

Date: December 15, 2022

THE SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA BOARD OF TRUSTEES (“BOARD”) MET ON THURSDAY, DECEMBER 15, 2022, AT 10:00 AM. THE PUBLIC WAS NOTIFIED THAT THEY MAY JOIN THE OPEN PORTIONS OF THE MEETING BY CALLING 1-669 900-9128 AND ENTERING MEETING ID 92301763844# AND PASSWORD 259919#. THE PUBLIC WAS ALLOWED TO LISTEN TO ALL OPEN PORTIONS OF THE MEETING. BOARD MEMBERS AND PERSONS PARTICIPATING BY PHONE OR ELECTRONICALLY WERE ABLE TO HEAR ALL DISCUSSIONS.

| <u>Present:</u> | <u>Excused:</u> | <u>Attended Via Zoom:</u> |
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| TRUSTEE JIM BRADLEY, SALT LAKE COUNTY | | TRUSTEE CHRIS STAVROS, SALT LAKE COUNTY |
| TRUSTEE ALAN PETERSON, KEARNS | | TRUSTEE CAROLYN KEIGLEY, BRIGHTON |
| TRUSTEE DAVID BREMS, EMIGRATION CANYON | | TRUSTEE PHILLIP CARDENAZ, WHITE CITY |
| TRUSTEE DAVID OLSEN, COPPERTON | | TRUSTEE STEVE PROKOPIS, MAGNA |
| TRUSTEE DEA THEODORE, SALT LAKE COUNTY | | |

ALSO ATTENDED:

SHERIFF ROSIE RIVERA, SALT LAKE COUNTY SHERIFF AND SLVLESA CHIEF EXECUTIVE OFFICER

CHIEF OF POLICE JASON MAZURAN, UPD CHIEF OF POLICE

FRANK NAKAMURA, SLVLESA DISTRICT ADMINISTRATOR/SLVLESA LEGAL COUNSEL

RICHARD MOON, SLVLESA TREASURER

Item #1-Call to Order.

Trustee Bradley called the meeting to order. A roll call vote for attendance was then conducted.

Trustee Bradley asked for a roll call for attendance.

Item #2- Conflict of interest disclosure.

Action Requested: Identify Conflicts; if any

Discussion: Trustee Bradley asked if there were any conflicts of interest. None were identified.

Item #3-Public Comment

Action Requested: None

Discussion: Trustee Bradley asked if there were any members of the public who wished to address the Board. There were none.

Item #4- Present Expenditures for the Month of November 2022 and Other Financial Information.

Action Requested: None

Discussion: Richard Moon said they only had the payment to UPD. He asked if there were any questions and there were not.

Item #5- Report by Sheriff Rivera, SLVLESA Chief Executive Officer

Action Requested: None

Discussion: Sheriff Rivera said that although many of the SLVLESA Board members were in the UPD Board meeting and heard her update, but because Trustee Theodore was not, she wanted to talk more about their Search and Rescue because she knows how passionate Trustee Theodore is about Search and Rescue and her update to the Board was about how amazing their Search and Rescue is. The things they have done just this week alone, they have done a rescue where they had to take an individual off the mountain that did not survive. Yesterday they worked the entire day to get an individual off the mountain who is now at a hospital in critical condition, but it shows what an amazing group these volunteers are and all the work they do.

She said they also wanted to recognize Harry Souvall because his church donated several thousand dollars to different precincts for the food bank and kudos to Harry for doing that for us.

She said lastly, she is going to bring up the command post again. She said they are just trying to keep it together if they can, but she will bring that back to them as well in the future, once they figure out how much it actually costs to replace. Eighteen months ago, it was over half a million dollars. They are going

to look to see if they can find funding elsewhere but that is where they are at right now. She asked if anyone had any questions.

Trustee Bradley said no but her remarks regarding Trustee Theodore were well deserved, and she has been tireless in her efforts towards search and rescue.

