



South Salt Lake City Council
REGULAR MEETING AGENDA

I, Sharla Bynum, City Council Chair, hereby determine that conducting the City Council meeting at an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. The World Health Organization, the President of the United States, The Governor of Utah, the County Health Department and Mayor, and the Mayor of South Salt Lake City have all recognized a global pandemic exists related to the new strain of the coronavirus, SARS- CoV-2. Due to the State of emergency caused by the global pandemic, I find that conducting a meeting at an anchor location under the current state of public health emergency constitutes a substantial risk to the health and safety of those who may be present at the location.

CITY COUNCIL

MEMBERS:

- LEANNE HUFF
- COREY THOMAS
- SHARLA BYNUM
- PORTIA MILA
- SHANE SIWIK
- NATALIE PINKNEY
- RAY DEWOLFE

Dated: February 4, 2021

Signed: _____/s/ Sharla Bynum

Public notice is hereby given that the South Salt Lake City Council will hold a Regular Meeting on **Wednesday, February 10, 2021**. This meeting will be an electronic meeting commencing at **7:00 p.m.**, or as soon thereafter as possible. There will be no Council Members at the anchor location of South Salt Lake City Hall and Council Members will connect remotely through a Zoom meeting.

Conducting: Corey Thomas
Council Chair: Sharla Bynum

Opening Ceremonies

- 1. Welcome/Introductions Corey Thomas
- 2. Serious Moment of Reflection Natalie Pinkney

Approval of Minutes

- December 2, 2020 Regular Meeting
- January 13, 2021 Regular Meeting
- January 13, 2021 Work Meeting

No Action Comments

- 1. Scheduling City Recorder
- 2. Citizen Comments/Questions
 - a. Response to Comments/Questions (at the discretion of the conducting Council Member)
- 3. Mayor Comments
- 4. City Attorney Comments
- 5. City Council Comments
- 6. Information
 - a. COVID- 19 Update Terry Addison
 - b. Legislative Updates Utah Legislators

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Action Items

Unfinished Business

1. Civilian Review Board Ordinance discussion

Sharla Bynum

Motion for Closed Meeting

Adjourn

Posted February 5, 2021

Those needing auxiliary communicative aids or other services for this meeting should contact Craig Burton at 801-483-6027, giving at least 24 hours' notice.

Citizen Comments/Question Policy

Time is made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business. When a member of the audience addresses the Council and/or Mayor, he or she will come to the podium and state his or her name and address. Citizens will be asked to limit their remarks/questions to five (5) minutes each. In meetings during which numerous individuals wish to comment, the time for all citizen comments may be limited to three (3) minutes each, at the discretion of the conducting Council Member. The conducting Council Member shall have discretion as to who will respond to a comment/question. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks. Some comments/questions may have to wait for a response until the next regular council meeting. The conducting Council Member will inform a citizen when he or she has used the allotted time. Grievances by City employees must be processed in accordance with adopted personnel rules.

Please click the link below to join the webinar:

<https://zoom.us/j/96279824860?pwd=c0UzOFB0c21hcUdOUFh0NGtwaS9CQT09>

Passcode: 702165

Or iPhone one-tap :

US: +16699006833,,96279824860# or +12532158782,,96279824860#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free) or 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free)

Webinar ID: 962 7982 4860

International numbers available: <https://zoom.us/u/apB8IPhH7>

CITY OF SOUTH SALT LAKE
CITY COUNCIL MEETING

COUNCIL MEETING Wednesday, February 10,
2021 7:00 p.m.

CITY OFFICES 220 East Morris Avenue
South Salt Lake, Utah 84115

PRESIDING Council Chair Sharla Bynum

CONDUCTING: Corey Thomas

SERIOUS MOMENT OF REFLECTION/
PLEDGE OF ALLEGIANCE Natalie Pinkney

COUNCIL MEMBERS PRESENT:

Sharla Bynum, Ray deWolfe, LeAnne Huff, Portia Mila, Natalie Pinkney,
Shane Siwik and Corey Thomas

STAFF PRESENT:

