

These are draft minutes and are subject to change until approved by the County Council.

Salt Lake County Council

Committee of the Whole

~MINUTES~

Tuesday, February 6, 2018

[1:13:50 PM](#)

Committee Members

Present:

Jennifer Wilson
Richard Snelgrove
Arlyn Bradshaw
Michael Jensen
Steven DeBry
Max Burdick
Aimee Winder Newton, Chair

Excused:

Jim Bradley
Sam Granato

Citizen Public Input [1:13:50 PM](#)

No one appeared for Citizen Public Input.



Review of Proposed Hires [1:14:06 PM](#)

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

Agency

Position

Parks & Recreation Division

Fiscal Coordinator 13

District Attorney's Office

Assistant Division Administrator 20

Criminal Justice Services Division

Case Manager Probation 14

Clerk's Office

Election Coordinator 12

Facilities Management Division

Custodial Maintenance Worker 9

Government Center Operations

Office Coordinator 12

Sheriff's Office – Jail

Construction & Maintenance Specialist 11

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<i>Operations</i>	Striper Operator 10 District Worker 9
<i>Office of Transportation, Housing and Economic Development</i>	Assistant Fiscal Manager 16
<i>Auditor's Office</i>	Personal Property Auditor 14
<i>Recorder's Office</i>	Land Specialist 11
<i>Solid Waste Management Division</i>	Environmental Compliance Specialist 10
<i>Treasurer's Office</i>	Taxpayer Care Specialist 10 Tax Service Specialist – Cashier 11
<i>Youth Services Division</i>	Program Manager 16
<i>Information Services Division</i>	Supervisor-Server Administration 17
<i>Library Services Division</i>	Library Program Manager 16

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Interim Budget Adjustments ([1:14:22 PM](#))

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

Library Services Division

Interim budget adjustment to transfer budgeted funds from Capital Projects to a new MBA Bond Fund for library building projects.

Community Services Department

Interim budget adjustment to re-budget \$250,000 of the Kearns Regional Community Campus project and \$7,500 for the UMOCA project into the 2018 TRCC budget. These projects were not able to be paid or obligated in 2017 because the plans and scope for each project are still being coordinated.

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



Simon and Company Federal Legislative Update ([1:15:12 PM](#))

Mr. Len Simon, President, Simon & Company, stated his company represents Salt Lake County in Washington, DC. Overall, the new administration has fewer local officials involved in White House cabinet or sub-cabinet positions, and no method for involving local officials in the policy-making process. He reviewed the following key issues:

➤ *Budget*

Mr. Simon stated most of the proposals the administration sent to Congress for 2017 and 2018 have been rejected outright. An overwhelming majority of the credit goes to Republican appropriators in the Congress who saw no reason to drastically reduce funding programs to the local level. For example, the County will receive the same amount of Community Development Block Grant (CDBG) funding in 2018 as it did in 2016 and 2017. However, Congress has still not been able to pass a final budget, and a new deadline for funding is Thursday, February 8, 2018. The budget problems will continue until Congress gets back to something close to regular order – the way it commits to passing the annual appropriation bills on time. Clearly, for fiscal 2018 there is a lot to be done.

➤ *Immigration*

Mr. Simon stated immigration has become an issue in the annual budget since the President ended the Deferred Action for Childhood Arrivals (DACA) program. Democrats want a permanent DACA solution in the budget; the President wants a DACA solution, \$25 billion for a southern border wall and other border security, sharp limits on chain migration, and replacement of the visa lottery system with a merit based system. The most promising proposal so far has come from the Problem Solvers Caucus, a bipartisan group from the Senate and House, which includes the following:

1. Authorize DACA and legalize a path to citizenship over 12 years with certain criteria and qualifications.
2. Give the President \$1.6 billion immediately for the wall and an additional \$1.2 billion for non-barrier security.
3. Eliminate the visa lottery system and replace it with a system based on education, employment, entrepreneurship, civic involvement, English language, and meeting the U.S. workforce needs.
4. Limiting family reunification (chain migration) to spouses and unmarried children under 21.