Item #6- Consider RESOLUTION NO. 221215-1 OF THE BOARD OF TRUSTEES OF THE SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA (SLVLESA) APPROVING ITS ANNUAL REGULAR MEETING SCHEDULE FOR CALENDAR YEAR 2023 SUBJECT TO CHANGE CONSISTENT WITH THE UTAH OPEN AND PUBLIC MEETINGS ACT.

Action Requested: Motion, Second, and Vote

Discussion: Frank Nakamura said they must adopt an annual meeting schedule. The only discussion they usually have is whether to meet at 10 or not. He said he knows it does follow the UPD meeting and sometimes he must communicate with Trustee Theodore and Trustee Stavros, and he appreciates their patience over the years. He said the schedule is still 10 am on the third Thursday of every month.

Trustee Bradley entertained a motion to approve the Resolution.

Trustee Olson motioned to approve the Resolution.

Trustee Peterson seconded the motion.

All voted in favor; none opposed.

The motion passed.

PUBLIC HEARING:

Item #7-Consider RESOLUTION NO 221215-2 OF THE BOARD OF TRUSTEES OF THE SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA (SLVLESA) ADOPTING THE CALENDAR YEAR 2023 FINAL BUDGET FOR SLVLESA.

Action Requested: Motion, Second and Vote to Open Public Hearing, Public Input. Motion, Second and Vote to Close Public Hearing, Discussion. Motion, Second, and Vote on Proposed Resolution.

Discussion: Richard Moon said they only had one change from the tentative budget, and he is going to turn the time over to Chief Del Craig and Trustee Prokopolis.

Chief Craig, the Magna Precinct chief, said he was there to ask the council to pass the budgetary increase of \$32,000 for them to convert one of their officer positions to a sergeant position. He said when they split from Kearns, they were sharing supervision but that is no longer occurring, and the main reason is that they have their individual community needs and issues. What that has left them is they

have one sergeant in one situation supervising thirteen officers, which is not ideal, so the main issue is the span of control. They have some community outreach needs which are increasing with their population. It is not ideal because he realizes they have some budgetary issues. Ideally, he would like to bring a whole new sergeant FTE but realizing the budget is tight, the conversion is a compromise. If approved, they will have a sergeant supervising six and six, which is in line with their other sergeants. He said he is asking for that increase and would appreciate their consideration of the matter.

Trustee Prokopis said that Chief Craig came to him with this need, it made sense, he is familiar with what Kearns has done recently. He said a span of control of 13 to 1 is concerning and he thinks that is an organizational problem that deserves more of a dedicated funding source going forward and he thinks this needs to be built into the budget going forward.

Frank Nakamura said they need a public hearing for this Resolution because it is an addition to the tentative budget that was adopted in October and was reviewed in November.

Trustee Bradley entertained a motion to open the public hearing.

Trustee Peterson motioned to open the public hearing.

Trustee Theodore seconded the motion.

All voted in favor; none opposed.

The public hearing was opened.

Trustee Bradley asked if there were any members of the public either online or present who wished to comment. There were none.

Trustee Bradley entertained a motion to close the public hearing.

Trustee Olson motioned to close the public hearing.

Trustee Peterson seconded the motion.

All voted in favor; none opposed.

The public hearing was closed.

Trustee Bradley entertained a motion to adopt the Resolution.

Trustee Peterson motioned to approve the Resolution.

Trustee Theodore seconded the motion.

A roll call vote was conducted.

Trustee Bradley voted aye.

Trustee Brems voted aye.

Trustee Theodore voted aye.

Trustee Olson voted aye.

Trustee Peterson voted aye.

Trustee Keigley voted aye.

Trustee Prokopis voted aye.

Trustee Cardenas voted aye.

Trustee Stavros voted aye.

All voted in favor; none opposed.

The Resolution passed.

Item #8-Consider RESOLUTION NO. 221215-3 OF THE BOARD OF TRUSTEES OF THE SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA (SLVLESA) LEVYING A TAX RATE, WHICH EQUALS THE CERTIFIED TAX RATE, FOR CALENDAR YEAR 2023.

Action Requested: Motion, Second and Vote.