Mayor Wood
Charee Peck, Chief of Staff
Hannah Vickery, City Attorney
Jack Carruth, Police Chief
Terry Addison, Fire Chief
Kyle Kershaw, Finance Director
Dennis Pay, City Engineer
Aaron Wiet, Parks & Recreation Director
Kelli Meranda, Promise South Salt Lake Director
Lindsey Edwards, Homeless Outreach and Strategies Director
Sharen Hauri, Urban Design Director
Mont Roosendaal, Public Assets Director
Antoinette Evans, Urban Livability Director
Lisa Forrester, Court Administrator
Randy Sant, Economic Development Consultant
Rodger Hoffman, Deputy Fire Chief
Dwayne Ruth, Deputy Police Chief
Sean Lewi, Deputy Community Development Director
Dave Alexander, Streets Division Manager
Julie Taylor, Public Relations Coordinator
Danielle Croyle, Public Information Officer
Chris Taylor, Police Officer
Cody Coggle, Police Sergeant
BJ Allen, GIS Specialist/IT
Craig Burton, City Recorder
Ariel Andrus, Deputy City Recorder

APPROVAL OF MINUTES

December 2, 2020 Regular Meeting

January 13, 2021 Regular Meeting

January 13, 2021 Work Meeting

Council Member Siwik asked for a correction on the December 2, 2020 meeting minutes. Those minutes will be brought back at the next meeting.

Council Member Mila made a motion to approve the January 13, 2021 Regular and Work meeting minutes.

- MOTION: Portia Mila
- SECOND: Ray deWolfe
- Voice Vote:
- Bynum: Yes
- deWolfe: Yes
- Huff: Yes
- Mila: Yes
- Pinkney: Yes
- Siwik: Yes
- Thomas: Yes

NO ACTION COMMENTS

1. **SCHEDULING.** The City Recorder informed those at the meeting of upcoming events, meetings, activities, etc.
2. **CITIZEN COMMENTS/QUESTIONS. Susan Bowlden, District one resident.** She thanked the South Salt Lake police department for hosting meetings in every district monthly to go over concerns. She would like these meetings to be put out to the public more. She mentioned that she does not feel comfortable giving her address in these public meetings and wondered when this will be addressed.

Council Member Siwik asked that the City Recorder, Craig Burton, to look into what the law is on residents giving their address during Council meetings.

3. **MAYOR COMMENTS.** Mayor Wood gave a quick update on the COVID-19 vaccine. She encouraged individuals to contact people they know that are 70+ to see if they need help getting signed up for the vaccine. The City is continuing their partnership with Utah Department of Health for free rapid testing in South Salt Lake throughout the month of February at the Columbus Center.
4. **CITY ATTORNEY COMMENTS.** None

5. **CITY COUNCIL COMMENTS.** Council Chair Bynum gave the Council an update on glass recycling in South Salt Lake.

Mayor Wood added that there will be glass recycling dumpsters in the City for those residents that don't want to pay for a bin at their home.

6. **INFORMATION**

- a. **COVID-19 Update.** Fire Chief, Terry Addison, gave the Council an update on the current COVID-19 pandemic.
- b. **Legislative update.** Representative Mark Wheatley and Senator Gene Davis gave the Council an update on the current legislative session.

UNFINISHED BUSINESS

1. **Civilian Review Board Ordinance Discussion.** Council Chair Bynum said there are some concerns that the Council needs to address. City staff is concerned about the undefined scope of what the board will be reviewing because that would make it difficult to make a budget for this board. Some of the Council still have concerns about the positions being requested for the creation of this board. She would like to have a discussion in order to clear up some concerns.

Police Chief, Jack Carruth, said he felt West Valley's review board is a good model for South Salt Lake and when he asked for extra positions that is the model he used. He also spoke about the community survey that was released and the thoughts on law enforcement in the community.

West Valley Deputy Police Chief, Scott Buchanan, spoke about the West Valley review board and the staffing needs for that board.

The Council asked questions regarding software and staffing needs for the West Valley board.

Chief Carruth gave the Council an overview on the Police Departments staffing needs and his concerns with adding the Civilian Review Board and not having proper staffing.

Council Member Pinkney asked how internal affairs investigations are handled currently.

Chief Carruth gave an overview on how internal affairs are handled currently and how adding another lieutenant to the Police Department and adding another attorney to oversee all matters in the Police Department would greatly help with that process.

Council Member deWolfe wondered if the Council could pass this ordinance without having all the budgetary items in place.

City Attorney, Hannah Vickery, recommended that if the Council is going to pass this policy the necessary resources should be in place as well.

Council Member Siwik feels this ordinance should be passed closer to the time when the budget is passed for 2021/2022. The Council could then take a deep dive into the needs of the attorney’s office and the police department.

Council Member Mila agreed with Council Member Siwik and would like to look into the department needs further.

