

BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH
PUBLIC WORK SESSION MINUTES
October 14, 2020
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PUBLIC NOTICE IS HEREBY GIVEN THAT THE
BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH

WILL HOLD A PUBLIC WORK SESSION
IN THE COMMISSION CHAMBERS – ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
100 East Center Street, Provo, Utah
October 14, 2020 – 9:00 A.M.

Members may participate electronically at will, with the anchor location as stated above.

In accordance with the Orange level guidelines instituted by the State Department of Health in the City of Provo, members of the public are strongly encouraged to participate electronically. Physical attendance will be limited to 20 people (including staff) at the anchor location. Once the room has reached capacity the doors will be locked and additional attendees will be invited to participate online. All individuals in attendance must comply with Provo City Code 9.25 requiring face coverings in indoor spaces where social distancing is not possible with certain exemptions.

*The public may participate electronically by joining via zoom at the following link:
<https://zoom.us/j/9938818466> or calling (346) 248-7799 or (669) 900-6833, meeting ID:
9938818466. Comments will be limited to three (3) minutes per individual unless otherwise approved by the Board. Please state your name at the beginning of the comment. Please no foul or abusive language.*

If a member of the public is unable to provide comment electronically then they may contact the commission clerk to submit written comments for the record by emailing commissionclerk@utahcounty.gov or by calling 801-851-8111

~WORK SESSION MINUTES~

Commissioner Ainge (Chair) and Commissioner Lee in Attendance
Commission Ivie via Teleconference
Others in Attendance: See attached Attendance Sheet

(Meeting Began: 3:01 pm)

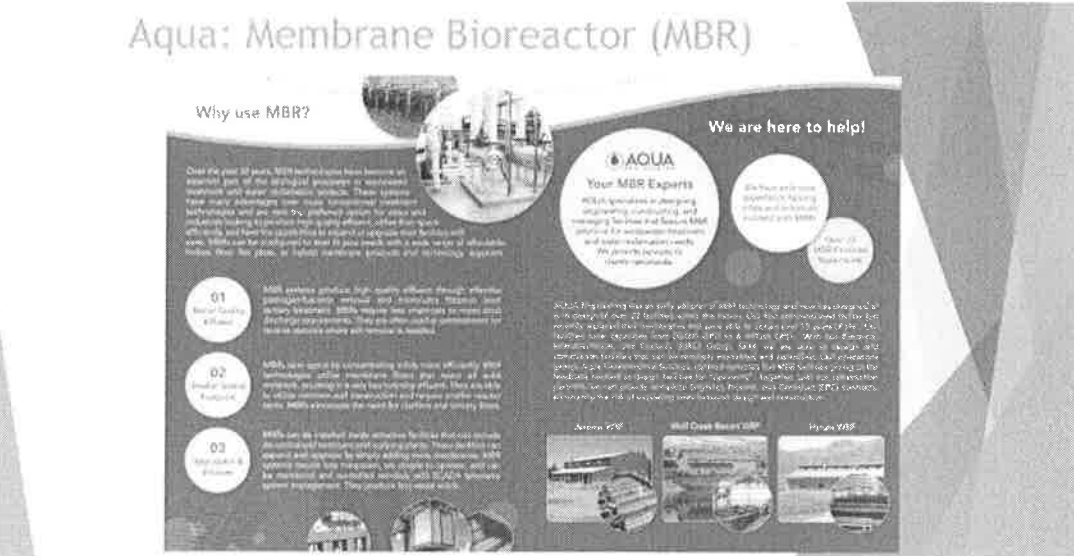
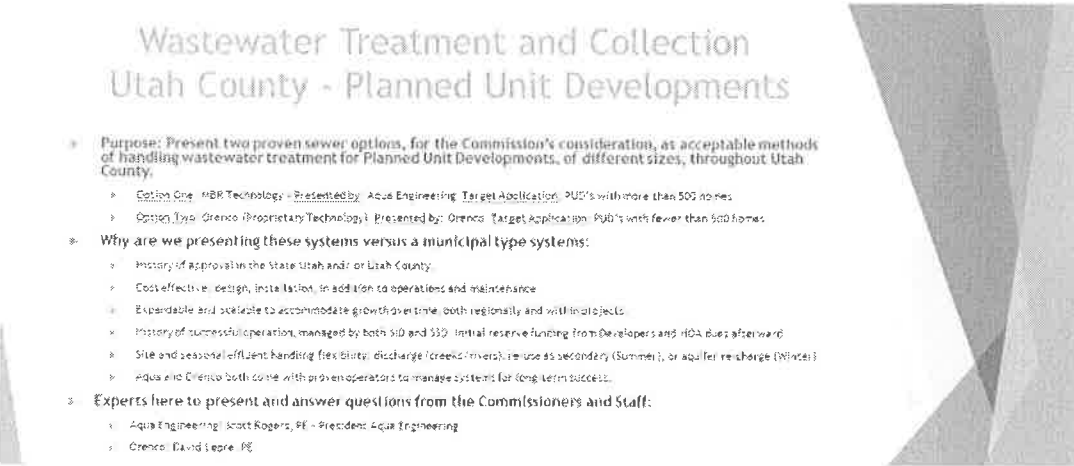
PRAYER/READING/THOUGHT: N/A
PLEDGE OF ALLEGIANCE: N/A

WORK SESSION

1. PRESENTATION ON WASTE WATER TREATMENT PROPOSAL FROM AARON JENSEN OF BLUE OX DEVELOPMENT.

-Nathan Ivie

AARON JENSEN, BLUE OX DEVELOPMENT – INTRODUCED SCOTT FROM AQUA ENGINEERS (GAVE PRESENTATION)



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COMMISSIONER LEE – FEDERAL LAW MAKES YOU STILL RUN IT THROUGH A WASTEWATER MANAGEMENT TREATMENT BEFORE YOU DISPOSE OF IT INTO A LAKE OR STREAM OR ARE YOU SAYING THAT THIS GETS YOU TO THAT POINT?

SCOTT, AQUA ENGINEERS – THIS GETS YOU TO THAT POINT TO THAT POINT WHERE IT WILL EXCEED ALL DISCHARGE LIMITS THAT WE HAVE RIGHT NOW TO GOING INTO LAKES OR STREAMS. THE BEAUTY OF THIS IS THAT I WOULD LOOK AT REUSE OR RECHARGE WHICH IS WHAT WE DO AT QUITE A FEW PLACES INSTEAD OF JUST DISCHARGING IT AND GETTING TOO MUCH INVOLVED WITH WHAT WE CALL A NATIONAL POLLUTION SYSTEM. I WOULD LOOK AT TAKING IT TO REUSE DURING THE SUMMER AND THEN INFILTRATION DURING THE WINTER.

COMMISSIONER LEE - LIKE OVER IN THE MAGNA AREA THEY’VE GOT A PLUME OF TOXINS FROM THE MINES AND THEY RUN IT THROUGH BUT IT’S A BIOFILM.

SCOTT, AQUA ENGINEERS - THAT’S A COMBINATION WHAT WE CALL REVERSE OSMOSIS. MY CONTRACT OPERATIONS RUN THAT PLANT.

COMMISSIONER LEE - YEARS AGO I WENT THROUGH THAT AND THE THING THAT I FOUND FASCINATING IS THEY TOLD ME THAT EVEN THOUGH THEY RAN IT THROUGH, AND THEY CAME OUT AS CLEANER THAN ANY OF THAT. THEY STILL HAVE TO RUN IT THROUGH THE FACILITY TO DO AND DUMP IT BACK INTO ALMOST LIKE DIRTY WATER AND THEN RUN IT THROUGH THE FACILITY BECAUSE OF FEDERAL LAW.

