

hearing if reasonable advance notice is given to the witnesses' supervisor. The Council may subpoena witnesses at a party's request pursuant to Utah Code Annotated Section 17-33-4(5) (1953, as amended).

- iv. Record. A verbatim record of the hearing before the Council must be kept and the Council's decision entered into the record. The record may be kept through electronic recording.
- v. Standard of Review.
 - a. Disciplinary Matters. The Council's review of the County's disciplinary actions is a limited one that involves two inquiries: 1) do the facts support the charge(s), and 2) do the charge(s) warrant the sanction imposed? The Council shall give latitude and deference to the County's personnel actions according to the following standards:
 - i) Reviewing the Factual Support. In determining if there is factual support for the charge(s), the Council does not find the facts anew. Rather, the Council asks whether at the time the County took action, did the County, acting in good faith, after an investigation appropriate under the circumstances, have reasonable grounds to believe that the employee committed the charges?
 - ii) Reviewing the Appropriateness of the Sanction. In determining whether the charges justify the sanction imposed, the Council asks whether, in light of the charge(s) against the employee, was the sanction so clearly disproportionate to the charge(s) to amount to an abuse of discretion?
 - b. Non-Disciplinary Matters. When reviewing non-disciplinary matters, the Council asks whether the County's action was arbitrary and capricious in light of the facts and circumstances as the County reasonably believed them to be.
- vi. Presentation of the Case. The presentation of the case by each party generally occurs as set forth herein, although the order may be altered by agreement of the parties with the concurrence of the Council. Council members may ask questions or make comments at any time.
 - a. Opening Statements. The parties may present brief opening statements that summarize their positions and evidence.
 - b. Evidence. The parties may offer their evidence, question witnesses, and cross-examine each other's witnesses.
 - c. Closing Arguments. Following the presentation of the evidence, the parties may offer closing arguments.
- vii. Decision. Within twenty working days after the hearing, the Council will issue and send to the parties its written decision including finding of facts and conclusions of law.