

Utah Prosecution Council Meeting
Monday - June 12, 2023, 9:00 a.m.
Historic Council Chambers
60 N. Main, Second Floor
Coalville, UT
Live or via Teams

Minutes

Present: Stephen D. Foote, UPC Chair, Duchesne County Attorney (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)
Randall McUne, Cedar City Attorney (Remotely)
Ed Montgomery, City of South Jordan (In Person)
Ryan Peters, Juab County Attorney (In Person)
Troy Rawlings, Davis County Attorney (In Person)
Yvette Rodier, Deputy West Valley City Attorney (Remotely)
Stuart Williams, Clearfield City Attorney (In Person)
Robert Van Dyke, Kane County Attorney (In Person)
Karyn Walker, UPAA Chair, Provo City Attorney's Office (Remotely)

Excused: Jess L. Anderson, Utah Commissioner of Public Safety
Sim Gill, Salt Lake County District Attorney
Sean Reyes, Utah Attorney General

Guests: Spencer Austin, TITLE (Remotely)
Jeff Buhman, SWAP Director
Jeff Gray, Utah County Attorney
Stacia Sidlow (Deputy Salt Lake County District Attorney's Office
Scott Sweat, Wasatch County Attorney's Office
Brook Gooch, Intern Salt Lake County District Attorney's Office
Olivia Anderson, Intern Salt Lake County District Attorney's Office

- 1. APPROVAL OF APRIL 19, 2023 COUNCIL MINUTES**
 - A. The Council members were welcomed and the meeting convened.
 - B. Ed Montgomery made the motion to approve the April 19, 2023 meeting minutes. Stuart Williams 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 reflected expenses paid up to April 2023. FINET has yet to report expenses for May and June 2023. They will be available on the final budget report at the September 2023 Council meeting.
- B. Carry over is anticipated at \$60,000. It could be a little bit more as the average for the last couple of years has been approximately \$85,000+. Overall, UPC is in good shape.

3. **FY24 BUDGET REVIEW**

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

- A. Salary and Incentive Award -
Bob having been tasked with proposing how to expend the balance of the SB003 targeted compensation increase funds, Bob referred the Council to Tab C "Salary and Incentive Award" memo and explained what he learned from his conversation with Scott Mecham, Chief Financial Officer for the AG's office. Turns out the funds left over was a legislative error and it was anticipated that the legislature will most likely take it back and UPC should not plan on having that extra money. Bob did not recommend any staff increases at this time as any increases would come out of UPC's budget and could cause discord with other AG attorney's/staff. Also, as mentioned in the memo under Incentive Award Balance that per state administrative code, "Management may not grant individual awards greater than \$4,000 per pay period and \$8,000 in a fiscal year. AGO's internal formula is \$2,600 per director FTE and \$1,300 for each additional FTE. Per this formula, AGO recommended UPC FY24 incentive award budget would be \$7,800. Bob encouraged the Council to follow the AGO's formula.
- B. FY24 Proposed Budget: item to note and discuss -
 - i. In anticipating a carry over at \$60,00 or higher, Bob discussed possibilities in using those funds listed in Directors Summary under 3.b. iii. NDAA Conference, iv. Train the Trainer, v. Visual Trail, vi.(1) Basic Prosecutor Lodging, (2) Reimbursement of unusual expenses, (3) Law Clerk and (4) Part-time, non-benefitted secretary. After an in depth discussion, Will Carlson made the motion encouraging prosecutors to attend NDAA trainings not using UPC funds. Take \$14K, out of the \$20K, and pay for student's lodging who attend this year's Basic Prosecutor course and use the remaining funds (\$6K) for student scholarships. Ed Montgomery seconded the motion and the motion passed unanimously.
 - ii. Council had an in depth conversation regarding including unusual expenses. Will Carlson made the motion to include \$25,000 back in the FY 24 budget for the purpose of reimbursing unusual expenses which would be determined at the last quarter of the year. Dan Burton seconded the motion and the motion passed unanimously.