SCOTT, AQUA ENGINEERING – THAT’S FEDERAL LAW BUT IN THIS CASE WE’RE ABLE TO DISCHARGE DIRECTLY. WE CAN EITHER DISCHARGE TO A STREAM OR LAKE OR BETTER YET, REUSE THE WATER AND RECHARGE. WATER IS WHAT’S GOING TO LIMIT OUR DEVELOPMENT IN UTAH - THAT’S WHAT’S GOING TO STOP US FROM GROWING AND THE BETTER WE CAN UTILIZE WATER RESOURCES THIS ALLOWS YOU TO DO THAT. IT ALLOWS YOU TO RECYCLE THE WATER.

Aqua Engineering: Wolf Creek Resort
Water Reclamation Facility | MBR and Headworks

Client: Wolf Creek Resort
Address: 8470 Hillside, Wolf Creek, UT 84091
Location: Edge, UT
Date: 2018
Contact: 303.882.2953 | aqua@aquae.com | 11120

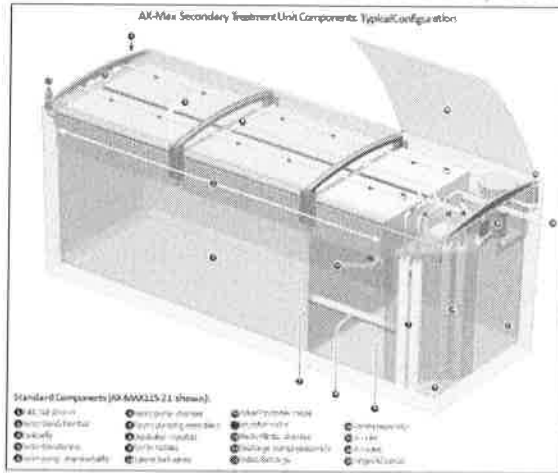
- Services
- EC2 Green Building for LEED Silver
 - Master Planning
 - Funding Assistance
 - Detailed Design
 - Procurement of Materials and Equipment
 - Operation of Plant and Equipment
 - Fielding Services
 - Construction Oversight
 - Operating Services
 - O&M/Utilities
 - Construction Management Services
 - Backup of Treatment Systems
 - City and County Facility
 - Rapid Response Team
 - Stormwater Management



Orenco: Treatment and Collection



Orenco: Treatment and Collection Components



Orenco Projects Located in Utah

Facility	City	System	Flow	Const/Year	Design	Installer	Operator
Dixie Sewer Ledge	Hibon	AX	17,475	2016	Fluor Daniel Engineering	HR Corporation	Utah Environmental Solutions
Revere at Johnson Edge	Eden	AX/BJA	12,600	2017	Reynolds Associates Inc	HR Construction	Utah County Engineering
Valley Community	Eden	AX	13,600	2015	URS Environmental	Reynolds Development	Utah Environmental Solutions
Webster Resurf	Moan	ST/ST/ST	10,000	2013	Tetra Tech	Hillrow Construction	Archon, Revere
Brick City BAA/AX	Spencer Gap	AX	5,500	2012	Orval Davis Engineering	Cardinal Construction	Revere Property
Rock Hill Ranch	Moan	AX/ST	15,000	2014	Hydro Engineering	Pro Power Builders Inc	Utah Environmental
Two Rivers Sewerage	Hatchville	AX/AXA	7,500	2014	Hydro Engineering	George Angove	Embridge Energy
Big Springs	Alton	AX	400	2015	Agri-Science (Circle Solutions)	Altonville Group Design	Utah Environmental Solutions
Temp Detention	Altonville	AX/ST	1,100	2015	URS Environmental Solutions	Hydro Engineering	Utah Environmental Solutions
Camden Valley	Big Water	AX/AXA	25,000	2018	Reynolds & Associates	Reynolds Construction	Wasatch County, Environmental District
Big Park Village Detention	Spanish Fork	AX/AXA	1,100	2017	URS Engineering	Circle Construction	HR Services
Johns Branch Range Station	Overhead	AX/ST	300	2017	DJ & R C	Circle Construction	Circle Construction
Utah Breaks Campground	Blaine Hill	AX/ST	1,100	2017	URS & R C	Reynolds Construction	Circle Construction
Onion Creek	Smith Valley	AX/ST	2,000	2017	URS Environmental Solutions	HR Construction	Solutions
Utah Springs Detention	Utah	AX/ST	42,000	2018	URS Engineering	Reynolds Development	Utah Environmental Solutions
Yogel Market Detention	Vegeto	AX/ST	27,000	2018	URS Engineering	HR Construction	Utah Environmental Solutions
Altonville	Eden	AX/AXA	3,000	2018	Reynolds & Associates Inc	Pro Power Builders Inc	Utah Environmental Solutions
Orange Grove Sewer Resurf	Altonville	AX/ST	18,000	2019	URS Environmental Solutions	Reynolds Development	Utah Environmental Solutions

COMMISSIONER LEE – WHERE ARE YOU TAKING THE SOLIDS OUT AT?

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DAVID LAPRAY, RENKO SYSTEMS – WE HAVE A PRELOAD TANK AND THAT’S LIKE A PACKAGE MUCH LIKE A GINDER SYSTEM. IT’S A LARGER TANK THAT HOLDS THE SOLIDS AT THE HOUSE AND GET YOUR ANAEROBIC DIGESTION THERE SO YOU GET YOUR DIGESTION MUCH LIKE A CLARIFIER AT THE HOME SO THE SYSTEM IS ACTUALLY YOUR CLARIFIER SO WHEN YOU GET YOUR TREATMENT PLANT YOU DON’T HAVE SOLIDS TO MANAGE – YOU MANAGE THEM WITH A BUMPER TRUCK. SO, THESE SOLIDS THEN ARE MANAGED ON A 10-15 YEAR BASIS AND THEN THEY’RE TAKEN TO EITHER A LANDFILL OR A MUNICIPAL WASTEWATER TREATMENT PLANT.

COMMISSIONER LEE – IS THE WATER LINE PRESSURIZED THAT TAKES IT BACK TO YOUR SECONDARY TREATMENT SYSTEM?

DAVID LAPRAY, RENKO SYSTEMS – SO UNLIKE A GRAVITY SYSTEM WHICH YOU ACCUMULATE INI OVER TIME, YOU HAVE TO MANAGE THAT, THESE ARE PRESSURE SEWERS SO WITH HIGH QUALITY PACKAGE THAT WE PROVIDE, YOU ELIMINATE THE INI FACTOR OVER A LONG COURSE OF TIME. SO, YOU’RE NOT HAVING TO DEAL WITH PROBLEMS WITH INI DOWN THE ROAD.

COMMISSIONER LEE - THAT MAKES SENSE BECAUSE IT WOULD BE NICE IF ALL THE HOMES NEATLY LINED UP LIKE THAT BUT THEY’RE GOING TO BE EASILY ALL OVER THE PLACE.

AARON JENSEN, BLUE OX DEVELOPMENT – OUR PERSPECTIVE IS THAT WE HAVE TWO VIABLE SYSTEMS THAT WORK. THERE’S PROS AND CONS TO EACH SYSTEM AS THERE IS TO EVERY SYSTEM. BUT DEPENDING ON SCOPE, SIZING AND TIMING OF POTENTIAL DEVELOPMENT, WE CAN USE ONE OR POTENTIALLY EVEN BOTH OF THESE SYSTEMS DEPENDING ON HOW WE STRUCTURE THINGS WITHIN THE REGION THAT THEY’RE USED.

