

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 PROPOSED AGENDA

Wednesday, November 30, 2022, 3 p.m.

Via Teams:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_OWM2OWU0MmEtMzdiMi00OWVhLThlYTctZjZkYT FjNGJIMGMMy%40thread.v2/0?context=%7b%22Tid%22%3a%22cf2d8167-d3f4-4409-a289-d4b0ad0ce47a%22%2c%22Oid%22%3a%22003dac62-5bf8-4fe5-95cb-b50c4665d9ac%22%7d

Physical Location

5272 College Dr., Suite 302
Murray, UT 84123

1. Welcome.
 - a. In attendance are:
 - i. Spence Austin - Sean Reyes designee, AGO
 - ii. Dan Burton - guest, AGO
 - iii. Troy Rawlings
 - iv. Rob Van Dyke with proxy for Yvette Rodier
 - v. Randall McUne
 - vi. Stuart Williams
 - vii. Ed Montgomery
 - viii. Will Carlson - Sim Gill designee, with proxy for Ryan Peters
 - ix. Kathy Locher
 - b. Excused:
 - i. Stephen Foote
 - ii. Jess Anderson
 - c. Because we do not have a vice-chair and in Stephen Foote's absence, Will Carlson was to act as Chair Pro Tem.
2. Projected net revenue for FY24: \$64,695.83 was discussed as the Council proceeds with their discussion.
3. Closed-door meeting to discuss character and professional competence of UPC employees.

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- a. Ed Montgomery moved to go into closed door session to discuss the character and professional competence of UPC employees.
- b. Spence Austin seconded the motion.
- c. The motion was unanimously passed with no one voting against.

CLOSED DOOR MEETING

4. Discussion of the character and professional competency of UPC staff employees took place. Work performance and work product of UPC staff were discussed and how that is reflected or not reflected in employee compensation.
 - a. Will Carlson signed the sworn statement regarding going into a closed-door meeting and is attached to these minutes.
 - b. Ed Montgomery witnessed.

BACK INTO OPEN SESSION

5. Motion resulting from the closed door meeting:
 - a. Rob Van Dyke
 - i. Authorize \$3,000 employee incentive to Bob Church
 - ii. Authorize \$8,000 amount for Bob to determine amount and give incentive awards to UPC staff from that amount.
 - iii. Delay further discussion of salary increase until April, 2023 meeting or until the Utah Attorney General Office determines how to allocate any funds given to the office during the 2023 legislative session, whichever event occurs later.
 - b. Spence Austin seconded the motion.
 - c. Randall McUne suggested fourth part to Rob's motion.
 - i. The \$64,695.83 projected revenue shall not be spent and kept in reserve until the April, 2023 meeting or the meeting to discuss possible salary increases.
 - d. Rob Van Dyke adopted this fourth proposal as part of his motion.
 - e. All Council members voted in support of the motion.
 - f. No Council members voted against the motion.
6. Other
 - a. Law clerk and part-time secretary.
 - i. In light of the motion just passed, UPC will not employ a part-time secretary or law clerk at this time.
 - b. Elections Results at County Executive Conference were discussed.
 - i. UCDA Chair: Scott Broadhead
 - ii. UCDA Vice-Chair: Eric Clarke

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- iii. SWAP President Elect - Rob Van Dyke
- iv. SWAP Vice Chair - Troy Rawlings
- v. Felony Prosecutor on SWAP board to replace Trish Cassell - Will Hains, pending his application to the court of appeals and a vote at Spring
 - (1) If he is selected to serve on the Court of Appeals, a replacement will need to be selected.
- c. DV Bootcamp
 - i. January 11-13, 2023
 - ii. Historic Utah County Courthouse
 - iii. Cap at 30 attendees
- d. New County Attorney Training
 - i. In lieu of new county attorney training, we will invite the 5 new county attorneys to attend SWAP and UCDAAs on January 11, 2023.
 - ii. 5 New County Attorneys
 - (1) Brittany Ivins - San Juan
 - (2) Steven Stocks - Grand
 - (3) Jeff Gray - Utah
 - (4) Kent Snider - Daggett
 - (5) Dane Murray - Cache
 - iii. They are encouraged to watch the videos from last year.
 - iv. It was discussed that have the new county attorney training in January, just after the newly elected attorneys take office may be premature as they do not know questions yet to ask.
 - v. In the future, consider moving the training until after the legislative session ends.
- 7. Next Meeting
 - a. Rather than meet in January, Bob will prepare and forward the service award nomination packets to all Council members for their input and approval.
 - b. Next meeting will be Wednesday, April 19, 2023.
- 8. Adjourn

