

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, May 22, 2018

[1:03 PM](#)

Committee Members

Present:

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

Citizen Public Input

No one appeared for Citizen Public Input.



Review of New Hires

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

Agency

Position

Youth Services Division

Basic Center Programs 15
Counseling Services Coordinator 12
Youth Worker 12
Office Specialist 10

District Attorney's Office

Assistant Children's Justice Center Manager 16
Case Manager 1 (time-limited)

Salt Lake County Health Department

Division HR Assistant 12
Public Health Nutritionist 14

Sheriff's Office

Corrections Specialist 11

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<i>Library Services Division</i>	Assistant Library Manager 15
<i>Solid Waste Management Division</i>	Heavy Equipment Operator 10
<i>Assessor's Office</i>	Residential Ad Valorem Tax Appraiser 13
<i>Center for the Arts</i>	Stage Manager/Technical Director 13

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Council Contribution

Council Member Snelgrove reviewed the request of Eye Care 4 Kids Foundation for a \$1,000 contribution from the Council's Contribution Fund.

Mr. Joseph Carbone, Eye Care 4 Kids Foundation, stated Eye Care 4 Kids Foundation has helped 250,000 children get free or reduced vision care, i.e. eye exams, vision screenings, and eyeglasses. The Council's contribution will provide glasses for 40 children.

Council Member Bradley asked if there were more kids in need.

Mr. Carbone stated 65,000 kids go without vision care because their families cannot afford it.

Council Member Bradley offered to contribute money from his contribution fund at the next meeting and suggested other Council Members do the same.

Council Member Snelgrove, seconded by Council Member Jensen, moved to approve the contribution and forward it to the 4:00 p.m. Council meeting for ratification, finding the County received fair and adequate consideration for the contribution. The motion passed unanimously. Council Member Wilson was absent for the vote.

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Jordan Valley Water Conservancy District

Mr. Steve Owens, Trustee, Jordan Valley Water Conservancy District, stated State law requires the district to notify the Council regarding a proposed property tax rate increase. The District is planning on increasing property taxes by \$3.75 a year on a home valued at \$325,000, and \$6.83 on a \$325,000 business. A public hearing regarding this property tax increase will be held on August 8, 2018, at 6 p.m. The increase is needed to keep pace with the needs of the district's rapidly-growing member cities and districts.

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Compression Recommendation Amendment

Mr. Michael Ongkiko, Director, Human Resources Division, stated the Total Compensation Advisory Committee (TCAC) recommended not giving a compression adjustment to any employee with a performance evaluation below a three (meets expectations) during 2017 and anyone on a Performance Improvement Plan (PIP) during the first quarter of 2018. The concern was that underperformers may have their salaries increased above employees with the same job title who meet expectations. This would cause a morale issue. During the May 15, 2018, Committee of the Whole meeting, the Council moved to have further discussions relating to this issue and allow time for the Council to receive feedback from employee groups and members of the TCAC.

Ms. Christy Cushing, Utah Public Employees Association (UPEA), stated UPEA opposes awarding compression adjustments based on an employee's performance. During the past two years, the County has been involved in numerous meetings regarding compression issues and it was never mentioned that those adjustments would be tied to performance. Employees were never informed that performance would be a factor in determining eligibility for compression adjustments. The process has not been transparent. However, UPEA is open to reevaluating its position if it is communicated to the employees that they would receive the adjustment retroactive to January 2018, once they successfully completed their PIP.

Council Member Bradshaw asked if the proposal included that the adjustment would be retroactive to January 2018, if an employee received an evaluation of three or above.

Mr. Ongkiko stated it is not included in the recommendation, but can be added if the Council wishes.

Council Member Wilson stated the intent of this compression adjustment is to equalize upwards those employees who are undercompensated. The compensation adjustment is a tool to make the County competitive in the marketplace and it is the right thing to do for its employees.