Discussion: Frank Nakamura said since there is no increase in revenue for the 2023 budget, they'll levy a tax equal to the certified tax rate.

Trustee Olson asked for clarification on the Resolution.

Frank Nakamura said the certified tax rate is set based on valuations and our revenue. If they were to increase the revenue, if they had a tax increase, they would have to levy a higher tax rate than the certified tax rate because they'd need to generate more revenue. Since they are not asking for an increase in budgeted revenue for 2023, they will then just levy whatever the certified tax rate is determined by the County Auditors Office. The problem is with the valuation part it is not done and completed until June but because they are not increasing revenue, whatever they decide is the certified tax rate is what they are adopting.

Trustee Bradley entertained a motion to approve the Resolution.

Trustee Bradley motioned to approve.

Trustee Theodore seconded.

A roll call vote was conducted.

Trustee Bradley voted aye.

Trustee Brems voted aye.

Trustee Theodore voted aye.

Trustee Olson voted aye.

Trustee Peterson voted aye.

Trustee Keigley voted aye.

Trustee Prokopis voted aye.

Trustee Cardenas voted aye.

Trustee Stavros voted aye.

All voted in favor; none opposed.

The Resolution passed.

Item #9- Approve Minutes for the November 17, 2022, Board Meeting.

Action Requested: Motion, Second and Vote.

Discussion: Trustee Bradley entertained a motion to approve the November meeting minutes.

Trustee Brems motioned to approve.

Trustee Peterson seconded.

All voted in favor; none opposed.

Minutes were approved.

Closed Session

Item #10- Consider a Motion to Enter into Closed Session Under Section 52-4-205 of the Utah Code to Discuss the Character and Professional Competence of an Individual.

Action Requested: Motion, Second and Vote to enter into a Closed Session (requires 2/3 vote).

Discussion: Trustee Bradley said he would like to hear a brief explanation of why the following section of the meeting will be closed.

Frank Nakamura said they are requesting to enter a closed session to discuss the character and professional confidence of individuals, and this requires a 2/3 vote.

Trustee Bradley entertained a motion to go into a closed session.

Trustee Bradly motioned to go into a closed session.

Trustee Theodore seconded.

A roll call vote was conducted.

Trustee Bradley voted aye.

Trustee Brems voted aye.

Trustee Theodore voted aye.

Trustee Olson voted aye.

Trustee Peterson voted aye.

Trustee Keigley voted aye.

Trustee Prokopis voted aye.

Trustee Cardenas voted aye.

Trustee Stavros voted aye.

All voted in favor; none opposed.

Closed session began.

Trustee Bradley asked anyone who was not on the SLVLESA Board or in executive positions to please vacate.

Trustee Bradley said part of the discussion is that Frank Nakamura is leaving them because he is retiring. Most of this closed session will focus on that. He said he would like to take this opportunity to thank Frank Nakamura for all the good work he has done.

Sheriff Rivera said as Frank is leaving, they started looking at SLVLESA and one of the worries they've had all along was the fact that the Sheriff is the CEO of SLVLESA and the CEO of UPD. They truly believe it is a conflict because SLVLESA is a funding source. They would like the Board to entertain a different structure for SLVLESA. They have asked Frank to put together a list of duties that he has done and how much time it takes, and they feel like the director's position probably should be a part-time position. They have been fortunate to have Frank as both their legal and our administrative and did the finances along with Richard Moon. Richard is a UPD employee, but he is the treasurer over SLVLESA. Now with the new legislation coming up, saying that there are conflicts with the Sheriff, they want to address the conflicts with SLVLESA because they think it will come up as well. They feel like SLVLESA could contract with an outside agency to run SLVLESA instead of having the Sheriff do it. They just wanted to get some ideas from the Board. What she has found in speaking with Frank is the director really is more of a finance position versus the legal, there is very little legal so they could contract with legal, a law firm, to do the legal piece. If they did go look for another director, they would probably look for someone with finance experience and someone who understands the tax that SLVLESA is involved with. She felt like it should be in a closed session to discuss changing out the CEO, etc. She wanted to get feedback from the Board in which way to go forward.