SWORN STATEMENT

On November 30 2022, while meeting at 5272 College Dr., Suite 302, Murray, Utah, the Utah Prosecution Council (UPC) went into a closed-door meeting per U.C.A. 52-4-205 with the sole purpose to discuss the character and professional competence of UPC staff employees.

I, William Carlson, have read this statement and swear to its truthfulness. Dated this 30th day of November 2022.



William Carlson
Salt Lake County District Attorney's Office
Chair Pro Tem, Utah Prosecution Council

Witness:



Name, Date

11/30/22
Ed Montgomery

**UTAH PROSECUTION COUNCIL MEETING
PROPOSED AGENDA**

Wednesday, November 30, 2022, 3 p.m.

Via Teams:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_OWM2OWU0MmEtMzdiMi00OWVhLThiYTctZjZkYTFjNGJIMGMMy%40thread.v2/0?context=%7b%22Tid%22%3a%22cf2d8167-d3f4-4409-a289-d4b0ad0ce47a%22%2c%22Oid%22%3a%22003dac62-5bf8-4fe5-95cb-b50c4665d9ac%22%7d

Physical Location

5272 College Dr., Suite 302
Murray, UT 84123

1. Welcome
2. Projected net revenue for FY24: \$64,695.83

CLOSED DOOR MEETING AGENDA ITEMS

3. Discuss character and professional competence of UPC employees.


OPEN MEETING

4. Announce results of closed door session.
5. Other
 - a. Law clerk and part-time secretary.
 - i. Some of my staff question whether we really need the additional staff.
 - ii. We can use AGO law clerks for projects but not a dedicated, on-going project like the case law review newsletter.
 - b. Elections Results at County Executive Conference
 - i. UCDAAC Chair: Scott Broadhead

- ii. UCDAAs Vice-Chair: Eric Clarke
- iii. SWAP President Elect - Rob Van Dyke
- iv. SWAP Vice Chair - Troy Rawlings
- v. Felony Prosecutor on SWAP board to replace Trish Cassell - Will Hains, pending his application to the court of appeals and a vote at Spring
 - (1) If he is selected to serve on the Court of Appeals, a replacement will need to be selected.
- c. DV Bootcamp
 - i. January 11-13, 2023
 - ii. Historic Utah County Courthouse
 - iii. Cap at 30 attendees
- d. Next meeting
 - i. SWAP is meeting January 11, 2023 from 11:30 a.m. - 1:30 p.m.
 - ii. I have training that morning until 12:30. Do you want to meet at 1:30 p.m?
 - (1) Topic of discussion will be service awards; approving the application and nomination packages that will be published to our community.
- e. New County Attorney Training
 - i. 5 New County Attorneys
 - (1) Brittany Ivins - San Juan
 - (2) Steven Stocks - Grand
 - (3) Jeff Gray - Utah
 - (4) Kent Snider - Daggett
 - (5) Dane Murray - Cache
 - ii. Have encouraged them all to watch the videos from last year.
 - iii. We can invite them to attend UCDAAs, SWAP and Council Meeting to get a feel for what we all do and meet people.