Council Member Wilson, seconded by Council Member DeBry, moved to give compression adjustments to all compressed employees.

Council Member DeBry stated he did not think the compression adjustment should be tied to performance. These are two separate issues. It will continue to cause the County problems if it does not fix it as it goes along.

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Council Member Bradley asked what was wrong with using the compression adjustment as an incentive to encourage employees to do better.

Mr. Ongkiko stated if an underperformer was given the compression adjustment, it could increase their wages to be more than an employee with the same job who received high evaluations. This could cause a morale issue. Also, if a manager is working closely with an underperformer who receives the salary increase, it could seriously undermine what they are trying to achieve.

Council Member Newton asked how the Human Resources Division felt about making the compression adjustment retroactive to January 20, 2018, once an underperformer received a three or higher on their evaluation.

Mr. Ongkiko stated he would be supportive of the proposal.

Council Member Jensen asked how many employees are terminated due to discipline in any given year.

Mr. Ongkiko stated it is very few, probably less than a dozen.

Council Member Jensen stated the thing he hears over and over is that it is hard to let an employee go. The process must be well documented. The Council might want to consider ways to help managers with this situation. However, he felt that compression and performance evaluations were two separate issues.

Mr. Darrin Casper, Deputy Mayor of Finance and Administration, stated if an underperformer did not receive a merit increase, the compression formula would restore it. The two issues are related.

Council Member Jensen stated at some point the underperformer would catch up to where they were supposed to be as far as salary.

Ms. Erin Litvack, Deputy Mayor of County Services, stated that is correct; it would just take the employee longer to reach the midpoint. The compression adjustment would eliminate the delay.

Council Member DeBry stated withholding the compression adjustment would provide an additional incentive to get a better performance evaluation.

Mr. Ralph Chamness, Deputy District Attorney, stated during the TCAC meetings, the idea of double dinging an employee was never brought up. The committee was looking for ways to encourage employees to comply with their performance plan and not harm them going forward. This is an extra incentive.

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Council Member Bradshaw stated he is comfortable withholding the compression adjustment for underperformers if the increase can be retroactive to January 2018.

Mr. Adam Gardiner, County Recorder, stated the number of employees on a performance plan is very small. Withholding the compression adjustment is a way to back up managers as they work with the underperformers.

Council Member DeBry stated the additional earnings from the compression adjustment are wages the employee should have been earning prior to any performance evaluation.

Council Member Newton stated with 99 percent of employees receiving a three or above, it means it is not hard to get a three in this County. She trusts what the professionals say and will be voting against the motion. She is worried about the morale piece and undermining what managers are trying to do.

Council Member Jensen stated there is more frustration from managers about not being able to do something with the underperformers. The Council needs to consider ways to help with this issue.

Council Member Bradley asked if additional funds could be found to help speed up the compression adjustments.

Council Member Newton stated these issues could be discussed at a future meeting.

Council Member Wilson, seconded by Council Member DeBry, moved to give compression adjustments to all compressed employees and forward this matter to the 4:00 p.m. Council meeting for ratification. The motion passed 5 to 3 with Council Members Bradshaw, Bradley, and Newton voting in opposition.



Policies and Procedures

Mr. Michael Ongkiko, Director, Human Resources Division, delivered a PowerPoint presentation on the following amended policies and procedures:

➤ *Human Resources Policies*

- #1-200 – Definitions
- #2-100 – Employment Status
- #4-200 – Leave Practices
- \$4-300 – Insurance and Retirement Programs

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- #5-100 – Pay Practices
- #6-200 – Training and Training Repayment
- #6-300 – Tuition Reimbursement Program

Ms. Nilsa Carter, Associate Director, Human Resources Division, stated the amendments to these policies and procedures are for clarification purposes. Included in these policies is clarification that employees cannot use vacation time so they can bank holidays.

Council Member Jensen asked why employees would want to use vacation leave instead of holiday pay.