Council Member Pinkney worries about putting this ordinance off. She does want to look into the budget further but doesn’t think the ordinance should be put off because of that.

Ms. Vickery gave the Council an overview of the revisions that were made to the latest version of this ordinance. She also spoke about what other smaller cities around the United States and what a big endeavor South Salt Lake is taking on by passing this ordinance.

The Council asked various questions about the latest version of this ordinance.

Mayor Wood suggested that the Council give City staff a couple more weeks to come up with more definite numbers for this ordinance.

Council Member Pinkney mentioned that if the Council had a definite date on which this ordinance would be passed to would be more comfortable pushing it off until the budget is passed.

Council Member Siwik made a motion to move this Ordinance to Unfinished Business for February 24, 2021

MOTION: Shane Siwik

SECOND: Portia Mila

Voice Vote:

Bynum: Yes

deWolfe: Yes

Huff: Yes

Mila: Yes

Pinkney: Yes

Siwik: Yes

Thomas: Yes

Council Chair Bynum made a motion to adjourn

MOTION: Sharla Bynum

SECOND: Shane Siwik

Voice Vote:

Bynum: Yes

deWolfe: Yes

Huff: Yes

Mila: Yes

Pinkney: Yes

Siwik: Yes

Thomas: Yes

The meeting adjourned at 9:25 p.m.

/s/ Sharla Bynum
Sharla Bynum, Council Chair

/s/ Craig D. Burton
Craig D. Burton, City Recorder

ORDINANCE NO. 2021-_____

AN ORDINANCE OF THE CITY OF SOUTH SALT LAKE CITY COUNCIL ENACTING CHAPTER 70 OF TITLE 2 OF THE SOUTH SALT LAKE CITY MUNICIPAL CODE TO CREATE A CIVILIAN REVIEW BOARD TO REVIEW CERTAIN POLICE DEPARTMENT ACTIONS, PROVIDE FOR A MEDIATION PROGRAM AND ENCOURAGE COMMUNITY ENGAGEMENT INVOLVING POLICING EFFORTS OF THE CITY OF SOUTH SALT LAKE

WHEREAS, the City Council of the City of South Salt Lake (the “City Council”) finds that civilian oversight is essential to ensuring the continuation of a professional and effective police force; and

WHEREAS, citizen participation and engagement will help further the efforts of the City to promote transparency and accountability in the City’s policing efforts; and

WHEREAS, the City of South Salt Lake does not currently have a civilian oversight board and desires to create a board referred to as the “Civilian Review Board;” and

WHEREAS, the Civilian Review Board is designed to improve communication between the Police Department and the community, to help ensure police accountability and credibility with the public, and to create a review process that is free from bias and informed of actual police practice to provide independent civilian oversight of the City of South Salt Lake Police Department;

WHEREAS, The City of South Salt Lake desires the Civilian Review Board to reflect community diversity, including income level, race, ethnicity, age, gender, sexual orientation, and experience;

WHEREAS, The City of South Salt Lake desires the Civilian Review Board to encompass and represent residents of the City as well as the business community within the City;

WHEREAS, the City Council hereby determines that enacting Chapter 70 of Title 2 of the South Salt Lake Municipal Code to create a Civilian Review Board which will review certain police department actions, provide for a mediation program, and encourage community engagement in the policing efforts of the City is in the best interest of the health, safety, and welfare of the citizens of South Salt Lake City;

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of South Salt Lake as follows:

SECTION 1. Enactment. Chapter 70 of Title 2 of the South Salt Lake Municipal Code is hereby enacted as attached hereto and incorporated by reference in “Exhibit A.”

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

SECTION 4. Effective Date. This ordinance shall become effective upon Mayor's signature and publication, or after fifteen days of transmission to the office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

(signatures appear on separate page)

DRAFT

DATED this _____ day of _____, 2021.

BY THE CITY COUNCIL:

Sharla Bynum, Council Chair

ATTEST:

Craig D. Burton, City Recorder

City Council Vote as Recorded:

Bynum	_____
deWolfe	_____
Huff	_____
Mila	_____
Pinkney	_____
Thomas	_____
Siwik	_____

Transmitted to the Mayor's office on this _____ day of _____ 2021.

Craig D. Burton, City Recorder

MAYOR'S ACTION: _____

Dated this _____ day of _____, 2021.

Cherie Wood, Mayor

ATTEST:

Craig D. Burton, City Recorder

EXHIBIT A

Chapter 2.70 – Civilian Review Board

2.70.010 – Establishment of the Board.

