

TAYLORSVILLE POLICE DEPARTMENT



- Member History of UPD
- Financial
- Organizational
- Legal & Policy



MEMBER HISTORY OF UPD



- Salt Lake County – Joined 2009
- City of Holladay – Joined 2009
- Riverton City – Joined 2009, Left 2019
- City of Bluffdale – Joined 2009, Left 2011
- Herriman – Joined 2009, Left 2018
- Midvale – Joined 2011
- Salt Lake Valley Law Enforcement Service Area – Joined 2011
- Taylorsville – Joined 2012

FINANCIAL



Budget

- Proposed Taylorsville Police Department Budget - \$11.1 Million
- Current UPD Cost of Service - \$11.2 Million
 - Use of Fund Balance makes Taylorsville contract with UPD \$10.6 million

Startup Costs

- Why are Midvale Startup Costs \$5.1 - \$7.4 million?

FINANCIAL



Net Pension Liability

- GASB requires government entities to include Utah Retirement Systems Pension Liabilities on their balance sheets.
- Midvale is assuming that liability will be paid in cash up front.
- UPD did not receive payment from Herriman and Riverton when they departed.

FINANCIAL



Startup Costs

- \$200,000 – Facilities (to be developed over the next year)
 - Internal reconfiguration – \$200,000
 - Property & Evidence Storage – yearly lease built into annual operation cost
- \$100,000 – Taylorsville Rebrand
 - Precinct Vehicles and Uniforms transfer from UPD to Taylorsville
 - Rebrand
- \$200,000 – Personnel
 - Early Personnel Hire for Startup



FINANCIAL



Startup Costs

- \$1,500,000 – Estimated UPD Liabilities
 - Accounts Payable
 - Accrued Salaries and Related Benefits
 - Compensated Absences Obligation
 - Claims Payable
 - Total OPED Obligation
- \$2,000,000 – Estimated UPD Assets
 - Cash
 - Receivables
 - Prepaid Items and Deposits
 - Capital Assets
- Difference of a positive \$500,000



FINANCIAL



Future UPD Cost Increases

- 2020-2021 initial budget included a \$500,000 increase to Taylorsville with no added service or raises.
- \$2,320,000 - Officer Compensation \$1,600,000 increase in salaries plus \$720,000 in benefits to UPD Budget
- \$556,600 – Additional Vehicle Replacement Charges to UPD Budget
- \$3,200,000 – Elimination of Use of Fund Balance

FINANCIAL



Future UPD Cost Increases

- We contemplated: Should a member the size of Midvale leave UPD, Taylorsville's share of the UPD **budget would increase**.
 - The result would be an increase of \$1,143,886 to Taylorsville without added service.
- In addition, UPD's **recommendation of cuts** should a member the size of Midvale leave were:
 - \$1,500,000 in FTE changes – a zero impact to Taylorsville budget would require more than \$3,200,000 in cuts
 - Majority of the recommended FTE adjustments would result in shifting responsibilities to precincts. (This is an added cost that has not yet been quantified).
 - Service Levels are greatly impacted at just the \$1,500,000 reduction

ORGANIZATIONAL CONCERNS



- **Weighted Voting**
 - Compromised at 60% majority on financial issues only
 - Getting this far was a difficult and time-consuming fight
- **Audit by the State of Utah**
- **Inability to Right Size Shared Services**
- **Unified Police Department Potential to Increase in Size**
 - Effects result if one partner leaves the organization
 - Is the department currently at critical mass?

FINDINGS AND RECOMMENDATIONS

1. INTERLOCAL AGREEMENT ESTABLISHED WEAK GOVERNANCE STRUCTURE

The Interlocal Agreement created weaknesses in the governance structure of UPD as follows:

