

SALT LAKE COUNTY

*2001 So. State Street
Salt Lake City, UT 84114
(385) 468-7500 TTY 711*



Meeting Minutes

Tuesday, May 6, 2025

1:30 PM

Room N2-800

County Council

Minute Book, County Council, Salt Lake County

County Council

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1. CALL TO ORDER

Present: Council Member Laurie Stringham
Council Member Suzanne Harrison
Council Member Natalie Pinkney
Council Member Arlyn Bradshaw
Council Member Carlos Moreno
Council Member Aimee Winder Newton
Council Member Ross Romero
Council Chair Dea Theodore

Call In: Council Member Sheldon Stewart

Invocation - Reading or Thought - Pledge of Allegiance

Council Member Theodore led the Pledge of Allegiance to the Flag of the United States of America.

2. PUBLIC COMMENT

3. REPORT OF ELECTED OFFICIALS:

3.1. County Council Members

Council Member Harrison stated several Council members attended the Utah Association of Counties (UAC) conference last week. There were many productive interactions with leaders across the state.

Council Member Winder Newton stated she was able to present at the Utah Rural Leadership Academy at UAC.

Council Member Theodore wished a happy birthday to the many members of the Council Office and Mayor's Office who had birthdays this week. She stated the UAC conference was great.

Council Member Stringham wished a happy Mother's Day to all the mothers who would celebrate this Sunday.

3.2. County Mayor

Ms. Erin Litvack, Deputy Mayor of County Services, delivered the Mayor's

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weekly update.

- The National Fleet Management Association has ranked the Salt Lake County Fleet Management Division as #73 of the top 100 2025 100 Best Public Fleets in the Americas. The mayor congratulated the division on this accomplishment.
- Tomorrow, the American Association of Retired Persons (AARP) will officially present the County with the designation of Utah's first Age-Friendly States and Communities. The event will take place at the Millcreek Community Center at 11:00 AM.
- The Parks and Recreation Division will celebrate a new mountain bike skills course at Lodestone Regional Park on Friday, May 9, at 3:00 PM.

3.3. Other Elected County Officials

4. CONSENT ITEMS

A motion was made by Council Member Bradshaw, seconded by Council Member Harrison, that the Consent Agenda, excluding item 4.3, be approved. The motion carried by a unanimous vote.

- 4.1 Consideration of a Resolution of the Salt Lake County Council Approving and Authorizing Execution of an Interlocal Cooperation Agreement Between Salt Lake County and Cottonwood Heights Parks and Recreation Service Area for the Contribution of \$412,217 of TRCC Funds to Help Fund Improvements to Bywater Park [25-2872](#)

Attachments: [Staff Report](#)
[2025 TRCC County Council Resolution - CH P&R Service Area-Bywater Park Improvements](#)
[2025 TRCC Cottonwood Heights ParksRec Interlocal Agreement Bywater Park](#)

RESOLUTION NO. 6293

A RESOLUTION OF THE COUNTY COUNCIL OF SALT LAKE COUNTY APPROVING AND AUTHORIZING EXECUTION OF AN

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INTERLOCAL COOPERATION AGREEMENT BETWEEN SALT LAKE COUNTY AND COTTONWOOD HEIGHTS PARKS AND RECREATION SERVICE AREA FOR A CONTRIBUTION OF TRCC FUNDS TO HELP FUND IMPROVEMENTS TO BYWATER PARK.

RECITALS

A. Salt Lake County (the "County") and Cottonwood Heights Parks and Recreation Service Area (the "City") are "public agencies" as defined by the Utah Interlocal Cooperation Act, Utah Code Ann. §§ 11-13-101 et seq. (the "Act"), and, as such, are authorized by the Act to enter into this Agreement to act jointly and cooperatively on the basis of mutual advantage in order to provide facilities in a manner that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities.

B. The County receives funds ("TRCC Funds") pursuant to the Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act, Utah Code Ann. §§ 59-12-601 et seq. (the "TRCC Act"). The TRCC Act provides that TRCC Funds may be used, among other things, for the development, operation, and maintenance of publicly owned or operated recreation, cultural, or convention facilities.

C. City requested TRCC Funds from the County to help fund the project described in its TRCC Application. More specifically, the City requested TRCC Funds to help fund improvements to Bywater Park (the "Project"). The County Council appropriated TRCC Funds for this purpose.

D. City and County now desire to enter into the Interlocal Cooperation Agreement attached hereto as ATTACHMENT A (the "Interlocal Agreement") wherein the County agrees to grant TRCC Funds to the City to help fund the Project and wherein the City agrees to abide by the terms and conditions outlined in the Interlocal Agreement.

E. The County Council believes that its contribution and assistance under the Agreement will contribute to the prosperity, moral well-being, peace, and comfort of Salt Lake County residents.

RESOLUTION

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the County Council

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of Salt Lake County:

1. That the Interlocal Agreement between Salt Lake County and Cottonwood Heights Parks and Recreation Service Area is approved, in substantially the form attached hereto as ATTACHMENT A, and that the Salt Lake County Mayor is authorized to execute the same.
2. That the Interlocal Agreement will become effective as stated in the Interlocal Agreement.

APPROVED and ADOPTED this 6th day of May, 2025.

SALT LAKE COUNTY COUNCIL

ATTEST (SEAL)

By /s/ DEA THEODORE
Chair

By /s/ LANNIE CHAPMAN
Salt Lake County Clerk

The vote on this consent item was approved.