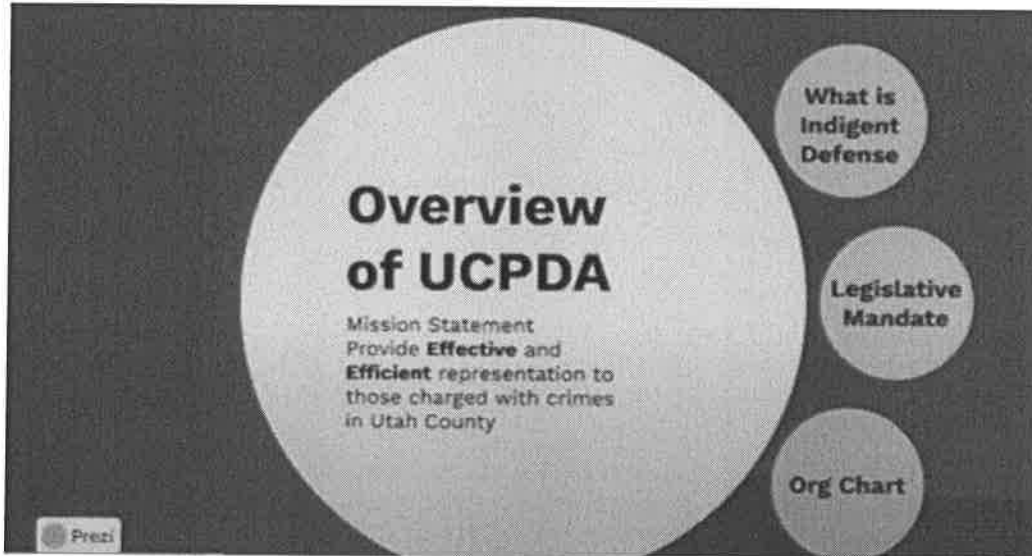
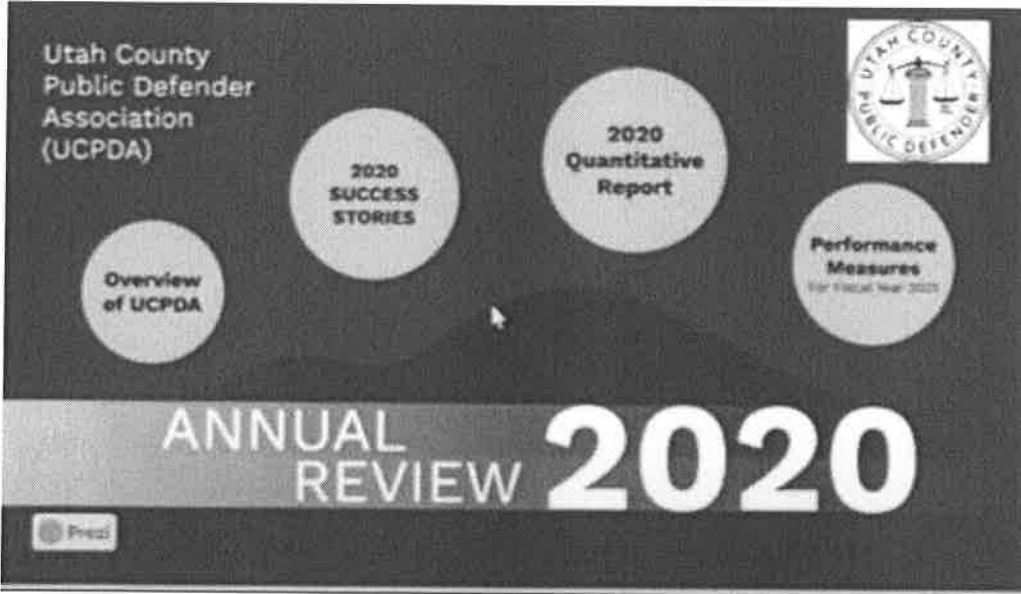
WE’RE LOOKING AT POTENTIALLY DOING A SPECIAL IMPROVEMENTS DISTRICT OR SOME OTHER SSD TO MANAGE AND OVERSEE THIS SO THAT WE HAVE THAT FUNDED DIFFERENTLY. WE THINK WE CAN GET PROPERTY PARTICIPATION ON THAT BASED ON THE SUPPORT WE RECEIVED FOR THIS PROCESS UP TO THIS POINT. IN ADDITION TO THAT, WE’RE LOOKING AT CREATING HOA’S THAT CREATE ADDITIONAL BUFFER IN HELPING MANAGE AND OVERSEE AND TRAIN PEOPLE ON HOW TO MANAGE THESE SYSTEMS AND TRYING TO REDUCE POTENTIAL ISSUES THAT MIGHT PUSH BACK UP TO THE COUNTY. AS WE’VE DISCUSSED AND TALKED WITH BOTH ATTORNEYS AND THESE GENTLEMAN THAT HAVE FACILITATED THESE IN OTHER REGIONS, WE BELIEVE THAT THERE’S QUITE A BIT OF DATA THAT SAYS THAT AN SID WORKS JUST FINE AND INSULATES THE COUNTY FROM ANY REPERCUSSIONS THAT MAY FLOAT UPHILL SO TO SPEAK.

COMMISSIONER LEE – I SUGGEST YOU TALK WITH THE HEALTH DEPARTMENT BECAUSE THEY DEAL WITH THIS AND THE PLANNING COMMISSION AS WELL, TO SEE HOW THEY WOULD WORK WITH OUR RULES, REGULATIONS AND ZONING.

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2. BUDGET REVIEW PRESENTATION BY THE PUBLIC DEFENDERS OFFICE
-Benjamin Young

BENJAMIN YOUNG, FINANCIAL MANAGER FOR THE UTAH COUNTY PUBLIC DEFENDER'S ASSOCIATION –



What is Indigent Defense

The foundation of our justice system is the principle that all people are entitled to fair representation which Utah Code 78B-22-404 (1)(ii)(D) states must allow for sufficient time to meet with clients, investigate cases, file appropriate documents, with the courts, and otherwise provide **effective assistance of counsel** to each client.

The diagram features a large central circle containing the text: "Overview of UCPDA", "Mission Statement", and "Provide **Effective** and **Efficient** representation to those charged with crimes in Utah County". To the right of the central circle are three smaller circles labeled "What is Indigent Defense", "Legislative Mandate", and "Org Chart". A "Prezi" logo is visible in the bottom left corner.

JOSH ESPLIN, PUBLIC DEFENDER'S CHIEF COUNSEL – (continued presentation)

Legislative Mandate

- Utah Constitution Article I, Section 12 - "...the accused shall have the right to appear and defend in person and by counsel..."
- Gideon v. Wainwright, 372 U.S. 335 (1963)
- Argersinger v. Hamlin, 407 U.S. 25 (1972)
- Utah Code 78B-22 - indigent Defense Act



COMMISSIONER LEE – CLAUDIA JARRETT, DIDN'T RUN FOR REELECTION SO I THINK SHE'S DONE. IS THAT A ROTATING ONE WHERE YOU PICK UP ANOTHER COMMISSIONER PROBABLY OUT OF SANPETE COUNTY?

JOSH ESPLIN – WE WOULD BE HAPPY TO TAKE ON ANOTHER COMMISSIONER. THAT'S JUST HER BACKGROUND THAT SHE HAD LENT TO IT SO SHE'S STILL ON OUR BOARD BUT IF A MEMBER OF THE COMMISSION IS INTERESTED IN SERVING ON OUR BOARD, WE WOULD BE HAPPY TO TAKE YOU. IT'S NOT A LOCKED IN POSITION.



