

**Pleasant Grove City
City Council Special Meeting Minutes
Tuesday, December 17, 2024
12:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen
Eric Jensen
Steve Rogers
Todd Williams

Staff Present: Scott Darrington, City Administrator
Tina Petersen, City Attorney
Wendy Thorpe, City Recorder
Kyler Brower, Assistant to the City Administrator

Excused: Cyd LeMone, City Council Member

The City Council and Staff met in the Community Room, 108 South 100 East, Pleasant Grove, Utah.

1. CALL TO ORDER

Mayor Guy Fugal called the meeting to order at 12:01 p.m. and welcomed those present.

2. TO CONSIDER FOR ADOPTION A RESOLUTION (2024-052) AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN OREM, VINEYARD, LINDON, AND PLEASANT GROVE CITY RELATING TO THE FORMATION OF A REORGANIZED SCHOOL DISTRICT TO SERVICE THE RESIDENTS OF THE FOUR CITIES AND PROVIDING FOR AN EFFECTIVE DATE. PRESENTER: ADMINISTRATOR DARRINGTON.

City Administrator, Scott Darrington reported that the Alpine School District has essentially been divided into three different districts. There are now certain requirements the City has to meet moving forward. One of the requirements relates to the reorganized new school district, which includes Pleasant Grove, Orem, Lindon, and Vineyard. Those cities need to enter into an Interlocal Agreement to operate and work as a reorganized new school district. There is a mandate by law to do two things: create an entity and create a plat that shows the new school district boundaries. The entity has a \$25 filing with the State offices. Lindon has taken the lead on the filing. As for the plat, work is being done in conjunction with the other two school districts. The preference of the County is that there be one plat map. Administrator Darrington noted that there are some anomalies in the Alpine School District boundaries, but those details are being worked through.

There is a requirement to create an Interlocal Agreement. The agreement will authorize the two required actions to occur. Administrator Darrington explained that this is mandated to take place by December 19, 2024. The entity registration will be done by that date. The intention is to have the

plat map ready by that date as well, but there is some uncertainty about the timeline. The three districts have reached out to the Lieutenant Governor's Office to let them know that the plat map might not be submitted by the deadline. Once boundaries are set, the County will spend the next few months formulating the districts for the seven voting members of the new school district.

Administrator Darrington read a section of the Interlocal Agreement to highlight the State-mandated requirements. He read the following language aloud for the benefit of the Council:

- SECTION 1: PURPOSE
 - The purpose of this Agreement is to establish a cooperative framework among the Parties to support the creation, transition, and operation of the New District. The power and authority granted under this agreement shall be limited to completing State required applications, forms, or producing other reports necessary in the formation of the New District. An amendment to this Agreement shall be required before the Joint Board may take any other actions.

Council Member Williams asked if the mandates are new. City Attorney, Tina Petersen denied this and explained that the mandates are part of the existing Code. Administrator Darrington reported that there are weekly meetings held with the other three cities to determine next steps until a new School Board is elected. The new School Board will be elected in November and will take office in January 2026. There will continue to be meetings with the other three cities until then. If there is interest in a Feasibility Study or something similar, then the agreement can be brought back to the City Council so there can be an amendment made to the Interlocal Agreement.

It was noted that there was a reason an Interlocal Agreement was not done before. Attorney Petersen explained that this Interlocal Agreement is different than the Interlocal Agreements that the other two districts formed. Those were formed back in April or May with the intention of breaking off to form a new school district. This Interlocal Agreement is being entered into strictly for the purpose of satisfying the statutory requirements. There are mandates to file as a new entity with the State Office of Corporations. Council Member Eric Jensen asked about language related to funding. Attorney Petersen explained that there have been discussions about the issues that are proposed in the Legislation and the desire to provide input. The code section for filing is 53G-3-203 – Filing of Notice and Plat Relating to School District Boundary Changes Including Creation, Consolidation, Division, or Dissolution - Recording Requirements – Effective Date.

Attorney Petersen explained that this particular Interlocal Agreement is designed to comply with the statutory requirements for creating an entity. The door is open to add to this agreement in the future or to create another Interlocal Agreement as this process moves forward and the roles of the different cities are clarified ahead of the new School Board election. There is a little uncertainty about what will be done ahead of the new School Board election, but the statute is clear about what happens after that point. The current negotiations between the cities center around what the role should be in this interim period. Attorney Petersen reiterated that there is specific language in the Interlocal Agreement that this is only intended to form the entity that is required by statute.

Council Member Williams expressed concerns about the agreement language because it states that three school districts are being formed as a result of Propositions 11 and 14 votes. He wants to make

sure there is clarity about what occurred. This situation is being forced upon the City because of a vote that did not include the City. Due to what took place with Proposition 11 and Proposition 14, there now needs to be reorganization. Attorney Petersen reported that the statute defines them as the reorganized district. Administrator Darrington explained that if the Interlocal Agreement is expanded, the four cities can choose a name. A name is needed for the entity, but a placeholder was used. Council Member Steve Rogers noted that the statute discusses the County's responsibilities. He does not necessarily read the statute as requiring a plat to be provided. It sounds like it is actually the responsibility of the County to handle that. Administrator Darrington clarified that there is work happening with the County. The County interprets the language as stating that the plat must be created and then shared with the County in order to receive approval. The plat will potentially follow different city lines, but there are unincorporated areas to consider as well as some random pockets. The districts are working together on the plat because the County requested that one plat be presented. Additional discussions were had about the plat process.

