

Date: April 20, 2023

THE SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA BOARD OF TRUSTEES (“BOARD”) MET ON THURSDAY, APRIL 20, 2023, AT 10:00 AM. THE PUBLIC WAS NOTIFIED THAT THEY MAY JOIN THE OPEN PORTIONS OF THE MEETING BY CALLING 1-720-707-2699 AND ENTERING MEETING ID 89624210951 AND PASSWORD 119591#. 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>
TRUSTEE JIM BRADLEY, SALT LAKE COUNTY		TRUSTEE PHILLIP CARDENAZ, WHITE CITY
TRUSTEE DAVID BREMS, EMIGRATION CANYON		TRUSTEE CHRIS STAVROS, SALT LAKE COUNTY
TRUSTEE ALAN PETERSON, KEARNS		TRUSTEE DAVID OLSEN, COPPERTON
TRUSTEE CAROLYN KEIGLEY, BRIGHTON		
TRUSTEE DEA THEODORE, SALT LAKE COUNTY		
TRUSTEE STEVE PROKOPIS, MAGNA		

ALSO ATTENDED:

SHERIFF ROSIE RIVERA

CHIEF OF POLICE JASON MAZURAN, UPD CHIEF OF POLICE

RICHARD MOON, SLVLESA TREASURER

FRANK NAKAMURA, SLVLESA ATTORNEY

Item #1-Call to Order

Trustee Bradley called the meeting to order.

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 First Quarter 2023 Report, Expenditures for the Month of March 2023, and Other Financial Information.

Action Requested: None

Discussion: Richard Moon presented the financial information for the first quarter of 2022 and the expenditures for the month of March 2023. He said there were only three transactions for March 2023, and they were for AMTEC for \$850, Frank Nakamura for \$925 and the payment to the Unified Police Department for \$2,010,473. He asked if there were any questions and there were not.

Item #5- Update on the Issuance of Tax Revenue and Anticipation Notes.

Action Requested: None

Discussion: Richard Moon updated the Board on the TRANS. He said they received the \$13.5 million in TRANS and that was received successfully. He asked if there were any questions and there were none.

Item #6-Discussion on the Utah State Legislature and SLVLESA.

Action Requested: None

Discussion: Frank Pignanelli discussed the latest developments from the legislature. He said it would be a good idea if SLVLESA and the Metro Townships go in and say, "this is what we're looking at, considering and possibly have some legislation available to be approved by the interim committee in October or November, in case we need some legislative tweaks." He said he would like to be able to report to the Chairman of the committee that

they are doing some things, check in with us and we can have that presentation be made to the political subdivisions committee.

Chairman Bradley asked if there were any questions that the Board would like to ask Frank Pignanelli.

Chairman Bradley said he gets nervous because he thinks they experienced in this last session, a real lack of understanding on the legislators' part, in terms of how SLVLESA functions and how important it is. He said he doesn't believe they have adequate time to explain to people how it works but to be able to sit down and at least explain some basic principles behind the purpose of SLVLESA and how it integrates into public safety for Salt Lake County. He doesn't know how they are going to be able to have more meaningful meetings with the legislature, as they've decided this because what he is afraid of is the last sentence in his letter to us, which reads: "additionally the committee will consider, more broadly, the long-term plan for metro townships, including whether metro townships should continue as-is, incorporate or be annexed into existing municipalities." He said he does not want to get into a situation where it is so confusing for the legislature, that that is the easy way out and they say, "go annex into a community."

Frank Pignanelli said he represented the metro townships a few years ago, when they were asking for additional taxing authority. He said the taxpayers were fine. He said they had no formal opposition, but they had opposition based on lack of education and because of that, it was a struggle. They had to meet with every single member of the committee, but they had to reschedule the vote in the house three times because they didn't have the votes and what it was, was a lack of understanding about metro townships. He said politics is like nature, it abhors a vacuum and if you don't fill that vacuum, someone else will. If they do not come in with a plan, strategy, and message he thinks very likely the legislature will just mandate what they do next.

Chairman Bradley said that SLVLESA is going to be working very hard to establish where they are and what they do, and it is not that complicated. He said that SLVLESA will have their stuff together. He said it would be very useful if Frank Pignanelli could arrange for the key players and SLVLESA to have a meaningful meeting and answer any questions they have, so they gain more faith that SLVLESA knows what they're doing.

Frank Pignanelli said he could arrange that. He said to him, the most important thing would be for this group and for the metros to develop a story, so they have a story to tell and say that they understand the concern, and this is what we are doing. They are forcing us to deal with it, because without this, SLVLESA could have drifted for a while but now they are forcing us to deal with this. What they don't want is to say, "we're still thinking about it" because someone will offer legislation because they are tired of hearing about the metros.

Trustee Stavros said the Board has made it clear in previous meetings, the consensus of the Board, is to work with Frank Pignanelli to move forward because their reliance solely on property tax is an issue and to move forward on pursuing multiple sources of revenue for SLVLESA. He thinks they need to move on that now.

