



Utah County Tourism Tax Advisory Board Meeting
Monday, June 3, 2024 @ 11:30am
Location: Sundance, Tree Room
8841 Alpine Loop Scenic Byway, Sundance, UT 84604

MEETING MINUTES
(approved at the 10/7/2025 Meeting)

Board Members Present:

Danny Wheeler, Utah Valley Convention Center
Chad Linebaugh, Sundance
Graydon Pearson, Pearson Hospitality Group
John Garfield, Provo Marriott
Kevin Santiago, Heirloom Restaurants
Lee Adamson, Explore Utah Valley
Jared Kearns, UVU UCCU Center

County Representatives Present:

Adam Beck, Utah County Deputy Attorney
Lisa Shepherd, Utah County Commission Office
Alice Black, Utah County Commission Office
Nicole Neer, Utah County Commission Office
Ezra Nair, Utah County Administrator

AGENDA

WELCOME, APPROVE MEETING MINUTES & WORKING LUNCH

Danny Wheeler called the meeting to order.

John Garfield: Moved to approve minutes from the February 5, 2024 and April 8, 2024
Utah Tourism Tax Advisory Board Meetings.

AYE: All in Favor

Passed: 7/0

FUNDING REVIEW UPDATE AND DISCUSSION – KURT CHRISTENSEN

Kurt Christensen stated that the county administrator has been helpful with the auditor's
office to get these numbers and reviewed the following:

TRT: (predominantly hospitality)

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2020- \$775,000; 2021- \$816,000; 2022- \$1.5M; 2023 - \$1.3M.

Kurt noted the trend is a huge uptick consistent with the inflationary environment.

TRCC: {Restaurant} 2020 - \$2M; 2021 - \$2.5M; 2022 - \$2.9M; 2023 - \$3.3M

FOR DISCUSSION PURPOSES ONLY - TRCC TAX: RESTAURANT TAX (1%)						
	2020	2021	2022	2023	2024	Current year from Prior yr
JAN	717,078	750,847	878,589	1,021,946	1,092,298	6.90%
FEB	509,609	760,290	867,416	1,012,992	1,201,889	18.60%
MAR	847,765	1,061,847	1,231,552	1,324,172	1,254,031	-5.30%
APR	584,003	913,219	1,148,412	1,073,334	1,366,234	27.30%
MAY	681,274	936,413	953,798	1,215,133	1,170,436	-3.70%
JUN	884,834	1,229,464	1,273,739	1,395,030	-	-
JUL	776,642	880,278	1,055,366	1,134,085	-	-
AUG	767,778	1,070,437	1,068,705	1,152,096	-	-
SEP	960,324	1,089,100	1,254,137	1,446,687	-	-
OCT	782,245	888,596	1,088,893	1,091,575	-	-
NOV	744,770	943,036	1,098,251	1,248,306	-	-
DEC	922,477	1,198,158	1,229,573	1,203,779	-	-
TOTAL	9,178,798	11,721,684	13,148,431	14,319,135	6,084,888	
	-2.1%	27.7%	12.2%	Na		
FOR DISCUSSION PURPOSES ONLY – TRANSIENT ROOM TAX (4.24%)						
	2020	2021	2022	2023	2024	Current year from prior year
JAN	321,158	220,438	354,582	470,490	463,995	-1.40%
FEB	216,565	234,033	433,346	472,021	513,376	8.80%
MAR	237,465	362,430	543,682	618,260	555,564	-10.10%
APR	68,628	354,284	541,751	456,225	579,723	27.10%
MAY	198,237	405,781	442,780	543,478	731,189	34.50%
JUN	282,922	618,388	624,998	689,613	-	-
JUL	333,641	445,722	644,091	564,836	-	-
AUG	340,802	567,245	545,527	570,051	-	-
SEP	341,646	471,623	564,225	593,436	-	-
OCT	254,030	426,672	499,034	553,062	-	-
NOV	211,100	371,373	399,823	521,225	-	-
DEC	229,662	342,405	417,077	363,264	-	-
TOTAL	3,035,857	4,820,395	6,010,915	6,415,961	-	-
	-28.6%	58.8%	24.7%	Na	-	-

ANNUAL OPEN AND PUBLIC MEETING ACT TRAINING – SAM JOHNSON

Open and Public Meeting Act Training: See Utah Code § 52-4-103(5) & 103(11)

Samuel Johnson from the Utah County Attorney’s Office presented the annual “Open Public Meeting Act” training specifying changes in the OPMA law this year.

