

*These pending minutes have not been approved by the Utah Prosecution Council and are subject to change until approved and adopted by the Council.*

**Utah Prosecution Council Meeting**  
**Wednesday - September 13, 2023, Noon**  
**5272 College Drive**  
**Murray, UT**  
**First Floor West Training Room**

**Pending Minutes**

- Present:** Ed Montgomery, UPC Chair, City of South Jordan (In Person)  
Dan Burton, Chief Criminal Deputy, Utah Attorney General's Office (*designee of Sean Reyes, Utah Attorney General*) (In Person)  
William Carlson, Deputy Salt Lake County District Attorney(*designee of Sim Gill, Salt Lake County District Attorney*) (In Person)  
Stephen D. Foote, Duchesne County Attorney (In Person)  
Randall McUne, Cedar City Attorney (Remotely)  
Ryan Peters, Juab County Attorney (In Person)  
Stuart Williams, Clearfield City Attorney (Remotely)  
Robert Van Dyke, Kane County Attorney (In Person)  
Karyn Walker, UPAA Chair, Provo City Attorney's Office (In Person)
- Excused:** Jess L. Anderson, Utah Commissioner of Public Safety  
Sim Gill, Salt Lake County District Attorney  
Troy Rawlings, Davis County Attorney (In Person)  
Sean Reyes, Utah Attorney General
- Guests:** Angela Adams, Washington County Attorney's Office  
Jeff Buhman, SWAP Director  
Ryan Robinson, West Valley City Attorney

- 1. APPROVAL OF JUNE 12, 2023 and AUGUST 8, 2023 COUNCIL MINUTES**
  - A. The Council members were welcomed and the meeting convened.
  - B. Will Carlson made the motion to approve the minutes for June 12, 2023 and August 8, 2023 meeting minutes. Rob VanDyke seconded the motion and the motion passed unanimously.

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## 2. **FY23 BUDGET REVIEW**

Robert Church made the following financial report. Additional information is included in the Director's Summary.

- A. The FY23 budget was reviewed.
- B. Carry over was more than anticipated at \$134,291. Bob noted that the increase was attributed to more registration fees were collected than budgeted. For example, The cost of Civil Conference was \$19,324 of the budgeted \$14,000 exceeding expenditures by \$5,324. Budgeted revenue was \$6,500 and realized \$7,723 which is a \$1,223 increase. Civil Conference stands at \$2,399 to the good. All other conference expenses were under budget and revenue was up. Also, an increase was attributed to receiving grant funds to cover most of Ron's salary and benefits. However, this year's NAPC travel expenses increased. In general, UPC stayed under budget. Hearing no questions, Bob moved to the next item.

## 3. **FY24 BUDGET ADOPTION**

Robert Church made the following financial report. Additional information is included in the Director's Summary and handouts.

- A. Salary.
  - i. Discussed salary and incentive awards along with the untimely departure of Marlesse Jones, Bob recommended a \$2.00 an hour increase for Tyson in an effort to keep other jurisdictions from enticing him away. This increase would be up-and-above his grant funding. After an in depth discussion that included salaries and policies and procedures as to setting salaries, Rob VanDyke made the motion to increase Tyson's salary by \$2.00 per hour to be paid out of UPC's FY24 budget and then in future fiscal years Tyson's set salary amount would be absorbed into his grant. Will Carlson seconded the motion and the motion passed unanimously.
  - ii. An in depth discussion regarding Bob's salary and fostering a good relationship between UPC and the AG's office, it was suggested that Bob meet with Spencer Austin on these issues. Further, it was agreed that the Council should set the Director's salary and the director set/maintain UPC's staff salary. Will Carlson made the motion to approve the FY24 budget as proposed and further, with the intent to vote on the following at the November meeting, recommended increasing Bob's salary by \$5k retroactive to July 2023 and Tyson's \$2.00 increase be retroactive to July 2023 and bring back wi-fi to Spring Conference. The motion is with the intent to vote on salary/incentives at a year end (November) meeting. Stephen Foote seconded the motion and the motion passed unanimously.
- B. Carry over.
  - i. Bob mentioned that because Ron's salary is mostly paid by grant funds he tries to avoid spending down the budget should the grant not be awarded. UPC would then be able to make adjustments in time.
  - ii. Bob proposed using some of the carry over to pay for 1) lodging costs for students who attend Basic Prosecutor Course; 2) costs to hold 2024 Train the Trainer; 3) DV Bootcamp, cover the travel costs for students; 4) reimbursement of unusual prosecutor expenses up to \$25K. Please refer to Director's Summary for qualifying applications and its details.