- a. *The Board does not control the selection of the CEO and the CEO is not directly accountable to the Board* – The Board has no ability to appoint, remove, or set compensation for this position. As such, the Board and the Members would be unable to remove or discipline the CEO in the event that performance is unsatisfactory.
- b. *The CEO can veto Board policy* – Unless Board policy is approved by a two-thirds majority of the Board, the CEO may veto the policy. This authority is generally reserved for one branch of government to provide a check against the other (e.g. the Governor being able to veto legislative action). In UPD's circumstance, the CEO provides a check for the Board; however, as noted in a. above, the Board has no power to provide a check on the CEO. We fail to see why the CEO should have veto power over the Board.
- c. *Voters served by UPD are outnumbered by voters outside of UPD's service area* – All registered voters in Salt Lake County may vote for the sheriff. The voters' selection then becomes the CEO of UPD rather than the Board selecting the CEO. Based on 2016 Census Bureau estimates, less than half the voters in Salt Lake County live within UPD's jurisdiction. Therefore, the voters served by UPD are unable to hold the CEO accountable for UPD's operations through the election process.

In the case of UPD, *Utah Code 11-13-202(4)* indicates that law enforcement services for the unincorporated portion of the county must, "be provided by or under the direction of the county sheriff." "Under the direction" is not defined by statute and could be interpreted broadly. However, the Board, acting as the governing body of UPD, should be accountable to its Members, and UPD management should be accountable to the Board.

The Board and the Sheriff should consider ways to ensure that management is fully accountable to the Board and to ensure the Board is directly accountable to its Members and the voters these Members represent. We recognize that it may be beneficial for the Board to appoint the sheriff as CEO. We also recognize that it may be beneficial for the sheriff to represent Salt Lake County on the Board; however, the sheriff should not serve as a Board member and the CEO simultaneously.

Recommendation:

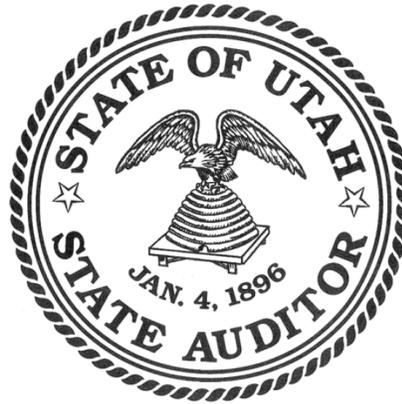
- We recommend the Board amend the Agreement with the Members of the interlocal to:
- Ensure the Board can hold management accountable through means such as appointment, removal, and setting compensation;
 - Ensure compliance with *Utah Code 11-13-202(4)* which may include the sheriff serving on the Board or the appointment of the sheriff as CEO at the Board's discretion (but never both positions simultaneously).

We also recommend that UPD consider seeking to change state statute if necessary for UPD to reasonably implement this recommendation.

UNIFIED POLICE DEPARTMENT

Findings and Recommendations
For the period August 2015 through August 2017

Report No. UNPD-18-SP



OFFICE OF THE STATE AUDITOR

AUDIT LEADERSHIP:

John Dougall, State Auditor
Julie M. Wrigley, CPA, Audit Manager
Tyson Plastow, Audit In-Charge

2. UPD PROVIDED INADEQUATE REPORTING OF SERVICE LEVELS TO ITS MEMBERS

We reviewed the Agreement, interviewed Board members, the Current CEO, the Former CEO, senior staff, and UPD reports and communication with the Board. As specified by the Agreement, UPD provides reports on crime statistics, total number of calls for services, training, and use of pooled services; however, this information cannot be used to verify that Members receive the service levels for which they paid. Without adequate information, neither the Board, its Members, nor the citizens which UPD serves can hold UPD accountable for effective and efficient operations.

We conducted a survey of similar entities, both in-state and out-of-state, and noted an entity which prepares a report detailing the services provided, which we consider a best practice. Reports of services provided should detail information including:

- Time period
- Type and quantity of service provided (i.e.: vehicle patrol hours, school resource officer hours, investigative hours etc.)
- Rates
- Costs of pooled services
- Other fixed costs

The Agreement allows the Board to request information it considers reasonable. Therefore, the Board should request routine periodic reports from UPD which contain the information suggested above. The Board should review the information to determine that UPD has adequately provided the required service levels.

Recommendation:

We recommend the Board clearly establish the information that UPD management must report to the Board and its Members. This information should include sufficient details to enable Members to review the adequacy of service levels provided by UPD.