OPMA: Purpose and Changes

- What is OPMA's purpose?
 - The Legislature's intent with the Open and Public Meetings Act (OPMA) is to ensure that the state and its subdivisions, including the County, act and deliberate "openly." Utah Code § 52-4-102(2).
- What has changed this year?
 - In H.B. 0036, the State Legislature overhauled OPMA's "definitions" section.
 - State Senator Michael K. McKell, the bill's sponsor, has stated that these changes address concerns that members of a governing body might form a quorum in a non-public meeting to "deliberately predetermine" an action that will be taken by the governing body.
 - The new version of OPMA took effect on May 1st, 2024.Utah Code § 52-4-102

Overview

- OPMA requires that public bodies do the following:
 - Open all meetings to the public unless the law specifies that a closed meeting is permitted.
 - Provide advance notice to the public of all meetings.
 - Keep written minutes and a recording of all open meetings.
 - These core requirements have not changed in 2024. However, the definition of what is considered a "meeting" of a public body has been expanded.
 - Highlighted text in this presentation is used to indicate notable changes.
- Utah Code § 52-4-201(1), 202(1), & 203(1)

Public Bodies and Quorums

- The new version of OPMA has not altered the definition of "public body."
- A public body is an administrative, advisory, executive or legislative body that is:
 - Created by law (e.g., statute, ordinance, etc.);
 - Consists of two or more individuals;
 - Expends, disburses or supported by tax dollars; and
 - Has authority to make decisions regarding the public's business.
- However, the definition of "quorum" has been expanded.
 - A "quorum" is simple majority of the membership of a public body.
 - A meeting of two elected officials by themselves, formal or informal, can now constitute a quorum, even if no action is taken.

Utah Code § 52-4-103(7) & 103(9)

The New Definition of "Meeting"

- The revised version of OPMA defines a "meeting" as:
 - A gathering of a public body or specified body with a quorum present;
 - Convened by an individual with authority to convene the body according to the process provided by law for convening the body;
 - For the express purpose of acting to:

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- Receive public comment about a relevant matter;
 - Deliberate about a relevant matter; or
 - Take action upon a relevant matter.
- A "relevant matter" is one within the scope of the body's authority. For most public bodies, this includes managerial and operational matters.
 - For public bodies with both executive and legislative responsibilities, managerial or operational matters are not considered "relevant."
- Utah Code § 52-4-103(5) & 103(11)

No More Exceptions for Certain Meetings

- Previously, OPMA included a list of gatherings that were not considered "meetings." These exceptions have now been removed.
 - The eliminated exceptions included:
 - Social events or chance reunions;
 - Conventions of a public body in which no public funds are appropriated and solely "the discussion or implementation of administrative or operational matters" takes place on issues which do not require formal action or which would not come before the body for discussion or action.
 - Now, any event can be subject to OPMA requirements if it satisfies the new definition of "meeting."
- Utah Code § 52-4-103(5) and the 2023 version of Utah Code § 52-4-103(7)

Notice Requirements

- A public body must give notice of a meeting's date, time, place, and agenda at least 24 hours in advance.
 - Notice must be reasonably specific and list each topic as an agenda item.
 - If a topic is not listed, the body may discuss it but cannot take final action.
 - Bodies with regular scheduled meetings throughout the year should provide notice of their meeting schedule at least once annually.
- The notice requirement may be met by posting the information:
 - On the Utah Public Notice website;
 - On the public body's own website; and
 - In a location that is "reasonably likely to be seen" by the public served by the body (such as the meeting's anchor location).

Utah Code § 52-4-202

Emergency Meetings

- Advance notice is not needed for emergency meetings if the following requirements are met:
 - It becomes necessary to consider matters of emergency or of an urgent nature because of unforeseen circumstances;
 - The body gives the best notice practicable of the time, place, and topic of the emergency meeting;
 - An attempt to notify all members is made; and
 - A majority of members of body approve the meeting.

