

Date: November 18, 2021

THE SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA BOARD OF TRUSTEES (“BOARD”) MET ON THURSDAY, NOVEMBER 18, 2021, AT 10:00 AM. THE PUBLIC WAS NOTIFIED THAT THEY MAY ATTEND THE MEETING AT THE SALT LAKE COUNTY SHERIFF/UNIFIED POLICE DEPARTMENT BUILDING, 3365 SOUTH 900 WEST, SALT LAKE CITY, UTAH OR 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 IN PERSON OR BY PHONE WERE ABLE TO HEAR ALL DISCUSSIONS.

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

ALSO ATTENDED VIA ZOOM/IN PERSON:

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

UNDERSHERIFF JAKE PETERSEN, SALT LAKE COUNTY UNDERSHERIFF

CHIEF OF POLICE JASON MAZURAN, UPD CHIEF OF POLICE

FRANK NAKAMURA, SLVLESA DISTRICT ADMINISTRATOR/SLVLESA LEGAL COUNSEL

LISA DUDLEY, SLVLESA CHIEF FINANCIAL OFFICER

RICHARD MOON, SLVLESA TREASURER

MARCIE KAY, SLVLESA CLERK

Item #1-Call to Order.

Trustee Flint, SLVLESA Vice-Chair, called the meeting to order. Frank Nakamura advised the Board that Trustee Jim Bradley was not able to attend the meeting and was asked to be excused.

Item #2- Conflict of interest disclosure.

Action Requested: Identify Conflicts; if any

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

Item #3-Public Comment.

Trustee Flint asked if anyone was calling in to the meeting or was present who wanted to give public comment to the Board. Marcie Kay, SLVLESA Clerk, stated that there were no calls from the public. No one present wanted to give public comment. Public comment was closed.

Item #4-Present Expenditures for the Month of October 2021, and Other Financial Information.

Action Requested: None

Discussion: Richard Moon presented the monthly expenditures. He said SLVLESA issued only three checks for the month of October. He asked if there were any questions, there were none.

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

Action Requested: None

Discussion: Sheriff Rivera said there were discussions by the County Council to look at County-wide shared services. She is working with Council Member Amy Winder-Newton. The Sheriff and her staff are putting together a presentation to take to the Police Chiefs of entities in Salt Lake County, so they have a clear understanding of what County-wide services provides and to let them know if they want to ask for those services since those services are available to them. They will also take the same presentation to COG and letting those members have a view of what UPD is providing under the County-wide services. One of the issues that has come up is the Metro Mental Health Unit that they started. It was originally a mental health unit under UPD, where UPD was paying for it under a shared service but they moved that about two years ago so they could start up a Metro Mental Health Unit. They saw that the mentally ill

were not staying in one jurisdiction, but they are going throughout the County, so it made sense to move those positions to County-wide. The County brought up the issue that those two positions were for UPD more than anyone else, so they would like UPD to consider paying for one of the positions or adding another position. She said the Metro Mental Health Unit is like a taskforce. They have five other agencies that participate, each one has a part-time detective assigned to the unit and each of the precincts in UPD have a part-time detective assigned as well. They have asked the Precinct Chiefs to make sure their detectives are working those cases and they have found that there are some precincts that are probably not doing it to the extent of other precincts. She said she may bring this back to the Board this next budget year and they can go from there whether the UPD wants to pay for a full-time person for that unit. She said they will also see if they can put that same presentation for the UPD Board and the SLVLESA Board, so they all have a clear understanding of what services are available.

She said Harry Souvall spoke about the vaccine mandate and for right now everything will be placed on hold. They are no longer going to be asking for the information from officers whether they have been vaccinated or not and they will put it on hold for a couple of weeks until they can see what is going on across the country, with the federal government and this new legislation that the governor signed this week, and they will keep the Board updated. She asked if there were any questions.

Trustee Keigley asked if they could attend the meeting with the presentation.

Sheriff Rivera said they could except the meeting with the Police Chiefs probably due to lack of space and she is not sure who is able to go to COG but if not, they can do a separate one as well. They are trying to move the Police Chiefs meeting here because there is more room and if they do, then they are welcome to attend.

Trustee Theodore said she supports the funding of the mental health unit and thinks it is an important resource and she hopes it continues to be a County-wide service.

Item #6-Consider RESOLUTION NO.211118-1 OF THE BOARD OF TRUSTEES OF THE SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA (SLVLESA) AMENDING THE CALENDAR YEAR 2021 SLVLESA BUDGET INCREASING PROPERTY TAX REVENUE (DUE TO NEW GROWTH) BY \$145,750 AND DECREASING BUDGETARY USE OF FUND BALANCE BY \$145,750.

Action Requested: Motion, Second and Vote.