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➤ *Infrastructure*

Mr. Simon stated starting in the campaign, the President talked about spending \$1.0 trillion for infrastructure over a ten-year period. Recently, the White House released some parts of the proposal, which now includes \$1.5 trillion in spending over ten years, but only \$200 billion of that would be Federal funds. The \$200 billion would be offset by cuts in other areas of the budget. The plan would also change the decades-long arrangement by having 80 percent of the infrastructure money coming from the local level, and 20 percent from Federal funds. In the past, the split was 80 percent Federal money and 20 percent local money. The most likely scenario is that the administration will submit a plan, Congress will praise the President for kicking off the process, and then the House and Senate committees that handle infrastructure will proceed to write a bill that is very different than the administration's proposal. He is very hopeful of bringing Federal dollars back to the County for its infrastructure needs.

➤ *Tax Reform*

Mr. Simon stated the recent tax reform bill has been a remarkably fast legislative accomplishment. Utah Senator Orrin Hatch, who chairs the Senate Finance Committee, had a big role in the bill's passage. This was one of the most significant pieces of legislation Congress has passed in a generation. The bill changed the tax system, ended the Obamacare mandate, and opened up the Arctic National Wildlife Refuge (ANWR) to development. The bill retained the historic preservation tax credit, new market tax credits, and deductions on mortgage interest rates and state and local taxes, but with some limitations. The Senate also added a provision in the bill that created Qualified Opportunity Zones. These zones must be designated by the governors by March 31, 2018, and will allow certain tax benefits for economic development in depressed areas. The bill also gives money back to most employees, but there is a mixed bag aspect to it as well.

➤ *Environmental Policy*

Mr. Simon stated some of the most interesting and provocative things going on with the administration are in the environmental area. Much of the environmental and regulatory changes are being done through executive order and the regulatory process. The President withdrew the U.S. from the Paris Climate Accord, set in motion withdrawal of the Clean Power Plan, opened up ANWR for development, allowed oil and gas drilling on the outer continental shelf, withdrew the plan to expand the definition of "wetland," and reduced two national monuments in Utah. The administration has decreed that for every new regulation, it will retire two existing regulations.

➤ *Grant Opportunities*

Ms. Jen Covino, Vice President, Simon & Company, stated governing by continuing resolution has affected the Federal agencies' ability to govern on a normal calendar

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basis, but there are still various opportunities available to the County and regional partners. The Fixing America's Surface Transportation (FAST) Act has made billions of dollars available to state, county, and different non-profit organizations or other community partners in the region.

- Through the U.S. Department of Transportation, integrant programs are available for large and small projects relating to highways, railways, and bridge and freight projects.
- The TIGER Discretionary Grant program will make \$500 million available for projects of regional or national significance.
- The Advanced Transportation and Congestion Management Technology Deployment initiative has \$60 million available on an annual basis for up to 10 grants of up to \$12 million each to implement innovative technologies that would help the County improve its goods movement, traffic, congestion, or additional public benefits, such as helping air quality.

Additional funding is available for programming around substance abuse, mental health services, and criminal justice. The Drug Free Community Support program offers 120 grants of up to \$125,000 per year for five years to prevent youth substance abuse. The U.S. Department of Health and Human Services has two new funding opportunities for expanding substance use disorder treatment services and an Early Diversion Grant to establish programs to divert patients with serious mental illnesses from the criminal justice system.

There are also grant opportunities through FEMA to support first responders dealing with the opioid epidemic. She is available anytime to help with the grant process.

Mr. Simon stated the collaborative work of the Mayor and Council has put Salt Lake County on the map in Washington as an effective and innovative government. That makes his work much easier.

Council Member Wilson stated the County's work with opioid addiction could benefit from these grants.

Mr. Simon stated one of his policy goals is to force more funding down to the local level. Congress is often celebrating how much it spends on opioid addiction, but a lot is going to states and not the local level.

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Legislative Update [1:53:22 PM](#)

H.B. 41 Mental Health Crisis Line Amendments – Rep. Steve Eliason [1:54:20 PM](#)

This bill defines terms; directs the Division of Substance Abuse and Mental Health (division) to enter into or modify contracts to provide the statewide mental health crisis line; requires the division to ensure that the statewide mental health

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crisis line meets certain staffing and operational standards; requires local mental health authorities to ensure that local mental health crisis lines meet certain staffing and operational standards; requires local mental health authorities and the division to ensure that calls may be transferred from local mental health crisis lines to the statewide mental health crisis line to ensure a timely and effective response to calls; amends the duties of the Mental Health Crisis Line Commission and makes technical and conforming changes

Ms. Kara Trevino, Legislative Director, Council Office, stated this bill would coordinate all the crisis lines across the state to make sure someone will answer a call 24/7, 365 days of the year.