Administrator Darrington explained that the County interpreted the code as stating that they do not create the plat, but are responsible for approving the plat. The four cities will pay for the work. The Pleasant Grove share is $\frac{1}{4}$ of \$15,000. A question was asked about how to explain to residents that the City needs to pay \$15,000 for something they did not vote for. Administrator Darrington reported that the County has shared their interpretation of the code. The City can fight with the County or focus on the best path forward. The intention is to set this up so there is reimbursement for the money that is spent. This will ensure that the City is not out the costs. Council Member Williams stressed the importance of stating that clearly on the record. Administrator Darrington noted that this is still in process and is proposed to be part of the new Legislation. There is a provision to state that whatever money the cities spent will be reimbursed.

Some Council Members feel the school districts that broke off should be responsible for covering the costs to others. Administrator Darrington noted that there is a section of code that states the startup costs are funded by the districts that left. However, there are many different interpretations.

Administrator Darrington reported that there have been meetings with the other three cities once a week for the last month or so. He clarified that the other three cities are Orem, Lindon, and Vineyard. The meetings include City Attorneys, City Managers, and Mayors. The purpose of the meetings was to form the Interlocal Agreement. It took one month to reach an agreement on the language for this Interlocal Agreement. A few of the cities wanted the language to be expanded in order to take certain actions. For example, determining voting rights. Last week, it was determined that those details could be decided later. Statutorily, there are certain requirements. He reiterated that the purpose of this Interlocal Agreement is to create an entity and create a plat that shows the new school district boundaries. Different elected officials have different interpretations. As a result, the City needs to have a discussion about how to tackle some of the sticking points.

When it comes to the pace, a lot of that is being driven by proposed Legislation from Senator Keith Grover. The proposed Legislation sent all three districts scrambling. Most of the language in there is not supported by the three districts. There have now been two meetings with all of the other cities in order to find common ground about what is supported and not supported in the bill.

Council Member Jensen expressed concerns about the proposed bill. That bill was written and there was no knowledge of it ahead of time. Administrator Darrington pointed out that the other districts

did not know either. The Council further discussed the Legislation from Senator Grover. Administrator Darrington clarified that there were likely a few individuals who were in the know. Council Member Williams does not want the City to be two or three steps behind. It is important to lead out, otherwise the City will be acted upon. He is willing to attend meetings with the Mayor and City Administrators if that is what is necessary. Other entities are acting in their best interests, but those interests are not necessarily best for Pleasant Grove. Council Member Dianna Andersen wondered whether Orem would prefer to be on their own and if that is their intent. Administrator Darrington clarified that according to them, there is a desire to work with the other cities.

Council Member Rogers explained that his goal from the beginning has been to ensure that the most money possible is going into each classroom. However, that has not been the focus of others based on what has happened. There is a shortfall that is projected for their district, which means either taxes increase or students suffer in the classrooms. He stressed the importance of ensuring that the division of liabilities and assets is fair. This Legislation will impact the ability to reorganize in a meaningful way that maintains all educational services. He does not want to fall behind some of the other districts. The situation so far suggests that there is no interest in ensuring there is a fair process for everyone. It is important to prioritize the needs in this area.

The Council further discussed the proposed Legislation. There were concerns expressed about the language. It was stressed that whatever moves forward must not prevent cities from being reimbursed for the costs that will be incurred due to the actions made elsewhere. Administrator Darrington reported that there was a similar discussion at the meeting that occurred yesterday. There was a proposal on the table for a certain amount of money to be funneled into the south district from the central and the west. There are two choices: negotiate and work with the other two school districts for the best deal possible or head into litigation. He clarified that while some discussions have occurred, he always states at the meetings that he has not spoken to the City Council and he is only able to share his opinion as the City Administrator. He has been encouraging others to let the new School Boards make certain decisions rather than the Councils.

Council Member Rogers explained that the City Council wants to ensure the framework that is established enables the new School Board to request remuneration for the damage suffered because of actions elsewhere. Administrator Darrington understands the comments that have been shared by the Council. Council Member Jensen stressed the importance of protecting the new School Board. Administrator Darrington does not want language to be added to the Interlocal Agreement that will inhibit them in the future. It seems the Council wants to preserve the right for the Board to negotiate. The new School Board can work with the other two School Boards to address certain issues. Council Member Rogers does not believe there needs to be specificity about what should be paid for, but he expects the City to be involved in a meaningful way. This will ensure that the negotiating power is preserved. That negotiating power was promised to citizens in the statute.

