.

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H.B. 181 Home Consumption and Homemade Food Act - Rep. Marc K. Roberts ([1:45:12 PM](#))

This bill defines terms; and states that home-based producers may be exempt from certain state, county, or city regulations regarding the preparation, serving, use, consumption, or storage of food and food products that are produced and sold within the state; sold directly to an informed final consumers; and for home consumption.

Mr. Gary Edwards, Director, Salt Lake County Health Department, stated this bill would expand cottage food industries to allow private residents to become a take-out food business. Home kitchens are really multi-purpose rooms for families where a multitude of

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different activities take place, anywhere from changing diapers to taking care of pets. It is not a good sanitary place for food preparation for people outside of the home. Also, these kitchens would not have adequate refrigeration for preparing large quantities of food that would be sold.

Council Member Bradley, seconded by Council Member DeBry, moved to opposed H.B. 181. The motion passed unanimously. Council Member Wilson was absent for the vote.

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H.B. 191 Carbon Monoxide Detector Repeal - Rep. Mark A. Wheatley ([1:47:39 PM](#))

This bill repeals sections that prohibit a county or municipality from enforcing an ordinance, rule, or regulation that requires the installation or maintenance of a carbon monoxide detector in a residential dwelling against anyone other than the occupant of the dwelling, subject to an exception for new construction, and repeals a provision that states that local health department authority does not include the authority to enforce an ordinance, rule or regulation that requires the installation or maintenance of a carbon monoxide detector in a residential dwelling against anyone other than the occupant of the dwelling.

Mr. Gary Edwards, Director, Salt Lake County Health Department, stated seven years ago there was a clause put in the Local Health Act that indicated the local health department could not have a regulation to require carbon monoxide detectors. At that time, Salt Lake County was the only department in the state that required rental properties to have carbon monoxide detectors. This bill would allow the regulation to be put back in the local health act.

Council Member Bradshaw asked if Salt Lake County removed the regulation requiring carbon monoxide detectors be placed in all rentals.

Mr. Edwards stated yes, the regulation was removed. This bill would remove the prohibition and allow Salt Lake County to put the regulation back on the books.

Council Member DeBry, seconded by Council Member Bradshaw, moved to support H.B. 191. The motion passed unanimously. Council Member Wilson was absent for the vote.

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S.B. 108 – Raw Milk Amendments - Sen. David P. Hinkins ([1:49:59 PM](#))

This bill defines terms, allows the sale of raw milk at a farmer's market under certain conditions, allows the sale of raw milk from a mobile refrigerated truck

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under certain conditions; allows the sale of a limited amount of raw milk to be exempt from certain regulations

Mr. Gary Edwards, Director, Salt Lake County Health Department, stated there are about 30 states that allow the sale of raw milk and 81 percent of all the outbreaks of illness tied to milk are in those 30 states. This bill also exempts a producer from requirements that protect the health and safety of consumers. He asked the Council to oppose this bill.

Council Member Bradshaw, seconded by Council Member Bradley, moved to oppose S.B. 108. The motion passed unanimously. Council Member Wilson was absent for the vote.

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Appropriations ([1:51:36 PM](#))

- \$500,000 to Department of Environmental Quality to go to local health departments
- \$500,000 to Department of Health to go to nurse home visits

Mr. Gary Edwards, Director, Salt Lake County Health Department, asked the Council to support these appropriations, which are included in the Governor's budget. The Department of Environmental Quality's (DEQ) budget has never had an increase since it was created in the late 80s. The appropriation would be passed through to local health departments. The second appropriation of \$500,000 would go to local health departments to help with nurse home visit programs. Salt Lake County has two programs it operates that could receive additional funding.

Council Member DeBry asked how these funds would be divided out.

Mr. Edwards stated the funds going to DEQ would be divided equally 13 ways. The local health departments worked with DEQ to identify what a minimum capacities is, and to bring everyone to that minimum capacity would require that equal division. The funds from the Department of Health would be divided based on a competitive application. Not every county would receive funding.

Council Member DeBry, seconded by Council Member Granato, moved to support the appropriations. The motion passed unanimously.

