

SOUTH JORDAN CITY  
CITY COUNCIL MEETING

June 18, 2024

**Present:** Mayor Dawn R. Ramsey, Council Member Don Shelton, Council Member Jason McGuire, Council Member Patrick Harris, Council Member Kathie Johnson, Council Member Tamara Zander, City Manager Dustin Lewis, Assistant City Manager Jason Rasmussen, City Attorney Ryan Loose, Director of Strategy & Budget Don Tingey, Director of Commerce Brian Preece, Associate Director of Public Works Rawlins Thacker, Deputy Director of Finance Nick Geer, City Engineer Brad Klavano, Director of Administrative Services Melinda Seager, Director of Planning Steven Schaefermeyer, Police Chief Jeff Carr, Fire Chief Chris Dawson, Communications Manager Rachael Van Cleave, Recreation Director Janell Payne, IS Systems Administrator Ken Roberts, GIS Coordinator Matt Jarman, City Recorder Anna Crookston, Meeting Transcriptionist Diana Baun, IS Senior System Administrator Phill Brown, HR Director Teresa Cook, Associate Director of Strategy & Budget Katie Olson

**Absent:**

**Others:** Bob Elder, Bruce Moffet, John Warnick, Ellen, Scott, Ashley, iPhone

6:42 P.M.  
REGULAR MEETING

**A. Welcome, Roll Call, and Introduction to Electronic Meeting - *By Mayor, Dawn Ramsey***

Mayor Ramsey welcomed everyone and introduced the meeting.

**B. Invocation – *By Council Member, Jason McGuire***

Council Member McGuire offered the invocation.

**C. Pledge of Allegiance – *By Communications Manager, Rachael Van Cleave***

Manager Van Cleave led the audience in the Pledge of Allegiance.

**D. Minute Approval**

**D.1.** June 4, 2024 City Council Study Meeting

**D.2.** June 4, 2024 City Council Meeting

**Council Member Harris motioned to approve the June 4, 2024 City Council Study Meeting and June 4, 2024 City Council Meeting minutes as published. Council Member Shelton seconded the motion; vote was 5-0, unanimous in favor.**

#### **E. Mayor and Council Reports**

Mayor and Council agreed to forgo their reports this week to save time.

#### **F. Public Comment**

Mayor Ramsey opened the public comment portion of the meeting.

**Bob Elder (Resident)** – I work in Sandy, drive along Shields Lane every day. I drive down by the river, run, and ride on the corridor, bike path. Coming out of that corridor, I worked on the Sam Marino Project, I am a Civil Engineer and have worked with the city staff for years and been here for 30 years. It is disheartening to me as I look from San Marino, we preserved the south side of the road in a preservation to protect that area back there, and I know the family that has rights in those open space corridors, and there is fill being put in that property just south of that open space preservation area. I have spoken with your engineer, Brad Klavano, and talked to him about any limitations, grading plans, permits. It is, to me as I see it, uncontrolled. There is over 100,000 yards of material that has been put there, fairly uncontrolled and at their whim, and it is becoming quite an eyesore to the community. I thought about how we could resolve that. The road drops down to the natural grade preservation wetland area, then it climbs about 20-25 feet now into a new fill area. Beyond that you can try to overlook and see the preserved open space area. Knowing where we are at now, and some of the suggestions I have shared in the past with the engineers and said “come on we have to control, set some grades, control and permit” is maybe do a tit for tat; trade some of his ownership on the bottom side near the river and fill up the upper side as there is a weird triangle. It is becoming something we as a community need to address and I would ask that you look into and see if we can’t properly address that. Secondly, I live in a neighborhood that is now 20-30 years old, some of the homes are being sold and rented, and the owners have moved out of state in some of these cases and the renters have come in and of course, don’t take the same pride in the community as the original owners. The owners of the homes now are expecting the renters to maintain the yard and we are trying to help one of the cute families there now who is from Afghanistan, and all they have ever had is dirt ground, not a lot of landscape, so this is overwhelming to them. We need to set in some controls to the owner of the property that they have a responsibility to ensure the landscape is maintained. Another property owner has put his 4-wheelers out on the road and they have sat in the same place for almost a year now. It is just in a very unsafe situation where you come around the corner and about get in an accident, in the winter months it is really dangerous. I need to go talk to my neighbor as a friend and say “look, you’ve got four cars here, and you have a garage filled with junk and nothing is being parked in the garage. It is either in the driveway or on the street.” Again, I have nothing against this Afghanistan family, they are really great people, but they don’t know the code. They drive big rigs and they have them parked in their driveway and they leave them there until they drive them to work and go pick up a trailer and then they park them back there. The problem is they stick out on to the sidewalk and become an unsafe condition there. I need to speak with my neighbors and explain it’s not allowed, but it’s also something that we as a community need to be aware of.

