

DATE TUESDAY JUNE 5, 2023

THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ON MONDAY, JUNE 5, 2023, PURSUANT TO ADJOURNMENT ON TUESDAY, MAY 23, 2023, AT THE HOUR OF 7:00 P.M., AT THE EMIGRATION CANYON FIRE STATION 119, 5025 E EMIGRATION CANYON ROAD, SALT LAKE CITY, UTAH.

COUNCIL MEMBERS PRESENT: ROBERT PINON
DAVID BREMS
CATHERINE HARRIS
JENNIFER HAWKES, Deputy Mayor
JOE SMOLKA, Mayor

OTHERS IN ATTENDANCE: CAMERON PLATT, LEGAL COUNSEL
GORDON BENNETT, ADMINISTRATOR
NICHOLE WATT, DEPUTY CLERK

◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆

Mayor Smolka, Chair, presided.

◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆

PUBLIC MEETING

Pledge of Allegiance

The Pledge of Allegiance to the Flag of the United States of America was recited.

◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆

Citizen Input

None.

◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆

Council Business

Letter Proposing Legislation Relating to the Form of Government

Mayor Smolka stated the purpose of tonight’s meeting is to discuss the joint letter regarding the metro townships’ form of government. The idea behind the letter is to provide the legislature with a solution before it decides what will happen to the metro townships. The letter proposes the conversion of the metro townships to cities or towns.

Council Member Harris stated she has never heard an explanation of the entire situation. Is this the intention of H.B. 374 or a side effect of the bill?

Cameron Platt stated this is an unintended consequence of H.B. 374. The issue began when the legislature identified what it felt was a double taxation issue between Salt Lake Valley Law Enforcement Service Area (SLVLESA), Unified Police Department (UPD), and Salt Lake County Sheriff's Office. They created a deadline of June 2025 to reorganize those entities. As a result, it would leave the metro townships without law enforcement options from June 2025 to July 2026, which is the soonest the metro township could change its form of government on its own.

Council Member Harris asked why a change of government is required.

Mr. Platt stated it does not require a change of government. The legislature has communicated that it does not want metro townships to continue. Metro townships are a small and unique form of government that the rest of the legislature does not understand. Because of its uniqueness, it affects any legislation enacted that deals with municipalities. The legislature said it does not want the metro township form of government to continue. It wants a solution, if the metro townships do not have one, it will come up with one.

Council Member Harris stated this is all being done without any public input and is being done behind closed doors. Are there any other options?

Mr. Platt stated the conversion of the metro township is just one option and one that the metro township attorneys think is the best.

Council Member Brems stated Emigration Canyon becoming a town may be a better option. There has been unfair taxation that residents have been living with for a long time and now may be the time to fix it.

Council Member Harris stated there needs to be a reasonable chain of events and explanation to our constituents.

Council Member Pinon asked if any of this is a result of Salt Lake County feeling like the metro townships are a burden, from a taxation standpoint.

Mr. Platt stated he had not heard that.

Council Member Pinon stated the legislature found out that it created a challenge working with the metro townships.

Mr. Platt stated Salt Lake County helped create the metro townships. Since the incorporation of the metro townships, a lot of the differences that existed have been undone. The metro township form of government has evolved since created and is more similar to a town or city than the original metro township model.

Mayor Smolka stated if Emigration Canyon becomes a town, it will have more taxing authority than it did as a metro township.

Council Member Brems stated Salt Lake County Council Member Jim Bradley thinks SLVLESA will continue.

Mr. Platt stated everyone is saying that it wants SLVLESA to continue. There is no other viable option for the metro townships that can be implemented prior to June 2025. If the legislature allows the metro townships to convert to cities or towns, it would allow them to do things in a shorter time frame and allow the metro townships to have more control.

Council Member Harris asked what other options were considered and why is conversion to a city or town the best option. How will a conversion affect the Greater Salt Lake Municipal Services District (MSD)? A lot of jobs are needed to run a town, how does everything fall into place when becoming a town?

Mayor Smolka stated the relationship with the MSD would remain the same. The metro township would still contract with the MSD for services. An agreement was signed with the State Tax Commission to deliver the metro township's taxes to the MSD to be managed by them on behalf of Emigration Canyon. The Council would be able to rescind its agreement and collect its own taxes and then distribute the funds where necessary.

Council Member Brems asked what the difference between a city and a town is.

Mr. Platt stated there are a few differences. The metro townships contract for clerk services; towns would need to hire their own clerk. As a town, it has the choice of becoming a five-member or six-member council. Many towns only have one employee or no employees. Jobs can be assigned to council members to run departments. The only position that would need to be created is the town clerk. The next best option for the metro township is to start the conversion itself. The problem with that is it would not be through the process until July 2026 with truth and taxation taking place in August 2026.

Council Member Harris asked why it takes so long to convert to a town.