Council Member Newton stated Salt Lake County has 24/7, 365 days coverage due to its use of University Neuropsychiatric Institute (UNI). However, some of the rural counties do not have 24/7 coverage. This bill will direct calls to a national line if a county cannot staff the line. It creates uniformity so everyone has access to a mental health line.

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H.B. 42 Medicaid Waiver for Mental Health Crisis – Rep. Steve Eliason

This bill defines terms; and requires the Department of Health to seek a Medicaid waiver for certain mental health crisis resources

Council Member Newton stated this bill is being modeled after what Salt Lake County has done with its Outreach Crisis Team. This bill could potentially save Salt Lake County one-half a million dollars because it would be eligible for some Medicaid reimbursement.

Council Member Jensen, seconded by Council Member Burdick, moved to support H.B. 41 and H.B. 42. The motion passed unanimously.

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H.B. 57 Utah Intergenerational Poverty Work and Self-Sufficiency Tax Credit – Rep. John R. Westwood ([1:57:48 PM](#))

This bill defines terms; enacts a refundable state earned income tax credit for certain individuals who are experiencing intergenerational poverty; requires the Department of Workforce Services to notify individuals who are experiencing intergenerational poverty of the state earned income tax credit and to provide certain information about those individuals to the State Tax Commission; provides for apportionment of the tax credit; addresses the time period for the State Tax Commission to issue a refund of the state earned income tax credit; addresses the State Tax Commission's use of the report provided by the

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Department of Workforce Services; and requires transfers from the General Fund to reimburse the Education Fund for the amount of the tax credit claimed.

Ms. Kara Trevino, Legislative Director, Council Office, stated Voices for Utah Children requested the Salt Lake County Council take a position to support this bill, which enacts a State Earned Income Tax Credit. There is already a federal tax credit and this bill would put the credit at about 10 percent of what the federal one is. The credit would cover approximately 25,000 families with a fiscal note of \$6 million this year.

Ms. Karen Crompton, Director, Human Services Department, stated in 1986, the federal government included this tax credit as part of its tax reform. The tax credit reduces poverty and rewards work.

Council Member Wilson stated the biggest impact government can have on intergenerational poverty is to give working people dollars back for their families to buy food, live, and pay rent. She is a big advocate for this.

Council Member Burdick, seconded by Council Member Jensen, moved to support H.B. 57. The motion passed unanimously.

H.B. 66 Local Government Modifications – Rep. Stephen Handy ([2:01:59 PM](#))

This bill provides that a local district board of trustees is not required to have an odd number of members once the board reaches a certain size; amends provisions related to the membership of a municipal services district board of trustees

Ms. Kara Trevino, Legislative Director, Council Office, stated this bill impacts the fire and police districts of Salt Lake County by saying if a board has ten or more members, it does not need to have an odd number of board members. Salt Lake County has three positions on these boards so it would be at the discretion of the Council how many members it would like on the boards. The bill also includes an amendment to take the number of Salt Lake County Council Members to one instead of two on the Greater Salt Lake Municipal Services District Board due to the weighted vote.

Council Member Snelgrove, seconded by Council Member Jensen, moved to support H.B. 66. The motion passed unanimously.

H.B. 143 Off-Highway Vehicle Amendments- Rep. Michael Noel ([2:03:49 PM](#))

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This bill modifies the registration fee and uniform statewide fee for all-terrain vehicles, certain motorcycles, snowmobiles, and street-legal all-terrain vehicles

Mr. Kara Trevino, Legislative Director, Council Office, stated this bill would lower the registration fees for ATVs, motorcycles, and snowmobiles by reducing the uniform statewide fee in lieu of property taxes on ATVs. The decrease in revenue for local governments would be approximately \$2.3 million.

Mr. Kevin Jacobs, County Assessor, stated Salt Lake County would lose approximately \$125,000 in revenue. The County would only get \$4 for an ATV that is 12 years or older. After paying for costs, such as printing, postage, and processing of the payment, the County would get pennies if anything.

Council Member Newton stated the County would not be able to cover its costs to license these vehicles.

Mr. Jacobs stated that was correct. It is an erosion of the County's tax base.

Council Member Wilson, seconded by Council Member Jensen, moved to oppose H.B. 143. The motion passed unanimously.