- 4.2 Consideration of a Resolution of the Salt Lake County Council Approving and Authorizing Execution of an Interlocal Cooperation Agreement Between Salt Lake County and Sandy City for the Contribution of \$700,000 of TRCC Funds to Help Fund Construction of Pickleball Courts, Tennis Courts, and a Playground at Bicentennial Park (The Project) [25-2870](#)

Attachments: [Staff Report](#)
[2025 TRCC County Council Resolution - Sandy City-Bicentennial Park](#)
[2025 TRCC Sandy Interlocal Agreement Bicentennial Park](#)

RESOLUTION NO. 6294

A RESOLUTION OF THE COUNTY COUNCIL OF SALT LAKE COUNTY APPROVING AND AUTHORIZING EXECUTION OF AN

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INTERLOCAL COOPERATION AGREEMENT BETWEEN SALT LAKE COUNTY AND SANDY CITY FOR A CONTRIBUTION OF TRCC FUNDS TO HELP FUND CONSTRUCTION OF NEW PICKLEBALL COURTS, TENNIS COURTS

RECITALS

- A. Salt Lake County (the "County") and \$City (the "City") are "public agencies" as defined by the Utah Interlocal Cooperation Act, Utah Code Ann. §§ 11-13-101 et seq. (the "Act"), and, as such, are authorized by the Act to enter into this Agreement to act jointly and cooperatively on the basis of mutual advantage in order to provide facilities in a manner that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities.
- B. The County receives funds ("TRCC Funds") pursuant to the Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act, Utah Code Ann. §§ 59-12-601 et seq. (the "TRCC Act"). The TRCC Act provides that TRCC Funds may be used, among other things, for the development, operation, and maintenance of publicly owned or operated recreation, cultural, or convention facilities.
- C. City requested TRCC Funds from the County to help fund the project described in its TRCC Application. More specifically, the City requested TRCC Funds to help fund construction of pickleball courts, tennis courts, and a playground at Bicentennial Park (the "Project"). The County Council appropriated TRCC Funds for this purpose.
- D. City and County now desire to enter into the Interlocal Cooperation Agreement attached hereto as ATTACHMENT A (the "Interlocal Agreement") wherein the County agrees to grant TRCC Funds to the City to help fund the Project and wherein the City agrees to abide by the terms and conditions outlined in the Interlocal Agreement.
- E. The County Council believes that its contribution and assistance under the Agreement will contribute to the prosperity, moral well-being, peace, and comfort of Salt Lake County residents.

RESOLUTION

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NOW, THEREFORE, IT IS HEREBY RESOLVED, by the County Council of Salt Lake County:

1. That the Interlocal Agreement between Salt Lake County and Sandy City is approved, in substantially the form attached hereto as ATTACHMENT A, and that the Salt Lake County Mayor is authorized to execute the same.
2. That the Interlocal Agreement will become effective as stated in the Interlocal Agreement.

APPROVED and ADOPTED this 6th day of May, 2025.

SALT LAKE COUNTY COUNCIL

ATTEST (SEAL)

By /s/ DEA THEODORE
Chair

By /s/ LANNIE CHAPMAN
Salt Lake County Clerk

The vote on this consent item was approved.

- 4.3 Consideration of a Resolution of the Salt Lake County Council Authorizing the Execution of an Interlocal Cooperation Agreement with the University of Utah, on Behalf of the Kem C. Gardner Policy Institute, Providing for Fiscal Analysis Services in Conjunction with the Long-Term Planning Discussions Between the County and Certain Service Districts** 25-2878

Attachments: [Staff Report](#)
[250429 Resolution RATF](#)
[250429 Interlocal Agreement RATF](#)
[250429 Interlocal Agreement RATF](#)

Ms. Catherine Kanter, Deputy Mayor of Regional Operations, stated a mediator had finally been chosen to facilitate a discussion on funding for the service districts. The Kem C. Gardner Policy Institute was chosen as the

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mediator. Pursuant to the District Attorney's instructions, no request for proposal (RFP) was required, as the institute was an arm of the University of Utah and, therefore, a governmental agency. Rather, an interlocal agreement would be necessary to enter this arrangement. A fiscal and policy analysis would also be needed.

Council Member Stringham asked how much had been set aside to pay for the mediator.

Ms. Kanter stated it would be a maximum of \$150,000 for the mediator and \$63,000 for the second contract.

Council Member Romero asked when the contract would end, and if the mediator would be paid on an hourly basis. He also asked what would be done to ensure the mediator did not try to bill to the full limit.

Ms. Kanter stated the end date would be July for the first phase and September for the second phase. She anticipated the end date for the second phase would likely need to be extended. The mediator would bill at an hourly rate, and the County would manage the billing.

Council Member Stringham suggested the Council members who sit on relevant boards be involved in the discussion.

Ms. Kanter stated she would advocate for that, but she also anticipated there may be resistance to the County having so many seats at the table.