6. Adjourn

MEMO

From: Robert Church, Director 
To: Council Members
Date: November 9, 2022
Re: UPC Staff Pay Raises, Incentive Awards and Additional Staff

I will set up a Teams meeting for sometime in the next couple of weeks for you to meet to discuss these issues in lieu of trying to do this during the Utah Association of Counties meetings next week.

BUDGET ISSUES:

Attached is our current updated budget. As you can see, I am projecting a net revenue of **\$64,695.83**. This does not include the cost of a law clerk or part time secretary.

PAY RAISES

Last year, the legislature provided a 3.5% COLA to all state employees. The legislature also awarded \$2M in discretionary funds to the AGO for attorneys and staff. The increase equated to a \$1.57 per hour or \$3,265 per year raise for full time employees. In an e-mail sent out by AG Sean Reyes on May 9, 2022, he noted that "A few AGO teams, such as our law enforcement officers and UPC employees, will receive separate adjustments, as authorized by the Utah Legislature." Law enforcement officers received an increase under a different funding source. UPC did not receive anything from the legislature.

UPC employees did not receive any salary increase from that \$2M appropriation. Reasons cited were that we already make more than other assistant AG's and support staff and because of the size of the incentive award (\$5,000) we received last year. Because the salary increase is ongoing for all other AGO employees, excluding law enforcement, UPC employees only received a one-time benefit whereas all other AGO employees received a permanent raise.

As I said in an earlier e-mail, the AGO's only building block request this year is for pay raises for the attorneys. UPC's portion of the amount being requested is \$107,200. This amount will cover a salary raise and the associated cost of benefits. Any COLA or other pay increase that comes from the Governor's budget for state employees will benefit all AGO employees.

In speaking with the Director of Finance and Administration with the AGO, I've been assured, although he is not the final approval authority, that if the AGO receives the building block ask, UPC attorneys will receive a salary increase. It would not go into effect until July 1, 2023.

With that assurance, I suggest that the Council wait until your April meeting to discuss UPC attorney raises. If the building block is awarded, I urge the Council to keep an eye on this issue to make sure that a raise is in fact given.

ADDITIONAL SALARY ISSUES

1. The Council could award UPC staff the \$1.57 raise now, effective immediately. Benefits would be approximately an additional .38% for an hourly rate of \$2.16 per hour or \$4,506.53 per year per employee for a total of \$22,532.64 out of our budget, not the appropriation given to the AGO.
2. If the AGO does not receive any of their building block request.
 - a. UPC staff would miss out on a potential raise now if the Council votes to increase salaries at this point.
3. UPC's two resource prosecutors have either been recruited by other agencies or they have tentatively explored other career opportunities. Thankfully neither have left and don't have a desire to leave. However, if they were to leave, it would be a huge loss to UPC's training mission as Tyson and Marlesse are experts in their field and cannot be replaced by simply someone from off the street, much less a recent law school graduate.
4. No AGO support staff, including, Marilyn and Ron will receive a pay raise under the AGO building block ask. As mentioned though, they would be eligible for any COLA or increase the Governor's office issues.
5. The Council could choose to raise Marilyn and Ron's salary now as mentioned above.
6. The Council could wait to discuss raising Marilyn and Ron's salary until we know what the legislature will do for the attorneys.

INCENTIVE AWARDS

1. Last year the Council awarded \$5,000 to each UPC staff member.
 - a. The amount of the award was questioned by the AGO and concern was expressed that it far exceeded what our counterparts had received, especially for our support staff. As discussed above, it precluded UPC staff from receiving the salary increase.
 - b. Based on last year's Council action, I have budgeted \$25,000 for incentive awards. Obviously, if this money is not used for incentive awards it will be put to use elsewhere - UPC raises now?
 - c. Any future generous incentive award has the potential of raising similar concerns within the AGO.

- d. Awards like this would come from UPC's budget and require Council approval.
2. The AGO has budgeted from their budget the following amounts as the maximum amount of incentive award an AGO employee can receive:
- a. \$1,500 per attorney
 - b. \$1,300 per support staff
 - c. I can submit awards for these amounts on my own. It does not need Council approval.
 - d. A one-time award of the full amount listed above requires Executive level approval.