**Bruce Moffett (Resident)** – I am here to say a little but about the code 17.130.120, Residential Chickens Floating Zone. I live in an HOA, and granted, on one side of my property, about 500 feet of it is next to horse property with 500 feet on the other side next to the canal. We don't have the same issue that homeowners living next to the chickens have. One homeowner spends a few hundred dollars a month to get rid of rats. I have a map of how many places have rats and they are centered around the places with chickens. Only one house I saw on the whole thing back up against horse property that reported rats. I looked at the code and I read this "the floating zone is intended to encourage sustainable local and family food production while establishing regulations that control the appropriateness of chickens in the semi-rural environment as needed to protect the health, safety and welfare of the community." If you look at that code, it is very minimalistic regarding how many chickens you can have, no roosters, and the dimensions of where the coop should be, that's it. There is no mention about keeping clean, keeping the chickens in coops at certain times, nothing like that. We had one homeowner that did not have a permit, had more than the six chickens, and had a rooster. From what I understand their backyard is just dirt, and I'm sure they throw seed around; all of the homeowners around that area are getting big rats. I guess the gestation period is like 23-28 days, they can have rats once a month so it becomes very hard. There are a couple other families that are feeding the wild ducks on the canal, which are also causing rats in certain areas. I am not going to say that the chickens are the main cause for these rats, but I think substantially there is and what I am asking for is that this code be a little bit more restrictive than just how many chickens, where the coop should be, and no roosters. If somebody can work with us, we are potentially going to have a lawsuit in our HOA because of this situation. We have gone to the city to see what they can do and they said that's a county problem, talk to the county. However, the county says they can mail out mailers, but that's it. I'd like to see more work, I'd be glad to work with somebody and maybe have some of the chicken owners come and create better code so we aren't having this issue. It is expensive for those people who did not choose to have chickens to fight that problem.

Mayor Ramsey closed the Public Comments.

### **G. Public Hearing Items**

**G.1. Resolution R2024-37**, Increasing the amount of City portion of Employer "Pick-Up" of Public Safety Employee Retirement Contributions. *(By Director of Human Resources, Teresa Cook)*

HR Director Teresa Cook reviewed information from the council packet.

Mayor Ramsey opened the Public Hearing for comments; there were no comments and the hearing was closed.

**Council Member Zander motioned to approve Resolution R2024-37, Increasing the amount of City Portion of Employer "Pick-Up" of Public Safety Employee Retirement Contributions. Council Member Johnson seconded the motion.**

### **Roll Call Vote**

**Yes – Council Member Zander**

**Yes – Council Member Johnson**  
**Yes – Council Member Harris**  
**Yes – Council Member Shelton**  
**Yes – Council Member McGuire**  
**Motion passes 5-0, vote in favor.**

**G.2. Ordinance 2024-13**, Vacating a portion of a Municipal Waterline Easement located on Lot 8A of the Daybreak Commerce Park Plat 5A Amended Subdivision. *(By Director of Planning, Steven Schaefermeyer)*

Director of Planning Steven Schaefermeyer reviewed background information from the Council Report and Attachment A.

Mayor Ramsey invited opened the Public Hearing for comments; there were no comments and the hearing was closed.

Council Member Zander asked what the building was to be used for.

Director Schaefermeyer responded it will be industrial, but he was unsure of the specific users intended use.

Council Member Shelton mentioned a possible error in the Staff Report, that it mentions housing north and south of the property.

Director Schaefermeyer was able to see where that was noted, the future use is shown as residential north and south of the property, which is in fact incorrect and he noted that would be corrected.

**Council Member Shelton motioned to approve Ordinance 2024-13, Vacating a portion of a Municipal Waterline Easement as described above. Council Member McGuire seconded the motion.**

**Roll Call Vote**

**Yes – Council Member Shelton**  
**Yes – Council Member McGuire**  
**Yes – Council Member Harris**  
**Yes – Council Member Johnson**  
**Yes – Council Member Zander**  
**Motion passes 5-0, vote in favor.**

**G.3. Ordinance 2024-16**, Vacating a segment of Dockside Drive from approximately 7130 W. to the South Valley Water Reclamation Facility property line, approximately 557 feet containing 0.674 acres. *(By Director of Planning, Steven Schaefermeyer)*

Director of Planning Steven Schaefermeyer reviewed background information from the Council Report.