RESOLUTION NO. 6295

RESOLUTION OF THE SALT LAKE COUNTY COUNCIL
AUTHORIZING THE EXECUTION OF AN INTERLOCAL
COOPERATION AGREEMENT WITH THE UNIVERSITY OF UTAH,
ON BEHALF OF THE KEM C. GARDNER POLICY INSTITUTE,
PROVIDING FOR FISCAL ANALYSIS SERVICES IN CONJUNCTION
WITH THE LONG-TERM PLANNING DISCUSSIONS BETWEEN THE
COUNTY AND CERTAIN SERVICE DISTRICTS

RECITALS

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WHEREAS, Salt Lake County (the "County") and the University of Utah (acting on behalf of the Kem C. Gardner Policy Institute, hereinafter "KGPI") are "public agencies" as defined by the Utah Interlocal Cooperation Act, UTAH CODE §§ 11-13-101 to -608, and as such, are authorized to enter into an interlocal cooperation agreement to act jointly and cooperatively on the basis of mutual advantage;

WHEREAS, the County has retained a firm to facilitate discussions between the County and certain service districts to create a long-term plan whereby the service districts may equitably address the revenue currently generated within the unincorporated areas of Salt Lake County and the use of that revenue, while at the same time maintaining an appropriate level of service for the districts' member jurisdictions;

WHEREAS, in connection with this facilitation, the County desires to enter into an interlocal cooperation agreement with KGPI, attached hereto as ATTACHMENT "A," to conduct a fiscal analysis to identify and analyze annual revenue for each service district as well as expenses by relevant service providers;

AND WHEREAS, it has been determined that the best interests of the County and the general public will be served by execution of the attached Interlocal Cooperation Agreement.

RESOLUTION

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the County Council of Salt Lake County:

1. That the Interlocal Agreement between Salt Lake County and the University of Utah, on behalf of the Kem C. Gardner Policy Institute, is approved, in substantially the form attached hereto as ATTACHMENT "A," and that the Salt Lake County Mayor is authorized to execute the same.
2. That the Interlocal Agreement will become effective as stated in the Interlocal Agreement.

APPROVED and ADOPTED this 6th day of May, 2025.

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SALT LAKE COUNTY COUNCIL

ATTEST (SEAL)

By /s/ DEA THEODORE

Chair

By /s/ LANNIE CHAPMAN

Salt Lake County Clerk

A motion was made by Council Member Stringham, seconded by Council Member Harrison, that this agenda item be approved. The motion carried by a unanimous vote.

5. ACCEPTANCE OF ETHICS DISCLOSURES
6. APPROVAL OF TAX LETTERS
7. APPROVAL OF COUNCIL MEETING MINUTES

7.1 Approval of April 8, 2025 County Council Minutes

25-2869

Attachments: 040825 Council Minutes

A motion was made by Council Member Bradshaw, seconded by Council Member Harrison, that this agenda item be approved. The motion carried by a unanimous vote.

7.2 Approval of April 15, 2025 County Council Minutes

25-2871

Attachments: 041525 Council Minutes

A motion was made by Council Member Bradshaw, seconded by Council Member Harrison, that this agenda item be approved. The motion carried by a unanimous vote.

8. WORK SESSION

8.1 Proposed Hire Report / Incentive Plans - \$3,000 and Under /
Weekly Reclassification Report

25-2874

Attachments: Staff Report
Proposed Hire Report 4-30-2025
Incentive Plans - \$3,000 and Under 4-30-2025
Weekly Reclassification Report 4-30-2025

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Presenter: Hoa Nguyen, Council Budget and Policy Analyst.

(Approx. 1:45PM, Less than 5 Min.)

Discussion/Direction

Ms. Hoa Nguyen, Budget and Policy Analyst, Council Office, reviewed the new hires and incentive plans. There were no reclassifications.

Council Member Stringham asked if the prosecutor from the District Attorney's Office receiving the incentive plan was already doing the job of a senior level attorney.

Ms. Bridge Romano, Deputy District Attorney, stated her office lacks senior attorneys and has had to rely on attorneys who are shy of the 13-year mark. This incentive plan is similar to the plan that was approved last week. There have been discussions on whether the 13-year requirement should be reevaluated.

Council Member Stringham stated she would be more comfortable with altering the job description.

Ms. Romano stated prosecutors move within the division frequently, so the increased job duties might not be permanent. Because of this, an incentive plan would be more appropriate.

Council Member Theodore asked if the incentive plan would involve increased hours.

Ms. Romano stated the prosecutors already work long hours. Mostly, it would be adding management duties.

8.2 Budget Adjustment: The Information Technology Division Requests to Rebudget \$30,000 Originally Approved in 2024 from the Smart Government Fund for the AI Chatbot Project 25-2880

Attachments: Staff Report

35475 - AI Chatbot for Salt Lake County Websites

Presenter: Hoa Nguyen, Council Budget and Policy Analyst.

(Approx. 1:45PM, Less than 5 Min.)

Discussion/Direction

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Ms. Hoa Nguyen, Budget and Policy Analyst, Council Office, reviewed the budget adjustment.

Council Member Winder Newton asked for clarification on the budget adjustment.

Ms. Nguyen stated the AI Chatbot project could not be implemented last year, so it was being done this year instead.

A motion was made by Council Member Winder Newton, seconded by Council Member Stewart, that this agenda item be approved. The motion carried by a unanimous vote.

8.3 Budget Adjustment: Mayor's Finance Requests to Add \$400,000 to the Convention Center Hotel Mitigation Fund for 2025 and an Additional \$1.7M Annually for 2026 and 2027 25-2885

Attachments: Staff Report

35650 - Convention Ctr Hotel Mitigation Fund payment

Presenter: Hoa Nguyen, Council Budget and Policy Analyst.

(Approx. 1:50PM, Less than 5 Min.)

Discussion/Direction

Ms. Hoa Nguyen, Budget and Policy Analyst, Council Office, reviewed the budget adjustment.

Council Member Stringham asked what the process was for claiming these funds.

Ms. Nguyen stated the hotels must go through an application process. The County's maximum liability is \$4.6 million.