ADDITIONAL STAFF EXPENSES:

Law clerk:

Year 1: \$25/hr: \$26,00 (part-time during school, full time summer = 1,040 hours)

Year 2: \$27/hr: \$28,080

Year 3: \$29/hr: \$30,160

Secretary

Administrative: \$17.10 - \$33.00 x 1,040 hours = \$17,784 - \$34,320

Executive Secretary: \$14.21 - \$22 x 1,040 hours = \$14,778 - \$22,880

Please let me know if you have any additional questions regarding these issues before meeting. When you do meet, we'll start in open session then go into closed door session. The closed door session will be recorded.



Utah Prosecution Council

Budget Overview: 2022-23 UPC Budget - FY23 P&L

July 2022 - June 2023

	TOTAL
Revenue	
CONFERENCE REG FEE -DED CREDITS	
Basic Prosecutor	2,500.00
Civil Conference	6,250.00
Fall Conference	6,875.00
Spring Conference	31,250.00
UMPA	3,375.00
UPAA	9,375.00
Total CONFERENCE REG FEE -DED CREDITS	59,625.00
ePROSECUTOR USER FEES - DED CRD	34,000.00
EXPENSE REIMBURSEMENTS	
eProsecutor Administrator Salary	53,938.00
John R Justice Grant	79,240.00
TSRP - REVENUE TRANSFER	
TSRP - Salary and Benefits	157,766.00
Total TSRP - REVENUE TRANSFER	157,766.00
Total EXPENSE REIMBURSEMENTS	290,944.00
STATE REVENUE INCOME	
General Fund	730,600.00
Non-lapsing Carryover	95,851.62
Total STATE REVENUE INCOME	826,451.62
Total Revenue	\$1,211,020.62
GROSS PROFIT	\$1,211,020.62
Expenditures	
ADMINISTRATIVE FEES	
Administrative fee to AG	35,700.00
Building OS&M	1,700.00
DB Purc (West Law)	1,600.00
Ins & Bonds	1,200.00
Total ADMINISTRATIVE FEES	40,200.00
CASE MANAGEMENT	
eProsecutor Training/Support	750.00
Total CASE MANAGEMENT	750.00
CONFERENCES	
BASIC PROSECUTOR COURSE	22,000.00
CIVIL CONFERENCE	12,000.00
CONFERENCE MATERIALS	
Handouts, Materials, SWAG	10,000.00
Total CONFERENCE MATERIALS	10,000.00
COUNTY EXECUTIVE	750.00

	TOTAL
ePROSECUTOR CONFERENCE	750.00
FALL CONFERENCE	22,000.00
NATIONAL CONFERENCES	
NAPC	
NAPC Summer Conference	5,300.00
NAPC Winter Conference	5,500.00
Total NAPC	10,800.00
Total NATIONAL CONFERENCES	10,800.00
NEW COUNTY ATTORNEY	1,400.00
REGIONAL TRAINING	
Legislative Update	4,000.00
Total REGIONAL TRAINING	4,000.00
SPEAKER RECOGNITION	5,000.00
SPRING CONFERENCE	22,000.00
UMPA	7,200.00
UPAA	12,000.00
Total CONFERENCES	129,900.00
COUNCIL, UPAA & COMMITTEE MTGS	
Council, UPAA Brd & Commt's	2,500.00
Training Committee	5,000.00
Total COUNCIL, UPAA & COMMITTEE MTGS	7,500.00
CURRENT EXPENSES	
Annual MCLE Fee	250.00
Calendars	900.00
Donation to LEOJ Course	6,000.00
Donation to UT Journal Crim Law	3,000.00
Donations UT Cndl Victims Crime	1,500.00
Dues & Memberships	2,300.00
Equipment/Supplies-not Data Pro	7,700.00
IT	
Hardware	475.00
Network Services	6,100.00
Software for Support	500.00
UPC Website	2,200.00
Total IT	9,275.00
Library & Subscriptions	200.00
Miscellaneous	3,700.00
Office Supplies	350.00
Personal Vehicle Mileage	500.00
Postage	400.00
Telephone	3,000.00
Total CURRENT EXPENSES	39,075.00
JOHN R JUSTICE GRANT	79,240.00
OUT-OF-STATE TRAVEL	800.00
PERSONNEL SERVICES	
Director	
base salary	124,467.20
benefits	62,802.41
Total Director	187,269.61