This Chapter hereby establishes the Civilian Review Board and sets forth the duties and procedures of the Board.

2.70.020- Definitions

The following definitions apply for purposes of Chapter 2.70.

“Alternate Member” means a Qualified Individual appointed by the Mayor, with advice and consent of the City Council, to serve as an Alternate Member of the Board.

“Board” means the Civilian Review Board

“Chairperson of the Board” means a Member of the Board who is designated by the Board annually at the first meeting in the calendar year.

“Law Enforcement Officer” has the same meaning as in Utah Code Ann §53-13-103.

“Member of the Board” means collectively or individually all Regular Members, Alternate Members, and the Non-Voting Advisory Member.

“Non-voting Advisory Member” means a Qualified Individual appointed by the Mayor, with advice and consent of the City Council, to serve as a Non-voting Advisory Member.

“Police Department” means the City of South Salt Lake Police Department.

“Qualified Individual” means an individual who undergoes a background screening and at all times maintains clearance from the State of Utah Bureau of Criminal Identification.

“Regular Member” means a Qualified Individual who is appointed by the Mayor, with advice and consent of the City Council, to serve as a Regular Member of the Board.

“Use of Force” means:

- a. the application of an arrest control tactic which causes bodily harm or injury or which the individual complains of bodily harm or injury;

- b. use of a firearm to gain compliance of an individual;
- c. discharge of a firearm;
- d. deployment of a taser;
- e. use of a chemical agent;
- f. Use or Deployment of a Canine; or
- g. intentional damage to property of another in an apparent show of force to effect an arrest.

Use of Force does not mean compliant use of handcuffs, unless the use of the handcuffs causes bodily harm or injury.

“Use or Deployment of a Canine” means when a Police Department canine is used to effect an arrest and the canine (a) causes injury to an individual under arrest, or (b) acts in a manner that would cause a reasonable person would fear injury.

“Vehicle Pursuit” means the active attempt by a Law Enforcement Officer of the Police Department in an authorized emergency vehicle to apprehend a fleeing suspect who is attempting to avoid apprehension through evasive and unlawful tactics.

“Voting Member” means an individual who is authorized to vote at a particular Board meeting. A Regular Member shall be a Voting Member. An Alternate Member may be a Voting Member in the absence of a Regular Member at a Board meeting if the Chairperson designates the Alternate member as a Voting Member.

2.70.030- Membership of the Board

A. The Board shall consist of seven Voting Members and one Non-Voting Advisory Member. The Mayor shall appoint seven Regular Members and two Alternate Members who may vote in the place of any absent Regular Member at any meeting of the Board.

1. If a Regular Member is unable to attend a scheduled meeting of the Board, the member shall inform the Chairperson as soon as possible to help ensure the attendance of as many Voting Members as is permitted.
2. In the event a Regular Member is unable to attend a meeting of the Board, the Chairperson shall designate an Alternate Member as a Voting Member.
3. If an Alternate Member is in attendance of a Board meeting with all seven Regular Members present, the Alternate Member may not participate in or vote during the meeting.

B. Each Regular Member and Alternate Member shall be a Qualified Individual who is either a resident of the City or a representative of a business located in the City, and who is not a current Law Enforcement Officer.

C. The Mayor shall appoint, with advice and consent of the City Council, a Non-voting Advisory Member with law enforcement experience and who is not currently employed by the City or related to an employee of the Police Department. The Non-voting Advisory Member may attend all meetings of the Board but shall not cast a vote.

D. Members of the Board must be Qualified Individuals.

E. At any given time, there shall be no more than one Voting Member who has previously been employed as a Law Enforcement Officer.

F. The term for Members of the Board shall be two years in lengths, except that the initial term of four Members of the Board first appointed to the Board shall be for three years so half of the Voting Members terms expire every other year. Members of the Board may be reappointed to the Board and may be removed with or without cause by the Mayor.

G. Members of the Board shall be compensated at a rate of \$70 for each meeting attended. Costs of travel, training, and per diem may be approved by the City.

2.70.040 – Training for Members of the Board.

A. All Members of the Board shall receive training, at least annually, either administered or facilitated by City staff or by an outside trainer approved by City staff. Training shall cover topics suggested by the National Association for Civilian Oversight of Law Enforcement, as well as any other topics deemed appropriate by the City Attorney's Office or Mayor.