**John Warnick (Applicant)** – They will have an application for this plat shortly. This is what they call Village 12B Plat 3, and as much as they tried previously to align these roads, the lot sizes have changed and that has created this issue. They are vacating this to allow for future connections with U-111. He expects to deliver this plat by the end of next year, so the homes should start here within the next 18 months.

Mayor Ramsey opened the Public Hearing for comments; there were no comments and the hearing was closed.

Council Member Zander asked, as Dockside connects in to Bacchus, will that be an intersection, will it go over or under; has that been designed yet?

Director Schaefermeyer responded that will be an intersection.

City Engineer Brad Klavano added they are under design and the city has an agreement that has not yet been executed, with UDOT and the property owners regarding where all the intersections will go, where the signalized intersections will be, and where there will be right in/right out streets.

**Council Member McGuire motioned to approve Ordinance 2024-16, Vacating a segment of Dockside Drive as described above. Council Member Harris seconded the motion.**

**Roll Call Vote**

**Yes – Council Member McGuire**

**Yes – Council Member Harris**

**Yes – Council Member Johnson**

**Yes – Council Member Shelton**

**Yes – Council Member Zander**

**Motion passes 5-0, unanimous in favor.**

**Mayor Ramsey left the meeting for a prior engagement.**

**Council Member Shelton motioned to appoint Council Member Zander as the Mayor Pro Tempore for the remainder of the meeting. Council Member Harris seconded the motion; vote was 5-0, unanimous in favor.**

**H. Presentation Item**

**H.1. 2024 Victim Advocate Report. (By Police Chief, Jeff Carr)**

Police Chief Jeff Carr reviewed his prepared presentation (Attachment B) on the city's Victim Advocate Program. Discussed the VOCA (Victims of Crime Act) Grant that is funded every two years, at about \$36,000 per year, which funds our Victim's Advocates. This report covers the second half of the fiscal year, and you can see from Attachment B that about half of what the victim advocates do is with domestic violence at about 52%. After that, about 21% of that goes to identity theft and fraud victims. Additional there is 7% going to child abuse, and about 5% to sexual assault victims with assault victims about 6%. In total, they have served about 300 victims

of crime in the last five and half months. We have two advocates, and they are quite busy. They help victims with everything from victim impact statements to talking to the prosecutor, to understanding the criminal justice system.

Council Member Shelton asked about the difference between a robbery and a burglary.

Chief Carr responded a robbery is when somebody takes something from you by force or fear. A burglary is when someone breaks into your home or business, and you may or may not be there.

Council Member Shelton noted with half of the need being related to domestic violence, he requested a description of what a victim advocate would do for a domestic violence case.

Chief Carr responded that in these types of situations, they help evaluate what types of services would be most appropriate for each particular victim. The city helps fund the local shelter, so these advocates would be that liaison to help that victim either get into the shelter or get some of the provided services from the shelter. They may also work with them to get a safety plan, ensuring they are safe with family, neighbors, or whoever they chose to stay with. They do a lot of that stuff on the front end, but on the back end they are helping them apply for victim restitution in some cases, helping them talk to the prosecutor, helping them understand what it means to testify in these cases; generally helping guide them through the criminal justice system. The majority of what they do is with domestic violence victims.

Mayor Pro Tem Zander asked who our two victim advocates report to.

Chief Carr responded they report to the Investigations Division Lieutenant. When the cases come in on a daily basis, they are funneled up to Investigations and they get a copy of those cases and start their work contacting the victims and working from there out of the Investigations Division.

## **I. Discussion Item**

### **I.1. Municipal Justice Court. *(By City Attorney, Ryan Loose)***

Attorney Loose noted that the last discussion ended with some questions about numbers, as the recent numbers given then were from 2022. Associate Director of Strategy & Budget Katie Olson has updated all those numbers, as well as the priority based budgeting (PBB) full explanation for the council to consider.

Associate Director of Strategy & Budget Katie Olson discussed what is and is not priority based budgeting in the city, which takes the whole budget, including staff time spent, and breaks it down while allocating it out to all the programs in the city. She began sharing and explaining the information from her presentation (Attachment C) regarding their PBB Analysis, as well as reviewing the specific updated information from the last presentation. She shared the graphed case number comparisons between neighboring cities as requested by the council, which confirms a general trend in lower case numbers since 2012. In PBB the main concern is not the money, it is about the priorities and the best services for the residents. She shared the financial data regarding South Jordan's court in Attachment C, with the revenues trending down since

2015, even with a slight increase in traffic it was not enough to get the revenue back up. Looking at the savings, they considered every cost that goes into running the justice court. She brought up the bigger items in that budget to include the buildings, utilities, etc., noting that someone still has to pay the debt service on those and they would not be the deciding factor for whether or not to close the court. Those amounts were filtered from her graph to show the costs without those factors.

