

STATE RECORDS COMMITTEE

NOTICE OF PUBLIC MEETING

Thursday, December 8, 2016, at 9 a.m. to 4 p.m.

**Utah State Archives Building
346 S. Rio Grande St.
Salt Lake City, UT 84101**

NOTE: The Chair may recess at 12 noon and reconvene at 12:30 p.m. for lunch when there are two or more hearings scheduled.

AGENDA

HEARINGS:

Nate Carlisle, *Salt Lake Tribune* vs. Utah County Sheriff's Office: The Petitioner is appealing partial access denial to records pertaining to a Utah County Sheriff's Deputy.

Lori Williams vs. Pleasant Grove City: Ms. Williams is appealing access denial to Pleasant Grove Strawberry Days Committee ledgers, financial and accounting records, expenses, sponsorships, donations, contributions, sales and income for 2014-2016.

Eric Peterson vs. Utah Department of Health: The Petitioner is appealing access denial to "information on prescription drug overdoses, specifically the "Report on Prescriptions Found With Body" form, excluding the name of the deceased individual."

David Larsen vs. Heber City Police Department: The Petitioner is appealing access denial to an Officer's personnel file containing disciplinary actions.

WITHDRAWN/POSTPONED HEARINGS:

Reginald Williams vs. Utah Department of Corrections: The Petitioner is appealing partial denial of conflict of interest memorandums for government employees staffed at the UDC. (Telephonic). Appeal withdrawn.

Jack Brown vs. Washington County Attorney's Office: Mr. Brown is appealing a fee waiver denial to receive records in paper form versus in CD format. (Telephonic). Postponed.

Schatz, Anderson & Associates vs. Washington County Sheriff's Office: Schatz, Anderson & Associates are appealing access denial to multiple records (disciplinary actions, policies, training certificates). (Telephonic). Appeal Withdrawn.

Scott Gollaher vs. Morgan County Attorney's Office: The Petitioner is appealing the partial and incomplete response to his GRAMA request. (Telephonic). Appeal withdrawn.

Michael Christiansen, attorney for estate of Tyler Christianson vs. Roy City Police Department: The Petitioner is appealing access denial to "Police reports and accident reports, including audio and video recordings, dash cam video, etc., and witness statements..."
Postponed.

BUSINESS

Approval of November 10, 2016, SRC Minutes, action item

Retention Schedules, action item

SRC appeals received

Cases in District Court

Other Business

Next meeting scheduled for January 12, 2016, @ 9 a.m. to 4 p.m.

ADA: In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Nova Dubovik at the Utah State Archives and Records Service, 346 S. Rio Grande, Salt Lake City, Utah 84101, or call (801)531-3834, at least three days prior to the meeting.

Electronic Participation: One or more members of the State Records Committee may participate electronically or telephonically pursuant to Utah Code 52-4-207(2) and Administrative Rule 35-1-2. Please direct any questions or comments to: State Records Committee, Utah State Archives, 346 S. Rio Grande, Salt Lake City, Utah 84101 (801) 531-3834.

APPEALS TO THE STATE RECORD COMMITTEE: As of December 2016

Appeals Request No.	Case Title/ Participants	Records Sought	Notes	Status
2016-100	Steven Young vs. Utah Department of Corrections (Appealed 17 November)		Telephonic Gunnison	Hearing declined
<p>The Petitioner is appealing access denial to his Housing Location History from 1999-present. The Committee Chair and Ms. Holly Richardson reviewed the appeal and determined: the appeal subject has been found by the committee in a previous hearing involving the same governmental entity to be properly classified as private, controlled, or protected. In <i>Jesse Fruhwirth vs. UDC</i>, Case No. 11-02</p>				
2016-103	Patrick Sullivan vs. Utah Department of Corrections		Telephonic Draper	Hearing declined
<p>The Petitioner is appealing the decision by UDC that the sought record does not exist. The Committee Chair and Mr. Misner reviewed the appeal and determined, based on the material provided, that Mr. Sullivan has not provided evidence to the contrary that "the record was maintained by the governmental entity at one time, or that the governmental entity has concealed, or not sufficiently or improperly searched for the record." R35-2-2(2).</p>				
SCHEDULED HEARINGS				
2016-75	Jack Brown vs. Washington County Attorney's Office (Appealed 22 August)		Telephonic Draper	Hearing rescheduled January 12, 2017
<p>Mr. Brown is appealing a fee waiver denial to receive records in paper form versus in CD format.</p>				
2016-86	Nate Carlisle, Salt Lake Tribune vs. Utah County Sheriff's Office (Appealed 5 October)			Hearing rescheduled December 8, 2016
<p>The Petitioner is appealing partial access denial to records pertaining to a Utah County Sheriff's Deputy.</p>				
2016-85	Lori Williams vs. Pleasant Grove City (Appealed 4 October)			Hearing scheduled December 8, 2016
<p>Ms. Williams is appealing access denial to Pleasant Grove Strawberry Days Committee ledgers, financial and accounting records, expenses, sponsorships, donations, contributions, sales and income for 2014-2016.</p>				

2016-89	Eric Peterson vs. Utah Department of Health (Appealed 11 October)	Hearing scheduled December 8, 2016
The Petitioner is appealing access denial to "information on prescription drug overdoses, specifically the "Report on Prescriptions Found With Body" form, excluding the name of the deceased individual."		
2016-98	Scott Gollaher vs. Morgan County Attorney's Office (Appealed 28 October)	Telephonic Draper Appeal withdrawn
The Petitioner is appealing the partial and incomplete response to his GRAMA request.		
2016-99	Michael Christiansen, attorney for estate of Tyler Christianson vs. Roy City Police Department (Appealed 3 November)	Hearing rescheduled January 12, 2017
The Petitioner is appealing access denial to "Police reports and accident reports, including audio and video recordings, dash cam video, etc., and witness statements regarding automobile accident that occurred June 30, 2016 near 6000 South 3500 West, Roy, Utah."		
2016-97	David Larsen vs. Heber City Police Department (Appealed 28 October)	Hearing scheduled December 8, 2016
The Petitioner is appealing access denial to an Officer's personnel file containing disciplinary actions.		
2016-101	Alex Stuckey, Salt Lake Tribune vs. Utah State University (Appealed 21 November)	Hearing scheduled January 12, 2017
The Petitioner is appeal access denial to inquiries and reports stemming from an August 24 th news release.		
2016-102	ACLU vs. Salt Lake City Police Department (Appealed 22 November)	Hearing scheduled January 12, 2017
The Petitioner is appealing access denial to body camera footage related to a shooting incident on February 28, 2016, in the Rio Grande area.		
<p style="text-align: center;">Notice of Compliance or Notice of Intent to Appeal</p>		

Decision & Order	Case Title/ Participants	Due	Intent
16-41	Alex Stuckey, SLTribune vs. Cedar City Police Dept.	November 23	CCPD provided records as ordered
16-43	Tracy Taylor vs. Wasatch County School District	November 23	WCSD provided records as ordered

December 2016 State Records Committee Case Updates

District Court Cases

Utah Legal Clinic v. Salt Lake City Corp., 3rd District, Salt Lake County, Judge Gardner, Case No 160905336, filed August 25, 2016.

Current Disposition: Salt Lake City filed a Motion for Summary Judgment on September 16, 2016, and then filed a notice to submit on October 7, 2016. A hearing regarding the motion was held on November 17, 2016. Court denied in part motion for summary judgment, and set for trial on February 3, 2017.

Salt Lake Tribune v. Utah State Records Committee, 3rd District, Salt Lake County, Judge Scott, Case No. 160904365, filed July 12, 2016.

Current Disposition: Hearing on motion to dismiss held November 21, 2016. All parties presented arguments at hearing. Court took matter under advisement and said would issue order sometime "before the holidays."

Bryan Thatcher v. Utah Dept. of Public Safety, 3rd District, Salt Lake County, Judge Kouris, Case No. 160903910, filed June 20, 2016.

Current Disposition: Answer filed by Department of Public Safety on July 11, 2016, answer filed for the Committee on July 14, 2016.

Edgardo Mata v. Utah Dept. of Corrections, 3rd District, Salt Lake County, Judge Gardner, Case No. 160903298, filed May 24, 2016.

Current Disposition: Mr. Mata received an extension of time from the court to serve parties with petition for judicial review. Waiver of service signed by Nova Dubovik on behalf of the State Records Committee on November 7, 2016. Answer to be filed shortly by Corrections and the Committee.

John Rice v. Utah Dept. of Corrections, 3rd District Court, Salt Lake County, Judge James Blanch, Case No. 150909012, filed Dec. 22, 2015.

Current Disposition: November 16, 2016 order by the court to allow the documents to be reviewed *in camera* by the court.

Ramon Somoza v. Utah State Records Committee, 4th District, Utah County, Judge McDade, Case No. 150401904, filed Dec. 10, 2015.

Current Disposition: Amended complaint filed on November 25, 2016 naming Utah County as the Respondent. Amended Answer to be filed on behalf of the Committee.

Swen Heimberg v. Utah Dept. of Public Safety, 3rd District, Salt Lake County, Case No. 150904273, Judge Bates, filed June 24, 2015.

Current Disposition: Motions hearing set for December 12, 2016 for case.

Utah Dept. of Human Resources v. Paul Amann, 3rd District, Salt Lake County, Case No. 150901160, filed February 19, 2015.

Current Disposition: Motion for clarification and hearing filed on November 4, 2016. Motion to strike declaration by Bridget Romano filed on November 25, 2016.

William Sherratt v. Utah Dept. of Corrections, 6th District, Sanpete County, Case No. 140600023, filed April 23, 2014.