	TOTAL
INCENTIVE AWARDS	25,000.00
IT Director	
base salary	94,494.40
benefits	36,830.70
Total IT Director	131,325.10
Staff Attorney - SADVRP	
base salary	98,945.60
benefits	59,340.23
Total Staff Attorney - SADVRP	158,285.83
Staff Attorney - TSRP	
base salary	105,435.20
benefits	61,827.69
Total Staff Attorney - TSRP	167,262.89
Training Coordinator	
base salary	85,009.60
benefits	40,457.76
Total Training Coordinator	125,467.36
Total PERSONNEL SERVICES	794,610.79
RESOURCE PROSECUTOR EXPENSES	
SADVRP	9,000.00
TSRP EXPENSES	33,249.00
Total RESOURCE PROSECUTOR EXPENSES	42,249.00
UPAA APPROPRIATION	12,000.00
Total Expenditures	\$1,146,324.79
NET OPERATING REVENUE	\$64,695.83
NET REVENUE	\$64,695.83

Robert Church

From: Sean Reyes
Sent: Monday, May 9, 2022 2:13 PM
To: Sean Reyes
Subject: Compensation Increase

Dear AGO Team:

Thank you for the excellent work you do for the State of Utah. It is gratifying to hear so many legislators praise your work and acknowledge the need to provide better compensation. Although there is still a long way to go, the Utah Legislature has authorized the most substantial compensation package we have received in quite some time.

First, the legislature provided funding for all employees to receive a 3.5 percent cost-of-living adjustment (COLA), effective June 25, 2022.

Second, they provided \$2 million more in discretionary compensation funding for AGO attorneys and staff, which equates to \$1.57 per hour or \$3,265 per year for full-time employees, effective July 1, 2022. Part-time employees will receive an increase of \$0.78 per hour. Note: A few AGO teams, such as our law enforcement officers and UPC employees, will receive separate adjustments, as authorized by the Utah Legislature.

You should see these increases reflected in your July 22 paycheck.

Third, the legislature provided an additional \$1.1 million for performance-based discretionary and targeted salary increases for employees in classifications below market. To determine that, we are conducting a market comparability study of compensation for positions like ours at other public law offices and agencies in Utah. We hope to have the completed report in August. The ensuing pay increases will be determined according to the degree of market incomparability and will be contingent upon a satisfactory employee performance evaluation. This market comparability report will also help us make an even more compelling case for increased compensation funding next legislative session.

Special thanks to the compensation committees and our Executive team for their hard work and recommendations, and to each of you for your excellent work and dedication.

Have a great week.

Sean



JOB ANNOUNCEMENT

Midvale City Human Resources
7505 S Holden Street
Midvale, UT 84047
801-567-7200
www.midvalecity.org

DEPUTY CITY ATTORNEY

Opening Date: November 16, 2022

Salary Range: \$94,786 - \$151,531

Hiring Range: \$94,786 – \$123,158

Closing Date: Open until filled

Status: Full-time, Exempt/Appointed

The statements and information in this document are neither intended to nor do they create contractual or other rights on behalf of any person hired by the City.

This is an “at-will” position. The employee or the city may end the employment relationship at any time, with or without cause or explanation.