H.B. 221 Animal Welfare Act Amendments – Rep. Brian King ([2:08:43 PM](#))

This bill amends definitions, and requires an animal shelter to publish certain information regarding the animals in the shelter's custody, including the disposition of the animals and maintain the published information for a period of years.

Ms. Kara Trevino, Legislative Director, Council Office, stated this bill requires shelters in the state to report information that is already collect. The information can be posted on the website or just made available at the front desk. The Animal Services Division already complies with this bill.

Council Member Bradshaw, seconded by Council Member Jensen, moved to support H.B. 221. The motion passed unanimously.

H.B. 242 Local Animal Control Regulation Amendments – Rep. Marc Roberts ([2:09:41 PM](#))

This bill allows an individual to keep one or more animals on the individual's property unless the presence of the animal or animals violates certain standards

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established by the municipality or county, and establishes requirements for a municipal or county ordinance that regulates the number of animals an individual may have on the individual's property.

Ms. Kara Trevino, Legislative Director, Council Office, stated this bill is very unclear. Animal shelters in Utah are wondering what the purpose of this bill is and why it is needed. It appears Rep. Roberts does not want local governments to regulate how many pets or animals a person can own. He wants the number to be based on evidence-based criteria.

Ms. Talia Butler, Director, Animal Services Division, stated this bill is just not clear enough. Salt Lake County Animal Services Division serves some jurisdictions that have pet limits, but it prefers the no pet limit. The number of pets allowed should be based off of care and condition of animals regardless of the number.

Council Member Newton stated it should be up to the local jurisdiction to make those decisions.

Council Member Bradshaw stated he has looked at this three times and was still unsure what it was trying to accomplish. Also, the bill does not define what kind of animals, it does not say cats and dogs.

Council Member Jensen, seconded by Council Member Bradshaw, moved to oppose H.B. 242. The motion passed unanimously. Council Member Wilson was absent for the vote.

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H.B. 226 Citation Authority Amendments – Rep. Kay Christofferson ([2:11:56 PM](#))

This bill prevents a provision from taking effect that prohibits certain municipal officers and officials from enforcing a local ordinance through issuing a citation.

Ms. Kara Trevino, Legislative Director, Council Office, stated last year, a bill was adopted that took away the authority for animal control officers and other non-law enforcement officers from issuing a citation. This bill would repeal that bill. It allows code enforcement officers and animal control officers to issue citations.

Council Member Bradshaw asked if animal control officers who are employed by Salt Lake County are empowered through the County's municipal authority.

Mr. Zach Shaw, Deputy District Attorney, stated there is an argument that this bill would not apply to counties because they are not under the Municipal Code. The problem is Salt Lake County contracts with cities to provide services, and the cities are bound under the Municipal Code.

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Council Member Jensen, seconded by Council Member Bradshaw, moved to support H.B. 226. The motion passed unanimously.

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H.B. 249 Statewide Resource Management Plan Adoption – Rep. Keven Stratton ([2:15:02 PM](#))

This bill 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; creates a reporting requirement for the Public Land Policy Coordinating Office to the Commission for the Stewardship of Public Lands

Ms. Kara Trevino, Legislative Director, Council Office, stated Salt Lake County has submitted its Resource Management Plan; however, if it wanted to amend that plan, this bill would require a variance from the state.

Council Member Jensen, seconded by Council Member Snelgrove, moved to oppose H.B. 249. The motion passed unanimously. Council Member Wilson was absent for the vote.

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H.B. 259 Moderate Income Housing Amendments – Rep. Logan Wilde ([2:17:19 PM](#))

This bill requires that the general plan of a county or municipality, other than a town, allow and plan for moderate income housing growth; relocates code provisions that prohibit damages in a civil action claiming that a county or municipality is in violation of the requirement to adopt a plan to provide a realistic opportunity to meet the need for additional moderate income housing; limits the circumstances under which a county or municipality may deny a land use application for a moderate income housing; repeals provisions requiring a biennial review of the moderate income housing element of a general plan

Ms. Kara Trevino, Legislative Director, Council Office, stated this bill would limit local government's ability to turn down a land use application if it met the moderate income housing requirements.

Mr. Michael Gallegos, Director, Housing and Community Development Division, stated this bill helps cities and counties adhere to the principles of the moderate income housing legislation, but it also allows for the plan to include the projected growth in housing and not just the current numbers. The sponsor of this bill is working with the League of Cities and Towns to

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rewrite it. It is hoped that language will be included that will work for the County. This bill also requires entities to update their moderate income housing plans by July 1. This would be problematic for the County.