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H.B. 35 Municipal Instant Runoff Voting Pilot Project - Rep. Marc K. Roberts ([1:53:34 PM](#))

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This bill defines terms, establishes a pilot project for a municipality to conduct certain nonpartisan municipal races by instant runoff voting, establishes a process for a municipality to opt in to the pilot project, establishes requirements and procedures for conducting an election under the pilot program, including the completion of ballots, the counting of votes, recount provisions, resolving a tie, and canvassing, provides a sunset date for the pilot project.

Ms. Kara Trevino, Legislative Director, stated H.B. 35 is a pilot project for municipalities. It does not include counties. However, this is a problem for Salt Lake County because the election officer for metro townships is the Salt Lake County Clerk. If the metro townships wanted to be part of the pilot, then the Clerk might have to conduct that election. The legislative team has proposed an amendment requiring the election officer to certify that resources and capability of participating in the pilot project are available. That would allow the County Clerk to weigh in if townships wanted to participate.

Ms. Sherrie Swensen, County Clerk, stated her office offers contract services to all municipalities within Salt Lake County. The current voting system does not accommodate this change, so her office could not tabulate or lay the ballot out for an instant runoff type election. It would put an end to any contracts with cities. It would present a problem with metro townships if they opted to participate in this type of election. The Clerk's Association opposes the bill. She asked the Council to oppose this bill.

Council Member Newton asked if the Council decided to support the bill only with the proposed amendment. She asked if the amendment would help.

Ms. Swensen stated her office could not conduct elections for the municipalities if they chose to do this pilot project.

Council Member Bradshaw stated the municipalities could not hold an election on their own because they do not have the capability to do so. In concept, he is supportive of this bill. He asked if this would only be used during a primary election.

Ms. Swensen stated no, it would eliminate the primary election.

Council Member Newton stated if the State wanted to do a pilot program, she would hate to stand in the way. She would be interested to see how it goes. Verbiage does need to be included in the bill indicating if an entity does not have the capability to run the election; it should not be forced to be part of the pilot project.

Council Member Bradshaw asked how involved Salt Lake County was with the amendment. He did not want to oppose the amendment if Salt Lake County was proposing it.

Ms. Trevino stated it would be bad to oppose the bill, because Salt Lake County requested the amendment.

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Ms. Swensen stated there are other ideas that are being considered such as voters approving a candidate and not ranking that candidate. The candidate with the most approvals would win. She has not seen any language on this proposal.

Council Member Bradshaw stated the County could be neutral on the bill because it is actively working on the amendment. However, it does not sound like the amendment addresses all of the concerns.

Mr. Trevino stated the amendment needed to be included in the bill. There is no control over the Clerk's Office having to conduct elections for the metro townships without the amendment.

Council Member Bradshaw, seconded by Council Member DeBry, moved to support the proposed amendment to H.B. 35, but to remain neutral on the bill and to continue to monitor it. The motion passed unanimously.

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H.B. 67 Voter Registration Amendments - Rep. Stephen G. Handy ([2:01:22 PM](#))

This bill amends definitions, provides that an individual who applies for or renews the individual's driver license or state identification card will be registered to vote unless the individual opts out, allows certain information in a driver license or state identification card application form to be used for voter registration purposes, requires a county clerk to send certain information to an individual who registers to vote, provides that an individual is not guilty of fraudulent registration if the individual is ineligible to register to vote but is inadvertently registered to vote under this bill

S.B. 112 Voter Registration Revisions - Sen Deidre Henderson ([2:01:22 PM](#))

This bill amends definitions, provides that an individual who applies for or renews the individual's driver license or state identification card will be registered to vote unless the individual opts out, allows certain information in a driver license or state identification card application form to be used for voter registration purposes; requires a county clerk to send certain information to an individual who registers to vote, provides that an individual is not guilty of fraudulent registration if the individual is ineligible to register to vote but is inadvertently registered to vote under this bill

Ms. Sherrie Swensen, County Clerk, stated these two bills are essentially the same. The bills would allow for a person to be automatically registered to vote when they renew a driver license unless they opt out. She is supportive of these bills because her office would

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get current information on an ongoing basis, and people would not be registering to vote at the last minute resulting in a lot of provisional ballots. The Clerk's Association is supportive of both of these bills.