Current Disposition: Corrections filed a second Motion to Quash Service, with Mr. Sheratt's memorandum contra filed on November 9, 2016.

Appellate Court Cases

Salt Lake City v. Jordan River Restoration Network, Utah Court of Appeals, Case No. 20160098.

Current Disposition: Case currently before the Court of Appeals. A request to file a transcript of the trial has been filed.

Bryner Court Cases

Roger Bryner v. Utah Attorney General's Office, et. al., 3rd District, Salt Lake County, Judge Laura Scott, Case No. 160906562, filed October 20, 2016.

Current Disposition: Case filed against Utah A.G.'s Office, State of Utah, and Mr. Tonks. GRAMA Request made to A.G.'s Office for e-mail communication between Mr. Tonks and Clearfield City. Motion to dismiss Mr. Tonks as a party filed on December 6, 2016.

Roger Bryner v. Utah State Records Committee, 3rd District, Salt Lake County, Judge Faust, Case No. 160903793, filed June 15, 2016. Utah Court of Appeals Case No. 20160870-CA.

Current Disposition: Motion for Summary Disposition filed with Court of Appeals. Waiting for decision.

Roger Bryner v. Utah Dept. of Health et. al., 3rd District, Salt Lake County, Judge Gardner, Case No. 160903244, filed May 23, 2016.

Current Disposition: Motions for Summary Judgment to be filed by parties.

Roger Bryner v. City of Clearfield, 2nd District, Davis County, Judge Morris, Case No. 150701062, filed October 20, 2015.

Current Disposition: Show Cause hearing held on November 18, 2016 regarding court's motion to find Mr. Bryner a vexatious litigant. Numerous other motions filed. Waiting on court decisions.

Proposed 2017 dates

DATE	TIME	Place of Scheduled Meetings
January 12, 2017	9:00 a.m.-4:00 p.m.	Courtyard Meeting Room, State Archives Bldg, 346 S. Rio Grande Str., SLC, UT
February 09, 2017	9:00 a.m.-4:00 p.m.	Courtyard Meeting Room, State Archives Bldg, 346 S. Rio Grande Str., SLC, UT
March 16, 2017 (adjusted date) Legislature meets	9:00 a.m.-4:00 p.m.	Courtyard Meeting Room, State Archives Bldg, 346 S. Rio Grande Str., SLC, UT
April 13, 2017	9:00 a.m.-4:00 p.m.	Courtyard Meeting Room, State Archives Bldg, 346 S. Rio Grande Str., SLC, UT
May 11, 2017	9:00 a.m.-4:00 p.m.	Courtyard Meeting Room, State Archives Bldg, 346 S. Rio Grande Str., SLC, UT
June 8, 2017	9:00 a.m.-4:00 p.m.	Courtyard Meeting Room, State Archives Bldg, 346 S. Rio Grande Str., SLC, UT
July 13, 2017	9:00 a.m.-4:00 p.m.	Courtyard Meeting Room, State Archives Bldg, 346 S. Rio Grande Str., SLC, UT
August 10, 2017	9:00 a.m.-4:00 p.m.	Courtyard Meeting Room, State Archives Bldg, 346 S. Rio Grande Str., SLC, UT
September 14, 2017	9:00 a.m.-4:00 p.m.	Courtyard Meeting Room, State Archives Bldg, 346 S. Rio Grande Str., SLC, UT
October 12, 2017	9:00 a.m.-4:00 p.m.	Courtyard Meeting Room, State Archives Bldg, 346 S. Rio Grande Str., SLC, UT
November 9, 2017	9:00 a.m.-4:00 p.m.	Courtyard Meeting Room, State Archives Bldg, 346 S. Rio Grande Str., SLC, UT
December 14, 2017	9:00 a.m.-4:00 p.m.	Courtyard Meeting Room, State Archives Bldg, 346 S. Rio Grande Str., SLC, UT

Williams vs. Pt Case

TIMELINE STRAWBERRY DAYS

1-28-11 Finances discussed in budget retreat. A council member asked about rolling back the expenditures for Strawberry Days possibly getting their own private sponsorship. When asked about who gets paid with Carnival, Attorney Petersen said contract is with the city.

11-13-12 Administrator Darrington said that normally city spends about \$10,000 a year on Float. Chassis broke to drive the float and will be an additional \$5000, not including replacing an old, stripped down vehicle to put float on. They needed to have an indepth discussion about Strawberry Days.

11-27-12 Discussion on Strawberry Days

Frank Mills was the City Admin and ran Strawberry Days and were all married together. There have been questions on how things are ran and who did what for the past 3 years. **(it is currently 7 years these questions have been asked)**

By laws are from 1952, separating wards, functions, along with reporting mechanisms in what strawberry days did, their budget and they would report back to city council. The council has always had their thumb on how and what was happening. The bylaws were outdated and he had written new ones. (attached) there is also Miss Strawberry Days pageant and float which the city funds, along with pageant and scholarships. The Rodeo is part of Strawberry Days and generates more cash than anything, creating some rub.

Council Member Boyd asked who keeps track of the money? (cc min page 11 paragraph 8) "Admin Darrington said that Strawberry Days has been using the City tax ID number for IRS purposes. If they become their own entity, they will need to have their own tax ID number. They are not part of the tax audit and probably should be, there is no budget oversight by the City and should be, and all of this will need to be discussed. The insurance has fallen under the City liability, which has been the City's contribution, but if something happens at the rodeo or rodeo grounds, it is the City's responsibility. For the most part, he feels like this could continue to their contribution but do need to recognize that there may be things going on that the City doesn't like or agree with, and don't have control over. The City could say that they need to provide their own insurance, which could be quite a cost to them, especially to the rodeo."

The rodeo grounds are owned by Pleasant Grove City and are not consulted when something is being done. There is a communications issue that needs to be addressed.

They look to the leadership of city. Police and Parks are heavily involved with financial contributions that the city is involved in, whether through personnel costs or cash. Admin does not know the breakdown of the costs to the city.

Issues: Bylaw need to be revised, a yearly budget needs to be adopted and they will need to get their own tax ID number.

Bylaws drawn up by Administrator Darrington

They also need to define the role of the City and determine a set budget amount, providing police protection, availability of the parks and give them \$20,000 and they will administer where that will be. The preference would be the city help them become their own separate entity.

(page 13, paragraph 4) "Administrator Darrington took all of the budgets and expenditures from one of their given year and created a basic budget for them, as well as writing new by laws and presented it to them."

(My GRAMA request was denied stating that they had never had access to their finances and it clearly states that Administrator Darrington did.)

Administrator Darrington stated that there were no audit procedures in place or financial controls with the festival.

(page 15, paragraph 5) "Mayor Call said that it is wisest to look at it from a liability stand point. If something happens, the public is never going to separate Strawberry Days from Pleasant Grove City. We are intertwined in a brand, so interlock, that if the City does not take some proactive steps now to insure that things are done in a proper way, shame on us for not preparing. They do not anticipate anything happening, but if they don't act as if something could happen, then they are being unwise. We cannot prevent something from happening, and something could have happened years ago that just come to light, but they need to be prepared. There is NO separating Strawberry Days from Pleasant Grove City in the public's mind, but there are some ways for the City to put some protections in place."

Council Member Cyd Lemone said that Strawberry Days being separated will never happen.

1-15-13

Discussion on Strawberry Days. Questions asked by Scott (Attorney Petersen was present)

Should Strawberry Days be a Separate Entity?

Should City continue to carry liability for the event? They currently do and an increase in liability.

Attorney Petersen says their job is to limit their exposure and if events on city property, they are liable anyways.

For documentation purposes, liability reasons, financial reasons, to protect every member of strawberry days, the city and everyone involved, it needs to be more organized.

9-17-13

Ordinance passed

6-29-16

Council Members and Mayor have questions about how Strawberry Days is run.

(Audio 3:10 hrs in)

Mayor: It might be good to kinda discuss Strawberry Days in general as a City. As a City Council and Staff, we provide a certain level of support from all the teams, we affect all the people that live in the City and we affect the businesses. I think there's a lot of money involved and maybe it's a good time to just discuss in general where we're at with the whole thing and kinda talk about where we should be in the future.

There's a couple of areas because of the citizen's money that's involved, there needs to be just a lot more coordination and input.

(Audio 3:12 45 sec)

Council Member Anderson: Let's have a post evaluation and I have questions. What can we do better? What can we improve?

Administrator Scott Darrington: I think what we're talking about might be a little different thing. If we're gonna get into all the finances and all that stuff, that's a presentation that can be made, and this is what the city spends on it, cash out of pocket, the cash donations, but there's a cost to the city and here's what Strawberry Days' generate in revenue. Jason Hunter runs those books, Denise (City Financial Administrator) can show what we spend in cash and the Department Heads will have to come up with how many man hours are spent and we'll put a number to that.

(Audio 3:15)

Administrator Scott Darrington: Finances, to me are almost a separate issue and that's just numbers. And we could spit out numbers and say here's what this costs and here's where the money came from. That to me is a pretty simple discussion that we can have and if there's some philosophical changes on if we can spend that much money or spend more money, we can have that discussion once you see the numbers.

Mayor: The finances of the City and Strawberry Days' and collectively the man power are a BLACK HOLE I don't have my head wrapped around and just exactly what that means and I'd like to understand it.

Administrator Scott Darrington: That's not a problem. We can come up with that easy.

Mayor: We have a responsibility to the be responsible.

Administrator Scott Darrington: Sure, when the City money is involved.

8-14-16

First City Financial Academy held. Discussion with Administrator Darrington, Jen Baptista, Council Member Ben Stanley, another resident and myself was held afterwards. Administrator Darrington said t and that the Strawberry Days' Celebration uses the same Tax ID number as the City's.