Council Member Jensen, seconded by Council Member Burdick, moved to oppose H.B. 259 as written and try to get some amendments. The motion passed unanimously.

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H.B. 271 Government Enterprise Amendments - Rep. Justin Fawson ([2:19:58 PM](#))

This bill requires a city or a county, before authorizing a competitive activity involving recreation or entertainment, to conduct a market study; notify private entities that the competitive activity impacts; and present the results of the study at a public hearing.

Ms. Kara Trevino, Legislative Director, Council Office, stated this bill requires a city or county to conduct a market study, notify private entities, and present the results of the study at a public hearing before it authorizes a competitive activity involving recreation or entertainment facility.

Council Member Bradshaw, seconded by Council Member Jensen, moved to oppose H.B. 271. The motion passed unanimously.

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H.B. 296 Tobacco Age Amendments – Rep. Steve Eliason ([2:21:15 PM](#))

This bill modifies provisions of the Utah Code to provide that beginning on July 1, 2019, the minimum age for obtaining, possessing, or using tobacco products or paraphernalia is 20 years of age; and beginning on January 1, 2020, the minimum age for obtaining, possessing, or using tobacco products or paraphernalia is 21 years of age; creates the Legal Tobacco Age Restricted Account; addresses identification requirements

Ms. Kara Trevino, Legislative Director, Council Office, stated this bill moves the legal age of tobacco use from 19 to 21. The Council took a position last year to support this change.

Council Member Jensen, seconded by Council Member DeBry, moved to support H.B. 296. The motion passed unanimously.

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S.B. 136 Transportation Governance Amendments – Sen. Wayne Harper ([2:24:07 PM](#))

This bill amends and enacts provisions to allow local jurisdictions to share property tax revenue for transportation capital development projects; defines “large public transit district” and “small public transit district”; modifies the makeup of the board of trustees of a large public transit district by reducing membership from 16 to three; vesting nomination responsibilities in executives of local governments and appointment responsibilities in the governor; and defining responsibilities of the members of the board of trustees; creates a local advisory board for a large public transit district and defines the membership and duties of a local advisory board; membership and duties of a local advisory board; requires a large public transit district to transition retirement benefits to fall under the provisions and oversight provided in the Utah State Retirement Insurance Benefit Act; exempts certain meetings of members of the board of trustees of a large public transit district from the Open and Public Meetings Act; defines “diesel fuel,” “electric vehicle,” “hybrid electric vehicle” “motor fuel” and “natural gas”; modifies provision imposing registration fees on motor vehicles based on the type of motor vehicle and fuel used to propel the vehicle; creates the “Public Transportation Capital Investment Fund” within the Transportation Investment Fund of 2005; increases the tax on hotel room stays and other accommodations and allocates the increase revenue to the Public Transportation Capital Investment Fund; imposes a deadline for a local government to impose certain local option sales and use taxes, after which the state imposes the portion of authorized local option sales and use taxes still unimposed by the local government; allows a county, city, or town to impose certain local option sales and use taxes without submitting the question to the county’s, city’s, or town’s registered voters. Amends provisions related to the expenditure of certain local option sales and use taxes; modifies certain responsibilities of the Department of Transportation and the executive director of the Department of Transportation related to supervision and oversight of certain projects and cooperation with other entities involved in a project; modifies governance of the Department of Transportation, including: requiring a second deputy director; describing the qualifications for each deputy; and describing the responsibilities of each deputy director; creates the Planning and Investment Division within the Department of Transportation; modifies requirements for the Department of Transportation to develop statewide strategic initiatives for coordinating and planning multimodal transportation; requires the Department of Transportation to study a road user charge and implement a demonstration program; requires the Transportation Commission to include public transit projects in the prioritization process to allocate funds; modifies criteria for the Transportation Commission to consider while prioritizing transportation and public transit projects; allows corridor preservation funds to be used for public transit district corridors; and requires the Department of Transportation to assume responsibilities for review and approval

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of projects under the requirements of the National Environmental Policy Act of 1969

Mr. Kara Trevino, Legislative Director, Council Office, stated the Council discussed this bill last week during its Committee of the Whole meeting. The bill is now numbered and has one significant change. The County will be able to impose the quarter percent tax without voter approval. If the tax is not imposed by 2022, the State will impose it and the County will not get any money.