Ms. Erin Litvack, Deputy Mayor of County Services, stated there were discussions during the recent legislative session about implementing the program a bit differently, and those conversations are still taking place. The application goes through the Utah Governor's Office of Economic Opportunity (GOEO), and the County has a funding obligation.

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Mr. Darrin Casper, Deputy Mayor of Finance and Administration, stated while the hotels may not qualify for the funding, the transfer is not revokable. If not used, it would go to the State of Utah's Stay Another Day and Bounce Back Fund. The County will not get the money back.

Council Member Stringham asked if the people at GOEO could present to the Council how the money is spent.

Ms. Litvack stated she would ask.

A motion was made by Council Member Stringham, seconded by Council Member Winder Newton, that this agenda item be approved. The motion carried by a unanimous vote.

- 8.4 Budget Adjustment: Youth Services Requests 1.0 FTE** [25-2883](#)
Time-Limited After School Admin Program Assistant. This Position and Other Operations Expenses Will Be Funded by a 5-Year, \$340,000/Year Grant from the Utah Board of Education for 21st Century After School Programs

Attachments: [Staff Report](#)
[35653 - YSV ASP 21st CCLC Grant-1 TL FTE](#)

Presenter: Hoa Nguyen, Council Budget and Policy Analyst.
(Approx. 1:50PM, Less than 5 Min.)

Discussion/Direction

Ms. Hoa Nguyen, Budget and Policy Analyst, Council Office, reviewed the budget adjustment.

A motion was made by Council Member Stringham, seconded by Council Member Pinkney, that this agenda item be approved. The motion carried by a unanimous vote.

- 8.5 Budget Adjustment: Animal Services Requests to Use \$85,000** [25-2886](#)
in Donation Funds and \$90,000 from the Deferred Maintenance Fund for Adoption Room Remodel

Attachments: [Staff Report](#)
[34509 35455 - Adoption Room Remodel](#)

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Presenter: Hoa Nguyen, Council Budget and Policy Analyst.
(Approx. 1:55PM, Less than 5 Min.)

Discussion/Direction

Ms. Hoa Nguyen, Budget and Policy Analyst, Council Office, reviewed the budget adjustment.

Council Member Winder Newton asked which Animal Services Division's budget deferred maintenance would typically come from.

Ms. Nguyen stated the General Fund would not be touched.

Council Member Romero asked to know more about the review process. Specifically, he wanted to know what would stop a division from upgrading simply because it had a little extra money in its budget.

Ms. Talia Butler, Director, Animal Services Division, stated there was a ten-year plan for all projects, including the adoption area. The Animal Services Division has been saving through a deferred maintenance fund. Recently, Subaru of America made a large donation of \$85,000 for this purpose.

A motion was made by Council Member Bradshaw, seconded by Council Member Harrison, that this agenda item be approved. The motion carried by a unanimous vote.

8.6 Budget Adjustment: 2025 Capital Projects Budget True-Up

25-2873

Attachments: Staff Report

35698 - 2025 Capital Project True Up

Presenter: Hoa Nguyen, Council Budget and Policy Analyst.
(Approx. 1:55PM, Less than 5 Min.)

Discussion/Direction

Ms. Hoa Nguyen, Budget and Policy Analyst, Council Office, reviewed the budget adjustment.

A motion was made by Council Member Bradshaw, seconded by Council Member Stringham, that this agenda item be approved. The motion carried by a

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unanimous vote.

- 8.7 **Budget Adjustment: Facilities Requests to Transfer \$80,000 in Under-Expend Budget from Various Projects to the Kearns Senior Center Remodeling Transformational Initiative Project** [25-2881](#)

Attachments: [Staff Report](#)
[35468 35471 35651 - Budget transfer to Kearns Senior Capital Project](#)

Presenters: Megan Hillyard, Administrative Services Department Director, and Tyson Kyhl, Facilities Management Division Director

(Approx. 2:00PM, Less than 5 Min.)

Discussion/Direction

Mr. Tyson Kyhl, Director, Facilities Services Division, reviewed the budget adjustment, which was being requested due to an internal accounting error.

Ms. Megan Hillyard, Director, Administrative Services Department, stated the total budget for the project was nearly \$2 million and the adjustment, which would come from under expend, would be put to good use. It would be used to fund the parking lot portion of the project.

Council Member Romero asked what was being done to ensure this type of error did not happen again.

Mr. Kyhl stated the department has been working with its fiscal team to ensure the internal tracking spreadsheets and documents for budgeting are up to date. He noted most of the money to correct this error is coming from under expend.

A motion was made by Council Member Harrison, seconded by Council Member Stewart, that this agenda item be approved. The motion carried by a unanimous vote.

- 8.8 **Budget Adjustment: Facilities Requests to Combine the Youth Service Xeriscape Transformational Initiative Project with the Recreation Room Remodel to Improve Coordination, Reduce Delays, and Increase Efficiency. Additionally, \$525,000 of Under-Expend Budget from** [25-2882](#)

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Various Projects Is Requested to Cover Structural Integration Needs, Inflation, and Rising Construction Costs

Attachments: [Staff Report](#)
[35469 35478 35658 - Combine YS Xeriscape Project & YS Rec Room](#)

Presenters: Megan Hillyard, Administrative Services Department Director, and Tyson Kyhl, Facilities Management Division Director
(Approx. 2:00PM, Less than 5 Min.)
Discussion/Direction

Mr. Tyson Kyhl, Director, Facilities Services Division, reviewed the budget adjustment.