H.B. 154 Voter Registration Modifications - Rep. Karianne Lisonbee (2:02:15 PM)

This bill amends the driver license application and renewal forms; requires the Driver License Division to submit certain information to the lieutenant governor for entry into the statewide voter registration database, requires a county clerk to review and take certain action in relation to the information entered

Ms. Swensen stated this bill does not automatically register people to vote when they renew or get a driver's license, but it would give her office access to the driver's license information. She supports all three bills because they would increase voter participation and help to keep voter information current.

Council Member DeBry, seconded by Council Member Bradshaw, moved to support H.B. 67, S.B. 112, and H.B. 154. The motion passed unanimously.

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S.B. 74 Voter Privacy Amendments - Sen. Karen Mayne (2:03:36 PM)

This bill specifies that a qualified person may only obtain a voter's month and year of birth from the list of registered voters instead of a voter's entire date of birth, amends the voter registration form; specifies that a governmental entity may share a protected voter registration record with another governmental entity for a purpose related to voter registration or administration of an election.

Ms. Sherrie Swensen, County Clerk, stated this bill would protect the day of birth in the voter file database. Her office would provide the month and year, but not the day of birth. This bill offers a little more protection in terms of identity theft.

Council Member Bradley asked why the information is released at all.

Ms. Swensen stated the information is released because it is the law. This information is given to financial institutions, insurance companies, and people running for office. This is just a little piece of the puzzle to protect a person's identity. Senator Mayne has tried at least five times to remove a person's birthday from the database and has not been successful. This small difference would help to get the bill passed.

Council Member Bradley, seconded by Council Bradshaw, moved to support S.B. 74. The motion passed unanimously.

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H.B. 61 County Recorder Amendments - Rep. Cheryl Acton ([2:07:58 PM](#))

This bill removes a restriction on the provision of county recorder services in certain circumstances.

Mr. Adam Gardiner, County Recorder, stated current state law says that the Recorder cannot furnish any copies, provide any service, or record any documents unless the fees prescribed by law are paid. This hurts the Recorder's Office in its online subscriptions. This bill would allow someone to take a credit card when a person begins searching on line, but not charge to it until the search ended. This is just a technical change.

Council Member DeBry, seconded by Council Member Bradshaw, moved to support S.B. 61. The motion passed unanimously.

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S.B. 124 Budget Deadline Amendments - Sen. Lincoln Fillmore ([2:09:27 PM](#))

This bill amends the deadline by which a taxing entity is required to adopt certain budgets

Mr. Scott Tingley, County Auditor, stated this bill shortens the timeframe by eight days that a county auditor has to calculate the certified tax rates for all taxing entities, schedule public hearings for taxing entities that are seeking a tax increase, verify property owner information, and mail over 360,000 Notice of Valuation and Tax Changes to every property owner in Salt Lake County. Currently, the tax calendar for the preparation and mailing runs from June 22nd to July 22nd. The proposed changes would extend the deadline for taxing entities to submit their proposed budgets to the Auditor to June 30th. This bill should extend the timeframe of all deadlines, if it is going to change any deadline. He requested the Council oppose this bill.

Council Member Bradshaw, seconded by Council Member Granato, moved to oppose S.B. 124. The motion passed unanimously.

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S.B. 101 Tax Amendments - Sen. Lincoln Fillmore ([2:14:23 PM](#))

This bill defines "significant adjustment," requires the county board of equalization to list separately a significant adjustment on an agenda for a public hearing and provide certain property information

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Mr. Scott Tingley, County Auditor, stated this bill requires an adjustment to be listed separately on an agenda if there is a significant adjustment, which is defined as \$1 million and a 20 percent change. An adjustment has to meet these criteria before it has to be listed separately on an agenda. This would happen very seldom. It would not be difficult for the Auditor's Office to meet this requirement.

Council Member Bradshaw, seconded by Council Member Granato, to support S.B. 101. The motion passed unanimously.