Council Member Jensen stated this bill is going to pass. The Council will need to schedule time during its Committee of the Whole meeting to discuss how it will deal with the tax.

Council Member Newton stated she will place this on a Committee of the Whole agenda once the legislative session is over.

Council Member Wilson stated she was not comfortable with changing the 16-member board down to a 3-member board. There would be a lot of pressure on the three members due to the size of the agency. It would be a better solution to have a five-or seven-member board.

Ms. Trevino stated there are a multitude of counties and municipalities that are not comfortable with three members. She has not heard anything from Senator Harper indicating he would be willing to change that. He is looking at it from a cost standpoint.

Council Member Jensen stated this bill would allow the Governor to replace members of the board if they do something that is not in the best interest of the public.

Council Member Newton asked if there would be a three-member appointed board that would then hire a general manager to run the day to day operations.

Council Member Jensen stated that was correct; the management structure would not change. Salt Lake County would have one direct appointment to the board. This option is better than moving the Utah Transit Authority (UTA) under the Utah Department of Transportation, which was the other option.

Council Member Newton stated she was concerned with the State not listening to citizens in Salt Lake County when it comes to this local option and just imposing the tax anyway.

Council Member Snelgrove stated the power of the UTA Board is diluted because it is so large. A three-member commission is a better business model than what is currently in place. The commission would be under the thumb of the Governor who can help put in checks and balances.

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Ms. Trevino stated there is also a nine-member advisory board. This board would make recommendations to the commission. Members will be from the Wasatch front.

Council Member Wilson stated she will oppose this bill. Taking a wrong step could be worse than what it is right now. There are just too many questions that are not answered.

Council Member Snelgrove, seconded by Council Member Jensen, moved to support S.B. 136. The motion passed 6 to 1 with Council Member Wilson voting in opposition.

S.B. 64 Workers' Compensation Health Care Amendments – Sen. Karen Mayne ([2:36:48 PM](#))

This bill addresses the rate at which certain workers' compensation carriers and self-insured employers must reimburse a hospital for covered medical services.

Ms. Darcy Goddard, Deputy District Attorney, stated this bill is incredibly complicated. It is calling for a three-year study of hospital reimbursement rates. This bill is not what the Workers Compensation Advisory Board recommended. Significant tweaks need to be made to make it workable and useful. The Council should not take a position on this bill right now.

Council Member Newton asked that this bill be monitored.

S.B. 209 Mental Health Protections for First Responders – Rep. Karen Kwan ([2:39:07 PM](#))

This bill defines "first responders"; and makes amendments regarding a first responder's workers' compensation claim due to mental stress

Ms. Darcy Goddard, Deputy District Attorney, stated this bill relates to mental health worker compensation claims filed by first responders. It defines first responders very broadly to include every law enforcement officer, protective service officer, correction officer, emergency medical technician, advanced medical emergency technician, paramedic, and firefighter. When these first responders file a worker compensation claim to receive mental health benefits, they would not need to provide any evidentiary burdens of proof. By completely eliminating any burden of proof, it would open the door to significant possibilities of abuse. Mr. Jeff Rowley, Risk Manager, District Attorney's Office, is not aware of any mental health claims that have been denied, so this bill is addressing a need that does not exist. She is requesting the Council oppose this bill because it could have a huge financial impact on the County.

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Council Member Wilson stated the Council should remain neutral on this bill until it gets a couple of questions answered. If this has been done in other states, there must be a compelling reason for it. She asked that the County lobbyist's talk with the sponsor to get additional information.

Council Member Wilson moved to remain neutral on this bill.

Council Member Snelgrove stated this is a solution in search of a problem.

Council Member Snelgrove, seconded by Council Member DeBry, made a substitute motion to oppose S.B. 209.

Council Member Jensen stated currently, the standard to receive workers compensation for mental health issues is pretty low. So this bill does not matter.

Mr. Goddard stated it is a low standard and that is why the District Attorney's Office has not seen any claims that have been denied. However, the current standard does require a person to articulate how whatever mental stress or mental issue they have experienced ties into the job. The potential for abuse is very significant with the proposed bill. The firefighters union is requesting this bill be sent to study for one year.

Council Member Snelgrove, seconded by Council Member DeBry, made a substitute motion to oppose S.B. 209. The motion failed 3 to 4 with Council Members Snelgrove, DeBry, and Newton voting in favor of the motion and Council Members Jensen, Wilson, Burdick, and Bradshaw voting in opposition.