Council Member Stanley emailed and asked for the financials. (see attached emails)

8-16-16

I GRAMA requested the City asking for the Strawberry Days' general ledger and all financial and accounting records, including expenses, sponsorships, donations, contributions, sales and income of any type whatsoever in the past three years (2014, 2015 and 2016.

Any operating agreements including any and all bylaws formation documents, operating agreements and contracts, defining the relationship, tax status, entity names and/or organization and assumptions of liabilities at any time.

All meeting notes, agendas and correspondence with Strawberry Days' Association between city attorney, Council Member and/or the Mayor in the past year.

8-30-16

Submitted a notice of Appeal to Chief Administrator Scott Darrington

Same day I had a 40 minute meeting with Attorney Tina Petersen. She denied ever knowing that Strawberry Days' had ever used the City's Tax ID number. (She was present at every meeting I covered on my timeline) She kept asking me why I was doing this and the it was "muddy" and I could "pull a lot of skeleton's out of the closet" and things were intertwined, and hard to know where one entity started and one ended. She also wanted to know why I was trying to stop Strawberry Days.

My position has NEVER been to do that.

9-06-16

Agenda was changed so the presentation could be made about the Strawberry Days Celebration.

Audio (I have a complete Audio transcription available)

Jason Hunter (Accountant) states "As I mentioned earlier when Scott was talking, the question has been raised if SDA is operating under the city's tax ID number. SDA does have it's own tax ID number."

Council Member Ben Stanley is reading some verbatim quotes from some past council meeting minutes.

Council Member Cyd Lemone says to Council Member Stanley "We get that you are trying to pit people against each other. Say what you have to say and ask your questions. That's why we are all here tonight. That's what they have been trying to do for the past few years is clear up the confusion. Then don't need any past history. It's getting beyond ridiculous. So ask your questions. Or I'll make a vote to make you stop."

Council Member Cyd Lemone: "Ok, I'm going to make a motion that we ask Mr. Stanley to stop reading the minutes that could go on and on and on for the next hour. People have places they need to be who are on the committee here tonight, and have requested if we need their questions answered, they have an opportunity. I don't know how much longer this could take. It's irrelevant for what we are discussing. Ask your questions that are relevant to 2016 based on the minutes that you have gone through and let's just get to the point.

The motion was made with 3 in favor to shut down Council Member Stanley.

(See CC minutes)

Following the meeting, as I was leaving, Council Member Diana Anderson followed me into the parking lot and proceeded to ask me, "What was my end goal?" "Do I want to open up a can of worms, if there are things that are muddied from the past?" "Why was I doing this?" etc, etc.

9-13-16

Work Session (See CC min) where Ordinance 2013-30 is Repealed and Rescinded

9-20-16

I got a GRAMA denial from Chief Administrator Scott Darrington

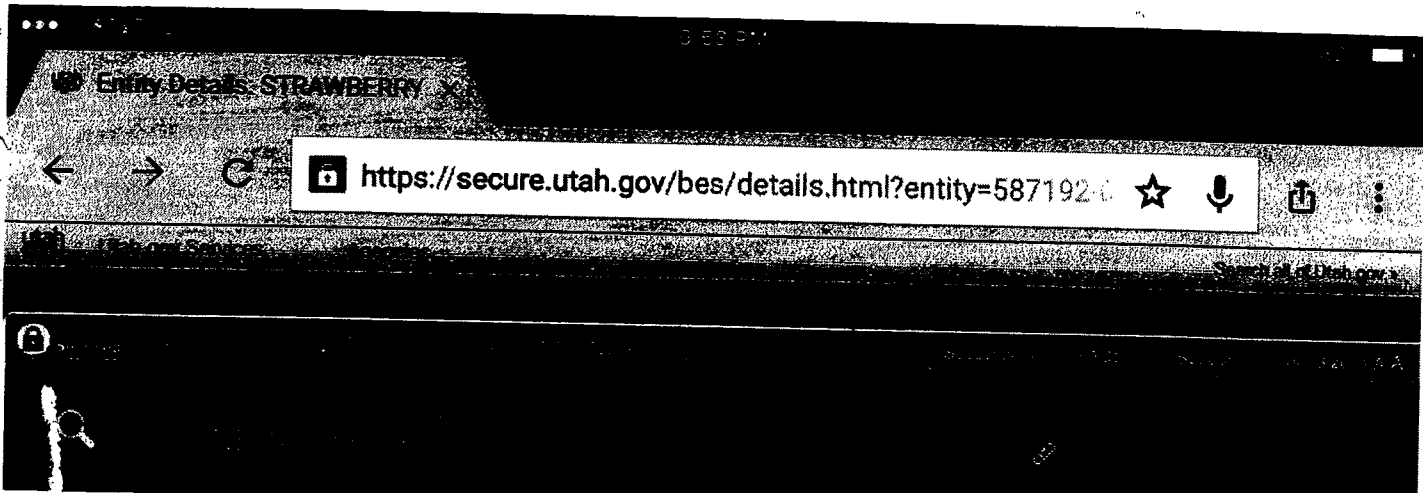
9-28-16

(See copy of expired contracts between Bee Boutique and Pleasant Grove City)

GRAMA request PG City for all expired contracts from the Bee Boutique and any policies related to retention of contracts and the duration they are to be kept on file.

10-5-16

Sent an Appeal's Request to State Records Committee



STRAWBERRY DAYS ASSOCIATION

Entity Number: 587192-0140

Company Type: Corporation - Domestic - Non-Profit

Address: 70 S 100 E PLEASANT GROVE, UT 84062

State of Origin: UT

Registered Agent: No agent, refer to UCA 216-17-301

Registered Agent Address:

Unknown, NA 00000

[View Management Team](#)

Status: Expired

Status: Expired as of 10/20/2004

Status Description: Failure to File Renewal

Employment Verification: Not Registered with Verify Utah

History

[View Filed Documents](#)

Registration Date: 06/25/1962

Last Renewed: 05/01/2003

Additional Information

NAICS Code: 9999 NAICS Title: 9999-Nonclassifiable Establishment

[<< Back to Search Results](#)

Search by: Business Name Number Executive Name [Search Hints](#)

Business Name:

LAW0077

Registered Principal Search

More Information

Business Information

Name of Entity: STRAWBERRY DAYS ASSOCIATION, INC.
Entity Type: Corporation
Entity Number: 10181981-0140
Registration Date: 12/05/2016
State of Origin:

new entity number

Address

70 S 100 E PO BOX 421, Pleasant Grove UT 84062.

Status

Status: Active
Status Description: License Issuance
This Status Date: 12/05/2016
Last Renewed:
License Type: Corporation - Domestic - Non-Profit
Delinquent Date: 12/31/2017

Registered Agent

Registered Agent: JASON HUNTER
Address Line 1: 70 S 100 E
Address Line 2: PO BOX 421
City: Pleasant Grove
State: UT
Zip Code: 84062

Additional Information

NAICS Title: 9999-Nonclassifiable Establishment
NAICS Code: 9999

With this information, you can...

If you would like to purchase a Certificate of Existence for this business entity, select the button to the left. You will be

Registered Principal Search

More Information

Business Information

Name of Entity: STRAWBERRY DAYS ASSOCIATION, INC.
Entity Type: Corporation
Entity Number: 10181981-0140
Registration Date: 12/05/2016
State of Origin:

new entity number

Address

70 S 100 E PO BOX 421, Pleasant Grove UT 84062

Status

Status: Active
Status Description: License Issuance
This Status Date: 12/05/2016
Last Renewed:
License Type: Corporation - Domestic - Non-Profit
Delinquent Date: 12/31/2017

Registered Agent

Registered Agent: JASON HUNTER
Address Line 1: 70 S 100 E
Address Line 2: PO BOX 421
City: Pleasant Grove
State: UT
Zip Code: 84062

Additional Information

NAICS Title: 9999-Nonclassifiable Establishment
NAICS Code: 9999

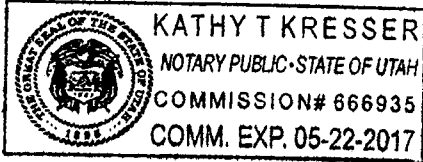
With this information, you can...

If you would like to purchase a Certificate of Existence for this business entity, select the button to the left. You will be

NOTARY COPY CERTIFICATION

State of Utah
County of Utah

I, Kathy T Kresser, a Notary Public, certify
this 10th day of December, 2016, the foregoing/attached document is a true,
correct, complete and unaltered copy of Strawberry Days
made by Kathy T Kresser.



Kathy T Kresser
Notary Public

My Commission Expires: 05-22-2017

Attribution Clause: This Certificate is prepared for, and exclusively belongs to, the accompanying document entitled

Strawberry Days, which consists of 1 page(s) and is dated 12-6-16.

If this Certificate is appropriated to any document other than the one described herein, it shall be deemed null and void.