Council Member Harris acknowledged the admin fees, but asked to confirm that if the court is closed the intention is not to reduce any expenses in terms of staff as they will be used in other positions in the city.

Associate Director Olson confirmed that theoretically that was correct, those staff costs would be moved from the courts to other departments. However, the time costs for other staff outside the courts working to support the courts would be reduced. She continued reviewing the raw costs for the courts on Attachment C and the money that would no longer be spent on the court. She reviewed some of the more specific court staff costs and how those would be affected by a closure, including the judge, prosecutors, etc. In the end, the potential savings are not a huge amount compared to other programs the city funds, and she invited the council to discuss and ask questions.

Council Member Johnson asked if the costs of leasing other spaces was included in the cost savings.

Associate Director Olson noted that was not included in this model because there is not enough information to know where those located in those spaces would end up as a lot of it is storage. They also would need space if they continued with the administrative court.

Council Member Harris asked if the court was retained, would they be able to find space for the employees and storage currently in the Annex building when that lease is up in March, or is the Public Safety Building court space the only space available.

City Manager Dustin Lewis responded that no, there is a large training room in the basement of City Hall, and that would be the next space option for those employees.

Associate Director Olson wrapped up her presentation, noting that the city subsidizes everything to some degree, but the revenue the court is operating on is different from what it was 10+ years ago.

Mayor Pro Tem Zander noted a section in the presentation, labeled “creating a safe community,” and asked if closing the court system would affect the safety of our community.

Associate Director Olson responded that is what the council needs to decide based on the information given. As they’ve looked at the number for creating a safe community in terms of the PBB model they do feel like the number could be taken down, as it feels a little high for her, but that is something they would like the council to discuss.

Council Member Harris asked about a possible offset in costs considering the officers would have to drive further away to go to court.

Associate Director Olson responded that hasn't been looked at formally because they think they would be going to the West Jordan Court, which is fairly small and local.

Council Member Harris shared that they are making decisions for the future, and there will be a lot more people coming in to the city. As the population grows, so will the cases, and everything shown here tonight has been historical and looking back. Has there been any research done on estimating numbers based on future population growth and what is being forecasted.

Associate Director Olson said there was some that was shared, where they looked at the number of cases per 1,000 residents, which showed the numbers are still going down with nothing to indicate the numbers would rise; especially since the population has increased in the recent past.

Attorney Loose addressed the numbers from the last question, noting that since he started with the city in 2006 with a population of 30,000-35,000, he would have never imagined being here in 2024 with a population of near 95,000 and a caseload that hasn't grown proportionally. The other consideration is lane miles, at least doubling the lane miles since 2006 with the huge population growth, you would think there would be a much higher number of cases. That is just not the case for our city, let alone our neighboring cities who have had the same kind of decline.

Council Member Harris understands the traffic cases have generally declined countywide, and he understands those numbers just aren't going to go back to their numbers in 2012. However, in terms of the other types of cases seen by the court, as the population grows, he would think those other cases would also grow in comparison.

Attorney Loose gave the example of retail theft, those numbers depend on which businesses call the police and those numbers tend to fluctuate quite a bit.

Chief Carr added that with Walmart for instance, over the years as they get aggressive with loss prevention the city gets a lot of cases. However, they have been through periods where Walmart just doesn't call at all and ceases stopping people for retail theft. Target also doesn't call the police at nearly the levels Walmart does. It's all based on the corporations and how they decide to handle the loss prevention. Also, officers who have worked in the city for many years can tell you the complexion of the types of cases they are seeing has completely changed. He also mentioned the felony cases they are currently filing with the district court, and that he suspects the number of those cases has probably gone up over time. The officers have just had less discretionary time than they did 15-20 years ago where they could do more traffic enforcement to generate those cases.

Attorney Loose restated that when you look at the numbers on the presentation (Attachment C) for other types of cases, even with the fluctuations mentioned, it is still a fairly straight trend over time.



Council Member Johnson noted that the volume at the court is more driven by police enforcement, and asked if we have adequate police numbers.