Ms. Carter stated employees use vacation leave and bank holidays because of use or loss. The holiday pay would carry over to the new year, while the vacation leave would be lost.

Council Member DeBry asked how long an employee had to work for the County before they would not need to pay back the tuition reimbursement.

Ms. Carter stated two years. If an employee leaves the County before that time they would have to pay back a prorated amount.

Council Member Snelgove asked if part-time employees would get a prorated amount as far as tuition goes.

Ms. Carter stated yes, the amount would be prorated.

➤ *Countywide Policy*

#1450 – Charitable Solicitation of County Employees

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

➤ *Sexual Harassment Prevention*

- *Sexual Harassment Toolkit*

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Ms. Nilsa Carter, Associate Director, Human Resources Division, stated this is a tool to be used by supervisors to help with difficult conversations relating to sexual harassment or any other difficult conversation. This toolkit is for the supervisors, not the general employee.

Council Member Jensen stated it was his understanding that if an employee did not feel comfortable reporting to their supervisor, they could report to Council Members. He did not see that in the information.

Ms. Carter stated policy allows for the person to take the complaint to their immediate supervisor, Council, or the Mayor's Office; none of that has changed. This toolkit reminds everyone to follow the chain of command once a complaint is received.

- *Website Reporting Mechanism*

Ms. Carter stated this is a new reporting site for all employees. If the employee does not feel comfortable going to a person, they can go to this site and fill out a few questions and hit submit. Once submitted, it will go into the employee relations email box, which will be monitored daily.

Council Member Wilson stated she wanted to make sure the County was doing all that it could to help with this situation. She asked if the County is doing enough or if it can do more.

Ms. Erin Litvack, Deputy Mayor of County Services, stated that is the question the Mayor asked the Human Resources Division at the beginning of the year and these two initiatives are a result of that question. The County needs to continue to ask those questions at every level.



Countywide Policy and Procedure

The Council reviewed the following Countywide policy and procedure, which has been placed on the Council agenda for ratification:

#1029 – Travel Reduction/Van Pool

Ms. Michelle Hicks, Trip Reduction Program Manager, Mayor's Office, delivered a PowerPoint presentation regarding the County's Trip Reduction Program. She reviewed the current program costs and drop points, cost to the County versus cost to employees, public transit pass program, average pass participants by quarter, the new public transit pass, and modifications to the County program. Changes to the Travel Reduction/Van Pool policy will affect participants in the vanpool and monthly public transit pass holders.

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Council Member DeBry stated this policy change will simplify things and save money for the County and participants.

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

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Flood Control Ordinance and Civil Penalty Schedule Resolution

Mr. Kade Moncur, Director, Engineering & Flood Control Division, reviewed the following ordinance, which has been placed on the 4:00 p.m. Council meeting agenda for introduction. (Final adoption of the ordinance will be considered at the Tuesday, June 5, 2018, Council meeting.)

Flood Control Ordinance

This ordinance amends the flood control violation enforcement and appeals process.

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

Flood Control

Flood Control & Engineering Division amending the civil penalty schedule for flood control violations.

Mr. Moncur stated the ordinance amendment will allow the County to impose a fee the first day a notice of violation is issued. In the past, there was a 30-day warning period. Warnings will still be given, but once the notice of violation is issued, the fee will be attached. In addition, the amended fee penalty schedule will allow the County to charge a \$1,000 fee to anyone appealing a violation. If an appellant is successful, \$900 will be refunded to them.

Mr. Jason Rose, Legal Counsel, Council Office, stated if the Council wanted the fee schedule to go into effect the same time as the ordinance, that should be noted in the motion.

Council Member Snelgrove, seconded by Council Member Burdick, moved to approve the ordinance and resolution, making them effective on the same date, and forward them to the 4:00 p.m. Council meeting for introduction and ratification. The motion passed unanimously.