Trustee Olson said he had no idea that the Sheriff was the CEO of SLVLESA, and he said that is a little concerning and he thinks that needs to be separated immediately. He said she mentioned to contract with an outside agency, what agencies were they thinking of?

Sheriff Rivera said just an agency that has experience with special districts. As UPD, they could still provide all the financial documents, etc. but this outside agency would be the one that coordinates everything, like what Frank has been doing.

Frank Nakamura said it takes some thought as to how to do this, but he thinks it is an opportunity.

Trustee Bradley asked if it would be possible if any legal counsel, they contracted with would also have the special district expertise.

Sheriff Rivera said she thinks there are companies out there that do have both.

Trustee Bradley said his next thought is that the financials would be a big bulk of it, and would that person also act as the CEO?

Sheriff Rivera said she doesn't know if the other special districts even have a CEO, and they may not even need one. She said they don't pay her; it was just part of the creation of UPD. She said she would hope that any company they hire would take care of most everything. Because she is the CEO over UPD, she would still have interactions with them because they must provide the budget, etc. She said as the CEO of SLVLESA she gets updated on everything that goes on with SLVLESA and she plays a big role in making the decisions. Also, Rick Moon as the treasurer does a lot of work too and she thinks if a company came in and did it, they could easily take over. In looking at what Frank provided her; she believes that a company that has special district experience would easily be able to take that over.

Trustee Olson said it seems to him that this will result in costing the taxpayers more money and he asked if that was a fair assessment.

Sheriff Rivera said she doesn't know unless they found a company that would be willing to do it part-time because they don't feel like it requires a full-time person.

Trustee Olsen said that Sheriff Rivera said she receives no compensation for being CEO of SLVLESA and asked if that is the same with Richard Moon.

Richard Moon said part of his wages get paid through SLVLESA. They take a percentage every 6 months and UPD bills SLVLESA based on a percentage of his work, the same as Marcie.

Sheriff Rivera said SLVLESA does pay into shared services and the CEO over UPD is part of that shared services.

Trustee Prokopolis said he wanted to clarify that they are looking at replacing their director, CEO and CFO and they have been given 2 weeks to do that.

Sheriff Rivera said no, they aren't asking them to decide immediately, they are just asking what the Board's opinion is on it. Their budget will be coming up, but she thinks they are okay for right now to carry this for a couple of months but they're not saying in 2 weeks. She wanted to point out what she believes to be a conflict.

Trustee Prokopolis said he does support the concept, but this is the first time he is hearing about it. He said he heard that the Sheriff will be stepping down as CEO, does that mean they will also lose Richard Moon?

Sheriff Rivera said it depends on if they were to hire a company and they wanted their own treasurer.

Trustee Bradley asked if Richard were to fulfill their financial needs, he doesn't see where that would be a conflict because he makes no real executive decisions.

Frank Nakamura said yes and there are different directions they could go. He said he would add that the advantage he had was always understanding what was happening with the UPD and police operations.

He said he told the Sheriff that he doesn't think it is complicated legal work overall, there are certain situations where legal work becomes more intense but those are probably two or three transactions a year.

Trustee Bradley said that Frank is saying a part-time contracted legal position would be useful and he does or does not think that Richard Moon would be a good choice to continue to handle their financials.

Sheriff Rivera said Richard is only doing it as the treasurer, a very part-time position because he has a full-time position with UPD and Lisa, their CFO with UPD had been doing a lot of the financials as well. She said it couldn't just be Richard, otherwise they would have to replace him at UPD.

Trustee Bradley said his concern is that hiring consultants can get expensive even if they are part-time and he wants to make sure they need that position. He asked if they think it is necessary to have a full-time director.

Sheriff Rivera said if they are going to take the CEO piece out, that person may need to be full-time as the director.

Trustee Bradley said he is trying to get an idea of what they really need. He asked if Lisa Dudley was interested in doing the financials, would she also be the director.

Sheriff Rivera said yes, she could.