COVID Response

UCPDA was well prepared for and able to quickly adapt to a COVID environment based on:

- Paperless Office
- Web-based case management software
- RingCentral
- Remote Continuing Legal Education (CLE) Training Plan

Prezi

Workload

- Client Communication
- Case Assignment Management to improve efficiency
- Increase in open cases
- Increase in cases pending trial to 110

Quality Employees

UCPDA prioritizes taking care of its employees

- Extremely Low Turnover
- Continuing Legal Education
- Training with Students
- 5 being considered for Judicial Positions
- Participation on Rule Committees

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COMMISSIONER AINGE – I REALLY APPRECIATE THE OVERVIEW SO FAR AND IT'S HELPFUL TO UNDERSTAND YOUR DEPARTMENT. WE JUST HAD OUR HR DIRECTOR IN HERE TALKING ABOUT THE COUNTY DEPARTMENTS AND TURNOVER. HE WAS SAYING HOW LOW TURNOVER IS GENERALLY A VERY POSITIVE TREND. MAYBE THERE'S NOT AS MANY ROLES UP THERE FOR SENIOR ATTORNEYS OR EXPERIENCED ATTORNEYS. MAYBE THERE IS SO THAT'S ONE REASON BUT THERE'S A NATURAL KIND OF NARROWING BUT ALSO JUST GENERALLY SPEAKING, IF YOU DO SURVEYS OF HIGH PERFORMING ORGANIZATIONS, YOU'RE NEVER GOING TO GET 100%. SO JUST MAKING SURE THAT YOU'RE MANAGING TO PERFORMANCE AND PRODUCTIVITY WOULD NECESSITATE SOME INVOLUNTARY TURNOVER. I DON'T KNOW JUST ANY COMMENTS ON HOW YOU HAVE MANAGED THAT BECAUSE I THINK FROM A RETENTION FROM A CULTURE THIS IS A REAL POSITIVE SIGN. CAN COMMENT ABOUT JUST ABOUT HOW YOU'RE MAKING SURE THAT YOU'RE TRYING TO KEEP HIGH EMPLOYEE PRODUCTIVITY AS WELL.

PUBLIC DEFENDER'S OFFICE – I SEE WHAT YOU'RE SAYING. WE'VE HAD LOW TURNOVER. WHEN IT'S BEEN SOMEONE WHO'S LEFT THE OFFICE, THEY'VE DONE IT VOLUNTARILY. IF WE HAVE AN INDIVIDUAL WHO'S NOT PERFORMING WHERE WE WANT THEM TO BE PERFORMING, THEN WE TALK TO THAT INDIVIDUAL. WE GET TO THE BOTTOM OF WHAT THE ISSUES MAY BE.

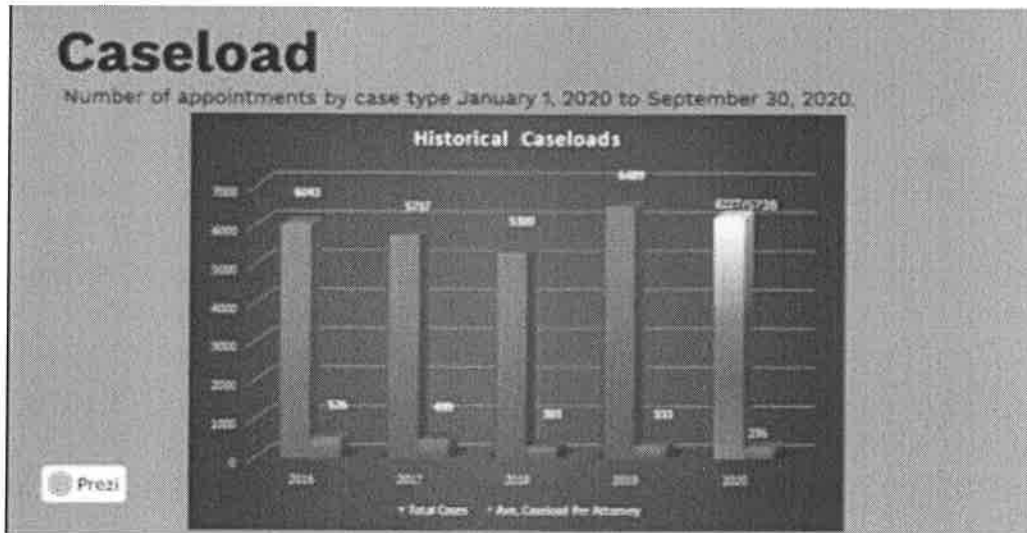
HAVE YOU HAD TO HAVE INVOLUNTARY EXITS?

I CAN'T THINK OF ANY INVOLUNTARY TERMINATIONS OF AN ATTORNEY. I THINK IT HAS TO DO WITH OUR HIRING PRACTICE. WE HAVE INDIVIDUALS THAT ARE VERY COMMITTED TO THIS WORK. THE PEOPLE THAT WE REPRESENT HAS A 6TH AMENDMENT RIGHT TO COUNSEL AND WITH WHAT I AM DOING, I NEED TO MAKE SURE I'M PRESERVING THAT SO I THINK THAT THE ATTORNEY'S THAT WE BRING IN, WE MAKE SURE THAT THEY ARE COMMITTED TO THIS PRACTICE. THAT IS THE PRIMARY THING.

Indigent Defense Commission

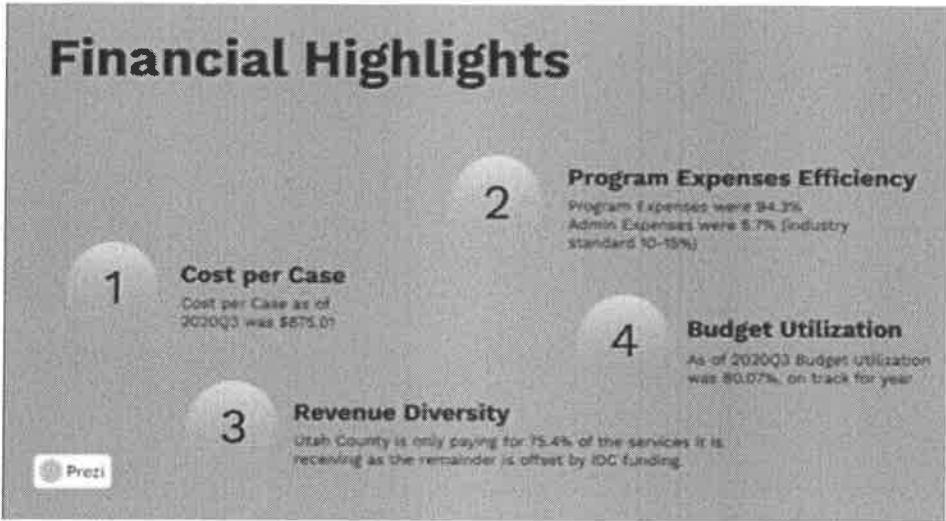
UCPDA tries to stretch funding as far as possible and to bring in funding from outside the county in order to provide the highest possible quality of service to our clients while maintaining reasonable fees to Utah County. We brought the Indigent Defense Commission (IDC) funding to help augment Utah County's budget.

Every \$1.00 Utah County Spends is \$1.32 due to IDC funding.



COMMISSIONER AINGE – SO WHAT ARE THE NUMBERS?