Strawberry Days

Current Set-up

Governed by by-laws written in 1953

Overseen by Strawberry Days Chairman

No appointing procedures outlined

No term service outlined

Miss Pleasant Grove Pageant is funded through the City (Early Spring)

Includes the float and scholarships

Rodeo Committee has their own governance

Technically part of Strawberry Days Committee

Control a large majority of Strawberry Days budget

Uses PG City tax i.d. number

Major funding for Rodeo Grounds upgrades

Sometimes runs into conflict with Strawberry Days Committee

Other Committees are as assigned

Most committee members have been on a long time and they know what to do

City is involved in the Strawberry Days Committee

A lot of logistical support

Use PG City liability insurance coverage

Use PG City rodeo grounds

Issues

Need updated by-laws

Need to adopt a yearly budget

Needs to become its own entity

Needs to define the roles and responsibilities

Needs own tax i.d. number and own liability insurance

Need better planning with City on Rodeo Grounds upgrades

11-27-12 Prepared by Scott Darrington

JOBS

JOBS

Hourly
JobsWarehouse
Jobs

Jobs & Careers

Whois Information

Registered On	30-Oct-2013
Expires On	30-Oct-2018
Updated On	16-May-2016
Registrar	Network Solutions, LLC

Raw Data

Domain Name: STRAWBERRYDAYS.ORG
 Domain ID: D170059162-LROR
 WHOIS Server:
 Referral URL: http://www.networksolutio
 Updated Date: 2016-05-16T00:20:27Z
 Creation Date: 2013-10-30T04:09:04Z
 Registry Expiry Date: 2018-10-30T04:09:
 Sponsoring Registrar: Network Solutions
 Sponsoring Registrar IANA ID: 2
 Domain Status: clientTransferProhibited
 Registrant ID: 15092497-NSI

October
2016

Domain Name: STRAWBERRYDAYS.ORG
Domain ID: D170059162-LROR
WHOIS Server:
Referral URL: http://www.networksolutions.com
Updated Date: 2016-05-16T00:20:27Z
Creation Date: 2013-10-30T04:09:04Z
Registry Expiry Date: 2018-10-30T04:09:04Z
Sponsoring Registrar: Network Solutions, LLC
Sponsoring Registrar IANA ID: 2
Domain Status: clientTransferProhibited
https://icann.org/epp#clientTransferProhibited
Registrant ID: 15092497-NSI
Registrant Name: Pleasant Grove City Corporation
Registrant Organization: Pleasant Grove City Corporation
Registrant Street: 70 S 100 E
Registrant City: PLEASANT GRV
Registrant State/Province: UT
Registrant Postal Code: 84062-2702
Registrant Country: US
Registrant Phone: +1.8016912691
Registrant Phone Ext:
Registrant Fax: +1.8017858925
Registrant Fax Ext:
Registrant Email: jsroos@gmail.com
Admin ID: 15092497-NSI
Admin Name: Pleasant Grove City Corporation
Admin Organization: Pleasant Grove City Corporation
Admin Street: 70 S 100 E
Admin City: PLEASANT GRV
Admin State/Province: UT
Admin Postal Code: 84062-2702
Admin Country: US
Admin Phone: +1.8016912691
Admin Phone Ext:
Admin Fax: +1.8017858925
Admin Fax Ext:
Admin Email: jsroos@gmail.com
Tech ID: 15092497-NSI
Tech Name: Pleasant Grove City Corporation
Tech Organization: Pleasant Grove City Corporation
Tech Street: 70 S 100 E
Tech City: PLEASANT GRV

Q strawberrydays.org

menu 

Tech Phone Ext:
Tech Fax: +1.8017858925
Tech Fax Ext:
Tech Email: jsroos@gmail.com
Name Server: NS17.WORLDNIC.COM
Name Server: NS18.WORLDNIC.COM
DNSSEC: unsigned

Kathy Kresser

From: Mayor
Sent: Wednesday, August 31, 2016 5:18 PM
To: Kathy Kresser
Subject: Strawberry Days GRAMA Request 3

Mayor Mike Daniels
Pleasant Grove City
70 S 100 E
Pleasant Grove, UT 84062
801-785-5045

From: Lisa Young [REDACTED]
Sent: Thursday, August 11, 2016 3:39 PM
To: Jason Hunter
Subject: Re: Strawberry Days Finances

To all concerned,

We as a committee are thrilled and happy to accommodate and define relationships and finances going forward. We are working as quickly as possible to get that report ready. However, I think we always need to be very, very careful of wording when we don't have all the knowledge we need. Knowledge is wonderful and getting the report will give more knowledge. We want to have a positive working relationship on all sides, Strawberry Days Comm., Rodeo Committee, and City. We all work on our side not yours as 100% volunteers. Usually at a cost to us. I've highlighted those phrases that maybe should be held until learning has taken place. We will be communicating through Scott Darrington and the mayor appointed representative Lynn Walker for our times to meet etc.

*Lisa Young - SDay
Chair Sent to Jason Hunter*

Lisa, ^{SDAYS} ~~about~~ _{Chair} (sent to her from council member Ben Stankey)

We had a wonderful city citizen financial academy last night with Scott Darrington and Denise Roy, and some of the questions I have been asked by the public before, after, and during that meeting have involved the books of Strawberry Days. I have requested that category of information at various times in the past from the city and have been told it would be coming, that a debrief for the city council would be scheduled with the Strawberry Days committee and financial officer (you), and I understand Councilwoman Andersen recently had an individual conversation on that subject with you and a few others.

I am requesting that you send me the financial files, books, and ledgers associated with Strawberry Days over the years you have been in charge of those finances. I would like to review them in advance of the broader conversations. My understanding is that the Strawberry Days committee is a city committee, assembled under the auspices of the city, appointed by the mayor with advice and consent of the city council, uses the city's tax ID number, is partially if not completely funded by the

LAWWOODS

resources of taxpayers, and that I am entitled to review those documents on behalf of the people of Pleasant Grove as a matter of Utah State law and by virtue of elected official authority.

Please send them my way. Thanks in advance for the prompt reply and the generous service you render to our beloved city, with Strawberry Days, with our PSB Committee, and in many other ways. And have fun on that hunt!

Warmest Regards,
Ben Stanley
Pleasant Grove City Council

On Thu, Aug 11, 2016 at 8:32 AM, Jason Hunter <[REDACTED]> wrote:

Please make note of my new email address.

Well we're screwed now... ←

Sent from my iPhone

Begin forwarded message:

From: Ben Stanley <BStanley@pgcity.org>

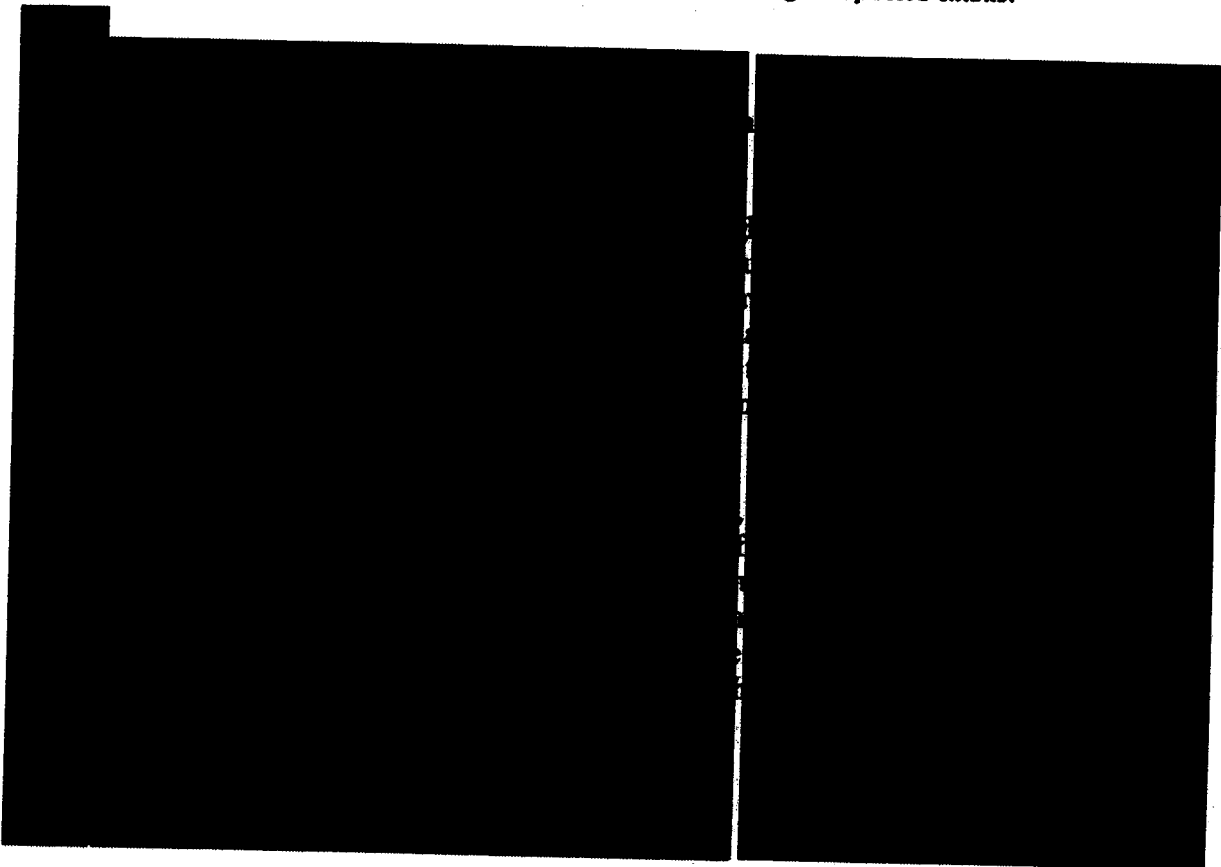
Date: August 11, 2016 at 8:25:32 AM MDT

To: [REDACTED]

Cc: Scott Darrington <SDarrington@pgcity.org>, Denise Roy <DRoy@pgcity.org>, Mayor <mayor@pgcity.org>

Subject: Strawberry Days Finances

Attention: This email was sent from someone outside of BDO USA. Always use caution when opening attachments or clicking links from unknown senders or when receiving unexpected emails.



SDay's own Jason Hunter accountant typed this to our Strawberry Day Chair

**2015-2017 STRAWBERRY DAYS BOUTIQUE
OFFICIAL EVENT CONTRACT AGREEMENT**

**PRODUCED BY THE
LITTLE BEE CRAFT BOUTIQUE**

THIS AGREEMENT is made this 12th day of January, 2015, between The City of Pleasant Grove herein after referred to as the City, and the Little Bee Craft Boutique herein after referred to as the Little Bee.