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S.B. 86 Victim Targeting Penalty Enhancements - Sen Daniel W. Thatcher (2:16:02 PM)

This bill provides for an enhanced penalty for a criminal offense if the offender acted against an individual because of the offender's perception of the individual's ancestry, disability, ethnicity, gender, gender identity, national origin, race, religion, or sexual orientation; provides the same enhancement provisions if the criminal offense damages property and the offender acted against the property because of the offender's perception of the property owner's ancestry, disability, ethnicity, gender, gender identity, national origin, race, religion, or sexual orientation; and provides that this bill does not affect an individual's constitutional right of free speech or any other constitutional rights

SJR 3 Joint Resolution Amending Rules of Evidence – Victim Selection - Sen. Daniel W. Thatcher (2:16:02 PM)

This resolution provides that a criminal defendant's expressions or associations are not admissible as evidence of the defendant's selection of the victim for purposes of a victim selection penalty enhancement, except when the evidence: specifically relates to the crime charged, or is introduced for impeachment

Ms. Darcy Goddard, Deputy District Attorney, stated this bill protects individuals from being selected on the basis of protective criteria. In Utah, only 66 criminal incidents were counted as bias crimes in 2016. This bill is intended to correct a deficiency within the current law. The enhancements are more realistic when it comes to the types of damages that can be caused by these types of crimes. Penalties for misdemeanors are increased by one level and felonies are increase by an additional year in jail at the discretion of the judge. The resolution limits what evidence of a bias from the defendant can come into trial. It protects free speech. The District Attorney's Office supports these bills.

Council Member Bradshaw, seconded by Council Member DeBry, moved to support S.B. 86 and SJR 3. The motion passed unanimously.

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H.B. 175 Oversight Committee Creation - Rep. Keven J. Stratton (2:25:15 PM)

This bill defines terms; creates the Joint Committee of Governmental Oversight and establishes the committee's membership; establishes that the purpose of the Joint Committee on Governmental Oversight is to increase the transparency, efficiency, effectiveness, and accountability of state and local government entities; establishes powers and requirements for the committee; grants the Joint Committee on Governmental Oversight investigatory powers; requires the governor, upon recommendation from the committee, to repeal an administrative rule unless certain conditions are met; requires a proposed administrative rule to be approved by the Legislature and governor through a concurrent resolution before taking effect; establishes sunset dates and makes conforming changes.

Ms. Kara Trevino, Legislative Director, stated this bill creates an oversight committee with authority to investigate waste, fraud, misconduct, accounting, expenditures in handling governmental funds, and state and local government actions to determine whether the entity takes action in accordance with best practices and the best interest of the citizens the entity serves. The Utah Association of Counties is asking for feedback from the various counties regarding this bill.

Ms. Darcy Goddard, Deputy District Attorney, stated this would be a nine member board, which would have full subpoena power, the ability to call witnesses, and review documents. It would have authority to determine if local entities comply with state laws and administrative rules, and how those entities are working to enact laws passed by the Legislature. The authority of this board would be very broad.

Council Member Newton asked if this would give the Legislature any more power and authority than it already has.

Ms. Goddard stated this bill would give the committee more direct oversight and auditing control over political subdivisions and state agencies.

Council Member Newton asked if it duplicates the State Auditor's responsibilities.

Ms. Trevino stated she heard the State Auditor is supportive of this bill. It would give an arm of the government to follow up with audits.

Mr. Jason Rose, Legal Counsel, Council Office, stated it duplicates the role of the County Council and Mayor. It impinges on the Council and Mayor's authority to oversee the County.

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Council Member Newton asked if it impinges or if it duplicates the role of the Council and Mayor. She asked if it added one more level of scrutiny.

Mr. Rose stated it gives the State and County the authority to do the same thing.

Council Member Wilson asked how this applies to the Legislature.

Ms. Goddard stated the Legislature is not covered.

Council Member Bradshaw, seconded by Council Member Wilson, moved to oppose H.B. 175. The motion passed unanimously.

Appropriations ([2:30:32 PM](#))

\$100,000 Naturalization Initiative for New Americans – Sen. Jani Iwamoto

Ms. Karen Hale, Deputy Mayor of Community and External Affairs, stated the \$100,000 appropriation would support approximately 44,000 refugees in the state who are ready to be naturalized, but due to different barriers are not able to. Of the \$100,000, \$80,000 would be divided between four counties that have been identified with the greatest population of those that are eligible. This money could be used for things such as English as a second language classes or citizenship classes. The remaining \$20,000 would go to an assessment and evaluation program to see what works.