Council Member Rogers explained that the intention is to preserve their rights and let the new School Board do their job. However, if the City sits back and does nothing, then the power will be taken away from them. Mayor Fugal clarified that this is the reason for the Interlocal Agreement with the other cities. Attorney Petersen reported that there was direct communication with Senator Grover soon after the proposed Legislation came out. He suggested that there be a detailed response with suggested language. According to Senator Grover, his intention is not to make things more difficult or to favor anyone, but to alleviate some of the concerns. During meetings with the three other cities,

the Legislation was reviewed and a list was compiled. That list will be sent back to Senator Grover for consideration. The two new districts and the reorganized district have been having separate meetings where the proposed Legislation was also discussed. It appears that all three districts agree there is certain language that needs to be stricken. For instance, the Governing Boards, the Advisory Committee, and the mandated amount of money that will be dispersed. There is agreement from all districts that certain language should be removed. There was a detailed email received with some minor details highlighted for consideration. Attorney Petersen explained that the City has not been sitting back and doing nothing. There has been communication with Senator Grover and it is anticipated that a united front will be presented on most of the issues.

Administrator Darrington noted that the main sticking point relates to the ability of the future school district to recoup some of the costs. He does not have an issue communicating with Senator Grover to let him know what the City Council wants to remain in the bill. It seems Council Members want to ensure that the future School Board will have an opportunity to seek compensation. The three districts will have to work certain items out together. He is not sure whether there will be future lawsuits. Council Member Jensen pointed out that the students will be the ones to suffer from lawsuits. Council Member Williams does not want the residents of Pleasant Grove to spend \$15,000 that was not budgeted for or voted for. Council Member Rogers feels it is important to reach out and ensure that other districts and Senators are aware of this situation. He expressed frustration about the process and what has occurred so far. While he is pleased that Senator Grover is open to receiving feedback, the expectations need to be fair. There might need to be engagement with a separate entity or lobbyist to educate others about the bill.

Administrator Darrington reported that the four cities can pursue a Lobbyist if there is agreement that one needs to be engaged. However, he reiterated that Senator Grover has expressed a willingness to make changes to the bill. Council Member Rogers believes there is a desire to make it clear that the City will not silently go along with what is proposed if it is not beneficial to Pleasant Grove residents. Mayor Fugal reported that both he and Administrator Darrington have been vocal during the meetings that have taken place. Administrator Darrington stated that the four cities will meet again tomorrow. The idea is to set up the framework for operations over the next 12 months. This includes how expenses will be split and voting rights for the four cities. The cities will be informed tomorrow that Pleasant Grove wants the Legislation to include the ability for the future School Board to be compensated. If the other three cities are in agreement, then there can be discussions about what that actually means and Senator Grover can be approached by the four cities. What happens next will depend on the reaction from Senator Grover. It might become necessary to hire a lobbyist, but a lot depends on whether or not there is support for the proposal.

Administrator Darrington reviewed some of the items where there is agreement about what should not be included in the Legislation. This includes the ability for a City to leave based on a vote of the Council and the creation of Advisory Committees. School closures are a significant issue for the reorganized district. He explained that there are currently two elementary schools that are scheduled to be closed. Alpine School District seems willing to push that decision to the new districts.

Council Member Rogers asked for an update after the next meeting takes place. The Council wants to receive updates about what is happening. Mayor Fugal confirmed that information can be shared with the Council. Council Member Williams pointed out that this situation is very raw for residents. He received two messages last week about the changes connected to the school district. Council

Member Andersen also had several conversations with residents recently about this situation. Administrator Darrington acknowledged that the frustration level is high for everyone, but it is important to accept what has happened and move forward in a solution-oriented manner to protect the interests of the future district. There needs to be alignment as all involved determine the best path forward. Discussions were had about the process that has taken place.

Administrative Darrington reiterated that there have been a lot of frustrations about this process. It was noted that the time spent addressing this matter comes at a cost to the City. Council Member Andersen believes the City is coming from a place of distrust. In a perfect world, everyone would have gathered to discuss the best path forward from the beginning. However, that did not occur. Additional conversations were had about what happened previously. It was stated that Pleasant Grove was left out and not properly considered during this process.

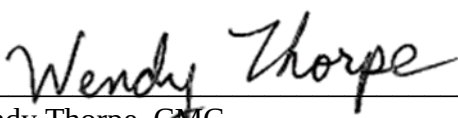
ACTION: Council Member Williams moved to ADOPT Resolution 2024-052 - Authorizing the Mayor to sign an Interlocal Cooperative Agreement between Orem, Vineyard, Lindon, and Pleasant Grove City relating to the formation of a reorganized school district to service the residents of the four cities and providing for an effective date. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Jensen, Rogers, Andersen, and Williams voting “Yes”. Cyd LeMone was not present for the vote.

The City Council discussed the Interlocal Agreement. Attorney Petersen explained that the four cities that will form the reorganized district will sign the same agreement. Vineyard passed their Interlocal Agreement last week. The other cities will be adopting their agreements shortly.

3. **ADJOURNMENT**

MOTION: At 12:58 p.m. Council Member Williams moved to ADJOURN the Work Session. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Jensen, Rogers, Andersen, and Williams voting “Yes”.

The Special City Council Meeting Minutes of December 17, 2024, were approved by the City Council on January 21, 2025.



Wendy Thorpe, GMC
City Recorder

(Exhibits are in the City Council Minutes binders in the Recorder's office.)