Attorney Loose shared the opinion of the judge, who stated that he believes we need a larger police force and as of 2020 no serious investigation had been done to determine a reason for that drop-off. Attorney Loose noted that the drop-off occurred a little before 2020, and shared that since the fiscal year 2018-2019 there have been 23 new police department positions. From 2019-2020 there have been 17 new positions, and from fiscal year 2021 there have been 15 new positions.

Chief Carr shared that as of July 1, 2024, the department will have 79 allocations, all of which are not full.

Attorney Loose asked Chief Carr to confirm that in the last year or two the city has had much better success in filling those open allocations.

Chief Carr added that in terms of having enough people, the department has averaged under one officer per thousand residents since he started here, and probably even before that; that is not unusual for a suburban community. He does comparisons with the surrounding agencies to see, per thousand, whether or not we are in the same ballpark and it's comparable. Of course he would love to have more people, but when he is given an officer each year they still may have to go through school, or he may need them in Investigations due to the caseload. Internally he has to look at the whole department and decide where they are needed the most, and how they balance that with first and foremost serving the public and getting to the priority one calls as quickly as possible while making sure they are being handled adequately. Just about any police department is going to say the same thing, when they are short on people one of the things that won't be done quite as often is traffic enforcement. In addition, if you look at the long history in South Jordan, there has been an enormous amount of traffic enforcement; to the point that there were problems with that in past history. Then you have new legislation about quotas, and that has to be considered as well. The way that is addressed is through programs like the 4S Pledge and the 10-10-10 Program, where they ask the public and officers where there are problems and they focus on those specific spots.

Attorney Loose also mentioned the calls and complaints the council gets about police enforcement that is a good indicator of potential issues as well. In the judge's opinion they need a larger police force, and everybody would like one, but he acknowledged the commitment of the council to add 23 officers in the past five years and the huge rise in officer pay in the past few years. This council's commitment to public safety, funding those programs, has been huge. The city does well in FBI statistic numbers for crime, and those low crime numbers are why South Jordan is always on lists of the best place to live.

Chief Carr added that the crime rate will pick up as the city grows, but this is a relatively safe community and he doesn't think anyone can argue that. It has been that way for a long time and will continue to be that way with the police department just being one of those factors. They will have to incrementally add officers, as the council has been responsibly doing since he started in 2015.

Council Member Harris asked if there is correlation between the number of officers and citations given.

Chief Carr responded that as you add more officers that means there are more on the street who will see more violations they need to deal with. He also mentioned the 60-60-60 Study, or the Rule of 60. Essentially that is an ICMA program that the city has used for years, that is being revamped now, that helps ensure he doesn't take too many resources and put them in specialty positions. That means the goal is for 60% of his people to be committed to patrol, and they are currently higher than the 60%. Another 60 goal is their average time on calls to be under 60 minutes, and they are currently at about 30 minutes on average per call.

Mayor Pro Tem Zander noted that it was said in the presentation that traffic stops are the most dangerous types of stops, and asked for more details on that.

Chief Carr responded that traffic stops are extremely dangerous. You don't know who you've stopped or who you're dealing with, and standing out in traffic can be very dangerous. In addition, responding to domestic violence calls are very dangerous as well.

Mayor Pro Tem Zander asked if any of his officers had expressed concerns regarding closing the court.

Chief Carr responded that they haven't really gotten into that subject with the officers, but no matter what they will have to respond to a court. If it's West Jordan it's not that far out of the city, but if it's somewhere farther out there certainly could be an impact in time and fuel.

Council Member Johnson asked Chief Carr if he had an opinion on this matter.

Chief Carr responded that it needs to be looked at holistically, seeing what makes the most sense for the city going forward. He understands the situation going on at the state, and they may or may not have justice courts. From his perspective, the minor stuff is handled at the justice court level. He is more concerned regarding the district court matters, because that has a large impact on a safe community when you talk about being able to get someone convicted for a felony crime and have them sent to prison as that takes someone dangerous off the streets and is what makes a huge difference. This change could have an impact on how the police department does business, but he has no way of knowing what those impacts will be or how big they will be. Part of that has to do with where the court is located. There have been challenges with scheduling in our current court, and he has asked them to look at scheduling our officers more staggered, rather than bringing them all in and having them wait for extended periods of time. He doesn't know if that would get better or worse moving to another court, so he really doesn't have the information to give an opinion on whether that would be good or bad.

Council Member Johnson noted there have been some discrepancies regarding where our court would end up being and asked for more information on that.