- iii. In regards to the legislature taking back funding, Bob mentioned he would like to pursue appealing to the Legislature next year in justifying those funds for a DV resource prosecutor. This would split Marlesse's responsibilities giving her the sexual assault portion only and hiring a DV resource prosecutor. This would also justify hiring a full-time secretary to lighten Marilyn's load and pick up duties associated with designated conference coordinating and the added help of another staff attorney. Dan Burton made the motion to authorize Bob to pursue the legislature in this effort. Stuart Williams seconded the motion and the motion passed unanimously.

4. COUNCIL LEADERSHIP

- A. It's been the practice that the Council Chair and Chair-elect serve for two years. The Chair-elect then assumes leadership for another two years. Stephen Foote has served longer than that. With Robert Cosson leaving the Council last year that left the Co-chair position open. Traditionally, the Chair has alternated between a county attorney and city attorney. After some discussion, Stuart Williams made the motion to nominate Ed Montgomery to serve as Chair effective UPC's September 2023 meeting. Will Carlson seconded the motion and the motion passed unanimously. Appreciation was expressed to Stephen Foote for his service as Chair. Stephen will remain on the Council membership.
- B. Stephen Foote made the motion to nominate Ryan Peters as Chair-elect effective UPC's September 2023 meeting. Ed Montgomery seconded the motion passed unanimously.

5. COUNCIL MEMBERSHIP

- A. Robert Van Dyke, SWAP Region III representative, four year term expired. However, he has indicated his willingness to continue to serve on the Council. Thanks to Rob for renewing his term.
- B. Yvette Rodier, UMPA appointee, will not be renewing her term and indicated to let someone else have the opportunity to serve on the Council. Bob will contact UMPA leadership for a recommendation to replace Yvette. Bob will report his findings at the next meeting. Appreciation expressed for Yvette's service on the Council.

6. TRAINING COMMITTEE

- A. Upcoming conferences.
 - i. UPAA - to be held June 21-23 at the Riverwoods Conference Center, Logan.
To date registration is at 87. Key note speaker was Rulon Gardner an Olympic Gold Medalist in wrestling will be speaking on Keep Calm and Keep Going.
The Board has been working the last few months refreshing the CUPA test and the study manual.

- ii. Basic Prosecutor Course - to be held August 20-25, 2023 at the Riverwoods Conference Center, Logan. Faculty numbers are down by two faculty members. UPC staff will be looking to fill those spots.
 - iii. Fall Prosecutor Training Conference - to be held September 20-22, 2023 at Ruby's Inn.
 - iv. Training Committee to be held October 15-17, 2023 in Torrey, Utah. Topic/training suggestions were welcomed.
 - v. Government Civil Practice Conference to be held October 18-20, 2023 at Ruby's Inn.
 - vi. UMPA Conference to be held November 2-3, 2023 at SpringHill Suites
 - vii. Visual Trial Skills - dates TBD. Blair's training videos will be made available on the UPC website.
- B. Discontinue Sponsoring Civil Conference
Bob referred Council to Director's Summary and April 2023 minutes regarding UPC discontinuing to sponsor this training. Bob indicated he would like to approach League of Cities and Town's and UCDAAs before talking with Brandy Grace, UAC about taking over this training. After an in depth discussion, UPC will help coordinate the Civil Conference this year. Bob will give an up-to-date report at the next meeting.

7. ePROSECUTOR REPORT

- A. Ron provided a report of activities with eProsecutor. He indicated that the overshadowing issue has been with e-filing.
- B. Bob mentioned he has applied for a grant to include up to 300 users. There are currently 225 interested users with 75 still available. Bob indicated that CCJJ was confident that the grant will be awarded.

8. UPAA

Please refer above under A.i. for UPAA's report.

9. RESOURCE PROSECUTORS

- A. Marlesse Jones SADVRP. Please refer to her report located under *Tab I*.
- B. Tyson Skeen TSRP. Please refer to his report located under *Tab J*.

10. NEXT MEETING

Wednesday, Sept. 13, 2023
UPC Headquarters
5272 College Drive
1st Floor - West Training Room