Utah Code § 52-4-202(5)

Meeting Records

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- Written minutes are required for all open public meetings and must include:
 - The time, date, and place of the meeting;
 - The names of all members of the public body, present or absent;
 - Notes on all matters discussed or decided and a record of all votes taken;
 - The names and information of each individual that testifies or comments;
 - Any other information that a member of the public body requests for entry.
 - Pending minutes must be made available to the public within 30 days. Approved minutes and public materials must be made available within 3 business days.
 - Complete, unedited recordings are also required and must include:
 - The time, date, and place of the meeting, properly labeled;
 - A copy of any information presented in a public hearing;
 - Recordings must be made available to the public within 3 business days.
- Utah Code § 52-4-202 and 203

Closed Meetings

- All meetings are open to the public unless the law specifically allows it.
- Typically, meetings can only be closed for discussion.
 - Approval of ordinances, interviews, appointments, and votes cannot take place in closed meetings. Closed meetings must be recorded.
 - After a closed discussion, findings must be stated on the record and any final votes must be taken in an open meeting.
- A meeting may be closed for discussion if:
 - A quorum is present;
 - The meeting meets all notice requirements; and
 - $\frac{2}{3}$ of the members present vote to approve the closure.
- The reason for closure must be noted.

Utah Code § 52-4-204

Closed Discussion Content

- Closed discussions or “strategy sessions” are only permitted on the following topics:
 - The character, competence, or health of an individual;
 - Pending litigation or criminal misconduct investigation;
 - Collective bargaining;
 - The purchasing, exchange, or lease of real property, water rights, or development agreements, or the sale of such property if public discussion would negatively impact the sale.
 - The use of security personnel, devices, and systems;
 - Deliberations before a quasi-judicial decision;
 - Commercial information from a property taxpayer before a county commission,

Utah Code § 52-4-204

Electronic Meetings

- A public body must adopt rules governing remote access conditions and other requirements before electronic meetings can take place.
 - Normal notice requirements apply to electronic meetings.
 - A body’s electronic meeting rules must specify how the public can participate and provide voting procedures for members.

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- An anchor location with space and facilities from which the public can participate must be specified.

- An "anchor location" is the physical location where the public body conducting an electronic meeting normally meets or a location that is equally accessible to the public.

Utah Code § 52-4-103(3) and 207

Electronic Communications

- "Electronic meetings" now refers only to meetings that are attended via "electronic video, audio, or both video and audio connection."

- Previously, electronic forms of written communication, including electronic mail, instant messaging, electronic chat, and text messaging, were defined as electronic messages under OPMA. This section has been replaced.

- Instead, the new version of OPMA includes the following limits on electronic communication outside of meetings:

- "Individuals constituting a quorum of a public body may not act together outside a meeting in a concerted and deliberate way to predetermine an action to be taken by the public body at a meeting on a relevant matter."

Utah Code § 52-4-103(3), 208(1) and the 2023 version of Utah Code § 52-4-103(4)

OPMA Violations

- A quorum of a public body may not act together outside a meeting in a "concerted and deliberate way" to predetermine an action to be taken at a meeting on a relevant matter.

- Violation of OPMA by a member of a public body is a Class B Misdemeanor.

- Actions taken in violation of OPMA may be voided by a court.

- Violators may be ordered to pay court costs and attorney fees.

- Common OPMA violations include:

- Discussing a relevant matter outside of a public meeting;

- Closing meetings without a vote or for a non-approved discussion;

- Failing to provide notice of a public meeting;

- Taking official action in a closed meeting;

- Failure to record the contents of a closed meeting.