Trustee Theodore asked if it was possible to eliminate the CEO position.

Frank Nakamura said there is not a requirement to have a CEO position because SLVLESA is governed by the Board.

Trustee Theodore said she feels uncomfortable going with an outside agency because she doesn't feel like they have the knowledge necessary to understand what is needed. She would prefer to have someone like Frank who understands the ins and outs and can be here and direct the meeting.

Frank said his concern would be is that the person must understand law enforcement's issues. He asked if it is part-time are there people who can do multiple jobs, with their existing jobs, with additional compensation.

Sheriff Rivera said she talked with Lisa Dudley, and she already has a full-time job, but she said she would entertain a part-time position. Also, they would have to entertain Richard's role as treasurer because they have overtaken him with a full-time job at UPD so she would consider more compensation for him.

Trustee Olson asked if there is any reason to see retaining Richard as a conflict.

Sheriff Rivera said no, she doesn't believe there would be a conflict, but she does believe he would need more compensation because he is working a lot of extra hours for SLVLESA.

Trustee Olson asked if UPD pays him for those hours and Sheriff Rivera said yes, they do.

Frank said Richard has been doing the work and it is an advantage to have someone who knows how SLVLESA works.

Trustee Olson said if they go to an outside entity to hire, all he can think is it will be a law firm. He says if they go to law firms, they'll be spending money that SLVLESA doesn't have, and he has no interest in pursuing that.

Sheriff Rivera said she thought Richard might even want the SLVLESA director job but they looked at what he makes with UPD and he makes more than that position but she would be open to that if Richard wanted to do it part-time. They could see how it works and if it is too much then they go out and they find someone else. But he can't be the treasurer and the director.

Trustee Theodore said she liked the idea of Lisa Dudley, if she was interested because she is sharp and she already knows everything.

Frank Nakamura said they would still have to contract out for legal.

Sheriff Rivera said they could set aside \$20,000 a year for legal but she doesn't think it would be that much.

Richard Moon said it would have to be something they looked at because taking on that position would be a lot of work, on top of the work he already has and with them having a new CFO at UPD, that may be a little too much. He said he has no problem staying on in his role right now.

Sheriff Rivera said her preference would be to keep Richard as the treasurer but to increase his compensation a little bit because of how much extra time outside of his regular work duties he's working on SLVLESA stuff and then hire a finance person to do the SLVLESA director position and contract with a law office to do the legal work. They could go out and see how much it would cost and do a proposal for the Board if that is the direction they wanted to go.

Trustee Bradley said firstly they want a seamless transition because that's critical. Secondly, some of the detail things like putting out the agenda. He said Marcie does that and he supposes she would continue to do that. He said it makes sense for the Sheriff to step down as CEO but that doesn't mean immediately. He said at the first of the year, they will be without legal representation and that is important, but he doesn't know if it is immediately important.

Frank Nakamura said he could look at what they must do in January, and he could make sure they get through January.

Richard Moon said the first thing they're going to have is in February when they start with the TRANS.

Trustee Bradley said since all members of SLVLESA are members of the MSD and they have an attorney, maybe they could cut a deal there, but he doesn't know if that's possible. He said he would suggest is they have been notified, he wants to ask the Board if it's a good idea to have Sheriff Rivera step down as CEO of SLVLESA and they will spend the next month figuring out what they will do for legal counsel.

Trustee Theodore asked if Frank was fully retiring or if he could be contracted out part-time.

Frank Nakamura said he wants to make sure there is a smooth transition, and he doesn't have a problem being available to talk to them about the issues. He said he will be available until they make the appropriate arrangements. He said Richard is very familiar with the TRANS, which is an issue coming up.

Trustee Bradley asked if it would be prudent to have a conversation with Lisa Dudley to find out her level of interest.

Trustee Olson said he would like to have a conversation with more than just Lisa and he would like to see if there is more interest in this before they offer it to one person who already has a full-time job.

Trustee Peterson said to find somebody who understands the differences and how they interact with UPD and SLVLESA is very important, and he thinks Richard is an asset in that way and to keep him on as the treasurer.