WHEREAS, the City desires to have the following in connection with their Strawberry Days:

Event Name: Strawberry Day Craft Boutique

Event Location: Historic Pleasant Grove Recreation Center

Event Date (s): June 17th- 20th, 2015 and respective dates for 2016 and 2017

The above shall hereinafter be referred to as the Event.

WHEREAS, Little Bee desires to stage the Event in conjunction with the 2015, 2016 and 2017 Strawberry Days and use the Strawberry Days name and logo.

WHEREAS, the City presents a community festival known as the 2015, 2016 and 2017 Strawberry Days and desires to include the Event in the festival and allow the Event to use the Strawberry Days name and logo.

NOW, THEREFORE, BASED ON THE MUTAL AGREEMENTS OF THE PARTIES IN THIS CONTRACT, IT IS HERBY AGREED BETWEEN THE PARTIES ASFOLLOWS:

*My Cities
own ad-
mission w/
no contract.*

1. This agreement shall end on the date of conclusion of the 2017 Strawberry Days event.
2. Little Bee and the City agree to coordinate advertising so that neither party repeats advertising.
3. Little Bee agrees to provide adequate signs and/or personnel on site to assist with check in and check out.
4. Little Bee agrees to identify the Event as being held in conjunction with the Strawberry Days in all advertising, promotions, and publicity. Little Bee is allowed the use of "Official Event" in its identifications, but cannot use "sponsored by" in any form. All advertising, promotions, and publicity shall include reference to the Event as an Official Strawberry Days Event and use the City's name. Little Bee also recognizes that nothing contained in this Agreement gives Little Bee any interest or property rights in the Logo, except the right to use them as set forth herein.
5. The City shall give Little Bee full access to the Historic Pleasant Grove Recreation Center both indoors and out for the event including staff that is either on-call or at the facility for maintenance issues. Little Bee will not be charged for the rental of the building. Little Bee agrees to contracting appropriate vendors to fill said space.

Little Bee maintains right of sole and final say to prohibit any vendor from signing up for the Event. Little Bee agrees to the following parameters:

- a. There will be absolutely no selling of items dealing with obscenities, drug related material or any

similar items of such nature.

b. Political Candidates will not be allowed to participate or advertise at the event.

c. This Event is for all age groups and inappropriate items will not be tolerated.

6. Little Bee agrees to hold a \$1,000,000 liability insurance policy for the Event. This policy will cover any injuries sustained during the Event according to the policy. The City will also have its own liability policy for its facility.

7. Little Bee will be responsible for all correspondence with contracted vendors. Correspondence during the Event as well as after the Event.

8. Little Bee agrees to pay the City a commission of \$2,500 each year. This commission will be paid to City within 14 days of the Event.

9. The City agrees to giving Little Bee access to the site of the Event when necessary to plan and coordinate Event.

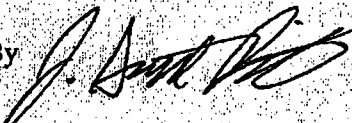
d. Indemnification, Limitation of Liability

Each Party agrees to indemnify and save harmless the other for damages, claims, suits and actions arising out of its own actions or omissions or the acts of omissions of its officers, agents, or employees in connection with this Agreement. It is expressly agreed between the Parties that the obligation to indemnify is limited to the dollar amounts set forth in the Government Immunity Act, Utah Code Ann. 63G-7-604 and that this provision is not a waiver of the Governmental Immunity Act by either Party. The obligation to indemnify pursuant to this provision shall survive the termination of this Agreement.

Little Bee agrees to all the responsibilities of running the actual Event including but not limited to:

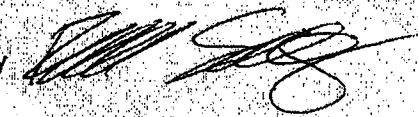
- a. Having enough staff on hand to assist vendors and answer questions from customers.
- b. Complete Setup and Take Down of Event. This includes cleaning the area after all vendors have left

I agree to the terms of this contract.

By 

City Representative City Administrator Title 2-20-15 Date

Print Name: J. Scott Darrington

By 

Little Bee Representative Owner Title 2/20/15 Date

Print Name: Russell Seeley

Please note that these are draft/pending minutes and subject to change depending on final city council approval.

1 Cardenas explained that the applicant met all requirements of the request, including square footage
2 requirements. It was noted that the smallest lot is 21,000 square feet. The City's Engineering
3 Department reviewed the proposal and determined that all requirements have been met with the
4 exception of a 20-foot easement along the west property line, which will need to be extended prior
5 to recordation of the plat. Staff is working with the applicant to make the modification. Staff
6 recommended approval, pending the final necessary engineering approvals and the extension of
7 the easement along the western property line.
8

9 The applicant, Al Mickelson, gave his address as 1393 North 500 East and identified which lots
10 were included when he purchased the subject property about 10 years ago. He identified where
11 they have operated their farm and explained that their intent was to purchase the rear property in
12 order to continue operating the farm, for which he has large animals. Mr. Mickelson stated that
13 staff has been cooperative in the process and he appreciated their help. He agreed to extend the
14 easement along the western property line and mentioned that there is a grove of trees near the
15 canal. He offered to purchase the property in order to preserve the trees rather than having them
16 removed to make way for more development. Mr. Mickelson concluded that he has no intent to
17 ever develop the subject property.
18

19 **ACTION:** Council Member Stanley moved to approve final plat called Allred Acres Plat C,
20 including a vacation of Lots 1-3 of Allred Acres Plat A, located at approximately 1393 North 500
21 East in the R1-20 Zone, subject to all final platting, engineering and fire requirements being met,
22 as well as the continuation of the existing easement along the western property line. Council
23 Member Walker seconded the motion. The motion passed with the unanimous consent of the
24 Council.
25

26 **11) ITEMS FOR DISCUSSION**

27
28 **A) DISCUSSION OF RELATIONSHIP WITH STRAWBERRY DAYS**
29 **ASSOCIATION. *Presented by Administrator Darrington.***
30

31 Mayor Darrington thanked the Strawberry Days Association, on behalf of the City, for their
32 willingness to meet tonight in order to help them understand where they are financially on
33 Strawberry Days.
34

35 Attorney Petersen explained that she has reviewed binders of minutes to research which entities
36 are involved in Strawberry Days. She noted that the following three entities are involved when
37 discussing the Strawberry Days Celebration:
38

- 39 1. The Strawberry Days Association.
- 40 2. The Strawberry Days Rodeo Association.
- 41 3. Pleasant Grove City.
- 42
- 43
- 44

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1 It was reported that the Strawberry Days Association was incorporated in 1962 as a Utah
2 Corporation. As such, it is a separate entity from Pleasant Grove City, which is a municipal
3 corporation. Attorney Petersen explained that there is nothing in the files indicating that the
4 Strawberry Days Association was ever dissolved. In addition, the incorporation documents state
5 that they are to exist for 99 years. In response to a question from Mayor Daniels, Attorney Petersen
6 explained that attached to the incorporation documents is a certification from the Utah State
7 Division of Corporations accepting the Strawberry Days Association's status request.
8

9 The Strawberry Days Association was originally formed not just to handle the Strawberry Days
10 celebration, but also to perform other civic service. They have restored the G, the time and temp
11 sign, the log cabin, fireworks, fire and ambulance equipment, playground equipment, and
12 restoration of the rodeo grounds. Attorney Petersen explained that it appears from the documents
13 on file that the Chamber of Commerce and the local Stake of the Church of Jesus Christ of Latter-
14 day Saints were the main contributors of officers, funds, and volunteered labor to make the celebration
15 a success. Their incorporation documents indicate how officers in the association will be chosen.
16 The "Committee" members are also identified. Their fiscal year is the calendar year, which is very
17 different from the City's, which is from June 30 to July 1.
18

19 The City has not been involved in reviewing the Strawberry Days Association, nor does the City
20 have any knowledge or control over the Association's by-laws. The City has in its files minutes
21 from a 1988 Strawberry Days Association Meeting where it was noted that the by-laws were being
22 changed and that the notice of changes needed to be mailed 30 days prior to voting. The
23 documents also indicate that the City of Pleasant Grove was not involved in the changes.
24

25 Attorney Petersen explained that the Strawberry Days Association has operated as its own separate
26 entity in almost all situations. 1990 shows a revolving line of credit with First Security Bank in
27 favor of the Strawberry Days Association and Pleasant Grove City as co-signer; thereby
28 identifying two separate entities. The Strawberry Days Association maintains its own checking
29 account and at the end of the celebration each year, reconciliation is prepared between the City and
30 the Strawberry Days Association. If the City owes money to the Strawberry Days Association for
31 items the Association paid for that was the City's responsibility, an invoice is prepared and
32 presented to the City from the Strawberry Days Association. A check is then issued to the
33 Strawberry Days Association for the reimbursement amount. This same process also takes place
34 vice-versa, which is consistent with the two entities being separate. It was noted that the
35 Strawberry Days Association has entered into contracts with various vendors as well. Attorney
36 Petersen explained that this is not the first time duties and finances have needed to be clarified
37 over the years. The file contains minutes from a meeting in 1988 that covers many of the topics
38 regarding responsibilities and who pays for what. It was noted that many of these same items are
39 still being discussed and clarified today. A financial recap for 1987/1988 was also provided in the
40 file.
41

42 Attorney Petersen explained that the City has traditionally been responsible for and paid for certain
43 items connected to the celebration. The City has been in charge of the costs associated with Miss
44 Pleasant Grove Pageant. The City pays for the pageant, the float, etc. The City also pays for the

They were inserted most certainly by our city attorney to order the meeting in an effort to hold her for case. This appears to be

All the claims were never said in the actual meeting.

a fraud upon the elected body.