Council Member Wilson stated this did not seem like enough money to get a program up and running.

Ms. Hale stated this amount is proposed as seed funding to see what could be done.

Council Member Bradshaw asked if this appropriation was included in the Governor's budget.

Ms. Hale stated no, it was not included.

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

Transportation Governance Amendments - Sen. Wayne A. Harper ([2:35:05 PM](#))

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This bill modifies Utah Transit Authority (UTA) governance; allows state spending on transit; and modifies taxes and fees.

Ms. Kara Trevino, Legislative Director, Council Office, stated this bill makes dramatic changes to the Utah Transit Authority (UTA) governance, transportation funding, and the process for that. The bill would replace the 16-member board of trustees with three commissioners who would manage UTA. There would also be a 9-member local advisory board made up of local governments to give recommendations to that commission on issues, such as the budget, service plans, project development plans. Another big change would allow state money to be spent on transit. Then, the Utah Department of Transportation (UDOT) would also be restructured. Additionally, the bill would mandate that all the participating counties with transit impose the transit quarter taxes before 2022. Once they were imposed, the counties would be able to use those funds as Proposition 1 had intended. If the counties do not impose the taxes, the State would. This bill would also add a statewide transient room tax (TRT) and increase the sales tax on electric and hybrid vehicles to help fund transportation and transit.

Mayor Ben McAdams stated this bill is still a moving target; there will be some changes to it as it is discussed in the coming weeks, but it will pass in some form.

Council Member Newton asked if the Mayor was concerned about the three-member commission.

Mayor McAdams stated the commission form was not his favorite approach, but he would not oppose the bill over that. Currently, there is an advisory board, so the goal with the commission is to give it more power. He would have liked a council-manager form of government – maybe a five-member council or commission, wherein the commission would be the legislative and budgeting branch, and be allowed to hire a professional executive. He has suggested that, but did not know if there was willingness to move forward with it. One concern Sen. Harper had in going from three to five commissioners was how to pay for it.

Council Member Wilson stated the commissioners should be full-time, as part-time members would have more conflicts. However, there might be less abuse with a five-member council.

Mayor McAdams stated if there was a five-member commission, the advisory board could be done away with. If the bill passes with the three-member commission, Salt Lake County would appoint one of them. Appointments would be according to population and tax base. He would probably nominate the person, and get Council approval. Then, that appointment would go to the Governor, then the State Senate for approval.

Council Member Bradshaw stated this bill would require the County to put the transportation tax back on the ballot.

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Council Member Newton stated she would have a hard time putting this back on the ballot.

Ms. Trevino stated if the County did not impose the tax then the State would.

Mayor McAdams stated the citizens were concerned about the governance of UTA the last time this issue was on the ballot. A lot of things have changed since that time.

Council Member Bradshaw, seconded by Council Member DeBry, moved to remain neutral on this bill. The motion passed unanimously. Council Member Granato was absent for the vote.

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H.B. 72 Personal Communications of Governmental Entity Employees and Officers - Rep. Justin L. Fawson ([2:47:43 PM](#))

This bill addresses a provision relating to what constitutes a record under the Government Records Access and Management Act. It provides that an email, otherwise excluded from the definition of "record," is a "record" if it meets certain criteria.

Ms. Darcy Goddard, Deputy District Attorney, stated the way this bill is written is problematic. District Attorney's Office suggested language to accomplish what the sponsor wanted, but not violate everyone's right of free speech. However, he went with a suggestion of the Utah Association of Counties and the League of Cities and Towns to put this in the Election Code, and have the Records & Archives officer determine whether a communication was done in violation of the Election Code.

The District Attorney's Office was concerned this bill would set up a scenario where every time someone wanted to get a record, it would get referred to a full criminal or civil investigation in order to find out if there had been a violation of statute before even responding to the GRAMA request.

The District Attorney's Office suggested the sponsor put this back in GRAMA if the idea was to encourage the release of records, but he declined to do that. What this does is give an organization that may not want to release records, which should probably be released, a hook not to do so. She thought the sponsor thought the County was trying to thwart access to records, when what it is really trying to do is make records that should be transparent more available. She would love a chance to be able to explain that to him.