B. Members of the Board are required to participate annually in a minimum of two ride-alongs with law enforcement agencies in the state of Utah, one of which must be with the South Salt Lake Police Department.

2.70.050- Initial Review

A. The Police Department shall have one or more policies that require the reporting and investigation of all activities which constitute a Use of Force or Vehicle Pursuit by any member of the Police Department.

B. Following the conclusion of investigations conducted in accordance with Subsection A, the Police Department shall give the Chairperson access to all reports, records, and other documents relevant to the investigation unless such records are protected under UCA §63G-2-305(10) or (11).

C. The Chairperson shall review all reports, records, and other documents received pursuant to Subsection B.

1. Following a review, the Chairperson shall distribute to all Members of the Board all reports, records, and other documents related to a Use of Force or

- Vehicle Pursuit incident if the Chairperson finds a possibility that the Board could find:
- a. A law, rule, policy, or procedure applicable to the Use of Force or Vehicle Pursuit was not complied with;
 - b. The Use of Force or Vehicle Pursuit incident was not responded to properly;
 - c. The investigation by the Police Department of the Use of Force or Vehicle Pursuit was not conducted properly; or
2. Following a review, the Chairperson shall distribute to all Members of the Board all reports, records, and other documents related to a Use of Force or Vehicle Pursuit incident that the Chairperson believes warrants a discussion with the Board regarding:
- a. Recommendations of Police Department Policies applicable to Use of Force or Vehicle Pursuit incidents, or
 - b. Recommendation of Police Department Training applicable to Use of Force or Vehicle Pursuit incidents.

2.70.060- Review by The Board

A. The Board shall review all Use of Force and Vehicle Pursuits received pursuant to Subsection 2.70.040(C).

1. In addition to reviewing the records received pursuant to Subsection 2.70.040(C), the Board may discuss or ask questions regarding the Use of Force or Vehicle Pursuit with one or more members of the Police Department as designated by the Chief.

a. Special requests regarding the attendance of a particular member of the Police Department shall be made by the Chairperson to the Chief of Police no less than 14 days in advance of a Board meeting and notice shall be given regarding the topics of discussion.

B. Upon review, which shall be conducted in accordance with UCA Chapter 52-4 or its successor provisions, the Board shall discuss and render a written advisory opinion, signed by the Chairperson, of whether or not an applicable law, policy, or procedure was violated.

C. All written advisory opinions shall be forwarded to the Mayor and the City Council.

2.70.070- Meetings of the Board

A. The Board shall meet monthly at a time and place or manner to be determined by the Chairperson, or the Mayor in the absence of a Board Chairperson.

B. The Board shall comply with the Open Public Meetings Act.

C. At the opening of each meeting, the Board shall allow the public to comment and voice any opinions or concerns regarding policing issues in the City of South Salt Lake, which shall not exceed thirty minutes.

D. At the conclusion of the public comment period, the meeting shall be closed in accordance with the Utah Open Public Meetings Act to discuss specific personnel matters before the Board.

2.70.080- Additional Authority of the Board

- A. In addition to the review required in Subsection 2.70.050, the Board may make suggestions regarding Police Department Policies to the Mayor or City Council.
- B. The Board Chairperson may raise any other concern regarding the Police Department with the Mayor.
- C. The Board, in conjunction with the Mayor, shall recommend a dispute resolution process to resolve citizen complaints regarding policing efforts of the Police Department by July 1, 2022.

2.70.090- Quarterly and Annual Reports

- A. The Board Chairperson shall provide quarterly and annual reports concerning the operations of the Board. These reports shall be presented to the City Council and shall be made public.
- B. Quarterly reports shall include the following information for reviews conducted during the quarter:
 - 1. The total number of Use of Force incidents given to the Chairperson in accordance with 2.70.040 (B).
 - 2. The total number of Use of Force incidents given to all Members of the Board in accordance with 2.70.040(C)
 - 3. The total number of Use of Force incidents where the Board issued an advisory opinion finding a violation of a law, policy, or procedure.
 - 4. The total number of Vehicle Pursuit incidents given to the Chairperson in accordance with 2.70.040 (B).
 - 5. The total number of Vehicle Pursuit incidents given to all Members of the Board in accordance with 2.70.040(C)
 - 6. The total number of Vehicle Pursuit incidents where the Board issued an advisory opinion finding a violation of a law, policy, or procedure.
- C. Annual reports shall include a compilation of the data required in Subsection B and any other suggestions made by the Board to the Mayor or the City Council concerning Police Department Policies.