Mr. Platt stated there needs to be two general elections; one that determines what type of government the residents want, and one to elect the officials. After the elections, a truth and taxation hearing needs to take place to set the taxes.

Council Member Harris stated the letter is asking the legislature to expedite the process.

Mr. Platt stated the attorneys will help draft and provide input on the bill.

Council Member Harris stated the metro townships will not know anything until after the legislature meets. Why is there such an urgency to meet about this letter?

Mr. Platt stated after H.B. 374 passed, attorneys for the metro townships approached the legislature and informed them that they created a lot of problems with the passage of the bill, and it will need to be fixed. The legislature assigned it to an interim committee to review over the summer. The intent was to get a letter with a solution to the interim committee before its next meeting. The urgency is that the interim committee meets over the summer and its next meeting is June 14, 2023.

Council Member Pinon asked what the other metro townships have done.

Council Member Brems stated the other metro townships have all signed the letter.

Mr. Platt stated having all the metro townships sign the letter would send a stronger message to the legislature.

Council Member Pinon stated the letter is really to accelerate the process and transition the metro townships sooner, so it can deal with law enforcement issues.

Council Member Hawkes stated the other option is to go through the process of becoming a town on its own. Can the bill be amended so the timeline aligns with 2026?

Mr. Platt stated the timeline could be extended; however, it has already been extended once before.

Council Member Brems stated some of the other unintended consequences are that Sheriff Rivera resigned as CEO of UPD and is forming another police department within the Sheriff's Office. There are also discussions about creating UPD 2.0. The costs of these services will increase. The Council will have to choose one of these options. Officer morale is down because they are uncertain of the outcome. Millcreek City could create its own police department, which would make things more expensive.

Mayor Smolka stated the contract for canyon patrol is with Salt Lake County. Wherever canyon patrol goes, is where the metro township should probably go.

Council Member Harris stated she would like to include other issues that the Council wants the legislature to consider, like maintaining current contracts.

Mayor Smolka stated there needs to be compensation to cover the costs of the conversion. The metro township will have to rebrand, redo contracts, and rewrite the general plan.

Council Member Harris asked what would happen if the Council waited to see what happens.

Mr. Platt stated the Council can either sign the joint letter or draft its own letter. The risk of not doing either of those is that the metro township will have to wait until the end of the 2024 legislative session and try and figure out how to react. If the Council does not participate and influence the process, it will get what the legislature decides.

Council Member Harris stated the letter needs some work to include some strongly worded language about the dramatic and unpleasant impact it's having financially and organizationally.

Council Member Brems stated the metro townships will be better off if they are united and unanimous in becoming cities and towns.

Council Member Harris stated it would not be hard to add a paragraph asking the legislature to consider the financial and organizational impacts that it is imposing on the metro townships.

Mayor Smolka stated recognizing the financial and organizational impacts is important; however, it needs to be discussed later. Right now, the letter needs to be submitted showing the metro townships are in support of the conversion. There is strength in numbers if the metro townships, the Town of Brighton, and unincorporated areas stay together.

Mr. Platt stated the legislature could come back and do away with the metro townships and force incorporation into a neighboring municipality.

Council Member Hawkes, seconded by Council Member Harris, moved to direct the Mayor to sign the joint letter proposing legislation to the Utah legislature relating to the form of government. The motion passed unanimously.

Salt Lake County Justice Courts

Mayor Smolka stated the metro townships contract with Salt Lake County for justice court services. Salt Lake County is giving notice that the justice courts will be dissolved. The Council needs to start the process of finding another option. It can either contract with another justice court or set up its own.

Cameron Platt stated to get a justice court, the municipality has to go through the Judicial Commission to get approval. The process is lengthy. Once a justice court is set up it is easier for municipalities to contract with existing courts.

Mayor Smolka stated Salt Lake County has completed audits and investigations and has found things that are inappropriate and boarder line unethical.

Ms. Platt stated cases are down 80 percent.

Mayor Smolka recommended that the Council read through the documents of the justice court and discuss it at the next meeting.

Other Announcements

Council Member Brems stated Chief Jason Mazuran is acting as CEO of the Unified Police Department (UPD). It will be his job to negotiate the separation of UPD and the Sheriff's Office. Chief Wayne Dial has been appointed as interim Chief. Rachel Anderson was hired as legal counsel for Salt Lake Valley Law Enforcement Service Area (SLVLESA).



Closed Session

Council Member Pinon, seconded by Council Member Hawkes, moved to close the public meeting to discuss real estate and security measures. The motion passed unanimously.

DATE TUESDAY JUNE 5, 2023

◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆

THERE BEING NO FURTHER BUSINESS to come before the Council at this time,
the meeting was adjourned.

MAYOR, EMIGRATION CANYON METRO TOWNSHIP COUNCIL

LANNIE CHAPMAN, METRO TOWNSHIP CLERK

By: _____
Deputy Clerk

◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆
◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆
◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