Discussion: Richard Moon said that actual new growth revenue is higher than what was budgeted for 2021. As a result, the 2021 budget needs to be amended to reflect the higher amount. He said it is \$145,750 higher than they had budgeted so they are going to increase new growth revenue and decrease budgetary use of fund balance. He asked if there were any questions.

Trustee Flint entertained a motion to open the public hearing.

Trustee Keigley motioned to open the public hearing.

Trustee Brems seconded the motion.

All voted in favor; none opposed.

The public hearing was opened.

There were no public comments.

Trustee Flint entertained a motion to close the public hearing.

Trustee Brems motioned to close the public hearing.

Trustee Keigley seconded the motion.

All voted in favor; none opposed.

The public hearing was closed.

Trustee Flint entertained a motion to approve Resolution No. 211118-1.

Trustee Keigley motioned to approve.

Trustee Brems seconded.

Frank Nakamura conducted a roll call vote.

Trustee Bradley was absent.

Trustee Brems voted aye.

Trustee Theodore voted aye.

Trustee Flint voted aye.

Trustee Olsen voted aye.

Trustee Peterson voted aye.

Trustee Prokopolis voted aye.

Trustee Stavros voted aye.

Trustee Keigley voted aye.

All voted in favor; none opposed.

The Resolution was passed.

Item #7-Consider RESOLUTION NO.211118-2 OF THE BOARD OF TRUSTEES (BOARD) OF THE SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA (SLVLESA) ADOPTING AMENDMENTS AND REVISIONS MADE BY THE BOARD TO THE TENTATIVE BUDGET FOR CALENDAR YEAR 2022 SUBMITTED BY THE SLVLESA BUDGET OFFICERS ON OCTOBER 21, 2021, AND DIRECTING THAT THE 2022 TENTATIVE BUDGET, AS AMENDED AND REVISED, BE ON FILE FOR PUBLIC INSPECTION IN THE SLVLESA FINANCE OFFICE UNTIL THE ADOPTION OF THE SLVLESA 2022 FINAL BUDGET ON DECEMBER 16, 2021.

Action Requested: Motion, Second and Vote.

Discussion: Richard Moon said the tentative budget that was presented in at the October 21, 2021, had two options on the expenditure of funds for compensation increases. Since then, the UPD Board has determined the amount of compensation increases effective November 1, 2021. As a result, the tentative budget is revised to reflect what was approved in the UPD Board meeting today which are compensation increases for UPD officers that would put the compensation level in 4th position to compensation paid by other entities in the Salt Lake Valley. Frank Nakamura asked the Board if they had any other revisions. There were none.

Trustee Flint entertained a motion to approve Resolution No.211118-2.

Trustee Keigley motioned to approve the Resolution.

Trustee Prokopis seconded the motion.

Frank Nakamura conducted a roll call vote.

Trustee Bradley was absent.

Trustee Brems voted aye.

Trustee Theodore voted aye.

Trustee Flint voted aye.

Trustee Olsen voted aye.

Trustee Peterson voted aye.

Trustee Prokopis voted aye.

Trustee Stavros voted aye.

Trustee Keigley voted aye.

All voted in favor; none opposed.

The Resolution was passed.

Item #8-Board Direction on Legislative Efforts for 2022.

Action Requested: Motion, Second and Vote.

Discussion: The Chair of the legislative committee, Trustee Stavros, said that the Committee has been exploring options to try and resolve the long-term funding issue that they have, and he will turn it over to Frank Pignanelli to explain those options.

Frank Pignanelli said he is a lobbyist in the state of Utah and for over 20 years his firm has represented White City and because of that they were hired by Salt Lake County and engaged in an effort in 2015 to get the Legislature to create the metro townships and have been engaged with metro townships since then. In the spring, Frank Nakamura contacted him to see if they could increase the property tax cap

because the SLVLESA certified tax rate would be at the cap. At that time, they thought SLVLESA would need to increase property tax revenue by 5% to meet the increase in law enforcement costs but ultimately the SLVLESA Board decided it needed increased budgeted revenues of 16.5% to meet the increase costs of compensation for police officers. In discussions with the Taxpayers' Association, Kennecott, and selected lawmakers, they said that before they do anything SLVLESA needs to show that it evaluated other options, other than property tax to meet their law enforcement needs. The second thing that they were requested to do is if this property tax cap increase is authorized, how far will that get SLVLESA? He said Frank and his staff and Lisa Dudley have been very helpful in going through that.