Attorney Loose began reviewing points made in opposition to the closure from our current judge, with the first point made in respect to the court locations was that the Salt Lake County Council has not taken the necessary steps to close the justice court in 2026. What they did do was pass,

on June 21, 2022, Resolution 5986 which says they will submit a petition to the state legislature in 2025 to close the justice court. He asked recently whether or not that letter was officially sent, and it was confirmed that it was in fact sent. Since then, his office was able to find in the County Council's meeting minutes of August 1, 2023, the current justice court judge is talking to the council about staff allocations and getting positions that she needs to run the court due to Millcreek leaving and other issues. She noted that with the court's intention of phasing the court out, certain positions would not be around long. In her own admission, she talks about phasing the court out as recently as August 2023. Even if the court phases out in 2025-2027, she is paid as the justice court judge until 2028. We know what their stated intention is by resolution and by letter, to ask the state legislature in the upcoming session. If that doesn't happen, then nothing changes, but that is what is on the current record and it has been discussed as recently as one year ago. There was a point made that South Jordan is not coordinating with the county, and Attorney Loose noted that he did not want to speak with them about this until he knew about the council's intention. That is what the one to two year period is for, to allow for that coordination and discussion after the decision is officially made. Another point brought up by our judge was that if the county dissolves their court, rather than entering into an interlocal agreement, they would be filed in Matheson. The judge also referenced a resolution from 2012 that Attorney Loose was unable to find, but as of 2022 we know there is no discussion regarding doing another interlocal agreement with another agency. He is not sure where that is coming from, it could be their intention, but it is not in any of the minutes his office reviewed as something that's official. Regarding the speculations around where the justice court could go, that is all just speculation as there is nothing in the law that specifies that; it just says we go to the county justice court. As far as going to West Jordan versus going to Matheson, the tacit understanding is that basically every case on the south end of the valley is being sent to West Jordan. There are no criminal district court cases that are in Matheson and they don't anticipate that to be the case; they anticipate everything going to West Jordan, and he is unaware of any reason that would not happen. The judge could know something our staff does not, but that is the current operating history. Most cases are also being heard via WebEx, which means people are appearing remotely.

Council Member Harris asked if this ends up being a trend, with other cities closing their courts, and West Jordan hits capacity, what would happen then.

Attorney Loose responded that is one reason why the legislature is looking at justice court reform, and that is part of a bigger and longer discussion that has been happening for several years. The county would be looking at the same problem if they closed their court, and we would have to deal with that. If we are allowed to do an interlocal agreement at that time with one of our close neighbors, those options would be exercised. A lot of that is speculation, and it depends on a lot of factors that we have no control over, including what the state is going to do. All he can do is present everything to the council and note that if this goes past July 1 with no decision we would owe the judge until his contract is complete. This is why the judge's position is the only one we are able to definitively say would be going away with the closure of the court; there are plenty of other opportunities in the city for the other staff to fill in after the closure. There are some excellent employees in our court who are very efficient, hardworking, and we would not want to lose them. Regarding what happens now, the cases would go to the West Jordan Court. If nothing happens with the county, we would end up at the County Justice Court down in the Salt Lake area. His staff has expressed concerns with the additional time requirements, but that is

what will need to be worked out. The courts have several remote options, and that could be worked out when the time comes. He is not making any assumptions on the level of service of these other courts. Our judge stated “to assume the court would provide the same level of service at the same cost is unwise.” Attorney Loose agrees that would be unwise, but he does not know the level of service of the other court. He does know the cost side, and our revenues we currently get would disappear and any savings would be realized at an estimated \$171,000 which equates to one entry level police officer, or one and a half public works employees. Our judge then stated that South Jordan is the only city in the county considering this option and he asked City Manager Lewis to give his response.

City Manager Lewis noted this has been a fairly common topic among City Managers, not just in Salt Lake County, but in other counties. He has been at conferences where city managers have brought this up, there have been discussions with the League, and they are asking questions as to what the future looks like for municipal courts pending much of what’s happening with the state. Matt Dickson is one of the city managers who has been seen on many of the committees, and he indicated in an email a few weeks ago that there are several meetings happening this summer during the interim to discuss the future of that. Amongst his peers here in Salt Lake County, many of them have had these discussions, many are having these discussions, and several intend to have these discussions going forward. He has reached out to some of them, but some due to timing are already committed and locked in, waiting to see what the state does. There are some watching to see what we do, but again there is a lot of uncertainty as many things are out of his control. The best he can do is supply the information he has, but he does know other cities are looking at this.