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County Fair Update

Ms. Robin Chalhoub, Associate Director, Community Services Department, delivered a PowerPoint presentation relating to the proposed changes to the Salt Lake County Fair. She stated there was a need to revamp the fair due to declining revenue and attendance. The Fair Advisory Board determined that the key components to the fair were youth, competition, family, learning, community, and fun. With these components in mind, the fair was revamped to support the 4-H and Future Farmers of America (FAA) programs. Youth will be front and center with no emphasis on the commercial aspects. The indoor arena will be turned into a learning and showcase area instead of a vendor maze.

Ms. Megan Schulz, Fair Advisory Board, continued the PowerPoint presentation stating the indoor exhibits like cooking and sewing will be showcased by the youth teaching workshops.

Ms. Chalhoub stated activities will be built around children, families, and learning opportunities. Also included in the fair, will be the corporate games, a 5K race, junior rodeo, barrel racing, movie in the park, a hoe down, a bike rodeo, mutton bustin, a petting zoo, bounce houses, cowboy storytelling, and performances on stage by various youth groups. She asked for the Council's support in getting the word out and participating in the different events.



County Council District 4 Vacancy – Unaffiliated Candidates

Mr. Adam Miller, Deputy District Attorney, reviewed the process for how an unaffiliated candidate for Salt Lake County Council's District #4 vacant seat would file for candidacy. The Clerk's Office would issue a public notice announcing the dates in which an unaffiliated candidate could submit a petition for nomination, gather signatures, and file that with the Clerk's Office, with enough time for the Clerk to verify the signatures, accept the petition, and put the name on the ballot.

Council Member Snelgrove asked if this was for individuals who wanted to file for candidacy who did not belong to a party, and if parties still defined the nominating process. He also asked if there were printing deadline dates, and if so, when petitions needed to be submitted by.

Ms. Rashelle Hobbs, Chief Deputy Clerk, stated the Utah Code does not outline the dates. The filing dates that make the most sense for the Clerk's Office are weekdays from July 27 to August 2. This process mirrors the March candidate filing period, giving candidates the

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same opportunity and number of days candidates had then. Candidates are going to have to come in with 300 registered voter signatures when they file.

Council Member Snelgrove asked if August 2 was the deadline for the Republican and Democratic parties to also submit their candidates' names.

Mr. Miller stated the statute says the parties shall summarily declare their candidate for the November ballot. He thought that meant the political parties should be prompt, but there is not really a deadline for them.

Council Member Snelgrove stated candidates need to know how long they have to file to ensure they get their name on the ballot.

Mr. Miller stated the Clerk does need declarations in time to print the ballots. If the ballots are printed, and someone does not submit their candidacy by then, they would not get on the ballot.

Council Member Newton stated she spoke to the County Clerk who said her office certifies the ballot just after Labor Day.

Ms. Pam Tueller, Elections Division, stated the Lieutenant Governor's Office certifies up to August 30th. Write-in candidates can declare their candidacy up until September 7th.

Council Member Newton stated her worry with no deadline is the potential for the Clerk's Office to get hit on September 15th by some random party saying since there is no deadline, it has to include the name. She asked if County ordinance needed to be amended to include a deadline.

Council Member Bradshaw asked if a vacancy arose after a certain time period, what date the statute had for when a candidate could no longer get their name on the ballot

Mr. Miller stated it is 65 days before the election; this year, it is about September 1st.

Council Member Bradshaw stated that would have to be the deadline for the parties. He asked if it was the drop-dead deadline. In the event a vacancy arose on August 20th for example, the candidate might need more time to prepare. He asked if the Clerk's Office needed to notify the parties in some official way that there was a vacancy, and what the triggering event was for the parties to know they needed to fill the office.

Council Member Newton stated the Council Office sends a letter to the parties.

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Mr. Miller stated the statute is totally silent on that issue. The Clerk would issue a public notice that has deadlines listed on it for the unaffiliated candidates. It would recite the statute as it pertains to registered political parties, but could not say much more than they needed to summarily submit their candidates.