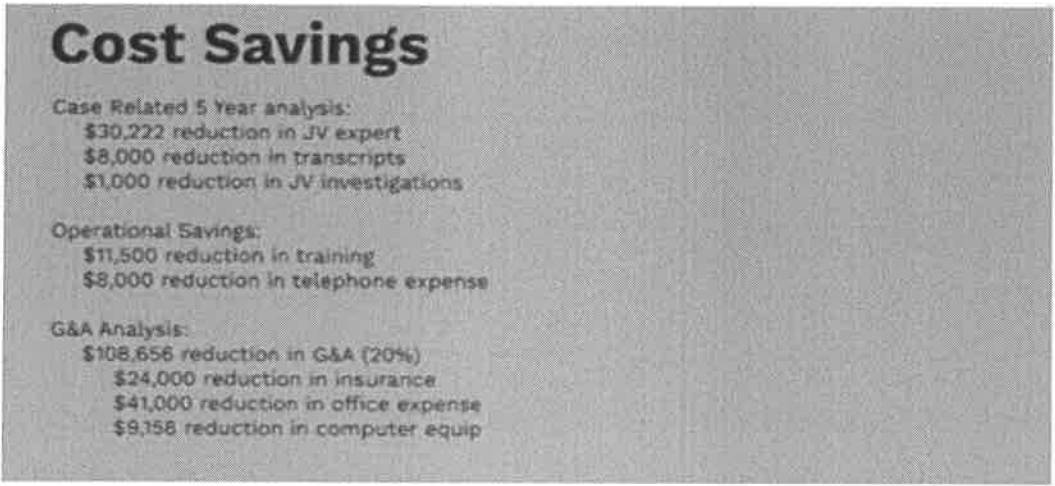
PUBLIC DEFENDER’S OFFICE – 5,738 IS THE NUMBER OF ACTUAL TRIALS OR NUMBER OF ACTUAL CASES THAT WE’VE BEEN APPOINTED THROUGH SEPTEMBER 30TH (QUARTER 3). THEN WE ARE PROJECTING, BASED ON THE TRENDS THAT WE’RE SEEING THROUGH A REGRESSION ANALYSIS, 6,225 BY THE END OF THE YEAR.

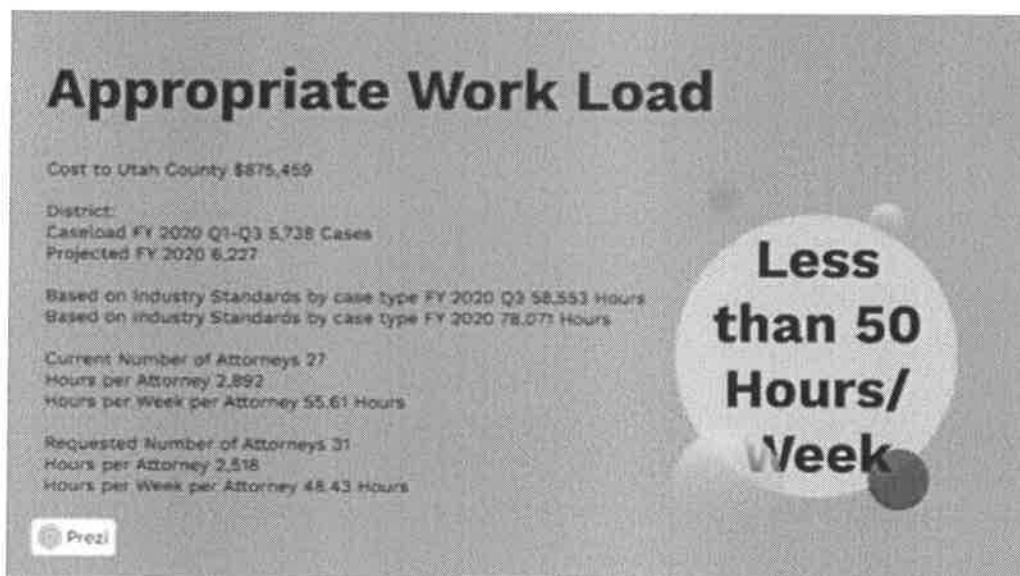


COMMISSIONER AINGE – (REFERRING TO ITEM 3 ABOVE) I’M NOT SURE THAT WE’VE SEEN THE PUBLIC DEFENDER’S OFFICE GOING AND GETTING ADDITIONAL REVENUE. A LOT OF THAT PASSED THROUGH THE COUNTY. WE KNOW THAT YOUR OFFICE WORKS ON THE HILL BUT SO DOES THE COUNTY IN SOURCING THAT THEN ALSO A LOT OF IT COMES FOR THE BENEFIT OF OTHER JURISDICTIONS. I LOVE THIS PRINCIPLE BUT I’M NOT SURE WE’VE SEEN NECESSARILY THE PUBLIC DEFENDER’S OFFICE HUSTLING TO GO GET MATCHING DOLLARS.

PUBLIC DEFENDER’S OFFICE - I COMPLETELY AGREE THAT IT’S A TEAM EFFORT AND WE HAVE ONE OF OUR EMPLOYEES THAT’S ON THE BOARD OF THE IDC WHICH IS ADVOCATED A LOT FOR PUSHING THOSE FUNDS TO UTAH COUNTY AND THIS 24.6%, THAT’S JUST THE UTAH COUNTY PORTION OF IDC – NOT THE FUNDING WE GET FROM OTHER COUNTIES. THOSE FUNDINGS ARE ACCOUNTED FOR SEPARATELY AND REPORTED SEPARATELY. THIS IS JUST THE UTAH COUNTY PORTION.

(continued with presentation)





COMMISSIONER LEE – THE DIFFERENT TIMEFRAMES – LOOKING AT THE HOURS PER ATTORNEY CURRENTLY VERSUS WHERE YOU’D LIKE TO BE – HOW DOES THAT COMPARE ACROSS THE NATION OR OTHER COUNTIES.

PUBLIC DEFENDER’S OFFICE - THE ONLY ONE THAT I HAVE DATA ON IS THE IDA SALE LAKE COUNTY AND WE’RE ALMOST 175% OF THEIR CASELOADS SO WE ARE SIGNIFICANTLY HIGHER ACCORDING TO THEIRS.


Improved Transparency

Cost to Utah County \$-0-

Two factors to improve:

- Financial
 - Provide the Commission financial reports on a quarterly basis.
- Case Data
 - Migrate to Defender Data in order to facilitate reporting of case hours based on industry standards.

Quarterly Reporting & Efficient Data



Reserve for Trial

Cost to Utah County \$441,459


UCPDA is not asking for this in the proposed budget.

County Attorney has awaiting for trial for UCPDA there is a backlog of **110** cases.

Once jury trials start happening again the current level of attorneys will **not** be sufficient to cover that workload while providing effective assistance of counsel to new clients.

We suggest that the County approve and hold in reserve funding for up to 4 additional attorneys for when the courts open back up.