Please note that these are draft/pending minutes and subject to change depending on final city council approval.

1 fish to stock the pond for Huck Finn Days and the power at the Downtown Park for the Carnival.
2 The City pays for some of the portable restrooms used during the celebration as well.
3

4 The Strawberry Days Rodeo Association has also been incorporated as a separate corporate entity
5 through the State and has always operated separately from the City and the Strawberry Days
6 Association. They have always held their election of committee members and have handled their
7 own finances separately from the City. The Rodeo Association has made capital improvements to
8 the rodeo grounds over the years and paid for them. Some of the improvements have been paid
9 for by the City as well. The City purchased the Rodeo grounds in 1952 for approximately
10 \$15,700.00. Mayor Daniels asked when the Rodeo Association became incorporated. Attorney
11 Petersen explained that it took place in the late 1940s.
12

13 Attorney Petersen explained that in 2013, in an effort to begin the process of clarifying the roles
14 and responsibilities of the various entities that have traditionally been involved in organizing the
15 Strawberry Days Festival, the City adopted an ordinance making the Strawberry Days Committee
16 a permanent Committee. However, the ordinance was not intended to change the nature of the
17 Strawberry Days Association as a separate entity.
18

19 Mayor Daniels echoed Attorney Petersen's remarks. He stated that the legal backdrop
20 demonstrates three legal entities that work together but are completely separate in their jurisdiction
21 and financial responsibilities. He explained that it is important to understand that Strawberry Days
22 is managed and run by volunteers. As such, the City needs to respect the fact that they are
23 volunteers and not exercise opinion or control of the event. Mayor Daniels stated that tonight
24 the Council would like to better understand financing and what the City has contributed financially
25 and how to set a framework moving forward. Administrator Darrington remarked that it is
26 incredible that an event as large as Strawberry Days is managed by a force of volunteers.
27

28 Administrator Darrington explained that he recently met with Council Member Andersen, Lisa
29 Young, Penny Farnworth, and Jason Hunter, to better define the roles of each participating entity.
30 He explained that the City has participated in different ways. For example, they have provided
31 staff support from the Police, Fire, Parks and Recreation Departments. In reviewing the man
32 hours contributed to the event, the City's contribution totaled approximately \$52,000.
33 Administrator Darrington stated that without the staffing contribution, Strawberry Days would not
34 be at the high quality level that it is. He explained that the City also participates in the Miss
35 Pleasant Grove Pageant which is run by Terry Marchbanks. The City funds the Miss Pleasant
36 Grove pageant, scholarship, parade float, for a total contribution of approximately \$22,000. It was
37 noted that while Ms. Marchbanks is also on the Strawberry Days Committee, the pageant is a
38 separate event.
39

40 Administrator Darrington explained that the Strawberry Days Association has in years past used
41 the City's sales tax exemption number. He stated that the City has a Tax Identification Number,
42 which is different from the sales tax number. The Strawberry Days Association has not used the
43 Tax Identification Number. Jason Hunter explained that the only time he has given the City's Tax
44 Identification Number out is when a contract with the City specifically requests a W-9.

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1 Administrator Darrington explained that while there has been an intermingling of activities
2 between the Strawberry Days Association and the City, the City's primary role is to execute the
3 event in a successful manner. He suggested that it might be a good idea for the Strawberry Days
4 Association to establish its own tax identification and sales tax exemption numbers.
5

6 Administrator Darrington explained that the Strawberry Days Association has its own bylaws,
7 which were reviewed in 2013. He explained that Former Mayor Call had a draft copy of the
8 updated bylaws, but they were never formally adopted. Administrator Darrington commented that
9 if the by-laws were adopted they aren't being followed. Also in 2013, as previously mentioned,
10 the Strawberry Days Committee was formed at which time the City appointed the Chair and Vice
11 Chair. As part of the effort to separate entities, Administrator Darrington suggested that the
12 Strawberry Days Committee start appointing their own leadership moving forward. Once the
13 specifics are better defined, Administrator Darrington recommended that the City enter into an
14 agreement with the Strawberry Days Association. As a City, they would then contractually obligate
15 themselves to provide certain personnel in order for the event to take place.
16

17 With regard to the Rodeo Association, staff noted that the City owns the rodeo grounds. The City
18 does not charge the Rodeo Association to use the rodeo grounds. The Rodeo Association has used
19 their revenues to reinvest in various improvements to the rodeo grounds, such as lights and
20 bleachers. Administrator Darrington explained that it would be wise to establish a defined
21 contractual agreement between the City and the Rodeo Association as well, and to create a five-
22 year capital plan. He noted that the previous year the City helped pay for improvements to the
23 rodeo grounds. It was noted, however, that the Rodeo Association has made most of the
24 improvements themselves.
25

26 **B) FINANCIAL REPORT TO CITY COUNCIL. Presenter: Jason Hunter of Strawberry**
27 **Days Association.**
28

29 Jason Hunter gave his address as 19 East 300 North and noted that he is the Treasurer of the
30 Strawberry Days Association, the Financial Chair of the Strawberry Days Committee, and Acting
31 Treasurer of the Strawberry Days Rodeo Association. Mr. Hunter explained that the Strawberry
32 Days Association formed as a legal entity in June 1962. The group was organized to meet the
33 following five purposes:
34

- 35 • Working as a unit to provide better civic and recreational development.
- 36
- 37 • To build the general area of Pleasant Grove and Lindon as the outstanding residential area
38 upon the Wasatch Front.
- 39
- 40 • To build closer relations between all religious and civic clubs and organizations in the
41 general area.
- 42
- 43 • To publicize and promote our celebration as a major event in the State of Utah.
- 44

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- To develop and expand existing recreational facilities in this area.

Mr. Hunter explained that the Strawberry Days Association has a long history of helping with the Strawberry Days celebration. While many other cities have to spend a lot of money to put on their various celebrations, Pleasant Grove helps defray the cost to the taxpayers by utilizing the Strawberry Days Association. The Strawberry Days Rodeo was formed in the 1940s. Mr. Hunter explained that at one point the Rodeo Association owned the property where the rodeo grounds are now located, but it was sold back to the City in 1950s. Mr. Hunter explained that the Strawberry Days Association doesn't have the same legal requirement the City has to answer GRAMA requests or to disclose financial information to the City Council or citizens. However, the Strawberry Days Association recognizes that the citizens of Pleasant Grove are their primary stakeholders. In the interest of transparency and openness to their stakeholders, Mr. Hunter presented a summary of operations for both the Strawberry Days Association and the Rodeo Association for the past three years he has acted as the Treasurer for both groups. Due to the sensitive nature of vendor contracts and sponsorship agreements, he would not be sharing line item details. However, he invited any member of the City Council to make an appointment to review the books, if the need arises.

Mr. Hunter stated that the Strawberry Days Association is not his full-time job. He spends over 100 hours a year volunteering for the organization. Many committee members do the same. Due to the demands and time required of volunteers to run the events, some of the administrative workings of the Strawberry Days Committee are completed in the months following the actual events. Mr. Hunter clarified that the Strawberry Days Association has its own Tax Identification Number. There have been times when bills, such as port-a-potties and dumpsters are sent to the City but the Strawberry Days Association has paid the invoices directly so that taxpayers don't have to shoulder the cost. On a few occasions, the Strawberry Days Association has used the City's sales tax exemption certificate. However, for all other invoices that are sent directly to the Strawberry Days Association, taxes are paid. As he previously mentioned, Mr. Hunter explained that there have been times when a 99 has been requested from a customer. On contracts that are also signed by the City Manager, Mr. Hunter has provided the City's Tax Identification Number on a

Mr. Hunter explained that he recently discovered that a former treasurer failed to renew the Strawberry Days Association with the Utah Division of Corporations and Commercial Code. He discussed this directly with the state and they are in the process of renewing that registration. Since Mr. Hunter became treasurer three years ago, they have worked on putting controls in place to safeguard the funds. These controls have included a separation of custody and authority on all check signing, automation of transactions, cash controls, etc. They have also worked with the City to define the individual roles of each participating Strawberry Days entity. They will continue to look for ways to improve and looked forward to continuing their relationship.

Mr. Hunter presented other contributions made by the Strawberry Days Association over the past three years:

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- 1 • Well over 10,000 volunteer hours each year have been spent on improvements to the City
2 and supporting the various Strawberry Day events.
- 3
- 4 • Over \$240,000 has been spent improving the Rodeo Grounds and Equipment.
- 5
- 6 • \$60,000 has been spent funding citizen activities including Huck Finn Days (with the
7 exception of the pond fish), the Art Contests, the Baby Contest, Little Miss Strawberry
8 Days, the Guns and Hoses run, and the Parade.
- 9
- 10 • \$13,500 has been awarded in Scholarships to well students involved in volunteer
11 activities. The applications are available through the Pleasant Grove and Timpanogos High
12 Schools.
- 13
- 14 • Over \$13,000 has been given to “Too Good to Waste Pink” a cancer fighting
15 organization.
- 16

17 Mr. Hunter explained that the primary revenue sources include rodeo tickets and concession sales,
18 carnivals, and many private sponsors. The Strawberry Days Association does not receive any
19 direct taxpayer funds, though there are some items that are collected through the City and
20 distributed to the Strawberry Days Association, and vice versa. Mr. Hunter reiterated that the
21 Strawberry Days Association does not do the Miss Pleasant Grove Pageant, nor do they do any of
22 the recreation programs. He explained that the Strawberry Days Association has worked with the
23 City’s accounting team for the past three years to reconcile revenues with expenses.