Council Member Stringham requested that no existing trees be removed during this project. She receives many calls from constituents regarding trees, as they are an asset to the County and help mitigate heat during hot spots.

Ms. Megan Hillyard, Director, Administrative Services Department, stated she agreed and would look to see if any removals were planned.

A motion was made by Council Member Stewart, seconded by Council Member Stringham, that this agenda item be approved. The motion carried by a unanimous vote.

8.9 Budget Adjustment: Facilities Requests to Transfer \$60,000 in Under-Expend Budget from Other Completed Capital Projects to the Jail Expansion Study Transformational Initiative Project [25-2884](#)

Attachments: [Staff Report](#)
[35477 - Jail Expansion Study](#)

Presenters: Megan Hillyard, Administrative Services Department Director, and Tyson Kyhl, Facilities Management Division Director
(Approx. 2:05PM, Less than 5 Min.)
Discussion/Direction

Tyson Kyhl, Director, Facilities Services Division, reviewed the budget adjustment, which was necessary due to an administrative data entry error.

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A motion was made by Council Member Bradshaw, seconded by Council Member Stringham, that this agenda item be approved. The motion carried by a unanimous vote.

8.10 Presentation from Shelter the Homeless and their Work With the Medically Vulnerable Population Shelter in Sandy 25-2818

Attachments: Staff Report
MVP Report
MVP Q4 Slides - Year End Review.SLCO - Final

Sponsor: Council Chair Dea Theodore.

Presenter: Laurie Hopkins, Executive Director of Shelter the Homeless.

(Approx. 2:05PM, 20 Min.)

Informational

Council Member Theodore stated that some of the most vulnerable people in the community are served by this shelter. She heard this presentation at the Sandy City Council meeting recently and wanted the Council to hear it as well.

Ms. Laurie Hopkins, Executive Director, Shelter the Homeless, stated this project could not have happened without the partnerships from the Fourth Street Clinic and The Road Home. Two years ago, the Council allocated \$6 million to Shelter the Homeless, and this became the foundation for the project.

Ms. Sarah Strang, Chief Operating Officer, The Road Home, delivered a PowerPoint presentation entitled Medically Vulnerable People (MVP) Interim Housing Program Report May 6, 2025. She reviewed why the MVP program is needed; year-end updates for 2024; community engagement; and data from the Sandy City Police Department.

Ms. Jeniece Olsen, Chief Operating Officer, Fourth Street Clinic, continued the presentation, reviewing the Fourth Street Clinic patient care overview; prescriptions and medical delivery; Fourth Street Clinic Emergency Medical Technician services and calls to Emergency Medical Services; the Fourth Street Clinic 2025 vision; and Fourth Street Clinic patient examples.

Ms. Lindsey Hector, Director of Operations, Shelter the Homeless,

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concluded the presentation, reviewing Shelter the Homeless facility and security improvements.

Council Member Harrison stated she was concerned over recent efforts made by the Federal Government to cut funding to healthcare, behavioral health, and housing. She asked the panelists to reach out to the Council if they needed additional funding.

9. PUBLIC HEARINGS AND ISSUANCE OF PUBLIC NOTICES

10. PENDING LEGISLATIVE BUSINESS

- 10.1 **Final Adoption of an Ordinance of the Legislative Body of Salt Lake County, Utah Amending Chapter 2.50 of the Salt Lake County Code of Ordinances, 2001, Entitled “County Constables” in Order to Update Provisions Related to the Appointment of Constables by Salt Lake County** 25-2868

Attachments: Staff Report
County Constable Ordinance 05.01.25 Revisions(RAFL)

Sponsor: Council Chair Dea Theodore.

Presenters: Mitchell F. Park, Legal Counsel, SLCo Council. Kara Trevino, SLCo Legislative Affairs Director.

(Approx. 2:25PM, Less 5 Min.)

Discussion/Direction

Mr. Mitchell Park, Legal Counsel, Council Office, stated three changes had been made to the ordinance since last week. Two were technical in nature, and one slightly reduced the proposed fees. This was based on feedback from the Constable Association of State.

ORDINANCE NO. 1938

COUNTY CONSTABLE AMENDMENTS

AN ORDINANCE OF THE LEGISLATIVE BODY OF SALT LAKE COUNTY, UTAH, AMENDING CHAPTER 2.50 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, ENTITLED “COUNTY CONSTABLES,” IN ORDER TO UPDATE PROVISIONS RELATED TO THE APPOINTMENT OF CONSTABLES BY SALT LAKE COUNTY

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The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made herein are designated by underlining the new substituted words. Words being deleted are designated by brackets and strike-through.

SECTION II. Section Chapter 2.50 of the Salt Lake County Code of Ordinances, 2001 is hereby amended to read as follows:

CHAPTER 2.50 - COUNTY CONSTABLES

2.50.010 - Establishment - Number of constables.

The council ~~[shall]~~ may appoint as many qualified ~~[persons]~~ special function peace officers to act as county constables as convenience requires, subject to the provisions of ~~[state-law]~~ Utah Code Ann. § 17-25a-1 et seq., as may be amended.

2.50.020 - Administrative policies and procedures.

~~[A.]~~ Each county constable shall be responsible for supervising such constable's own deputies, office personnel and administrative matters, and for ensuring compliance with ~~[the association's administrative policies and procedures and ensuring that each constable and deputy constable who uses an automobile in the discharge of the duties of his or her office shall possess a current Utah driver's license and will maintain automobile liability insurance as required by law and will file copies of such policies with county risk management]~~ all applicable law including this ordinance.