Council Member Wilson, seconded by Council Member Bradshaw, moved to delay a vote on S.B. 209 for one week. The passed 6 to 2 with Council Members Jensen and DeBry voting in opposition.

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H.B. 284 Criminal Procedure Amendments – Rep. Marc Roberts ([2:53:08 PM](#))

This bill modifies rights of a defendant; defines “manifestly unjust”; addresses jury instructions;

Ms. Darcy Goddard, Deputy District Attorney, stated the District Attorney's Office is very concerned with this bill because it relates to jury nullification. This bill allows for the judge to give nullification instructions if he disagrees with the law even if all elements of the offense have been committed. The District Attorney's Office would like the Council to oppose this bill.

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Council Member Jensen asked how the jury gets instructions.

Ms. Goddard stated the two parties and the judge work out what instructions to give to a jury. So, in this context, the defense attorney could ask for an instruction to allow jury nullification and the prosecutor could say no. Then, if the judge disagrees with the law, he could allow the instruction. In addition, when jurors are deliberating and come back with a question to the court, then the court can discuss it with both attorneys and send an additional instruction back to the jury.

Council Member Jensen stated in any case, the judge has to agree to send the nullification instruction.

Ms. Goddard stated that is correct.

Mr. Sim Gill, District Attorney, stated the current system is very simple; a law is in place where all evidence, proof, and elements of the law are met. Then, a jury is supposed to set aside all personal biases and give an application of the law as it is presented. This makes it possible for some sense of equitable application. With this proposed law, one person could be tried and convicted while another person who meets the same threshold, was not.

Council Member Burdick stated it could be a situation where there would be no justice for a victim.

Council Member Bradshaw, seconded by **Council Member Burdick**, moved to oppose H.B. 284. The motion passed unanimously.

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Bills Previously Discussed ([2:57:34 PM](#))

S.B. 19 Competency to Stand Trial Amendments - Sen. Lincoln Fillmore

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

Ms. Kara Trevino, Legislative Director, Council Office, stated the Council decided to monitor this bill last week in the hopes that it could be amended.

Ms. Darcy Goddard, Deputy District Attorney, stated she has worked collaboratively with the sponsor of this bill to get amendments that would work for Salt Lake

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County. The amendments will protect the criminal process and hold the state accountable to provide meaningful competency restoration services.

Council Member Wilson, seconded by Council Member Jensen, moved to support S.B. 19. The motion passed unanimously.

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S.B. 124 Budget Deadline Amendments - Sen. Lincoln Fillmore

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

Ms. Kara Trevino, Legislative Director, Council Office, stated last week Scott Tingley, County Auditor, requested the Council oppose this bill. A substitute bill has been presented, which addresses Mr. Tingley's concerns and so he feels comfortable with the amended bill.

Council Member Bradshaw, seconded by Council Member Jensen, moved to remain neutral on S.B. 124. The motion passed unanimously.

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

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

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circumstances; and provides for the award of court costs, attorney fees, and sanctions under certain circumstances.

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

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Update on Pay for Success ([2:59:56 PM](#))

Ms. Karen Crompton, Director, Human Services Department, stated Salt Lake County currently has two Pay for Success programs dealing with recidivism and homelessness. In 2017, the programs were in the pilot phase, and both projects have met their thresholds.

Ms. Caroline Ross, Senior Associate, Sorenson Impact, delivered a PowerPoint presentation regarding the County's Pay for Success pilot programs. She reviewed the projects overview, timeline, program learnings, finances, pilot period summary, and next steps.

Council Member Wilson asked about taking the projects to a larger scale.

Ms. Crompton stated the County now has performance measures to make sure the providers were operating in the way that was agreed upon. Now, the County will start monitoring the actual outcomes. The County will rely on the data to determine if this model should go to a bigger scale.

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Second Amended Agreement for Planning and Development Services – Millcreek ([3:14:36 PM](#))

Mr. Rolen Yoshinaga, Director, Planning and Development Services Division, reviewed a RESOLUTION and SECOND AMENDED INTERLOCAL COOPERATION AGREEMENT between Salt Lake County for its Planning and Development Services Division and Millcreek – Planning and Development Services. Salt Lake County will extend an interlocal agreement with Millcreek to provide planning and development services to the city for the first quarter of 2018. He stated this is likely the final amendment. Services provided to Millcreek should be wrapped up by the end of March.