Frank Pignanelli said his understanding of the question is that SLVLESA study and recommend additional sources of funding, in addition to the property taxes. He said that is a great question because the legislation they passed a few years ago gave the metros the ability to levy taxes for energy and telecommunications and no metro is yet to have levied that. That will be a topic if they make a presentation, especially if the metros make a presentation. The question will be asked by lawmakers, why haven't you made an assessment and the taxpayers' association will say that as well. They need to say, we are going to levy these taxes, or we are not going to levy these taxes and here are the following reasons because that will go into the long-term calculation for the funding for SLVLESA.

Trustee Stavros asked if they were going to find a sponsor and try to move on this during the interim session.

Frank Pignanelli asked what they would be finding a sponsor for.

Trustee Stavros said to put something together so that they can pursue multiple sources of revenue.

Frank Pignanelli said what he thinks will happen is if they can make a presentation to the political subdivision committee and they like what they have offered, then it becomes a committee bill, and they will vote for it and the sponsor becomes the Chairman of the Committee. They need to have that issue though, are they going to stay with only property tax funding or are they going to go after multiple sources of funding. That needs to go into their calculations and deliberations.

Trustee Keigley asked if the township wanted to do the franchise tax, do voters have to vote to approve that.

Frank Pignanelli said in that bill, there are truth-in-taxation requirements, certain notice requirements that you would have to make sure the residents of the township are made aware that they are planning on doing that and there will have to be a public hearing and then a vote.

Trustee Keigley said she asked that because if they want to have that done before they go to the committee, rather than having to wait.

Frank Pignanelli said the reason Trustee Stavros's question is so good is because as they start this process, all the metros must decide whether they are going to levy these taxes or not.

Trustee Prokopis asked if both can exist if they incorporate and become a city, can they still use both SLVLESA's taxing authority, as well as make up the short fall. If they go the city route, would they now have this new power or does that jeopardize SLVLESA in any way. He said he thinks they want wall-to-wall cities because this township is a hybrid that has caused some issues. He said he thinks it's cleaner for the legislature if they all went to cities. He doesn't see us being annexed but being a city is certainly a viable option, in his opinion.

Frank Pignanelli said his fear is that if this erupts again next session and they do not have a good story to tell, they are going to get tired of this and will "fix" it and SLVLESA may not like the result.

Trustee Keigley said the Teuscher bill is a good example of it, they went in with no understanding of the ramifications of it, pushed it through with their storyline, and the legislators just went with it.

Trustee Prokopis said he thinks Magna is headed towards incorporation. He said it is tough to plan when you don't know what the outcome of an election will be.

Frank Pignanelli said the key players in the legislature are Mike McKell, he's a senator from Spanish Fork and he will take his direction from his colleagues. There is Rep. Dunnigan, and he represents Taylorsville/West Jordan but he used to represent Kearns for 20 years, so he's well aware of the situation. Senator Wayne Harper from the west side, represents West Valley, parts of West Jordan. There is Jerry Stevenson from Davis County and they don't like their unincorporated areas. Chris Wilson is from Logan. Rep. Bennion from the east side near White City.

Item #7-Discuss Future Policing Funded by SLVLESA.

Action Requested: None

Discussion: This item was cancelled off the agenda because Mayor Smolka was unavailable to attend.

Item #8-Update on the Unified Police Department.

Action Requested: None.

Discussion: Sheriff Rivera wanted to let the SLVLESA Board know about the staffing of the UPD. Currently they are down one allocation. She knows there has been a lot of conversation saying they are in a dire situation, and she wanted to clarify. They had their HR department run all the numbers and they have people coming out of the academy, they have hired some people. Their current problem is they are not getting enough applicants. Their lateral applicants have completely dropped down and their new hire applicants have gone down. They used to get around 100 and now they are not even getting 20 and that is where they are going to be in a dire situation down the road but currently, they're only down one allocation. They do believe it has to do with the UPD issue of splitting with the Sheriff and she can see why people would be concerned at this time. Also, she wanted to let SLVLESA know, because it has been asked in the UPD Board, of what is the Sheriff doing. She said she will be going back to the County, with statutory duties and county-wide services, there is not a date set. The UPD Board, some of the mayors have asked for it to happen July 2024 but there is nothing set in stone. There is a lot that must be clarified because of SLVLESA. How does she do her statutory duties when the unincorporated funding comes from SLVLESA. They have their legal department looking into it but they have to make sure that they do everything right.

She said the UPD Board discussed moving Chief Mazuran into another position to re-organize the UPD, they will be discussing it at the UPD Board. One thing that their legal counsel has advised on is that that position must go through their merit commission. She has asked him to look at it again and they will see if that does have to happen because that is an exempt position. Undersheriff Petersen would be going back to working strictly for the Sheriff's Office on July 1st. That means the funding for his position through the UPD will no longer be funded. He has been tasked with going back to the Sheriff's Office and working strictly on a law enforcement bureau to bring back the statutory duties in the countywide services. One thing they need to know down the road is what are the townships going to do, are they going to go with the new UPD 2.0 or are they going to contract with the Sheriff's Office because there are two different models that they must look at.