~~[B.]~~ Each county constable will furnish a policy of general liability insurance written by a carrier on a form acceptable to the risk manager and in an amount set by the council covering each constable and deputy constable and naming Salt Lake County as an additional insured and shall furnish a copy of the certificate of insurance to the constable liaison and risk manager. No person shall exercise any of the powers of a constable or discharge any of the duties of a constable in the absence of such insurance. Anyone violating this requirement is guilty of a class B misdemeanor and in addition to any other penalty imposed by law is subject to removal from office.]

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2.50.030 - Jurisdiction.

County constables shall be appointed on a countywide basis and may serve ~~[civil and criminal]~~ any process throughout the state and carry out all other functions associated with a constable pursuant to [state law] Utah Code.

2.50.040 - Independent contractors.

County constables are independent contractors and are responsible for their own actions and for the actions of their deputies, agents and employees, and any liability resulting therefrom. County constables are not employees, officers, or agents of Salt Lake County. Salt Lake County shall have no liability for the acts or omissions of county constables, and nothing in this chapter shall be construed in any way to modify the limits of Salt Lake County's liability set forth in the Governmental Immunity Act of Utah, Utah Code Ann. § 63G-7-101 et seq. When executing civil process, constables are acting as agents of the litigant or litigant's attorney who employs their services. Constables, as officers of the court, are also acting in their official capacity as special function officers empowered by law to enforce the lawful orders of any court of competent jurisdiction.

2.50.050 - Notice of open constable position.

When the council determines that one or more constables should be appointed, it shall ~~[advertise the position(s) by publishing a notice thereof at least twice in a newspaper of general circulation in the county. The notice of an open constable position shall include the address of the personnel division where applications for the vacancy can be obtained for completion and filing for consideration by the nominating commission. The time for which applications can be submitted for the vacancy shall be no less than fifteen days after the first day of publication of the vacancy. Personnel policies and procedures regarding recruitment of applicants will apply to filling this position]~~ issue public notice of the open constable position(s) on the Utah Public Notice website, convene the nominating commission required by Utah Code and established by this chapter, and provide relevant direction to the nominating commission related to the timing and number of open constable positions to be appointed.

2.50.060 - Nominating commission.

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When a county constable position is to be opened, the council shall ~~[establish]~~ convene a constable nominating commission. The nominating commission shall consist of the following individuals or their designees:

1. A council member;
2. The sheriff;
3. A judge of the justice or district court;
4. The attorney; and
5. A private citizen of Salt Lake County appointed by the council.

2.50.070 - Nominating process.

A. Upon being ~~[appointed, designated or informed of the request of the council that the nominating commission is to be]~~ convened by the council, the ~~[members so designated will]~~ nominating commission shall meet within ten calendar days' time and develop the criteria for the selection and ranking of applicants for the position. Applicants must meet the eligibility criteria established by ~~[state law]~~ Utah Code for the position of county constable.

B. The nominating commission shall ~~[rank the applicants in order of preference and submit up to three names for vacancy together with other recommendations to the council]~~ review each applicant's credentials and, by majority vote, recommend to council the nominee(s) the nominating commission finds most qualified.

2.50.080 - Appointment - Term of office.

A. The council, upon receipt of the nominating commission's list of successful applicants ranked in order of preference, together with its recommendations and within fifteen calendar days thereafter, shall[:

1. ~~Approve the nominating commission's recommendations and appoint the recommended applicant(s);~~
2. ~~Reject the recommended applicant(s) and select one or more of the remaining applicants on the list; or~~
3. ~~Reject all the named applicants and refer the matter back to the nominating commission for a new list and recommendation]~~ either appoint or reject any nominee(s) that the nominating commission recommends.

B. Prior to appointment by the council, each nominee must be certified by the Utah Division of Peace Officer Standards and Training (POST) as qualified to undertake the duties of a special function officer. Each nominee

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shall at their own expense undergo and provide the Council with a copy of a background check and report prepared in accordance with Bureau of Criminal Identification standards, and pay an application fee of five hundred dollars deposited to the Salt Lake County general fund.

B. A constable's term of office is six years, unless otherwise modified by Utah Code. A constable may serve more than one term if reappointed by the council.

20.50.090 - Appointment of deputy constables.

~~[Deputy constables shall be appointed in accordance with the provisions of Section 2.12.070 of this code of ordinances]~~ Pursuant to Utah Code Ann. § 17-25a-3(3), an appointed County constable may, upon approval of the council, employ and deputize persons who are certified as special function peace officers to serve as deputy constables. Each ~~[nominee]~~ deputy constable must be certified by ~~[the division of peace officer standards and training]~~ POST as qualified to undertake the duties of a special function officer and by the appointing constable as having successfully passed a criminal background check. The council will not act upon any nomination until it has received a background report prepared in accordance with peace officer standards and training and sheriff's office background investigation standards and an application fee of one hundred and twenty-five dollars deposited to the Salt Lake County general fund.

A. The criminal background check may be waived if the applicant is currently employed as a peace officer as defined by state law, or has been previously approved by the council as a deputy constable within the past year. The applicant must submit a current letter from the employing law enforcement agency or county constable stating that the individual is certified as a special function peace officer, is an employee in good standing, and that there is nothing in the applicant's previous experience or background with the law enforcement agency to preclude the applicant from being a deputy constable.