24
25 Mr. Hunter explained that non-cash items are not recorded on the Strawberry Days Association or
26 Rodeo Association books, with the exception of bathroom improvements made in 2014.
27 Mr. Hunter stated that his former incoming Treasurer was to get all the cash and non-
28 cash items recorded so that they can have a good accounting of the benefits and costs of the two
29 Associations. It has, however, been difficult to determine fair market value for many non-cash
30 items. The Strawberry Days Association has done a better job of asking providers to provide this
31 information in order to track it in the Strawberry Days Association’s records. Mr. Hunter presented
32 Statements of Activities for both the Strawberry Days Association and Rodeo Association for the
33 years 2014, 2015, and 2016. Each chart included total revenues, gains, and other support, as well
34 as expenses and changes to net assets.

35
36 Mr. Hunter explained that the rodeo takes place regardless of the weather. As such, the Rodeo
37 Association keeps a minimum of one-year cash expenses on hand. He stated that it is literally a
38 rainy day fund. With the exception of 2014 when the City paid for a portion of the restroom
39 facility, all of the major improvements to the rodeo grounds were paid for and provided for by
40 Rodeo Association Members. The Rodeo Association builds up its fund balance so that it can pay
41 for improvements as it goes, thereby avoiding debt. The Rodeo Association tries to complete a
42 project every two to three years, depending on the project. Mr. Hunter presented the following list
43 of upcoming CIPs, which were not listed in any particular order:
44

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- 1 • North Concession Stands / Public Entrance area.
- 2
- 3 • Improved and expanded seating;
- 4 ○ ADA accessible and viewable seating
- 5 ○ Safer Seating.
- 6
- 7 • Parking improvements.
- 8
- 9 • Announcer's Stand.
- 10
- 11 • Contestant areas improvements.
- 12
- 13 • Stock area improvements
- 14

15 Council Member Stanley remarked that the Strawberry Days Association is a wonderful
16 organization. He commended members of public who volunteer with the committee. Council
17 Member Stanley proceeded to recite segments of meeting minutes spanning several years in an
18 effort to provide context for his forthcoming questions. In response to comments from Council
19 Member LeMone, Council Member Stanley proposed the following questions:

- 20
- 21 1. Should Strawberry Days be a separate event?
- 22
- 23 2. Does the City want to have a Strawberry Days Chairman appointed by the Mayor and
24 Council, or is the City okay with the current system?
- 25
- 26 3. Should the City carry liability for the event?
- 27
- 28 4. Should the City have financial oversight of Strawberry Days?
- 29
- 30

31 Council Member Stanley continued to read segments of previous meeting minutes.

32
33 **ACTION:** Council Member LeMone moved that the Members of City Council ask Council
34 Member Stanley to read the minutes from previous years and ask questions that are
35 relevant to tonight's discussion. Council Member Jensen seconded the motion. Council Members
36 LeMone, Jensen, Andersen and Walker voted "Aye". The motion carried unanimously. Council
37 Member Stanley did not participate in the vote.

38
39 Council Member Stanley was grateful for the interest of the public in asking questions and thought
40 they had done so in an attitude that is appropriate for the City. He explained that by in large, the
41 public is comfortable with the scholarships offered through the Miss Pleasant Grove Pageant
42 because there is transparency and it uses City finances, which are available for public review.
43 However, in speaking to non-pageant scholarships, Council Member Stanley stated that

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1 Mr. Hunter mentioned \$13,500 in non-pageant scholarship funds. He asked Mr. Hunter to clarify
2 if \$13,500 was the total amount of non-scholarship funds and further explain their sources.
3

4 Mr. Hunter explained that the scholarships are provided by the Rodeo Association and \$1,500 is
5 awarded to three qualified individuals, for a total of \$4,500 per year. Mr. Farnworth stated that he
6 started the Rodeo Association Scholarship Program with Scott Fugal. He described the application
7 process and noted that the Rodeo Association distributes applications to two different local high
8 schools. When reviewing applications, the names of the applicants are redacted so that he and
9 Mr. Fugal do not know whose applications they are reviewing. Mr. Farnworth explained that it is
10 a service oriented scholarship awarded to youth who demonstrate significant volunteerism. It is
11 not awarded in recognition of standard Eagle Scout projects.
12

13 Mayor Daniels asked if the scholarship money is raised and donated by the Rodeo Association.
14 Mr. Farnworth answered affirmatively. He explained that they receive a certain amount of revenue
15 from seating. When the Rodeo Association reviews finances at the end of the year, they award a
16 certain amount back to the community in scholarships. When they first started the scholarship
17 program, they awarded three, \$1,000 scholarships, which came directly out of Rodeo Association
18 funds. Two years ago, they only had two people apply so they awarded two, \$1,000 scholarships.
19 Mayor Daniels commented that if a separate, legal entity is raising funds and making a donation
20 to a scholarship pageant, the City of Pleasant Grove should not be requesting information about
21 what they are doing with that money.
22

23 Council Member Stanley stated that the reason he gets questions from the public is because some
24 citizens see the intermingling of entities, as indicated in previous sets of meeting minutes. Some
25 members of the public have the perception that the surplus from the Strawberry Days Rodeo could
26 be used to reduce or minimize some of the subsidies the City provides. Mr. Farnworth replied that
27 this concern is understandable. He explained that it has taken several years for the Rodeo
28 Association to get where they are today. He stated that the Rodeo Association wants to do
29 everything in their power to help unify all of the entities that coordinate the Strawberry Days
30 celebration. Mr. Farnworth explained that the Rodeo Association's goal is money, because with
31 more money they can get more seats, and with more seats they can accommodate more families at
32 the rodeo. The Rodeo Association implemented the kids' free night on Wednesday, with the
33 exception of last year because it wasn't financially viable. Therefore, they sold seats at \$1.00 each
34 in order to keep the rodeo a family-friendly event. Mr. Farnworth explained that ultimately, their
35 goal as an association is to provide families and family participation to keep the rodeo tradition
36 alive for generations.
37

38 Mayor Daniels advised Council Member Stanley that in the spirit of cooperation between the
39 volunteer and separate legal entities, that they show respect and humility in the way questions are
40 asked. He stated that the City is asking for volunteers to participate in providing information. The
41 Council is not in the position to command or demand anything. The Council needs to help educate
42 the public that these organizations are not owned or managed by the City but rather, they work
43 together in a cooperative effort.
44

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1 Council Member Stanley stated that the public has questions about how the scholarships are
2 advertised. Lisa Young, from Pleasant Grove High School, stated that the scholarship applications
3 are presented to the school by Mr. Fugal or Mr. Farnworth and the applications are displayed with
4 all other scholarship applications in the Counseling Center. School staff then personally distributes
5 the applications and advertises them on the school's website. It was noted that the school
6 distributed over 300 applications last year. Council Member Stanley asked how the applications
7 are evaluated. Mr. Farnworth reiterated that the names of the applicants are redacted and they are
8 evaluated in a non-bias manner.

9
10 In response to a question raised by Council Member Stanley, it was reported that Jeff Matthews
11 was the previous Treasurer and he held the position for five years prior. Council Member Stanley
12 asked Mr. Hunter to elaborate on cash controls the Strawberry Days Association has implemented
13 in recent years. Mr. Hunter elaborated on points previously made. Council Member Stanley asked
14 how many members of the Strawberry Days Association have payment authority. Mr. Hunter
15 declined to answer and stated that the reason for not providing that information was because it is
16 not within the purview of the City Council to be privy to such information.

17
18 Mayor Daniels reminded Council Member Stanley that the Strawberry Days Association is a
19 separate, legal entity, and their presence tonight is due to the invitation of the Council. It is not a
20 hearing, and the Council's intent is not to question them in an authoritarian manner. There was
21 further deliberation.

22
23 Council Member Stanley thanked Mayor Daniels for his input. He stated that he has never been
24 adversarial with anyone's questions during his time on the City Council. He has asked questions
25 as part of his responsibility to the public. He stated that there are many members of the public
26 who would disagree with the assessment and analysis of the independence of the three
27 organizations. Council Member Stanley felt there was a responsibility to review and provide
28 oversight. He stated that the citizens have been complaining for over a decade. Mayor Daniels stated
29 that there is a way to handle the situation in a legislative manner. If there is a legal question
30 involved, the court system can determine whether they are truly legal, separate entities. However,
31 as elected officials they cannot assume that is the case. Council Member Stanley thanked
32 Mr. Hunter for the offer to review the books with anyone who is interested and expressed interest
33 in meeting with Mr. Hunter.

34
35 Lisa Young asked if the City is headed toward a legal discussion in court. Mayor Daniels asked
36 the City Council if any of them were considering a legal challenge as to whether the entities that
37 have been documented and described by Attorney Petersen, are subject to the authority of the City
38 and City Council.

