

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

Approved 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
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.

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 took place. Bob is not considered a director within the AGO so he does not receive an increase equivalent to a director. Directors receive an additional \$10K above their regular salary. His increase is equivalent to a section director. Section directors make an additional \$5K above their regular salary. A discussion of whether to increase Bob's salary by an additional \$5K took place. The salary increase would not make him a director in the AGO. It was suggested that Dan meet with Spencer Austin/AGO on this issue. Further, it was agreed that the Council should set the Director's salary, taking into consideration AGO and state HR policy and the director should set/maintain UPC's staff salary, taking into consideration AGO and state HR policies. Will Carlson made the motion to approve the FY24 budget with the additional increases: 1. The increase of Tyson's salary; 2. Increase Bob's salary by an additional amount that would take his salary to be \$10K above his normal salary, pending Dan's discussion with Spence/AGO, making the increase retroactive to July 1, 2023; 3. bring back wi-fi to Spring Conference. Further, a special council meeting will take place in November to confirm the motion as well as discuss employee incentive awards. 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. If the grant were not awarded one year, by maintaining enough of a cushion, UPC would be able to make adjustments to its budget.
- 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.
- iii. Incentives. There was \$14K left over for incentive awards in FY23 that was not spent due to the state's administrative rules and AGO policy regarding incentive awards. Because incentive awards come from UPC's budget, the Council could exceed AGO policy but not State admin rules. 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 wi fi 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 until the November meeting.

4. COUNCIL MEMBERSHIP

Bob indicated that UPC has someone in mind for UMPA leadership to nominate as their representative to replace Yvette Rodier. 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 alleviate 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.

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 UCDAAs regarding discontinuing sponsoring Civil Conference. It was agreed with UCDAAs that 2024 would be UPC's last year and UCDAAs 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. eFiling 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 4th 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

UCDAA

Rob VanDyke made the motion to adjourn.