LEGAL & POLICY ISSUES



My Experience with UPD, as Taylorsville's City Attorney

- I oversee the Prosecuting and Civil duties at the City
- I've been here with a municipal police department and UPD
- The women and men of UPD are literally the best
- The policing has been excellent
- Nevertheless, in an effort to improve and be sustainable, UPD needs to modernize
- These are my opinions and only as they relate to the City of Taylorsville

LEGAL & POLICY ISSUES



Legal and Policy Concerns with the Governance Model

In order to remain legally sustainable, specific amendments to the interlocal agreement are not aspirational. Among other things, as an administration we sought the following:

1. A provision regarding weighted or proportional voting concerning all budgetary, department financial decisions, and all policy-related matters.
2. A provision that specifically contemplates that the UPD Board have the exclusive right to appoint and remove the Chief/Chief Executive Officer of UPD pursuant to state law.
3. A provision that contemplates a nomination of senior staff who are appointed with advise and consent of the Board, ensuring more accountability and increased transparency to the Board and community.

LEGAL & POLICY ISSUES



What Have We Done to Address These Concerns?

- Sought to collaborate with others board members and entities.
- Raised the issues in board meetings.
- Participated in an audit with the state auditor.
- Worked with the Utah Legislature to pass a bill to ensure changes.
- Normal interlocal entities do not operate this way.

Despite these efforts, we have not been successful in modernizing UPD to meet the needs of our specific community.



PASSED AND APPROVED this 10th day of July, 2012.

By: John B. Seghini
Mayor JoAnn B. Seghini

[SEAL]



VOTING:
Robert M. Hale Yea Nay
Paul Glever Yea Nay
Paul Hunt Yea Nay
Wayne Sharp Yea Nay
Colleen Costello Yea Nay

ATTEST:
R. L. Anderson
Ron L. Anderson, MMC
City Recorder

Second Amendment to the Cooperative Agreement by Public Agencies to Create a New Entity, to Consolidate Law Enforcement Service, and Provide Rules of Governance

THIS AMENDMENT is made and entered into this 17th day of July, 2012, by and between SALT LAKE COUNTY, a body corporate and politic (the "County"), CITY OF HOLLADAY, a municipal corporation and political subdivision of the State of Utah ("Holladay"), RIVERTON CITY, a municipal corporation and political subdivision of the State of Utah ("Riverton"), HERRIMAN CITY, a municipal corporation and political subdivision of the State of Utah ("Herriman"), MIDVALE CITY, a municipal corporation and political subdivision of the State of Utah ("Midvale"), CITY OF TAYLORSVILLE, a municipal corporation and political subdivision of the State of Utah ("Taylorsville") and the SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA, a service area and political subdivision of the State of Utah ("SLVLESA"). In this Amendment, Holladay, Riverton, Herriman, Midvale, and Taylorsville are collectively referred to as the "Cities" or individually as the "City," and the County, SLVLESA, Holladay, Riverton, Herriman, and Midvale are collectively referred to as the "Members."

RECITALS:

A. The Members have been receiving law enforcement services from the Unified Police Department ("UPD") pursuant to the Cooperative Agreement by Public Agencies to Create a New Entity, to Consolidate Law Enforcement Service, and Provide Rules of Governance ("UPD Formation Interlocal Agreement").

THAT the County Council of Salt Lake County, Utah, hereby approves the attached interlocal agreement with the UPD and Taylorsville.
APPROVED AND ADOPTED in Salt Lake City, Salt Lake County, Utah this 10th day of July, 2012.

By: David Wedde
DAVID WEDDE, Council Chair

ATTEST:
Sherry Swanson
Sherry Swanson
Salt Lake County Clerk

Approved as to form and legality
David J. Anderson
Mayor JoAnn B. Seghini
Date: 24 June 2012

Council Member Bradley voting Aye
Council Member Bradshaw voting Aye
Council Member Bradford voting Aye
Council Member DaBy voting Aye
Council Member Hosiach voting Aye
Council Member Jwansko voting Absent
Council Member Jensen voting Aye
Council Member Stalgrave voting Aye
Council Member Wilks voting Aye

PASSED AND APPROVED this 19th day of July, 2012.