Clear 110 Cases Backlog



COMMISSIONER AINGE – I’M REALLY APPRECIATIVE OF THIS. THIS IS EXACTLY WHAT WE ASKED YOU TO DO. YOU’RE TRACKING THE DATA. I THINK THIS MAKES THE PROCESS WAY SMOOTHER FOCUSING ON DATA AND HOW IMPORTANT IT IS, AND I THINK WE/I CERTAINLY WILL RELY ON THAT IN MAKING DECISION. IF YOU COULD BACK TO YOUR SLIDE. IT SHOWS THE CASES ON A YEAR BY YEAR BASES ON A BAR CHART. MY RECOLLECTION OF SOME OF THE CONVERSATIONS WE HAD, AND OBVIOUSLY NONE OF US CAN PREDICT THE WORLD ESPECIALLY IN 2020, BUT THERE WERE COMMENTS BEING MADE PUBLICLY NOT EVEN NECESSARILY BY PEOPLE IN THE OFFICE, BUT A LOT OF PEOPLE WHO ARE CONCERNED ABOUT THIS ISSUE AND ABOUT THIS FACT THAT IF WE DIDN’T DO SOMETHING DRAMATIC AND THERE WAS AN INCREASE ULTIMATELY IN 2020 IN THE CONTRACT, BUT IF WE DIDN’T DO SOMETHING WAY BIGGER THAN WHAT WE HAD DONE, THAT THERE WAS GOING TO BE THIS MAJOR DISCONNECT AND THIS RATIO IS GOING TO GO UP. I DON’T REALLY

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FEEL LIKE WHEN WE RAISE QUESTIONS LIKE; WE DON'T KNOW IF CASELOADS ARE GOING TO GO UP, WE DON'T KNOW WHAT'S GOING TO HAPPEN WITH THOSE NEW PROSECUTORS WE DON'T KNOW IF THOSE PROSECUTORS ARE GOING TO BE IN THE COURTROOM OR WHETHER THEY'RE SCREENING CASES AND WE NEED TO FOLLOW DATA - THAT WAS NOT VIEWED AS A RATIONAL THOUGHT. IN ACTUALITY THE CASES AND THE CASES PER ATTORNEY WENT DOWN IN 2020. NONE OF US THOUGHT THIS IS HOW IT WORKED. MAYBE THAT WASN'T A RATIONAL THOUGHT IF THIS WASN'T GOING TO HAPPEN BUT THERE WAS ENOUGH UNCERTAINTY IN HOW THIS WAS GOING TO PLAY OUT EVEN IN A NORMAL YEAR WITH SO MANY CHANGES HAPPENING THE COUNTY ATTORNEY'S OFFICE, THAT WE THOUGHT THIS COULD POSSIBLY HAPPEN AND SO I APPRECIATE YOU REPORTING IT. I APPRECIATE YOUR REPORTING IT FAIRLY AND TRANSPARENTLY AND I HAVE NO DESIRE TO USE THAT AGAINST THE FUNDING REQUEST. I THINK YOUR OFFICE NEEDS TO BE STAFFED APPROPRIATELY. IN FACT, IF ANYTHING, I APPRECIATE THE FORWARD-LOOKING PART OF THE RESERVE REQUEST AND LOOKING THAT THERE IS THIS CASE LOAD GOING FORWARD. AT PRESENT IT'S JUST HARD IN THIS YEAR BECAUSE THIS YEAR YOU DID NOT SEE THAT HUGE OVERLOAD OF CASES THAT WAS PREDICTED. BUT MY SENSE IS WHAT YOU'RE SAYING IS THOSE SAME DYNAMICS THAT PREDICTED THAT HIGHER CASELOAD IN 2020 STILL EXISTS FOR FUTURE YEARS. AND AS JOSH ALLUDED TO SOME OF THE REFORMS THAT ARE HAPPENING THERE'S STILL SOME UNCERTAINTY, SO I THINK THAT REMAINS JUST, FOR ONE GUY HERE, THE POSTURE ON THIS IS WE HAVE TO TRACK THE DATA. YOU DO A GREAT JOB AT OFFERING A CRITICAL SERVICE AND THE CONSTITUTIONAL RIGHT TO FOLKS AND SO I WANT TO LOOK AT IT, BUT THIS IS REALLY HELPFUL IN HELPING US REACH THOSE DECISIONS.

PUBLIC DEFENDER'S OFFICE - I THINK THAT ONE THING THAT ISN'T CAPTURED IN THIS DATA IS THE TYPES OF CASES. PARTICULARLY WITH COVID, WE'VE SEEN AN INCREASE IN MORE SENSITIVE AND TIME-INTENSIVE CASES WHICH IS WHY I THINK IT WAS MORE APPROPRIATE TO LOOK AT IT BY CASE HOURS OF WHAT WAS MOST APPROPRIATE. OBVIOUSLY ORDERS TO SHOW CAUSE WE CAN TO 10,000 OF THEM BUT IT'S NOT GOING TO REQUIRE AS MUCH TIME AS ONE CAPITAL CASE OR ONE HOMICIDE CASE.

COMMISSIONER AINGE - THEN CERTAINLY THERE'S THE SAME THING . A PROJECTION THAT MORE WOULD GO TO TRIAL BUT WE'VE YET TO SEE THAT. AGAIN, WE KNOW 2020 IS A WEIRD YEAR BUT IT'S STILL TO BE DETERMINED HOW THAT WILL PLAY OUT. THEN ON THE TYPES OF CASES, I WOULD SAY THAT'S RATIONAL. YOU GUYS HAVE MADE GREAT IMPROVEMENTS IN THE WAY THAT YOU'RE SHOWING THIS PRESENTATION SO I'M CONFIDENT THAT YOU'LL CONTINUE TO BE ABLE TO DO THAT BUT I DIDN'T NECESSARILY SEE IT ALL BROKEN DOWN IN HERE ABOUT TYPES OF CASES AND TYPES OF HOURS AND SO IF THAT'S SOMETHING THAT YOU FEEL JUSTIFIES THE STORY, I'M PERSONALLY MORE THAN HAPPY TO CONTINUE LOOKING AT THAT.

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3. DISCUSS A PROPOSED UTAH COUNTY SOCIAL MEDIA POLICY

-Ben Van Noy

COMMISSIONER AINGE - WOULD YOU TALK ABOUT THESE RECORDS IN SECTION 6 – WHERE THEY’RE GOING TO BE STORED? HOW THEIR GOING TO BE STORED. WHAT’S THE THOUGHT PROCESS WITH THEM?

BEN VAN NOY - YOU’RE CORRECT, THE COUNTY MOSTLY RELIES ON THE STATE’S RECORDS RETENTION SCHEDULE. I BELIEVE THERE’S A FEW SPECIFIC ITEMS THAT THE COUNTY DOES HAVE SOME SPECIFIC RETENTION POLICIES. I KNOW THAT THE HEALTH DEPARTMENT FOR EXAMPLE, THEY HAVE A SOFTWARE THAT THEY USE. THEY PAY FOR IT THAT RETAINS THE SOCIAL MEDIA POSTS, COMMENTS, ETC. SO THAT IS SOMETHING THAT HAS BEEN EFFECTIVE FOR THEM. I’M NOT SURE ON THE COST ON THAT BUT UNDER GRAMA, THEY ARE RECORDS AND THE CONTENT OF THE SOCIAL MEDIA POSTS GOVERNS THE RETENTION SCHEDULE. IT’S KIND OF A NUANCED AREA OF STATE CODE. WE CAN’T JUST SAY THIS IS SOCIAL MEDIA SO RETAIN IT FOR 5 YEARS. IT’S NOT THAT EASY. IT DOES TAKE A HARDER LOOK AT THE CONTENT OF THE POST OR THE COMMENT. THAT’S SOMETHING THAT MY OFFICE TOGETHER WITH THE COUNTY RECORDS OFFICER CAN LOOK AT.

COMMISSIONER LEE - IT SAYS THAT THE RECORD’S OFFICE IN ACCORDANCE WITH THE APPLICABLE RETENTION SCHEDULES. ID LIKE TO SEE THOSE RETENTION SCHEDULES THAT WE’RE REFERRING TO ESPECIALLY WHEN WE’RE TALKING ABOUT THESE TYPES OF RECORDS BECAUSE YOU HAVE A MINIMUM OF 3 YEARS AND I’M NOT SURE IF THAT IS OUR RETENTION SCHEDULE OR IF THAT IS THE STATE’S RETENTION POLICY.