Council Member Snelgrove stated this is all new to everyone. He asked if the County told the parties to try to get their name in as soon as possible, but no later than August 1st, if that was fair with the calendar.

Mr. Miller stated that would be fair with the calendar and convenient for the Clerk's Office.

Ms. Hobbs stated that would be the Clerk's preference.

Council Member Snelgrove asked if the statute stipulated how the parties were supposed to select their candidate – if that was done by the parties' Central Committee or the delegates.

Mr. Miller stated the statute says that will be done by the County Central Committee of each political party.

Council Member Bradshaw asked if the entire Central Committee selected the candidate or if it was just Central Committee members for the vacant district, which made more sense.

Mr. Miller stated he thought it was the entire Central Committee. He did not think the statute limited it to a district or subcommittee.

Council Member Bradshaw stated a party's own rules could do that. The problem with the statute is it envisions everything as an at large seat and does not take into account the district form of government. He could not figure out how a Central Committee member from his district could nominate a candidate from District #4. They would not even vote on that in a general election.

Council Member Snelgrove asked if a party determined it was going to only allow individuals from Council District #4 vote to have standing in this election, whether that ran counter to the statute to such a degree that the outcome could be challenged.

Mr. Miller stated he could not say for sure. It was hard to predict how the parties devised the party. There are circumstances depending on when a vacancy arises where the statute says the party shall nominate a person according to its bylaws. This is a particular section of the statute that says the County Central Committee of each political party shall submit a candidate summarily. As far as the County is concerned, the proposed timeline is transparent

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about when the ballots are to be printed, which is the end of August or the beginning of September.

Council Member Burdick asked who set the 300-signature threshold.

Ms. Hobbs stated that is in statute.

Mr. Miller stated that is the rule for an unaffiliated candidate to run. Under normal circumstances, they have to file their petition in March and get 300 signatures from their district.

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Closed Session – Possible Litigation

Council Member Jensen, seconded by Council Member Burdick, moved to close the Committee of the Whole meeting to discuss possible litigation. The motion passed unanimously.

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NSENT AGENDA

Resolutions

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

Tax Sale Property Purchase Agreements

1) *MD & L, LC* regarding the purchase of surplus property located at 3733 South 5450 West, West Valley City.

2) *Osvaldo Mendoza* regarding the purchase of surplus property located at 3130 North 2200 West, Salt Lake City.

Easement

3) *Questar Gas Company dba Dominion Energy Utah* regarding a 20-foot wide perpetual easement across property located at approximately 604 West 6960 South, Midvale City, to construct, maintain, and repair an underground gas pipeline to provide gas service to a County sandbag shed.

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Interlocal Agreements

4) *City of Millcreek* regarding bond agreements the County entered into with developers for improvements within Millcreek's municipal boundaries, which are being assigned and conveyed and the duties and interests delegated to Millcreek City.

5) *Jordan River Commission* regarding the donation of stream gauging equipment.

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

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Board Appointments

Mayor Ben McAdams submitted a letter requesting the Council's advice and consent to the appointment of **Michael Peterson** as the TRCC representative on the Cultural Facilities Support Program Advisory Board to serve a three-year term. His term will begin May 22, 2018, and end May 21, 2021.

Mayor Ben McAdams submitted a letter requesting the Council's advice and consent to the reappointment of **Marcus Kaller** as a member of the Salt Lake County Bicycle Advisory Committee 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 Jensen, 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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Policy & Procedure

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

#1006 Donation of Property or Funds to Salt Lake County

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Council Member Bradshaw, seconded by Council Member Jensen, moved to approve the policy and procedure and forward it 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 have been placed on the Council agenda for final approval and execution.

Council Member Bradshaw, seconded by Council Member Jensen, 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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The meeting adjourned at [3:15 PM](#).

Chair, Committee of the Whole

Deputy Clerk

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