Attorney Loose added that he has been asked by other cities as well, Murray recently decided to keep their court after doing a similar analysis prior to appointing their judge about four year ago so they will likely be looking at this again soon. This is a constant topic at every conference, especially because they are seeing similar numbers to ours. The judge’s next point was that other cities have asked for permission to send their cases to the district court, doing so out of convenience. Attorney Loose responded that he doesn’t know why that was done. We currently drive for district court and it would be an extra cost, but he doesn’t believe the gas and time would offset the \$171,000 in savings even partially. The judge brought up a larger police force, and that has already been discussed. In his email he discussed criminal cases where the victim lives in South Jordan at the time of the offense, but Attorney Loose noted the type of cases driving up the numbers are generally victimless crimes like traffic. The cases driving the case numbers aren’t generally the ones where the victim lives in the city. The judge noted that the court has done all they can to reduce the budget, and Attorney Loose agreed that they have done extremely well in doing that. Our court has been very flexible and good to work with, but the experience in the district court has been the same from a prosecutor’s standpoint. Attorney Loose shared that a few years ago the city learned that Judge Boehm was applying for a job in Draper. Upon discovering that the judge had a discussion with the previous city manager, Gary Whatcott. He knows Mr. Whatcott did call over to Draper to ask if they wanted to do an interlocal agreement and share the judge, to which Draper responded no. Attorney Loose never saw any cost sharing that was proposed in writing. The letter that was issued speaks for itself and never forbade Mr. Boehm from taking the job, it just explained South Jordan’s obligation and the offer letter. He feels bad if the judge thought that was the mayor making it clear that she was opposed

to the opportunity, but Attorney Loose has read the letter several times and did not see this opposition. He was a part of the discussion with Mr. Whatcott regarding what they could do to make an interlocal agreement work and propose it, but Draper did not want it and preferred their judge for whatever their contract entailed. Mayor Ramsey was agreeable with Attorney Loose sharing this and representing her before her departure tonight. As an attorney he thinks there are four reasons to have a justice court. First is convenience for residents, but our court, at best, is serving a resident every four out of ten cases. The second is alignment with the community values and philosophy, but he can't say what the community as a whole is with having several micro communities in the city with different philosophies and values. As you move along the Wasatch Front, or even Salt Lake County, there are so many different values and philosophies that he believes a judge just needs to "call balls and strikes" doing his best, and he believes our judge does that. If you are in a smaller town, that alignment is very important, but here along the Wasatch Front it really comes down to doing your job and carrying out justice. Third, cost versus revenue, which is always a factor of any program the city runs. Lastly, what he likes to call "esprit de corps," which is a feeling of pride, fellowship and common loyalty shared by a member of a particular group; he is unsure if we have that anymore. That is really the question for the council, because we know the convenience isn't really there with most of those being served not being residents. In addition, it doesn't really align with anything and the cost versus revenues aren't balanced at all. He doesn't have a preference one way or the other, his job is to make sure the council has all the information before making another contract commitment. If nothing is done now and the council decides in a year that the debt is too high and they want to make a change, there is nothing he can do because they would have to finish out the judge's contract with full pay. Since the contract is up and they have the option to renew it now, this is the time to discuss this and make sure everyone has all the facts.

Council Member Johnson wonders what happens if they choose to close the court and a few years down the road it's decided that they still need the court; can this decision be reversed.

Attorney Loose responded yes, there is a process for creating a justice court with a short timeline. He asked what factors would make them want to bring it back in a few years, and if those are still in play, then closing it may not be the right choice. If the state does anything, most likely they will take the criminal cases away in some form; B and C misdemeanors would basically go and the city would be left with infractions. If that happened, our justice court would handle tickets and code enforcement cases. The majority of city attorneys have admitted to already moving to a pure administrative code enforcement, which is where South Jordan is headed as well, as that is the better way to handle those types of things. He doesn't think we would see a scenario where the state changes the court to a circuit court or other similar system, in which they leave our justice court with a significant amount of criminal cases. The resolution and letter to close the court has already been approved, which would be sent to the judicial commission, just needs to be sent if the council officially decides tonight to close the court. Council Member Shelton asked if we would have to hire someone to take on the administrative cases, like the code violations.

Attorney Loose responded we would probably contract someone, as other cities currently do, to hear cases a certain number of times a month.

Mayor Pro Tem Zander invited the Council Members to individually share their thoughts on closing the court, whether they are still in alignment with the previous approval. She thanked Attorney Loose for addressing all the questions. She also thanked Associate Director Olson for her great analytics with the revisions requested.