BEN VAN NOY - THAT’S A GOOD QUESTION. I’D BE HAPPY TO LOOK INTO THAT. AGAIN, IT’S HARD TO PROJECT WHAT CONTENT WILL BE PRODUCED BY COUNTY SOCIAL MEDIA SITES. THAT BEING SAID, I THINK WE CAN GENERALIZE AND FROM THAT FIND THE APPLICABLE RETENTION SCHEDULES. AS FOR THE 3 YEARS SUGGESTION, IT IS JUST A SUGGESTION. THAT’S NOT EXPLICITLY STATED IN THE STATE RECORD RETENTION SCHEDULE. THAT WAS KIND OF A BASELINE. THIS POLICY WAS COBBLED TOGETHER BASED OFF OF SALT LAKE’S AND SOME OTHER JURISDICTION’S. THAT WAS A SUGGESTION IN ONE OF THOSE JURISDICTIONS SO THAT WAS KIND OF A BASELINE BUT IT’S DEFINITELY OPEN TO NEGOTIATION OR CONSIDERATION DEPENDING ON WHAT YOU, THE COMMISSION, WOULD LIKE TO SEE.

COMMISSIONER LEE - FOR ME, I WOULD LIKE TO SEE THE SCHEDULE THAT IS REFERRED THERE IF WE’RE FOLLOWING THAT SCHEDULE. WHAT MIGHT BE DIFFERENT IN THE COUNTY AND THEN IT WOULD GIVE ME A BETTER UNDERSTANDING OF IF WE’RE GOING TO START WRITING THIS INTO POLICIES FOR US TO GIVE ME A BETTER IDEA OF WHAT WE’RE LOOKING AT.

BEN VAN NOY - I’D BE HAPPY TO DO THAT.

COMMISSIONER AINGE - AS I LOOK AT THIS, I SEE SOME POTENTIAL CHALLENGES WITH THE POLICY. WHAT ARE WE TRYING TO ACCOMPLISH?

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LET ME JUST GIVE YOU AN EXAMPLE OF A COUPLE OF CHALLENGES I SEE WHICH MAYBE WE CAN NAVIGATE.

SECTION F 2 F TALKS ABOUT ESSENTIALLY THAT ANY BOARD, ANY MEDIA ACCOUNTS ASSOCIATED WITH A MULTI-MEMBER BOARD REQUIRES APPROVAL. RIGHT NOW AS A COMMISSION WE'VE DEALT WITH THIS ISSUE IN THE PAST AND I THINK WE CONCLUDED THAT RIGHT NOW WE DON'T ALL APPROVE EVERY TIME THE PIO PUTS OUT AN EMPLOYEE OF THE MONTH POST AND THERE'S LITTLE THINGS LIKE THAT THAT JUST NEED TO HAPPEN SO THAT WOULD BE A REALLY EASY EXCEPTION TO THIS. BUT AT THE SAME TIME, MAYBE IT WOULDN'T BE THE EASIEST EXCEPTION TO DRAFT BECAUSE I THINK WE ALSO VIEW THAT AT SOME POINT IT RISES TO A THRESHOLD WHERE IT SHOULD BE A MAJORITY OF THE COMMISSION AND SO I THINK THERE'S SOME DETAILS TO WORK OUT THERE.

THE OTHER ONE THAT'S INTERESTING FOR ME, IS WHEN IT COMES TO PERSONAL ACCOUNTS VERSUS GOVERNMENT ACCOUNTS VERSUS PERSONAL BUSINESS AND GOVERNMENT BUSINESS, THOSE ARE GRAY AREAS TO ME.

THERE WAS A SENATOR WHO PUBLISHED ON HIS TWITTER ACCOUNT THAT HE INTENDED TO MOVE FORWARD AND SUPPORT THE SUPREME COURT NOMINATION OF AMY CONEY BARRETT AND ON HIS TWITTER ACCOUNT PUT OUT A STATEMENT FROM HIS OFFICE. NOW IS THAT GOVERNMENT BUSINESS OR IS THAT PERSONAL BUSINESS? IS THAT A PERSONAL OPINION? THERE'S NO VOTE BEING TAKEN BUT IT CERTAINLY HAD TO DO WITH OFFICIAL VOTES BEING TAKEN BY THE SENATE, NOT TO MENTION THE PRESIDENT OF THE UNITED STATES. WE COULD GO DOWN A BIG RABBIT HOLE IF WE START ANALYZING HIS TWITTER FEED. I DON'T KNOW HOW TO INTERPRET THIS, AND I GUESS ON BOTH AREAS, I WOULD NOT WANT TO CREATE A SITUATION WHERE OUR EXISTING ORDINARY DAY-TO-DAY USE WOULD TRIP UP ANYTHING IN THIS POLICY.

BEN VAN NOY - VALID CONCERNS. IN TAKING THAT ONE FIRST, THIS POLICY WOULD NOT BE APPLICABLE TO ELECTED OFFICIALS ON THEIR PERSONAL ACCOUNTS WHETHER THAT'S THE OFFICIAL CAN ARRANGE COMMISSION ACCOUNT OR THE PERSONAL ACCOUNT. THIS WOULD NOT APPLY TO THAT. BUT YOU'RE RIGHT, SOCIAL MEDIA IS A NASCENT AREA OF LAW. THERE'S NOT A LOT OF ESTABLISHED PRECEDENT THAT THE COURTS HAVE PUT OUT FOR US WHICH IS ONE REASON WHY MY OFFICE WANTED TO TAKE A HARD LOOK AT THIS. WE SAW SOME RISK. GOING TO YOUR POINT OF A BROADER WHY WE'RE DOING THIS – SO THIS WAS REALLY A RISK MANAGEMENT SORT OF POLICY IN ORDER TO KEEP US, THE COUNTY, SAFE FROM DOING SOMETHING THAT COULD VIOLATE CITIZEN'S FIRST AMENDMENT RIGHTS. SO, YOU'RE RIGHT THAT IT'S GRAY BUT IT WOULDN'T APPLY.

1:39:26

COMMISSIONER AINGE – BOTH OF MY EXAMPLES OF THE GRAY AREA BETWEEN PERSONAL AND GOVERNMENT, I FELT LIKE WERE PICKED UP IN SECTION 2Q.

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BEN VAN NOY – LOOKING AT THE DEFINITIONS, OFFICIAL COUNTY SOCIAL MEDIA ACCOUNTS AND MAYBE THAT’S SOMETHING THAT WE CAN CLARIFY IN A DEFINITION SECTION. WHEN IT SAYS AN OFFICIAL COUNTY ACCOUNT, THAT WOULD REFER TO FOR EXAMPLE, THE UTAH COUNTY SHERIFF’S OFFICE ACCOUNT, THE UTAH COUNTY GOVERNMENT ACCOUNT, DEFINITELY HEALTH DEPARTMENT ACCOUNT. BUT WHEN IT’S THE NATHAN IVIE UTAH COUNTY COMMISSIONER ACCOUNT, THAT FALLS OUTSIDE OF THE SCOPE OF THIS SO MAYBE THAT’S SOMETHING THAT WE CAN CLARIFY IN THE DEFINITIONS.

COMMISSIONER LEE - WILL YOU ALSO TALK A LITTLE BIT ABOUT THE DISCLAIMERS THAT YOU HAVE ON NUMBER 8?