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

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Tourism, Recreation, Cultural and Convention (TRCC) Advisory Board Appointments ([3:14:36 PM](#))

Council Member Newton reviewed the requests to appoint Nancy Day and Tawnee McCay and reappoint Eric Hutchings to the TRCC Advisory Board. The Council of Governments (COG) has also made its recommendations to this board.

Council Member Wilson stated there were other names for consideration out there. Since the Council has not had the opportunity to talk about all the individuals, she would like to table this.

Council Member Bradshaw stated Council Member Bradley is out with a medical issue, but asked that the Council table this so he could participate in the discussion.

Council Member Jensen stated out of fairness he was okay postponing a decision, but did not know that it would make a difference in his vote.

Council Member Wilson, seconded by Council Member Bradshaw, moved to table the appointments for a week to allow time to review other individuals who were interested in serving. The motion failed 3 to 4 with Council Members Snelgrove, DeBry, Burdick, and Newton voting in opposition.

Council Member DeBry stated currently, there is no representation south of Taylorsville on the west side of I-15, or south of Cottonwood Heights on the east side of I-15. The appointments today would change that and make representation on the board equal.

Council Member Burdick introduced Nancy Day and spoke of her accomplishments. She would represent Sandy and Draper, neither of which has had representation.

Ms. Nancy Day stated she would like the opportunity to serve Salt Lake County and felt she was a good fit for the TRCC board.

Council Member Burdick, seconded by Council Member Jensen, moved to appoint Nancy Day to the TRCC Advisory Board and forward the appointment to the 4:00 p.m. Council meeting for ratification. The motion passed unanimously.

Council Member DeBry introduced Tawnee McCay who lives in Riverton and is a huge recreational cultural arts advocate.

Ms. Tawnee McCay stated this board was a great match for her. She and her family were involved in the community, and enjoyed recreation and the outdoors.

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Council Member DeBry, seconded by Council Member Snelgrove, moved to appoint Tawnee McCay to the TRCC Advisory Board and forward the appointment to the 4:00 p.m. Council meeting for ratification. The motion passed unanimously.

Council Member Wilson suggested legislative intent that the Council come up with a policy or a system whereby it could look at all the applicants prior to appointing them.

Council Member DeBry recommended putting that on a Committee of the Whole agenda.

Council Member Bradshaw stated it would behoove the Council to have a very clear process for Council Members to follow regarding Council appointments.

Council Member Jensen, seconded by Council Member DeBry, moved to reappoint Eric Hutchings to the TRCC Advisory Board and forward the reappointment to the 4:00 p.m. Council meeting for formal ratification. The motion passed unanimously.

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Closed Session –Litigation

Council Member Bradshaw, seconded by Council Member DeBry, moved to close the open session of the Committee of the Whole meeting to discuss litigation. The motion passed unanimously.

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

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CONSENT AGENDA ([4:04:12 PM](#))

Board Appointments

Mayor Ben McAdams submitted a letter requesting the Council's advice and consent to the appointment of **Philip Bernal** as a member of the Housing Authority of Salt Lake County. He will replace a former member and carry out the rest of her four-year term. His appointment will begin immediately and end October 10, 2021.

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

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Mayor Ben McAdams submitted a letter requesting the Council's advice and consent to the appointment of **Melissa Johnson** as a member of the Utah Transit Authority Board to serve a four-year term.

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

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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 Burdick, moved to approve the tax matters and forward them to the 4:00 p.m. Council meeting for ratification. The motion passed unanimously.

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Mayor's Community Contribution

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

Salt Lake American Muslim	\$5,000
Chinese Railroad Workers Descendants Association (2018 Golden Spike Conference)	\$ 500
University Neighborhood Partners (2018 Partners in the Park)	\$ 500

Council Member Bradshaw, seconded by Council Member Burdick, moved to approve the recommendations and forward them to the 4:00 p.m. Council meeting for

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ratification, and found the County received fair and adequate consideration for the contribution. The motion passed unanimously.

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Other Business

Acceptance of Minutes

Council Member Bradshaw, seconded by Council Member Burdick, moved to accept the January 23, 2018, Committee of the Whole minutes. The motion passed unanimously.

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The meeting was adjourned at [4:04:34 PM](#).

Chair, Committee of the Whole

Deputy Clerk

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