Utah Code § 52-4-208

Sam reviewed the changes to the code. He stated that a quorum may not act together outside of meeting in a concertedly deliberate way to predetermine an action to be taken at a future meeting on a relevant matter. Text chains or email threads on relevant matters are a violation of OPMA. Decisions on relevant matters must be made in a public meeting. And then here are a few scenarios, these are common things we see. Members of multiple different bodies, such as a county administrator, a commissioner, and a department head meet to plan and make decisions about what their different departments are going to do in future meetings are not considered an open meeting, because those are three different public bodies. If members of the public body vote to close a meeting to discuss hiring plans, that would be a violation. That is not one of the specific reasons that they give it at a policy-specified meeting. Two members of a seven-member body may meet, have a deep discussion of policy, plan, and pre-deliberate what they're going to do at an upcoming meeting is not subject to OPMA. What matters is when it's a quorum— an entire majority of the public body cannot come together outside of the public record. Additionally, we have three commissioners, so two of them can never discuss policy on anything. If they can make

a decision on the policy, they have to get a lawyer. The carve out where two members could come together and discuss policy has been eliminated because of the specific opportunity to discuss policy.

12:32 PM UTAH LAKE AUTHORITY

Project Funding Request: \$235,795

Project Reviewer: Danny Wheeler

**Luke Peterson, Executive Director, Utah Lake Authority
Visitation and Marketing Project**

Luke stated the biggest problem and the main reason for their funding request is the ULA only has guesstimates about how many people visit the lake each year based on algorithm and 28 access points of entry at the state park and needs accurate data to treat Utah Lake as a destination. The clean water now going into Utah Lake is and is considered an asset.

We're making a lot of progress. The carp population of 10 million carp in the lake has been reduced to a million. The method for dealing with carp, no longer works, so we are inventing new ways to get rid of the rest of the carp. As carp reduction continues, forage fish are increasing in size and quantity. June sucker is thriving, and we no longer have to do a lot of the things that we had to do to protect it as an endangered species.

Additionally, we're at a turning point for Utah Lake. It's an exciting time to be in this county with this wonderful asset. The lake is progressing with the reduction of phragmites by 75 to 80%, and the reduction of invasive grass around Utah Lake that was killing the lake's ecosystem. For the first time, we're planting native species in its place.

Specific proposal is to:

- Figure out all of that information I said we were lacking about visitors, starting with eco-counters that will allow us to track how many people are visiting each access point, when, et cetera. Fill in those basic quantitative pieces of data.
- A creative market research study will allow us to understand the motivations, both of those who use the lake and of those who do not to both lean into perceptions and also deal with them head on. Tell people, look, the reality of the lake is very different from what's perceived by it.
- Increase visitorship once we know what it is, by about 10%. The rough estimate is 250,000 visitors a year. Using really conservative numbers for our economic impact, that would be 2.55 million just in the first year, in terms of economic impact from county, from out of county visitors coming to the lake.
- Over time, market more broadly outside of Utah, actually treating Utah Lake as a destination. This project, besides the money that it would commit from us and TTAB would shape future projects.

- We have two appropriations that are probably going to be finalized soon.
 - \$2.5M from Congressman Owens for access improvements around Utah Lake. It'll be much better to know where and how it should be spent. That's where this project comes into play. We know where people really need access, and what type of access, and what type of amenities we'll be able to use that money as effectively as possible.
 - A request in partnership with UVU to Congress and Representative John Curtis for a nature center located behind the Lindon Marina that will be the center of activity. We need the data to know what types of programs to offer here, what types of information, types of education, et cetera, what type of research we need to do.

We want to see Utah Lake really become a destination, treated as an asset, something that's going to be transformative work for us and this station and the county for the next several decades.

Board member John Garfield mentioned that the board has given cities funds and suggested to ask the cities for funding. And what percentage of that is the total of the budget for the school? Luke responded that cities are sponsoring the grants.

Utah Metropolitan Ballet

Project Funding Request \$25,000

Project Reviewer: Danny Wheeler

Angela Vernon, President of the Board of Directors of Utah Metropolitan Ballet.

Lawrence Christensen, President of ReFi, the marketing company.

Eric Vernon, an advisor for the ballet.

Utah Metropolitan Ballet has 13 professional-based dancers from all over the world, including Japan, Italy, and Brazil and several dancers that train here locally in Utah, as well as across the United States.

UMB has received and appreciates the past TRCC funding and that it has catapulted UMB. UMB stated that the marketing funds received made a difference and that it still needs help. UMB reached out to a professional fundraising group for guidance to raise more funds and that one woman in the group expressed that she didn't know UMB existed until two years ago.