Ms. Trevino stated she could continue to work with the District Attorney's Office in getting this to a different part of the code that made more sense. This is on the House floor, but still has to pass the Senate.

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Council Member Wilson stated it seemed the County was overreacting to an isolated incident and maybe should have an advocacy based on general practices and measures to address general practice violations.

Council Member Bradshaw stated the Council will not change its position from last week to monitor the bill.

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H.B. 176 Temporary Replacement for County Elected Officials - Rep. Val K. Potter (2:53:41 PM)

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. Kara Trevino, Legislative Director, Council Office, stated this bill was held in House Government Operations, where legislators had an issue with one part of the bill.

Ms. Darcy Goddard, Deputy District Attorney, stated the concern some of the committee members had was the provision that would have allowed the county legislative body to remove the temporary manager for cause. They felt it impermissibly invaded the executive's appointment authority who wanted that person to do the job if they vacated, and thought the county should find a way to work with that person for the 6 to 8 weeks they would be in that position, especially since that person could not promote people or exceed previously planned expenditures by more than 5 percent. So the County has made that amendment and the sponsor will present it on Thursday. She asked if the Council still supported it with that provision gone.

Council Member DeBry, seconded by **Council Member Bradshaw**, moved to support **H.B. 176**. The motion passed unanimously. **Council Member Granato** was absent for the vote.

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S.B. 19 Competency to Stand Trial Amendments - Sen. Lincoln Fillmore (2:55:31 PM)

This Health and Human Services Interim Committee recommended this bill. It defines terms; establishes procedures for determining the competency of a

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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; and clarifies standards for restoration treatment and competency review.

Ms. Darcy Goddard, Deputy District Attorney, stated one of the LDAs concerns was the bill reduces the number of evaluators to one in the statute. If that is done, the District Attorney may have a situation where it needed to hire another evaluator for a second opinion; and then, the LDA would feel it needed to hire another evaluator. That would get very expensive because the County would have to pay for all those evaluations. Other concerns were with the evaluator qualifications, and the elimination of the guidepost for how someone was found to be incompetent. All three issues have been addressed in a way that will satisfy the LDA.

The proposal now is to have one evaluator for misdemeanors, but either party could still retain an evaluator at their own expense. Then, for felonies that are not capital cases, there would be one evaluator with the court having the discretion to appoint a second evaluator, and each party having the right to appoint their own evaluator at their own expense. For capital cases, there would always be two evaluators, and the ability for each party to appoint their own. The issue about qualifications was also resolved. However, there is still a debate on putting in the guidepost. The State wants it out; the County wants it put back in. The County is also asking there be language that incorporates some concept of best practices in competency restoration, in exchange for shortened incarceration time periods. The State does not want language like that in there, but the District Attorney's Office, Disability Law Center, and other groups think it makes sense if the law is going to limit the governance responsibility time period. The District Attorney's Office is meeting with the two sponsors tomorrow to see what they want to do.

Council Member Newton asked if the District Attorney's Office wanted the Council to hold off on taking a position to see how everything played out.

Ms. Goddard stated she thought so.

Ms. Trevino stated the County will continue to work with the sponsors to get an amended bill that works best.

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S.B. 38 Removal of Elected Officials - Sen. Daniel W. Thatcher ([3:00:09 PM](#))

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

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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 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. Darcy Goddard, Deputy District Attorney, stated at the Council's request, she talked with the sponsor to see if he would include municipalities in the bill. While he was supportive of that idea, both the League of Cities and Towns and the Association of Counties sent him letters saying this was a highly negotiated bill, and if he so much as changed a comma, they were done. He thought it was important to at least get something on the books, and maybe expand in a year or two. The bill passed out of the Senate 27 to 1. It is on the first reading calendar in the House.

Council Member Wilson asked if the Utah Association of Counties' Board of Directors took a position on this.

Council Member Newton stated she did not think the board took a position. UAC did reach out to other counties, many of which were concerned about three-member commissions, in that two commissioners could gang up on the third commissioner. That is why the sponsor included that only a five-member body could do this, and UAC did write a letter supporting that.