GENERAL PURPOSE

Under the general direction of the City Attorney, the Deputy City Attorney represents the City as legal counsel in criminal and civil matters, including administrative and court proceedings. The Deputy City Attorney is responsible for management and administration as directed by the City Attorney. The Deputy City Attorney provides advice to the city manager, mayor, city council, and other city officials concerning legal rights, obligations, liabilities, and privileges. The Deputy City Attorney acts as the Assistant City Prosecutor.

SUPERVISOR

City Attorney

POSITION(S) SUPERVISED

None

ESSENTIAL JOB FUNCTIONS

- Meet performance standards established with the employee’s manager;
- Follow City and Department policies and procedures;
- Job attendance is required, except for authorized leave;
- Performs complex civil and criminal law functions for the City including legal research and extensive analysis of legal positions and application of complex legal principles and precedents to specialized problems;
- Prepares draft memorandums, briefs, resolutions, ordinances, and legal documents;
- Assists the City with land use and code enforcement issues;
- Assists in representing and defending the City against lawsuits and legal claims;
- Assists in representing the City in administrative hearings and appeals;
- Provides legal advice and support to City and RDA officials, administration, and departments;
- Responds to citizen questions about applicable municipal law;
- Serves as Assistant City Prosecutor and represents the City as needed in Justice Court, District Court, Court of Appeals, and Utah Supreme Court on criminal matters;
- Attends City Council, Planning Commission, staff, and other meetings as assigned by the City Attorney;
- Assumes certain office administrative duties and responsibilities;
- Assists City Attorney as requested;
- Performs the City Attorney’s duties in his/her absence;

Robert Church

From: Robert Church
Sent: Thursday, October 27, 2022 9:05 PM
To: Craig Barlow; Daniel Burton; emontgomery@sjc.utah.gov; jswink@webercountyutah.gov; KLocher@slco.org; rvandyke@kane.utah.gov; Ryan Peters; sfoote@duchesne.utah.gov; stuart.williams@clearfieldcity.org; troy@co.davis.ut.us; wcarlson@slco.org; yvette.rodier@wvc-ut.gov
Cc: Marilyn Jaspersen; Marlesse Jones; Tyson Skeen; Ronald Weight
Subject: November's Council Meeting

Evening Council Members,

You had proposed meeting in St. George as part of the County Executive Conference in three weeks to discuss UPC staff salaries and whether the budget would allow for an increase. The issue of incentive awards would have also been on the agenda.

I met with the AGO's Director of Finance & Administration this afternoon to discuss our budget in preparation for this meeting and found out the following. The AGO is running a bill asking the legislature for pay increases for all attorneys in the AGO, including the three staff attorneys at UPC. Of significant note, this the only major ask/goal of the AGO this next legislative session.

For Grade 1-3 attorneys (Tyson and Marlesse), if the full amount of the ask is awarded, could result in up to a 27% pay increase. For Grade 4-5 attorneys (me), again, if the full amount of the ask is awarded, could result in up to a 26% pay increase. There are issues that will be factored into a final determination but we each should see a sizeable pay increase, even if it's not the fully proposed amount. I didn't ask who would be making that determination but believe it's safe to assume it will be the executive staff at the AGO. I hope they would accept input from the Council if you desire to submit recommendations.

All raises would come from general funds and would not come from UPC's budget whereas if any raise was given at this point, would come from UPC's budget. Would you all rather wait to discuss the issue of pay raises until after the next session when we know just what, if any pay raises UPC staff attorney's receive as part of this bill?

Marilyn and Ron would not be eligible for increases under this bill. Our budget would be able to absorb pay increases for Marilyn and Ron separately.

If you decide to wait to discuss pay raises that still leaves the issue of incentive awards. It is common for directors to nominate their employees for incentive awards at this time of year. Such a discussion could be facilitated by a Teams meeting around the same time as the county executive conference. This would not require council members not planning on attending the County Executive Conference to not have to travel to St. George. I would be happy to set something up.

Let me know what you would prefer to do.

Bob

Robert J. Church

Director, Utah Prosecution Council