- Utah Metropolitan Ballet in Utah County last season. 2,740 tickets distributed for our outreach program where free performances are provided for families of second-generation students. She stated that they also offer highly-suited entertainment for students. We give back to the community. 17,150 community members have been served through ticket sales, through outreach programs, through fundraising events.
- 70 people involved in fundraising.
- 18,672 donated volunteer hours.
- UMB has an active advisory board and a working board that consists of 18 members.
- They are seeking more sponsors, but have collaborated with 85 other companies.
- They had 159 collaborations with professional artists locally, nationally, and internationally.

UMB shared that they have been able to grow and not only grow, but market strategically to be more self-sustaining every single year. They made about \$600,000 from performance and event ticket sales noting that UMB has never gotten up to that point in the past, which really allowed them to broaden their scope in the quality of the performances and the events. Ticket sales only provide about 50% of the funding for productions. UMB added that by the time you have stage crew, rentals, costumes, dancers, it costs a lot more.

UMB reported that 60% of the patrons are from Utah County, the rest are from outside of Utah County coming in and pooling their money into accounting, with 7% out of the state of Utah itself.

UMB sent a survey out after the end of the season last year with 75% of our patrons reporting that they spent money outside of ballet. This year, 90% of the patrons spent money outside of ballet, beyond their ticket purchases. about \$40 per spend. UMB estimated \$576,000 was spent. Dollars spent at the ballet for tickets and events is almost a one to one exactly with the amount that they spend outside the ballet. UMB expects that number to grow up to an even \$600,000 at Utah County establishments for next year. The funding request of \$25,000 is out of a \$165K marketing budget, total.

And we learned that these are the categories we need to put the money into. We've made really good relationships with influencers, and we've grown our email list substantially. And so money in those areas don't... Like, money doesn't have to go into those areas anymore, like paid media and things like that. But these spots will really get us the biggest bang for our buck. This next season is the 40th anniversary season.

Lee Adamson asked if all of the performances take place at the Covey Center?

UMB answered that is mainly does, but it also does a children's performing arts series at the Sierra in Orem because Orem has provided some funding, and to pay that we do a children's performing arts series at the Scera. UMB is also communicating with BYU as they're rebuilding their stage and they will possibly do performances there next season.

Board member John Garfield commented and asked why the TTAB board should single out UMB from other dance companies in the county and why not take out \$25,000 of the nearly doubled revenue in the last two years of \$300,000.

UMB responded that they are still recovering and that UMB is recognized as a professional company on a different level than 13 other professional dance companies and need funding from private and public sponsors to maintain. The increase didn't provide an excess of funds and barely covered expenses.

Board member Chad Linebaugh asked if a big part of the revenue increase from 21-22 to 22-23 was more performances.

UMB responded that they had two or three more performances. But we also, I just, we saw the number of payments and the performances were much more than it used to be. They would like to increase attendance to 90-95% this season.

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Board member Graydon Pearson asked how much money a dancer makes, how they fill the rest of the time to make a living and if the marketing is for ticket sales or attracting sponsors.

UMB ended their presentation by stating that they hire dancers for 32 weeks of the year making between \$400 and \$700 a month and outside of that time frame, they have other jobs, except that international dancers are not legally allowed to have other jobs. This portion of the funding would go purely to business. UMB found that a one-to-one relationship with sponsors is the best way to fundraise.

FUNDING RECOMMENDATION DISCUSSION & VOTING ROUNDTABLE DISCUSSION

Utah Lake Authority Request:

Board member Kurt Christensen moved to recommend to fund \$150,000 for the infrastructure component to collect the data and report back with the data and then we'll listen to a request to fund the marketing campaign.

AYE: All in Favor

The motion passed 7/0.

Utah Metropolitan Ballet Request:

Board member Chad Linebaugh moved to recommend the \$25,000.

AYE: All in Favor

The motion passed 7/0.

Board member Chad Linebaugh suggested to try to keep the Sundance Film Festival in Utah.

Board member John Garfield moved to adjourn.

AYE: All in Favor

The motion passed 7/0.

Meeting Adjourned at 1:38 pm

Next meeting: August 12, 2024, 11:30 a.m., at the Pizzeria Seven Twelve, Orem.