He said there are four options. The first option is to ask the legislature to increase the tax cap on property tax. While this is relatively simple to draft, it is politically difficult. Questions would be asked, like why do you need this after the 16.5% tax increase? He said one of the suggestions that was made is to increase the cap with a sunset provision, so that this particular property tax cap would sunset after three or five years. Again, the question will be asked of where the current property tax increase gets SLVLESA. He said the second option is can franchise taxes be used, even though they have not been implemented yet individually and can those be used by the metro townships to help pay for the public safety costs? The third option, the Taxpayers' Association suggested, was incremental sales tax. He said they have not fully explored that, but it is something that they may have to look at. The fourth option is a fee-based system. The Taxpayers' Association like fees that are based on usage, but this would be different because the quantifying use of law enforcement would be difficult in that regard.

He said that those are the four options, but the politics will be them asking why SLVLESA needs more money if they already got a 16.5% increase approved. SLVLESA will need to justify why they need more money and when they need it, now or in a few years from now. Another issue is that it is an election year. He said lawmakers would be interested in helping out SLVLESA, but they would want to make sure all the elements are examined. His suggestion would be that they decide whether they want to do anything for the next legislative session and, he recommends, that the metro townships have a discussion amongst themselves about what is in their best interests and the distribution of the services. At the end of the day, it is the metro townships that will be paying for this and, SLVLESA will need their support if it goes to the legislature.

Trustee Flint said as a member of the legislative committee and a member of the metro townships, her experience is that they were spoiled, because they had the best, top-notch police services and they do not want to lose that high level of policing. So, in deciding which group wants what service, she does not think it's so much about deciding at what level, that seems to be the hang up in everyone's process. She believes most citizens want a certain level of service, that is why they voted for this process to be this type of community that is service-oriented. She said she has constantly asked what the true cost is for 5 and 10 years down the road of this law enforcement service at the level they enjoy. They do have to go to the metros and have this discussion. People are not afraid of paying if they know what the cost is.

Frank Nakamura said implementation and use of the sales energy and use tax, and the telecom tax, is a decision made individually by each metro governing body.

Trustee Brems asked if all the townships must agree with that tax. He said that would be even more tax, on top of the high taxes they are already paying, as compared to the level of service they are receiving that they have no say in. It would be very difficult. He said they would like the ability to negotiate the level of service because they are unhappy with the level of service they have, and they are paying far

more money than what they are getting and that is an unfair situation. They support a tax increase, but they want more than one full-time police officer in the canyon during the week.

Trustee Flint said she agrees with that, and it is very important for all of them to have that discussion to ask if the level of service is adequate. In the shared model, it is give and take. The metros need to have a discussion on how they want to fund this. She said if they walk away from this and end up with no cooperation, and they dissolve and that would be ludicrous because they have the best police force anyone could ask for.

Trustee Prokopolis said that many cities have committed to raises that they cannot afford. The Legislature has talked about stepping in. He asked Frank Pignanelli if he had heard anything about that.

Frank Pignanelli said some of the representatives had talked about that and how we deal with that issue. So far, no new bills were opened on that, but you could still see something like that. There are several municipalities and counties complaining about this.

Trustee Flint said they are the only communities that don't have a municipal tax rate. They do not even have the power to do a property tax but when it comes to their service and their policing, they should have that municipal tax rate, not this cut rate. It should be something reasonable to be able to pay the bills and not having to go beg for money. She said maybe that is something SLVLESA should decide on. She said maybe the Legislature could step in and assist.

Frank Pignanelli said one significant issue they have is that this is not just a municipality or county issue, there is someone out there that generates 47% of the SLVLESA revenue and that is Kennecott, and they are going to have to be part of this discussion. So far, they have been supportive, but they have made it clear that they don't receive benefit from paying, so SLVLESA would have to address that.

Trustee Flint said she thinks they need to have an alternative to the tax question, and she believes The Taxpayers' Association would be willing to work with us on creating a fee, but they need to know the cost.

Trustee Stavros said obviously they are not going to vote on the four options today but what he would like to see as a Board member is more detail relating to each option, with the pros and cons so they can really analyze it between now and next month.

Frank Nakamura said next month because of the budget and the tax increase, and the late meeting time they are not putting a lot of items on the agenda.

Trustee Stavros asked when he envisioned them voting on the options.

Frank Nakamura said the only immediate issue is whether to go to this year's legislature to deal with the tax cap. He said they do not have to pursue it this year, but they need some direction on that because it is November and before the beginning of the legislative session in January, they must have something done. He said some of the options do not even require going to the Legislature.

Trustee Stavros said he thinks pursuing a tax cap this year is not a viable option. He said it will be a very tough sell to tell people they want to raise the cap after they just went through truth-in-taxation and increased property taxes by 16.5%. If they can stay solvent for another year and explore the options, that gives them a whole year to decide what they should do.

Trustee Flint said she thinks the SLVLESA Board knows the direction they need to take and that is not to proceed with the legislative action this coming year.

Trustee Keigley said she realizes they need to have a good story for the Legislature to justify the tax cap increase but why couldn't they just go to the Legislature with what they have and see if it works and is there harm in doing that.