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- iii. Incentives. There was \$14K left over for incentive awards. Bob explained the policy in administering bonuses. Bob budgeted \$7800 of the \$14K for FY24, \$2600 for the director and \$1300 for each FTE. This would be in line with the AG's policy. Per state code more could be awarded. Stephen Foote proposed to stay within the AG's policy for diplomatic purposes. Dan Burton moved to go into a closed session. Ryan Peters seconded the motion and motion passed unanimously. Meeting closed for a few minutes.

Council back in session.

Rob VanDyke reiterated the motion and moved to add wifi to the budget, increase Bob's salary by \$5K as his salary was already over by \$5K bringing the total to \$10K, include \$7800 budgeted for bonuses and at the end of the calendar year the council would establish an incentive award for Bob and Bob would distribute incentive awards for his staff. Will Carlson seconded the motion and the motion passed unanimously. Ryan Peters indicated he abstained from that vote. Will Carlson clarified that the additional \$5k for Bob's salary be set aside with the intention of increasing his salary but not voting on to actually increase his salary.

#### **4. COUNCIL MEMBERSHIP**

Bob indicated that UPC has someone in mind for UMPA leadership to nominate as their representative to replace Yvette. Pending this person's approval because his boss was out of the office for several weeks. By November, we should know who the nominee will be.

#### **5. SADVRP REPLACEMENT**

On September 12, 2023, two people were interviewed for the SADAVP position. Bob is in the process of making an offer to Trent Dressen, Deputy Salt Lake County District Attorney.

#### **6. FY24 LEGISLATION**

Robert Church made the following report. Additional information is included in the Director's Summary and handouts.

- A. Seek funding for a separate DV Resource Prosecutor. Marlesse spent 80-90% of her time on sexual assault and trauma, leaving little time for DV training. AGO was supportive. If we are not successful in getting funding another possibility would be seeking VAWA grant funding.
- B. Also, UPC will ask for funding for a full-time secretary. Bob outlined a list of possible secretary duties. This would help elevate secretarial tasks on all UPC staff. If funding is not allocated, could possibly use a portion of the carryover for a part-time or 3/4 time in lieu of a full-time person.

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**7. TRAINING COMMITTEE**

Robert Church and Ed Montgomery made the following training committee report. Additional information is included in the Director's Summary and handouts.

- A. Bob reviewed the upcoming UPC training schedule. Ed commented that UPC was recognized as one of the finest organization in the country. Ed stated he was part of this year's Basic Prosecutor's faculty and expressed how impressed he was with the course and UPC's attention to detail in making this course so valuable. Bob highlighted the new Visual Trial Skills course. Please refer to directors summary for details.
- B. Bob has met with UCDAAC regarding discontinuing sponsoring Civil Conference. It was agreed with UCDAAC that 2024 would be UPC's last year and UCDAAC would work with UAC and UCIP in picking up this training for 2025 and on.

**8. ePROSECUTOR**

Ron Weight made the following eProsecutor report.

- A. Four new agencies have joined eProsecutor and some have asked for additional new users. He welcomed anyone who needed additional training such as with reports. Ron gave an update on eFiling. Certifying is still in progress. Ron will give an update when that's up and running. Overall, everything is going well.

**9. UPAA**

Karyn Walker and Marilyn Lawson made the following UPAA report.

- A. The CUPA test was administered at the UPAA Conference and six people passed. The test and study guide have recently been refreshed.

**10. RESOURCE PROSECUTORS**

- A. Tyson Skeen TSRP. Tyson announced that he was recently appointed to the 4<sup>th</sup> District Judicial Commission by Governor Cox and designated as the Chair. Also, Tyson reported that this year's trainings are on record for being the highest ever done. Council complimented Tyson's on taking the initiative and the good work he does. Please refer to his report located under *Tab F*.

**11. NEXT MEETING**

Pending on-line November 2023 Meeting (Salary/Incentives)

January 11, 2024

9:00 a.m. UPC

SWAP

UCDAAC

Rob VanDyke made the motion to adjourn.