Council Member DeBry stated he did not know why this was just applicable to the County. The same rules and principles should apply whether an elected official is a city or county official, or a state legislator. The same issue the County went through could also happen to them.

Mr. Wayne Cushing, County Treasurer, stated this was on the Senate floor today, and some senators did ask why it did not apply to the State Treasurer, Attorney General, Auditor, etc., or to smaller counties. Sen. Thatcher's response was that it was a bill Salt Lake County asked him to proceed with, and the only way to get it passed was to limit it as it is now, meaning UAC and the League of Cities and Towns would not support it otherwise.

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Council Member Newton stated she was supportive of the bill. There needs to be a process to help individuals who need it. Considering what the County went through last year, she would take what she could get.

Council Member DeBry asked why the League of Cities and Towns was so adamant about not wanting even a comma change. He thought cities would want a vehicle to address such situations.

Ms. Goddard stated some do, but not many. It was her understanding the cities thought this would be a slippery slope for recall elections, so did not want to be part of it. Then, there are specific provisions in the state constitution about how to remove a state officer, so she was not sure this could apply to them.

Council Member Bradshaw stated he agreed it should apply to other levels of government, but would ultimately support it.

Council Member Newton stated the Council's decision last week was not to take a position on this bill. That will not change unless the Council votes to support or oppose it.

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Update – Homeless Resource Centers ([3:14:46 PM](#))

Ms. Janell Fluckiger, Director of Special Projects, Salt Lake County, delivered a PowerPoint presentation on Shelter the Homeless. The PowerPoint highlighted the mission, history, collective impact outcomes, and the present and future of Shelter the Homeless.

Mr. Preston Cochraine, Executive Director, Shelter the Homeless, continued the PowerPoint presentation showing the architectural renderings of the three proposed homeless shelters located at 700 South 130 East, 275 West High Avenue, and South Salt Lake. He presented the projected development timeline for the shelters with a completion date in June 2019. The Homeless Resource Centers are not a shelter solution, but are designed to help people in crisis. The PowerPoint presentation included the resource center model, which showed what services would be available in the areas of community engagement, positive social support, education, employment, housing, safety, legal rights, and wellness. It also highlighted the coordinated entry system policy and planning.

Council Member Wilson asked what mechanism was in place to distribute the funds from all the public private partnerships.

Mayor Ben McAdams stated Shelter the Homeless was not a funder for the various services. Its role is that of a provider. The County cannot give up its control of tax dollars to any other entity.

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Council Member Wilson stated she is concerned about losing the momentum of this project. There is a need for all organizations to be committed going forward.

Ms. Fluckiger stated the state of Utah has committed \$7 million in ongoing resources, and there have been additional commitments from the Miller Foundation and the Church of Jesus Christ of Latter-Day Saints.

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Resolution – Wildlife Control ([3:39:22 PM](#))

Ms. Talia Butler, Director, Animal Services Division, reviewed a resolution authorizing execution of an interlocal agreement with the U.S. Department of Agriculture, Animal and Plant Health Inspection Service/Wildlife Services (APHIS-WS), whereby Salt Lake County will pay APHIS-WS for services to maintain a cooperative nuisance wildlife management program within the participating municipal jurisdictions of Salt Lake County. APHIS-WS will provide a wildlife specialist to assist property owners with damages associated with raccoons and skunks, and will provide a vehicle and field supplies for the position. It will also provide technical expertise for a variety of other wildlife damage problems. This is the third year the County will contract with APHIS-WS for these services, and the price is the same this year as it has been.

Council Member Bradshaw asked how the animals were taken care of.

Ms. Butler stated the property owner who contacts Animal Services can choose whether to have the animal removed or removed and euthanized. That has been written into the contract. She presumed if a property owner chose not to have an animal euthanized, APHIS-WS would find a home for it. The County has a no-kill mission, and this helps preserve that mission.

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

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CONSENT AGENDA ([3:41:24 PM](#))

Board Appointments

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Mayor Ben McAdams submitted letters requesting the Council's advice and consent to the appointments of **Matt Klein** and **Rocio de Maria Torres Mora** as members of the Community and Support Services Advisory Council to serve two-year terms. Their terms began January 1, 2018, and will end December 31, 2019.