39
40 Council Member Andersen did not care about what has happened in past. She was grateful that so
41 many citizens donate hundreds of volunteer hours. She explained that the discussion began
42 because she and Mr. Farnworth were chatting about how to fix the bleachers, in light of a girl who
43 fell through them this summer. She stated that the bleachers are heavily used and need repair. At
44 the end of the conversation it had become clear to Council Member Andersen that each of the

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1 entities needs to meet to clearly define roles and responsibilities. She was eager to be part of that
2 process. Council Member Andersen stated unequivocally that she was not in favor of having a
3 legal discussion right now about Strawberry Days.
4

5 Council Member Walker also was not in favor of having a legal discussion about Strawberry Days.
6 He recognized several members of the audience who have played key roles in Strawberry Days,
7 and expressed that this celebration defines their community. Council Member LeMone was not in
8 favor of having a legal discussion about Strawberry Days.
9

10 Council Member Jensen thanked those present for their volunteerism. He stated that
11 Mr. Farnworth has always been open and honest with his anytime questions have been raised.
12 Council Member Jensen stated that it does no good to bring up issues from the past. He expressed
13 appreciation for Mr. Hunter and Mr. Farnworth's time tonight and stated that he is definitely not
14 interested in pursuing a legal discussion about Strawberry Days.
15

16 Council Member Stanley was interested in getting to the truth, which has the virtue of its own. He
17 wanted to have his questions answered so that he can respond to questions from the public. He
18 was happy to do that in whatever context people are the most comfortable. Council Member
19 Stanley echoed previous comments about volunteerism.
20

21 Mr. Hunter said that while he would be happy to sit down and review financials with Council
22 Member Stanley, they may need to discuss certain boundaries. Mr. Hunter stated that he and
23 Council Member Stanley have already had conversations regarding the Strawberry Days
24 Association. He is not being accused of fabricating financial records by someone else with whom
25 Council Member Stanley has had conversations. Mr. Hunter was very hesitant to meet with
26 Council Member Stanley one and not be on the record because of how things have been twisted
27 to this point. Mr. Hunter stated that while he would be happy to meet with Council Member
28 Stanley, separate legal entities there are lawyers that the public will not be privy to unless they
29 become part of the Strawberry Days Association. If this means that the City decides that they
30 no longer want to use the Strawberry Days Association, then the City Council has the authority to
31 sever that relationship.
32

33 Council Member Mone asked Council Member Stanley what his end goal was in reviewing the
34 financials of the Strawberry Days Association. There was further deliberation between the two
35 Council Members.
36

37 Mayor Daniels again thanked Mr. Hunter and Mr. Farnworth for their presentation and remarks.
38 He stated that the majority of the Council would like to interface on the areas where they may be
39 unclear on responsibilities and how to better define roles moving forward. Mr. Farnworth stated
40 that this was also the goal of the Rodeo and Strawberry Days Associations. Mr. Farnworth
41 concluded by stating that the Strawberry Days celebration would not be possible without the City's
42 Fire, Police, and Parks and Recreation Staff.
43

9/13/16

8) TO CONSIDER FOR ADOPTION AN ORDINANCE (2016-20) AMENDING TITLE 2 CHAPTER 1 "PERMANENT ADMINISTRATIVE COUNCILS, BOARDS, COMMISSIONS AND DISTRICTS" OF THE PLEASANT GROVE MUNICIPAL CODE REMOVING THE STRAWBERRY DAYS COMMITTEE AS ONE OF THE PERMANENT COMMITTEES; AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Attorney Petersen.

City Attorney, Tina Petersen, explained that the two ordinances on the agenda tonight were drafted at the specific request of the Mayor and placed on the agenda to night per his request. There have been many discussions pertaining to the relationship between the City and the Strawberry Days Association over the years. In 2013, the Strawberry Days Committee was added as one of the permanent boards and commissions in the City. Ordinance 2016-20 would remove this committee from the list of permanent boards and commissions. She explained that Ordinance 2013-30, which was adopted in 2013, set goals for the Strawberry Committee; however, those goals were never fully accomplished. By adopting Ordinance 2016-21, the City will be repealing the Committee while continued discussions move forward as to how the three other entities will work together for future Strawberry Days celebrations.

Mayor Daniels noted that both Items 8 and 9 will be discussed at the same time.

Council Member Stanley stated that as a Council, they have a standard of not taking action during Work Sessions. He noted that he has had members of the public express a desire to comment on the issue. He asked if there was a reason why these actions were taking place tonight. Attorney Petersen explained that the items would not have been public hearing items regardless of when they were discussed. Council Member Stanley argued that citizens would have liked to at least had a chance to comment during an open session; however, Work Sessions do not include an Open Session. Attorney Petersen stated that the items were placed on tonight's agenda at the request of Mayor Daniels. She explained that there is nothing prohibiting the Council from taking action during a Work Session. While the City has chosen to follow this practice from a policy standpoint, the Council may choose to take action during Work Sessions as long as items are properly noticed. Council Member Stanley wanted to continue both items pertaining to Strawberry Days to allow public comment.

Council Member Stanley stated that in looking at the City Council minutes for September 17, 2013, Former Mayor Call outlined reasons for creating the Strawberry Days Committee and bringing the celebration under the authority of the City. During that meeting, Mayor Call talked about the growth of the City and the complex nature of the celebration. Council Member Stanley stated that he had not heard arguments or rationale as to why they would repeal this decision, which was unanimous. Attorney Petersen explained that the intent is to move in a different direction, whereby the City would enter into a contractual relationship with the Strawberry Days Association instead of absorbing the Association.

Council Member Stanley expressed concern that the by-laws had not been passed. He explained that they might be exposing the City to greater liability and putting the City's own tax exempt status at risk if the Strawberry Days Association is more than a decade out of compliance with its entity status. He stated that it might make more sense to do the foundational work before making

the ordinance change, so that the Strawberry Days Association still has the protection of the City's umbrella.

ACTION: Council Member Stanley moved to continue Items 8 and 9 to a date uncertain.

Council Member LeMone asked Attorney Petersen to address the issue that Council Member Stanley brought up about the Strawberry Association using the cities tax id number.

Attorney Petersen explained that in the last meeting Jason Hunter, the Treasurer for the Strawberry Days Association, explained that they do not use the City's tax identification number. She could not understand how Council Member Stanley's previously stated concern was relevant as to whether the City's tax exempt status was being jeopardized. The Strawberry Days Association has only provided the City's tax exempt status number on occasion to buy supplies for City sponsored events not for the Associations purposes. Council Member Stanley commented that it would be valuable for the City and the Strawberry Days Association to get things in order prior to making a policy change that was unanimously approved three years ago.

The motion died for lack of a second.

Council Member Andersen stated there are questions about how the City's contractual relationship will look with the Strawberry Association. She asked if the doors will be open for further discussions if the proposed ordinances are passed tonight. Attorney Petersen explained that the actions will put things back at the status quo prior to 2013.

Mayor Daniels explained that his intent in bringing the matter forward was to prompt Council discussion in light of the various questions that have been raised about Strawberry Days in the community. He asked the Council to consider what is in the best interest of the City and citizens of Pleasant Grove. He explained that since the goals and objectives that began in 2013 were not completed, it seemed appropriate to reset back to where they started. Once the roles of the Strawberry Days Association, Rodeo Association, and the City have all been defined, then it might be worth it to discuss how to bring all three entities under the same umbrella again.

Council Member Stanley opined that until those discussions have taken place, it may be best not to take action that may need to be reversed. There was further deliberation on the matter.

Council Member Andersen was supportive of the idea of separating the Strawberry Days Association from the City and referenced recent changes made with the Pleasant Grove Chamber of Commerce. Council Members LeMone, Jensen and Walker agreed with Mayor Daniels's previously stated stance on the matter.

Attorney Petersen clarified that the City Council is voting to remove the Strawberry Days Committee from the City's list of permanent boards and commissions. The Strawberry Days Association is still a private entity, which they have always been.

Council Member Stanley's biggest concern was that there has been no effort to quantify the financial risk to the City and the citizens. He stated that it is a mistake to unwind an ordinance

from three years ago without having by-laws in place, calculating costs, or having a separate entity status that is in compliance with the State.

Administrator Darrington explained that the 2013 ordinance created the Strawberry Days Committee and put the Committee under the umbrella of the City not the Strawberry Days Association. This action also gave the Mayor the ability to appoint a Chair and Vice Chair at the advice of the Council. He reiterated that tonight's actions simply dissolve the Strawberry Days Committee and as such, there are no financial implications. Attorney Petersen added that in her professional opinion, she does not see any financial risk in adopting the ordinances tonight. The Strawberry Days Association has its own financial obligations as a separate private entity and the City has its own expenses for which they have accounted for over the last several years.

Council Member Stanley asked if the City would be held accountable as a back step if the IRS filed a suit for 14 years of back taxes from the Strawberry Days Association. Attorney Petersen answered in the negative and stated that the Strawberry Days Association is a private, separate entity. The only liability the City may assume is in regard to the fact that the celebration occurs on City property.

Council Member Andersen asked Council Member Stanley to better articulate his fears on the matter. Council Member Stanley stated that he is afraid of putting the City in a weaker bargaining position if the time ever comes that they decide that it was a mistake to reverse the actions that were put into place in 2013. He felt there needed to be more transparency in terms the financials of the event. He explained that he would be comfortable putting the event out to bid, to see if there was another group who would interested in hosting the event. Council Member Andersen stated that if the City were to go this route, then there would need to be someone on Staff who managed Strawberry Days. There was continued discussion on points previously made throughout the discussion.

ACTION: Council Member Jensen moved to adopt an Ordinance (2016-20) amending Title 2 Chapter 1 "Permanent Administrative Councils, Boards, Commissions and Districts" of the Pleasant Grove Municipal Code removing the Strawberry Days Committee as one of the permanent committees; and providing for an effective date. Council Member LeMone seconded the motion. A voice vote was taken with Council Members Jensen, LeMone, Andersen and Walker voting "Aye" and Council Member Stanley voting "Nay". The motion passed 4-to-1.

9) TO CONSIDER FOR ADOPTION AN ORDINANCE (2016-21) REPEALING AND RESCINDING ORDINANCE 2013-30 "STRAWBERRY DAYS COMMITTEE"; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: Council Member LeMone moved to adopt Ordinance (2016-21) repealing and rescinding Ordinance 2013-30 "Strawberry Days Committee"; and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken Council Members Jensen, LeMone, Andersen and Walker voting "Aye" and Council Member Stanley voting "Nay". The motion passed 4-to-1.