BEN VAN NOY - THIS SECTION WAS TAKEN FROM THOSE OTHER JURISDICTIONS. IT’S REALLY JUST THE FINE PRINT, THE LEGAL PORTION OF THIS. DISCLAIMING FOR THE PUBLIC’S SAKE THAT COUNTY COMMUNICATIONS ARE GOING TO MAKE NO WARRANTIES EXPRESS OR OTHERWISE . FOR EXAMPLE, IN BEING NEITHER THE COUNTY NOR ELECTED OFFICIALS OR OTHER DEPARTMENTS DIVISION, COMMISSIONER OR BOARDS CAN GUARANTEE THE COMPLETENESS OR THE ACCURACY OF INFORMATION POSTED. SO, IT’S JUST THE CYA ON THE LEGAL PART THAT REALLY FEELS NECESSARY FOR A POLICY LIKE THIS.

COMMISSIONER LEE - MY QUESTION COMES IN THAT WE’RE TALKING ABOUT THE COUNTY THE SOCIAL MEDIA PLATFORMS THE COUNTY OWNS, HAS AND CONTROLS BUT IT ALSO INCLUDES AN ELECTED OFFICIAL’S. ARE YOU TALKING ABOUT ON A PRIVATE BASIS AS WELL?

BEN VAN NOY – I THINK THIS IS ‘NEITHER’ SO IT’S SAYING THAT THEY AREN’T MONITORED REGULARLY. AGAIN, THAT’S KIND OF A DISCLAIMER SAYING THAT IF CITIZENS DESIRE TO COMMUNICATE WITH THE COUNTY VIA SOCIAL MEDIA, THERE’S NO GUARANTEE THAT THIS IS SOMETHING THAT IS MONITORED 24/7 OR THAT COULD BE USED AS AN OUTLET FOR AN EMERGENCY CIRCUMSTANCE. IF YOU GO DOWN FURTHER, IT TALKS ABOUT DANGEROUS CONDITIONS. SO THAT’S WHAT THAT IS INTENDED TO COVER. I THINK LEAVING IN THE INDIVIDUAL ELECTED OFFICIAL’S SITES IN THIS PORTION IS NECESSARY IN ORDER TO COVER THE ELECTED OFFICIALS FROM POTENTIAL COMPLAINTS OR LAWSUITS.

COMMISSIONER AINGE – THERE’S SOME THINGS TO WORK OUT BUT WHEN YOU SUE EXAMPLES LIKE THAT, THEN IT’S ONE OF THOSE AREAS WHERE LIKE YOU SAID, THIS IS NASCENT BUT I ALMOST WONDER IF BY CREATING A POLICY YOU DON’T CAUSE MORE PROBLEMS THAN YOU’RE TRYING TO SOLVE. SO, WE’VE GOT A WAY TO GO BUT I APPRECIATE YOU PUTTING THIS ON AND TAKING A STAB AT IT.

SURE. OUR INTENT IS TO WORK WITH H.R. THEY TYPICALLY PUT OUT THE COUNTY-WIDE APPLICABLE POLICIES SO THAT’S SOMETHING THAT WE’RE GOING TO GO WITH RALF BARNES IN REVIEWING THAT AS WELL AS GETTING SOME INPUT FROM THE CURRENT PIO’S IN THE COUNTY TO SEE HOW THIS WOULD AFFECT THEM. SO DEFINITELY THIS IS A DRAFT THAT WE WANTED TO

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GET THE COMMISSIONER'S THOUGHTS ON BEFORE PROCEEDING TO MAKE SURE WE WERE GOING IN THE RIGHT DIRECTION.

PUBLIC COMMENTS

WENDY PARMLEY – I APPRECIATED THE PRESENTATION BY THE PUBLIC DEFENDER'S GROUP. I WANTED TO POINT OUT JUST A COUPLE OF THINGS AS THEY LOOKED AT THEIR WORKLOAD WHICH IS 175% OF SALT LAKE COUNTY, I WANTED TO REMIND THE COMMISSIONERS THAT SALT LAKE WAS THE BENCHMARK AND FOR THE PROSECUTOR'S OFFICE IN UTAH COUNTY WHEN THEY INCREASED FTS BY 17 SO THEY DID REALLY A GREAT JOB OF LOOKING AT WORKLOAD AND ALSO TO REMIND YOU THE WORKFLOW DOES NOT EQUAL CASE LOAD. WE'RE NOT AT THE END OF THE YEAR SO IT'LL BE INTERESTING TO SEE WHERE THOSE CASES ACTUALLY FALL OUT, BUT I THINK WORKLOAD IS A BETTER PREDICTOR AND WHAT THE BUDGET SHOULD BE BASED ON.

I ALSO WANTED TO REMIND THE GROUP THAT THE CAPITAL CASE IS GOING TO TAKE UP MUCH OF THE YEAR AND THAT WILL PULL MULTIPLE PROSECUTOR DEFENDERS, I'M CERTAIN, AWAY FROM THESE DAY-TO-DAY CASES AND I DIDN'T SEE THAT IN THE PRESENTATION BUT I'M SURE IN THEIR BUDGETING PRESENTATION THAT THEY WILL INCLUDE THAT. JUST KNOW THAT THOSE LOOKING UP TO OUR NORTHERN PARTNER COUNTY AND THE APPEAL THAT TOOK SO MUCH RESOURCE, I THINK IT'S IMPORTANT AND PARAMOUNT THAT WE MAKE SURE THAT THIS UTAH COUNTY PUBLIC DEFENDER'S GROUP HAS ADEQUATE AND EFFECTIVE DEFENSE FOR OUR CAPITAL CASE. I'M REALLY SAD THAT THEY'RE NOT TRYING TO GET THE WORKLOAD DOWN TO A NORMAL FTE. I'M SAD FOR MY SON WHO, EVERY TIME I SEE HIM, HE IS DRAWN AND TIRED AND WORKING UNTIL MIDNIGHT. THE FULL-TIME EQUIVALENT STANDARD IS 20 -80 HOURS, AND THEY ARE ASKING TO BE ABLE TO DECREASE THE WORKLOAD TO 25-18 HOURS TO BUDGET IT TO 25-18. I APPRECIATED THE DETAIL AND I KNOW THEY'LL GIVE ADDITIONAL DETAIL AS THEY TELL YOU HOW THEY CALCULATED THAT WORKLOAD STANDARD BASED ON THE STUDIES THAT ARE OUT THERE. I'M REALLY LOOKING FORWARD TO THE IDC'S REPORT OF WHAT THE STANDARD IS, BUT I KNOW THAT UTAH COUNTY DEFENSE IS THE STANDARD. YOU KNOW THEY ARE MORE EFFICIENT AND EFFECTIVE THAN ANY OTHER ORGANIZATION AND I APPRECIATED LEARNING THAT FIVE OF THE SEVEN CANDIDATES FOR THE 2 JUDGESHIPS ARE COMING FROM THE UTAH COUNTY DEFENSE DEPARTMENT. I THINK THAT SAYS AN AWFUL LOT ABOUT THAT GROUP.

(Meeting adjourned: 4:49 pm)

In compliance with the Americans With Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Alice Black at (801) 851-8111 at least three days prior to the meeting.

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Those in attendance via Zoom:

Kim Jackson

Ben Van Noy

Dave Shawcroft

Elicia Edwards

Peter Brown

Robert Moore

Commissioner Ivie

Peter Brown

Wendy Parmley

Ralf Barnes

Kyle Palmer

Andrea Allen

DocuSigned by:

Tanner Ainge

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TANNER AINGE

Commission Chair

ATTEST:

DocuSigned by:

Alice Black

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Deputy Clerk/Auditor