HOLLADAY CITY COUNCIL

By: Dennis R. Webb
Dennis R. Webb, Mayor

[SEAL]



PASSED AND ADOPTED by the City Council of Riverton, Utah, on this 17th day of July 2012 by the following vote

Council Member Brent Johnson Yes No
Council Member Al Leavitt Yes No
Council Member Sheldon Stewart Yes No
Council Member Tracy Thaxton Yes No
Council Member Roy Tingey Yes No

UNIFIED POLICE DEPARTMENT
RESOLUTION No. 2012- 004

A RESOLUTION ACCEPTING TAYLORSVILLE CITY AS A MEMBER OF THE UNIFIED POLICE DEPARTMENT.

WHEREAS, Salt Lake County, City of Holladay, Riverton City and Herriman City created an Interlocal agency on or about September 2009 pursuant to an Interlocal Agreement; and
WHEREAS, the Salt Lake Valley Law Enforcement Service Area has assumed the services for the residents residing within the boundaries of the Service Area; and
WHEREAS, said Interlocal Agreement provides for the providing of law enforcement services to the member agencies; and

Taylorsville City has made a written request for inclusion in the UPD in the City Resolution 12-24, in which the Taylorsville City Council has requested that the City Mayor to execute an Interlocal Agreement with the Unified Police Department to be admitted as a member agency of the Unified Police Department; and
WHEREAS, the majority vote of the members of the Governing Board; and
WHEREAS, Taylorsville City is willing to be admitted upon the same terms and conditions as set forth in the Interlocal Agreement.

IT IS RESOLVED, that the Chief Legal Counsel is directed to distribute an Interlocal Agreement to the Members, including Taylorsville City, adding Taylorsville City as a member of the Unified Police Department on the same terms and conditions as set forth in the Interlocal Agreement.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon its approval and adoption by the Board and will be filed and recorded in the official minutes and records of the Board for this meeting.

HERRIMAN COUNCIL

By: Joshua E. Mills
Joshua E. Mills, Mayor

VOTING:
Joshua E. Mills Yea Nay
Mike Day Yea Nay
Matt Robinson Yea Nay
Craig B. Tischner Yea Nay
Coralee Wessman-Moser Yea Nay

SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA

By: Bradley
Chair

Trustee Applegarth voting Aye
Trustee Bradley voting Aye
Trustee Corroon voting Absent
Trustee Jensen voting Absent
Trustee Mills voting Aye

LEGAL & POLICY ISSUES



Representation Form of Governance

- When we initially joined UPD, municipal member entities enjoyed a “fair” representative formula on the board as it relates to budget and policy.
- Today, the municipal entities like ours, represent 68% of the UPD’s municipal budget and population and yet only have 33% of the votes on the Board.
- The current voting structure diminishes the representation of those representing two-thirds of UPD’s population and providing two-thirds of the UPD’s municipal budget.
- This violates the "one person, one vote" principle of the Equal Protection Clause of the United States Constitution. Whether legal or not, it is not fair to water down the votes of our community.

LEGAL & POLICY ISSUES



2018 State Auditor Findings



- “Interlocal Agreement established [a] weak governance structure”
- “Board does not control the selection of the CEO and the CEO is not directly accountable to the Board”
- “CEO can [unilaterally] veto Board Policy”
- “[V]oters served by UPD are outnumbered by votes outside of UPD’s service area”

LEGAL & POLICY ISSUES



2018 State Audit Recommendation

- “The Board amend the Agreement with the Members to [e]nsure the Board can hold management accountable through means such as appointment, removal, and setting compensation”
- Despite this finding, the agreement has not been amended.
- See the Office of the State Auditor. Report No. UNPD-18-SP “Unified Police Department: Findings and Recommendations for the period August 2015 through August 2017” (2018)

LEGAL & POLICY ISSUES



We Sought Help from the Legislature

- We realized that the changes were not happening.
- We ran a bill to make it easier to transition to the board governance model.
- In 2019, State law was amended to permit the UPD members to appoint their own CEO.
- Despite this bill, no changes have been made to the governance model.
- See H.B. 79, the Interlocal Provision of Law Enforcement Service, 2019 Utah Laws Ch. 197 and See Utah Code Ann. §11-13-202(4).

LEGAL & POLICY ISSUES



Advice to the Council from Legal Counsel