Frank Nakamura said that Frank Pignanelli will still be on as the lobbyist for SLVLESA.

Sheriff Rivera said they could put together a job description.

Trustee Olson said that collectively they know a lot of people and they could put together some recommendations and he thinks that would be the first place to start.

Trustee Bradley said he recommends, with the Sheriff's approval, that between now and their next Board meeting to do as much activity as possible to find individuals.

Sheriff Rivera said they could put out the job description as soon as they can and then in the January meeting see if some of the Board would want to participate in an interview process.

Trustee Prokopis said he thinks Frank, Lisa, and Richard probably have the best idea of what they need in those positions and by next meeting he would like to have a job description and what good looks like coming from them and in the interim they could put out their feelers and see if there is a level of interest.

Sheriff Rivera said they would have to do the same for legal, so they will have to have an announcement go out that they are looking for a part-time legal contractor and she would need Frank's help on that. She said the Undersheriff understands budgets and he would be a perfect person to be part of that process.

Trustee Bradley asked if the legal component had to be a lawyer.

Frank Nakamura said yes, it does have to be because you are approving agreements and particularly when it comes to the TRAns and the truth-in-taxation process.

Sheriff Rivera said she would get with Frank to figure out what kind of legal contract they need from a legal company, and she doesn't believe it will be a lot of money for the legal piece. More focus would be for more compensation for Richard and then the part-time person. She will do everything she can to stay within the budget that is already budgeted and hopefully even save some money.

Trustee Olsen asked that when Rick gets compensated for the work, he does for SLVLESA, that is billed by UPD and then Rick is compensated by UPD, so does that mean that UPD is billing SLVLESA for overtime hours?

Richard Moon said it is billed by percentage, so if he says his work is 20% SLVLESA, then he bills 20% of all his pay from January 1st through June 30th and then July 1st through December.

Trustee Olson asked if Richard stays on as treasurer, he will make a straight time wage from SLVLESA, even though at some point he's going to be working for SLVLESA while on the clock for UPD.

Richard Moon said what he thinks they can do is like Marcie Kay, she gets like a stipend or a bonus from SLVLESA as the clerk, so she gets \$5,000 a year that is directly paid from SLVLESA to UPD for that. We could work something like that.

Trustee Olson said he liked that.

Frank Nakamura said he had a final comment. He said he would like to take the opportunity to thank the Board members. He said he is impressed by the conscientiousness of the Board members; they have other jobs and responsibilities, but they have always been engaged in SLVLESA and they have all been very kind. He said the tone is set at the top and he appreciates the Sheriff, and everyone has been kind and supportive. He said that if they only knew what Marcie goes through to work with Frank, someone who is always looking over her shoulder, but she is getting everything done, particularly during Covid. He said he wants to publicly acknowledge Marcie Kay for all her help and dedication and behind the scenes, you don't know all the work that she does for us. He said he enjoyed working with Trustee Bradley because they have worked very closely together in terms of agendas, etc. He loves the people and the job, but you get to a certain point in her life where you must do other things.

He said as a Board they have discussed some structural issues that they will have to address and looking for different revenue sources because they are going through a lot of changes.

Trustee Bradley said he wanted to make sure he understands that Frank is not leaving until the first of the year.

Frank said yes but what he offered like he said is that he will be available anytime.

Trustee Bradley asked if there was a need for Frank, the Sheriff and himself and other Board members to get together before he goes out of town.

Sheriff Rivera said she did not think so and that between herself, Frank and Richard, they can come up with a contract for legal, a job description for this finance person and a proposal for Richard's compensation and they will double check to make sure Marcie is getting compensation and then bring it to the Board and in the meantime, they will be looking for people.

Motion, Second and Vote to Move Out of Closed Session.

Trustee Bradley entertained a motion to close the closed session of the meeting.

Trustee Olson motioned to close.

Trustee Peterson seconded the motion.

All voted in favor; none opposed.

Closed session was adjourned.

Item#11- Adjourn

Trustee Bradley adjourned the meeting.