Frank Pignanelli said a lot of times you run a bill, even if you have a good story to tell but you know it may be tough and what he worries about is if they do decide to go for the cap and they cannot justify it after the 16.5% increase, that means they are talking to legislators, and they do not have the credibility.

Trustee Prokopis said he can see why SLVLESA is where they are and that is because of the ongoing wage wars, and they have had to give 25% raises over the last three years.

Frank Nakamura said that is the difficulty with projection of future costs. Compensation is an unknown.

Trustee Flint said she would be more comfortable going to each Metro Township and asking them how they propose we solve the problem and that they are involved in this financial issue. They are going to have to figure out themselves if they are going to afford this.

Frank Nakamura said to summarize, as far as the options go, they will discuss that over the upcoming year, the Townships will get together and discuss the sales, energy and use and Telecom tax because that is within their authority. He said what he is gathering from the tax cap is that it is not something the Board wants to pursue at this time. He would like to see a motion, something to the effect of the townships will get together, talk about some of these options and the Board will continue to discuss these options throughout the year.

Trustee Flint said she doesn't think they have the votes to go through with the tax cap. She said she would like it if they told them per capita, what the cost would be and have her see if she can take that back to her population and let her see what the public will give them. They need to have that honest discussion with their Metros.

Trustee Theodore said since she joined the SLVLESA Board, that most of their discussions have centered around the tax cap increase and there has been so much work put into it and a lot of meetings and she feels like the whole year has been aimed at this and the legislation going into it. She felt like there was an urgency to do it and now they're saying there is not an urgency because these options came up.

Trustee Flint said they did the 16.5% when originally, they were only going to do 5% and that takes them to the max of their taxing capability. Plus, they are depleting their fund balance to pay for the wage increases and they don't have much time, they have one year. She said when it comes to the Legislature, it is now or never but if they have an alternative to that then it becomes easier, but they also must go to the Legislature to authorize that alternative and involve an interim committee.

Frank Pignanelli said he thinks they need to involve an interim committee next year and talk about all the things they are doing.

Trustee Stavros asked how long SLVLESA will be solvent for because no one has really answered that question.

Trustee Flint said they lose solvency in 2023.

Trustee Stavros said that gives them time to explore the options and figure out what the best long-term solution is.

Lisa Dudley said when she prepared the solvency documents, those were created before the final wage increases, so she realizes that is old data.

Trustee Flint said that is why she keeps saying that they need current data to go to the Legislature.

Sheriff Rivera said to get that data, they needed to know what the UPD Board would do in terms of compensation and now they know.

Trustee Brems asked Lisa Dudley what her sense of things are and if SLVLESA is worse off than they think they are.

Lisa Dudley said she would lean that way because the 16.5% is a known, that is the revenue side of it and the part that needs to be updated now is the expenditure side and there are a lot of decisions that affect that and without a crystal ball no one can present a known pro forma.

Trustee Brems asked Lisa Dudley if she thinks if they do not get a tax cap increase this year then they will be in trouble.

Lisa Dudley said they have very limited time to make corrections, so the tax increase did at least allow them a year.

Frank Pignanelli said they do not need authorization to start mapping out what they want to do, they can get a hearing with the interim in May or June for the Legislature.

Trustee Flint said if they come up within the next two weeks to a good alternative to taxes, they could present that, but they must know their stuff. She says they should meet with their Metros and can do that individually if they want and invite Frank Pignanelli or Frank Nakamura to the meetings, but Frank Pignanelli's time is getting short because of the legislative session.

Frank Pignanelli said they also must be sensitive to Senator Mayne because she is not going to want to do a tax increase during an election year, as she told him.

Trustee Stavros said his proposal was not to wait a year but that we should not pursue the cap now, but they should explore all the options and get something ready for next summer and the interim session and by that time they will have their ducks in a row and be ready.

Trustee Prokopis said they were told they have four options, and he would like to see the pros and cons of each option, so he has something to take back to his council including updating the pro forma and the projections.

Trustee Flint said the only motion they can have is to take it back to their communities to discuss.

Frank Pignanelli said Senator Mayne will want to know what the Metros want to do.

Trustee Flint motioned to cease debate.

Trustee Prokopis seconded the motion.

All voted in favor; none opposed.

Motion passed.

Frank Nakamura said the direction of the Board is that the Townships will meet and discuss the options.

Item #9- Approval of Minutes for the October 21, 2021, meeting.

Action Requested: Motion, Second and Vote.

Trustee Flint entertained a motion to approve the minutes.

Trustee Keigley motioned to approve the minutes.

Trustee Theodore seconded the motion.

All voted in favor; none opposed. The minutes were approved.

Item #10-Adjourn

Trustee Flint adjourned the meeting.