Mayor Ben McAdams submitted a letter requesting the Council's advice and consent to the reappointment of **Bing Fang** as a member of the Center for the Arts Advisory Board to serve a three-year term. His term began January 1, 2018, and will end December 31, 2020.

Council Member Bradshaw, seconded by Council Member Bradley, 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 have been placed on the Council agenda for final approval and execution.

Council Member Bradshaw, seconded by Council Member Bradley, 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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Real Estate Matters

The Council reviewed the following real estate matters, which have been placed on the Council agenda for final approval and execution:

Lease Agreement

East Mill Creek Lions Club to lease 298 square feet of storage space at the Millcreek Community Center, 2266 East Evergreen Avenue, from Salt Lake County for no fee.

Surplus Property

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Resolution declaring property located at 2407 East 4500 South, Holladay, as surplus and authorizing its conveyance to *Sugarloaf LC*.

Council Member Bradshaw, seconded by Council Member Bradley, moved to approve the real estate 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.



Resolutions & Interlocal Agreements

The Council reviewed the following resolutions, which have been placed on the Council agenda for final approval and execution:

1) *City of Millcreek* regarding the transfer of funds from the County's First Class Highway Projects Fund for transportation improvement projects.

2) *West Jordan City* regarding the transfer of funds from the County's First Class Highway Projects Fund to construct protected bike lanes and signage on 1300 West from Winchester Drive to 9400 South.

3) *City of Millcreek* regarding transfer of funds from the County's First Class Highway Projects Fund for transportation improvement projects.

4) *Riverton City* regarding the transfer of funds from the County's First Class Highway Projects Fund for transportation improvement projects.

5) *West Valley City* regarding the transfer of funds from the County's First Class Highway Projects Fund for costs incurred with bike wayfinding, signage, and pavement markings on existing bike lanes.

6) *Magna Metro Township* regarding the transfer of funds from the County's First Class Highway Projects Fund for costs incurred with wayfinding and signage along the Utah and Salt Lake Canal Trail.

7) *Kearns Metro Township* regarding the transfer of funds from the County's First Class Highway Projects Fund for transportation improvement projects.

8) *Emigration Canyon Metro Township* regarding the transfer of funds from the County's First Class Highway Projects Fund for costs incurred to install signage and strip, along Emigration Canyon Road between Rotary Park and SR-65.

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9) *Cottonwood Heights City* regarding the transfer of funds from the County's First Class Highway Projects Fund to install bike lanes on 2300 East from Cottonwood Road to Bengal Boulevard, and on Fort Union Boulevard from 2300 East to Wasatch Drive.

Council Member Bradshaw, seconded by Council Member Bradley, 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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Policy & Procedure

The Council reviewed the following Human Resources policy and procedure. The policy and procedure has been placed on the 4:00 p.m. Council agenda for final approval and execution:

#5-300 – Payroll Policy (Change from Bi-Monthly to Bi-Weekly)

Council Member Bradshaw, seconded by Council Member Bradley, moved to approve the policy and procedure and forward it to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously. Council Member Granato was absent for the vote.

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Mayor's Community Contribution

The Council reviewed the recommendation of the Contribution Review Committee for the following community contribution to be appropriated from the Mayor's 2018 budget:

People Helping People	2 \$100 Golf Gift Cards to Riverbend
	2 \$100 ArtTix Gift Cards
	1 \$ 50 Clark Planetarium Gift Card

Council Member Bradshaw, seconded by Council Member Bradley, moved to approve the recommendation and forward it to the 4:00 p.m. Council meeting for formal consideration, finding the County received fair and adequate consideration for the contribution. The motion passed unanimously. Council Member Granato was absent for the vote.

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Resolution & License to Use Property

The Council reviewed the following resolution, which has been placed on the Council agenda for final approval and execution:

Hawkwatch International regarding permission to place and maintain raptor nesting boxes on various County properties.

Council Member Bradshaw, seconded by Council Member Bradley, 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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The meeting adjourned at [3:42:01 PM](#).

Chair, Committee of the Whole

Deputy Clerk

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