B. The criminal background check may be waived if the applicant is retiring or has retired from a law enforcement agency in good standing. The applicant must submit a letter from the law enforcement agency, dated no earlier than one year prior to the date of the application, stating the date of the individual's retirement, that the individual has been certified as a special function peace officer and remains certified as of the date of retirement, is

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leaving or has left its employ in good standing and that there is nothing in the applicant's previous experience or background with the law enforcement agency to preclude the applicant from being a deputy constable. The individual seeking waiver of the background check must seek employment within one year of retirement from the law enforcement agency.

C. County constables shall inform the council within 10 calendar days if they withdraw the appointment of any deputy constable that was appointed and authorized under this section, including if the deputy constable has separated from employment with the county constable.

2.50.100 - Reporting.

After a county constable or deputy constable has been appointed or removed by the council, the constable's name shall be reported to [~~the Division of Peace Officer Standards and Training~~] POST by the council clerk.

2.50.110 - Access to criminal history information.

A. The sheriff is authorized to enter into user agreements with any constable who is required to serve criminal process for access to sheriffs office criminal history information the sheriff deems appropriate. Upon entering into user's agreement, the constable shall be responsible for ensuring the confidentiality requirements of the agreement are complied with.

B. Constables may enter into user agreements with the Utah State Department of Public Safety for access to state and national criminal history information systems.

2.50.120 - Annual fee.

All persons acting as a county constable or deputy county constable shall pay an annual fee of [~~one~~] two hundred and fifty dollars to the county general fund for each year following the first year that they were initially appointed or re-appointed. The fee is due on January 1st of each year and delinquent on January 31st. The purpose of the fee is to compensate the county for costs incurred in appointing county constables and approving their deputies, including reimbursement of the county for time devoted by county officers and employees and resources provided by the county. Any person who acts

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as a county constable or deputy county constable without first having paid the fee is ~~[guilty of a Class B misdemeanor and]~~ subject to the immediate removal of their authority for cause in addition to any other penalty imposed by law ~~[is subject to removal from office]~~.

2.50.130 - ~~[Removal]~~ Withdrawal of authority.

A. County constables or deputy constables shall be subject to removal and withdrawal of their authority by the council for cause as provided by this section ~~[after a recommendation for removal has been made by an administrative tribunal convened by the council to adjudicate the matter]~~. The council shall provide each county constable or deputy constable with due process consisting of notice and an opportunity to be heard prior to withdrawing their authority.

B. The Council may, but is not required to, convene an administrative tribunal to help adjudicate disciplinary matters involving county constables. Upon being ~~[appointed, designated or informed to]~~ convened, ~~[an]~~ the administrative tribunal~~[- the members so designated]~~ shall first adopt a set of rules to afford the constable due process. The administrative tribunal may conduct proceedings as informally as facts and circumstances may allow. The administrative tribunal may make disciplinary recommendations to the council, including recommendations to withdraw the authority of a county constable for cause.

C. A county constable or deputy constable shall be automatically removed from office and shall immediately have all statutory authority withdrawn for any of the following reasons:

- i. loss of certification by ~~[the division of peace officer standards and training]~~ POST;
- ii. the conviction of any felony offense;
- iii. acting as a county constable or deputy county constable without first having paid the annual fee; ~~[or]~~
- iv. the conviction of an offense involving dishonesty, unlawful sexual conduct, physical violence, or the unlawful use, sale, or possession for sale of a controlled substance (as defined by ~~[division of peace officer standards and training]~~ POST administrative rule) ~~[shall constitute an automatic disqualification from office]~~.

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D. A county constable ~~[may]~~ shall be removed from office and shall have all statutory authority withdrawn if ~~[it is established]~~ the council determines that the constable has willfully failed to comply with ~~[the written administrative policies and procedures approved by the council or the Utah Public Officers' and Employees' Ethics Act]~~ any provision of Utah Code or county ordinance, or is found liable by a court of competent jurisdiction in any civil case resulting from or related to the county constable's discharge of their statutory duties.

E. A county constable shall be removed from office and shall have all statutory authority withdrawn if the council determines that the constable ~~[he or she]~~ is absent from the county for a period of sixty days or more without the written permission of the ~~[county legislative body]~~ council, or if the constable ceases to exercise constable authority or act as a constable.

F. The foregoing is not to be construed as a limitation on the enforcement powers of the sheriff and attorney and the attorney may bring judicial proceedings to remove any constable or deputy constable ~~[without the necessity of an administrative tribunal as provided in Section 2.50.130(A)]~~ as allowed by law.

G. If for any reason the county withdraws the authority of a county constable, the authority of all deputy constables is also withdrawn.

H. Notwithstanding any other provisions of this chapter, the council may withdraw the authority of a county constable for reasons other than for cause if such reasons are authorized and approved by Utah Code.

2.50.140 - Oversight

A. A county constable or deputy constable shall appear before the council at any time upon the request of the council to respond to questions or concerns regarding their conduct or performance.

B. A county constable shall provide a quarterly report to the Council within 30 days after the end of March, June, September, and December of each year containing the following:

- i. the total number of papers served year-to-date, broken down by type or category, including total number of papers served both inside and outside of Salt Lake County;

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- ii. a current list of all deputy constables working for the county constable;
- iii. a current list of names of all business entities registered under or affiliated with the county constable that provide constable related services;
- iv. the number and description of current claims, complaints, or lawsuits against the county constable and their deputies; and
- v. the county constable's current fee schedule.

SECTION III. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this 6th day of May, 2025.