Council Member Shelton agrees with initiating the closure process. He is not as enthusiastic as he was previously because it doesn't seem like a clear cut win with huge savings for the city, but if they are only serving a small population of actual residents he feels they could probably do a superior job through an administrative hearing officer in terms of enforcing code. At the same time, he always wants staff to be researching every angle to enhance operations, find savings, and the like.

Attorney Loose added that the court is currently doing a great job with code cases, but the administrative method is preferred since it avoids arresting someone because of a code violation.

Council Member Harris noted there are many additional unknown costs related to the future if we choose to close. If we add just one more officer, the projected savings are gone. In addition, we have already put a bunch of money up front into the beautiful courtroom with its conveniences. He no longer sees this as a decision based on monetary savings, as those numbers just aren't clear enough. They still have space to accommodate more people, and the court is already established and running. He is not ready to say they should close the court and would need more in depth thought and additional conversations before being ready to decide. Things have really shifted, traffic counts were already coming down when this was originally discussed. When the chambers were upstairs, one of the most compelling reasons to making adjustments and moving the council chambers was because of the court. At that point in time the court was decided to be important enough to continue with the changes being planned and the Public Safety Building. He believes the Public Safety Building was a good choice, and he's glad that was built, but with those conversations it was discussed how important the court was. He understands things have changed, but while looking through the numbers he doesn't believe the cost savings are enough when recognizing the court is already in place and we've sunk costs into that facility knowing the population growth we are about to have with more police officers. If we were a fully grown out city this might make sense, but knowing about what's to come he doesn't feel closure is right. He still feels the court is important and can't say yes to send the letter at this point in time.

Council Member Johnson feels it's unfortunate that they didn't have another year or two to discuss this. She sees the arguments on both sides, but it's hard to go against tradition. The court is a community tradition and a rock in every community. She understands if it's going away, if the legislature is on that path, she just wishes the legislature was further along that path, making our decision a lot clearer. She agrees with Council Member Harris that she doesn't see it as a huge cost savings because there will be other things to absorb that cost. However, she also doesn't want to have a court for six years that doesn't really have the cases to support it and that's what it comes down to. That's why she is asking if there is a way to go back in the future if needed. Based on the discussion and response that they could go back to having a court in the future if needed, she would be in favor of closing the court.

Council Member McGuire acknowledged the cost saving aspect of the decision, along with the indirect savings indicated by having positions for those court employees to transfer to other departments in the city if desired. Last Friday he had the opportunity to meet with around a dozen residents concerning a park issue in his district and he took the moment with a captive audience to ask them about the court. For them, their priorities were more around getting additional police officers on the streets. They didn't really care what court someone had to drive to for their case, because even if ours is shut down the wheels of justice will continue to turn. The residents he spoke to didn't seem to be phased by that one bit. One lady was directly more concerned with seeing those cost savings used for an additional police officer at local middle schools, others wanted more traffic control. That leads to those indirect cost savings we would receive from shutting down the court being used for what matters to residents. All of that is why he is in favor of proceeding with shutting down the court.

Mayor Pro Tem Zander appreciated the questions about whether it's convenient to the residents, does it align with the community values, is there cost savings, and esprit de corps. She appreciates Council Member McGuire's discussion with the residents which was a smart outreach. She thinks if she were to sit down with her residents in her district they would feel similarly, that they don't really care where they have to go for a ticket, but they want the community safety; and that safety piece is always at the top of resident feedback. The court isn't really directly connected to the community safety piece, as discussed. She would vote in favor of proceeding. That said, she believes that means a majority of the council agrees on moving forward.

Attorney Loose asked that since the decision was not unanimous, if Council Member Harris is okay with the letter being sent.

Council Member Harris asked to sit with the mayor and discuss this, if she is okay with sending it after that discussion then he would be okay with it.

Attorney Loose shared that Mayor Ramsey is in reluctant agreement with sending the letter, due to the same issues discussed earlier this evening. He thanked the council for the discussion and noted the letter will be sent out.

## **J. Staff Report and Calendaring Items**

Manager Lewis shared the production of Joseph and the Amazing Technicolor Dreamcoat begins this week and encouraged those interested to get their tickets.

**Council Member McGuire motioned to adjourn the June 18, 2024 City Council Meeting. Council Member Shelton seconded the motion; vote was 5-0, unanimous in favor.**

## **ADJOURNMENT**

The June 18, 2024 City Council Meeting adjourned at 8:52 p.m.