Sheriff Rivera said she was removed from being the CEO over SLVLESA and in that conversation they said that SLVLESA was going to do something else with a director or administrator, but they still have UPD employees working for SLVLESA. Her question is, where are they at with that and because she is still the CEO of UPD, she still must ask those questions.

Trustee Bradley said that their legal counsel, Frank Nakamura, retired about two months ago but graciously agreed to stay on and help sort out their situation but he has given a firm date of where he is leaving in two weeks, so they must respond to the Sheriff's questions. He said it has been his goal all along to try to keep intact

SLVLESA as they have operated for the last several years. They have made a resolution that basically reinstates the contract with Salt Lake County Procurement. The contract expired last December 31st and they have updated that to make it active again, to give them the opportunity to use professional procurement, if they want to use that. The second thing is a resolution that approves an agreement with Salt Lake County procurement to provide services as necessary, so it is all set up that they are going to have a process that will meet the scrutiny it would deserve and see which way they're going to go and how they fill those three positions of Frank, Marcie, and Richard. He is going to have a conversation with Harry Souvall to see if they can, on a personal level, contract and still pay these two individuals' salaries and how that would work.

Sheriff Rivera said she has already done that and has asked Harry Souvall and he said it would have to be individual contracts for each one and they can't do it on their UPD time, and they are fine with that as long as it's not on UPD time.

Chairman Bradley said both Rick and Marcie have done good jobs and they would like to keep them in their roles. He said putting these things into place allows SLVLESA to use them when they need them.

Trustee Prokopolis asked if it would be appropriate to hire some legal counsel before they address the other two positions or do all three at once.

Chairman Bradley said he thinks they do it as they can do it.

Sheriff Rivera said they can hold on for now, but she wanted to make sure it is brought up and everyone is aware, but they can wait until they get their legal counsel in place.

Chairman Bradley said he would like to talk about agenda item number 11. He said he has asked Prokopolis, Keigley and Stavros to act as an advisory committee because there are times when they need to get together before a formal board meeting and decide what should be on the agenda and how they should deal with it.

Item #9-Consider RESOLUTION NO. 23420-1 OF THE SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA (SLVLESA) AMENDING SLVLESA POLICY NO. 2019-3 RELATING TO PROCUREMENT.

Action Requested: Motion, Second, and Vote.

Discussion: Trustee Cardenas said he thought they had already put together an RFP to have those positions filled. Is this Resolution making it so that the RFP will finally get put out?

Trustee Prokopolis said they got down that road and they realized that the Salt Lake County policy they were using had expired last December, so they must renew that resolution to bring the policy back into compliance before they can utilize it.

Trustee Cardenas said based on what was getting said, he didn't know if they were going to have Richard and Marcie still working for SLVLESA, he thought that was the idea that they were looking to not have folks from UPD just to avoid any appearance of a conflict of interest.

Chairman Bradley said yes, and that was the concern and that is why they want to be very careful in terms of how they approach this, and understanding of how that would work without jeopardizing their position.

Trustee Cardenas said he appreciates their work but moving forward, he thought they were trying to avoid the appearance of any type of conflict of interest.

Chairman Bradley said in a perfect world they could go out and find somebody who could step in and not miss a beat but it's not a perfect world and they need people who know what they are doing and if they look at the opportunities there, he believes they can answer any questions people will have about any conflict of interest.

Chairman Bradley entertained a motion to approve Resolution 23420-1.

Trustee Prokopis motioned to approve the Resolution.

Trustee Brems seconded the motion.

All voted in favor; none opposed.

The Resolution passed.

Item #10-Consider RESOLUTION NO. 23420-2 OF THE SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA (SLVLESA) APPROVING AN AGREEMENT WITH THE SALT LAKE COUNTY DIVISION OF CONTRACTS AND PROCUREMENT TO PROVIDE PROCUREMENT SERVICES TO SLVLESA AS NEEDED.

Action Requested: Motion, Second, and Vote.

Discussion: Chairman Bradley entertained a motion to approve Resolution 23420-2.

Trustee Prokopis motioned to approve the Resolution.

Trustee Brems seconded the motion.

All voted in favor; none opposed.

The Resolution passed.

Item #11-Appointment of an Executive Committee to Formulate Recommendations for the Board on Administrative Matters.

Action Requested: Chair Appoints Committee.

Motion, Second, and Vote to Approve Committee.

Chairman Bradley entertained a motion to appoint an Executive Committee.

Trustee Peterson motioned to approve.

Trustee Theodore seconded the motion.

All voted in favor; none opposed.

Trustee Keigley, Bradley, Prokopis and Stavros were appointed to the Executive Committee.

Item #12-Approve Minutes for the January 16, 2023, meeting.

Action Requested: Motion, Second, and Vote.

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

Trustee Theodore motioned to approve the minutes.

Trustee Prokopis seconded the motion.

All voted in favor; none opposed.

The minutes were approved.

Chairman Bradley said they owe Frank Nakamura a great deal of appreciation for him getting them through this difficult period and for sticking with SLVLESA for as long as he has.

Trustee Prokopis said he wants Frank Nakamura to know that his service has been appreciated.

Item #13-Adjourn.

Trustee Bradley adjourned the meeting.