SALT LAKE COUNTY COUNCIL

ATTEST (SEAL)

By /s/ DEA THEODORE
Chair

By /s/ LANNIE CHAPMAN
Salt Lake County Clerk

A motion was made by Council Member Stringham, seconded by Council Member Stewart, that this agenda item be approved. The motion carried by a unanimous vote.

- 10.2 Consideration of a Resolution of the Salt Lake County Council Initiating the Appointment of County Constables Pursuant to Salt Lake County Code of Ordinances Chapter 2.50; Petitioning the Utah Legislature to Revise Statutes Related to the Appointment of County Constables; and Providing for Related Purposes** 25-2879

Attachments: Staff Report
Constable Appointment Resolution(RAFL)

Sponsor: Council Chair Dea Theodore.

Presenter: Mitchell F. Park, Legal Counsel, SLCo Council.

(Approx. 2:25PM, Less than 5 Min.)

Discussion/Direction

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Mr. Mitchell Park, Legal Counsel, Council Office, stated this resolution contained the legislative intent being requested of the State Legislature by the County. It also provided a mechanism to convene the group required under State law and County ordinance to provide nominations to use the Council to appoint people.

RESOLUTION NO. 6296

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL INITIATING THE APPOINTMENT OF COUNTY CONSTABLES PURSUANT TO SALT LAKE COUNTY CODE OF ORDINANCES CHAPTER 2.50; PETITIONING THE UTAH LEGISLATURE TO REVISE STATUTES RELATED TO THE APPOINTMENT OF COUNTY CONSTABLES; AND PROVIDING FOR RELATED PURPOSES

WHEREAS, Utah Code Ann. § 17-25a-1 et seq. provides that counties and municipalities may appoint certain special function peace officers to serve as constables for the purposes and reasons described by law; and

WHEREAS, Salt Lake County Code of Ordinances, Chapter 2.50, entitled "County Constables," provides more specific procedures for appointing county constables in Salt Lake County; and

WHEREAS, Salt Lake County has previously appointed county constables pursuant to Utah Code and Salt Lake County Ordinance; and

WHEREAS, the residual term of office for all remaining constables previously appointed by Salt Lake County is set to expire on June 30, 2025; and

WHEREAS, the continued appointment of county constables is fundamentally misaligned with the county's current policy priorities and its statutory role as a regional government in a major metropolitan area; and

WHEREAS, county constables are independent contractors for whom the county has limited oversight or responsibility, and that provide few if any direct services to Salt Lake County government; and

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WHEREAS, the county and its residents would be best served by having constables appointed, regulated, and supervised by the State of Utah rather than by Salt Lake County; and

WHEREAS, for these policy reasons and many others, Salt Lake County is reluctant to reappoint county constables and desires that the Utah Legislature withdraw the responsibility for appointing constables from the county and other local governments; and

WHEREAS, notwithstanding its reluctance to reappoint county constables, Salt Lake County is cognizant of the significant potential costs to county residents, businesses, litigants, and the legal system if the county does not appoint any county constables when the residual terms of office of current county constables expire on June 30, 2025;

RESOLUTION

NOW THEREFORE, be it resolved by the Salt Lake County Council, acting as the legislative body for Salt Lake County:

1. The County Council will consider the appointment of up to three (3) county constables for a six-year term of office beginning on July 1, 2025, and expiring on June 30, 2031, or upon approval of the Utah Legislature to end the appointment of county constables at an earlier date. The council convenes the nominating commission described by Salt Lake County Ordinance Chapter 2.50, and instructs county staff to publish notice of the county's intent to appoint constables. The nominating commission should provide appointment recommendations to the council no later than June 11, 2025.
2. The County Council appoints David M. Delquadro to serve as the private citizen representative on the constable nominating commission.
3. The County Council's new appointment of constables is for the limited purpose of avoiding disruption to the prompt and cost-effective service of legal documents for Salt Lake County residents and the legal system. The council is disinclined to appoint constables that have already been appointed under the authority of another county or municipality, or constables that do not maintain their principal place of business within Salt Lake County. The

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council does not intend to appoint or reappoint additional constables in the future following the appointments approved and designed herein.

4. The Council requests and does now formally petition the Utah Legislature to approve amendments to Utah Code during the 2026 general legislative session that will transition the appointment of and responsibility for constables to the state level, or that will otherwise allow Salt Lake County to withdraw the appointment of its remaining constables as soon as practicable. The council's legislative affairs director and the county's governmental relations contractual representatives shall undertake all activities that are necessary and property to advance such legislation as a priority matter.

APPROVED and ADOPTED this 6th day of May, 2025.

SALT LAKE COUNTY COUNCIL

ATTEST (SEAL)

By /s/ DEA THEODORE

Chair

By /s/ LANNIE CHAPMAN

Salt Lake County Clerk

A motion was made by Council Member Bradshaw, seconded by Council Member Winder Newton, that this agenda item be approved. The motion carried by a unanimous vote.

11. **OTHER ITEMS REQUIRING COUNCIL APPROVAL**
12. **PROCLAMATIONS, MEMORIALS, AND OTHER CEREMONIAL OR COMMEMORATIVE MATTERS**
13. **OTHER BUSINESS**

ADJOURN

THERE BEING NO FURTHER BUSINESS to come before the Council at this time, the meeting was adjourned at 2:55 PM until Tuesday, May 13, 2025.

LANNIE CHAPMAN, COUNTY CLERK

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By 
DEPUTY CLERK

By 
CHAIR, SALT LAKE COUNTY COUNCIL