



**NOTICE OF A REDEVELOPMENT
AGENCY BOARD MEETING
June 11, 2025, at 6:00 PM**

PUBLIC NOTICE is hereby given that the Vineyard Redevelopment Agency Board will hold a regularly scheduled Redevelopment Agency Board meeting on Wednesday, June 11, 2025, at 6:00 PM, or as soon there after as possible, following the City Council meeting, in the City Council Chambers at City Hall, 125 South Main Street, Vineyard, UT. This meeting can also be viewed on our [live stream page](#).

AGENDA (AMENDED)

Presiding Chair Julie Fullmer

- 1. CALL TO ORDER/INVOCATION/INSPIRATIONAL THOUGHT/PLEDGE OF ALLEGIANCE**
- 2. PRESENTATIONS/RECOGNITIONS/AWARDS/PROCLAMATIONS**
 - 2.1. RDA Update & Memo Presentation by Josh Daniels**
Background memo related to TEC meetings
- 3. CONSENT ITEMS**
 - 3.1. Approval of May 28, 2025 RDA Meeting Minutes**
- 4. BUSINESS ITEMS**
- 5. CLOSED SESSION**

The RDA Board pursuant to Utah Code 52-4-205 may vote to go into a closed session for the purpose of (these are just a few of the items listed, see Utah Code 52-4-205 for the entire list):

- a discussion of the character, professional competence, or physical or mental health of an individual
- b strategy sessions to discuss collective bargaining
- c strategy sessions to discuss pending or reasonably imminent litigation
- d strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares
- e strategy sessions to discuss the sale of real property, including any form of a water right or water shares
- f discussion regarding deployment of security personnel, devices, or systems

g the purpose of considering information that is designated as a trade secret, as defined in Section [13-24-2](#), if the public body's consideration of the information is necessary in order to properly conduct a procurement under [Title 63G, Chapter 6a, Utah Procurement Code](#)

6. ADJOURNMENT

7. WORK SESSION

7.1. FY26 Budget Discussion

RDA meetings are scheduled as necessary.

This meeting may be held in a way that will allow a board member to participate electronically.

The public is invited to participate in all RDA meetings. In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Recorder at least 24 hours prior to the meeting by calling (385) 338-5183.

I, the undersigned Deputy City Recorder for Vineyard, Utah, hereby certify that the foregoing notice and agenda was posted at Vineyard City Hall, on the Vineyard City and Utah Public Notice websites, and delivered electronically to staff and to each member of the Governing Body.

AGENDA NOTICING COMPLETED ON:

6/10/2025

CERTIFIED (NOTICED) BY:

/s/Tony Lara

TONY LARA, DEPUTY CITY RECORDER



VINEYARD CITY COUNCIL STAFF REPORT

Meeting Date: June 11, 2025

Agenda Item: RDA Update & Memo Presentation by Josh Daniels

Department: Redevelopment Agency

Presenter: Josh Daniels

Background/Discussion:

Previous meetings raised questions and sparked discussions about the original Taxing Entity Committee (TEC) meetings and process. This attached memorandum details the background and legal requirements related to TEC meetings.

Fiscal Impact:

Not applicable

Recommendation:

No action

Sample Motion:

No action

Attachments:

1. 2025 Vineyard RDA Memo on TEC annual meetings

To: Vineyard Redevelopment Agency Board

From: Josh Daniels, RDA Director

Date: 6/4/2025

Re: Annual Ongoing Taxing Entity Committee Meetings for Informational Purposes

Recent questions, comments, and discussion within Vineyard RDA meetings have centered on the meetings of the taxing entity committee (TEC) from 2010-2011 and the role it played in approving the participation of taxing entities in the tax increment financing structure for redevelopment within the Geneva URA.

Specifically, a question was asked about the first resolution of the TEC wherein they listed under one section:

4. Taxing Entity Committee operations and powers: ...

...c. In order to ascertain and stay abreast of the status of the Project Area, the Taxing Entity Committee shall meet at least annually during the time that the Agency receives tax increment under a budget for the Project Area.¹

The implication of this provision requiring an annual informational meeting, and the recent comment, was whether the Vineyard RDA was in compliance with its requirements given there have been no annual meetings of the TEC.

During the time the TEC conducted meetings in 2010 and 2011, then Vineyard Councilmember Nathan Riley, was elected and served as the chair of the TEC. Councilmember Riley continued to serve on the city council for 8 additional years through 2019 and yet never called another meeting of the TEC after the legal requirements for the TEC were originally satisfied in 2011. By that time, the TEC had finished its business and accomplished its purpose and no additional meetings were required.

State law does not require, nor grant authority to, the TEC to conduct additional meetings beyond the scope of their purpose and legal authority. Other RDA's in the state who have used the TEC process have not held annual informational meetings after their initial purpose and business has been accomplished and there is no requirement for the TEC related to the Vineyard RDA and Geneva URA for annual informational meetings.

The following summarizes the key work of the TEC during its meetings:

¹ TEC Resolution No. T-2009-01, passed December 17, 2009.

Summary of Key TEC Actions and Binding Outcomes

The following outlines the major actions taken by the Taxing Entity Committee (TEC) between 2009 and 2011. These actions legally govern the future implementation of the Geneva Urban Renewal Project Area and remain binding unless amended by future TEC action.

1. Finding of Blight (Resolution T-2010-02):

- a. The TEC formally approved the finding of blight on December 20, 2010, as reflected in Agenda Item 3.1 of the TEC meeting agenda and adopted by unanimous vote. This action allowed the RDA to proceed with adopting the project area plan and budget under Utah Code § 17C-2-102.²

2. Approval of Project Area Budget (Resolution T-2010-03, amended January 18, 2011):

- a. Approved tax increment collection for the Geneva Urban Renewal Project Area on December 20, 2010, as reflected in Agenda Item 3.2 of the TEC meeting agenda.³
- b. On January 18, 2011, the TEC amended this approval to remove the \$300 million cumulative cap on tax increment collection, based on a motion by Jim Carter to strike the cap language in Resolution T-2010-03, which passed by majority vote.⁴
- c. The TEC also recognized mitigation payments to Alpine School District as part of the approved budget structure in the same session.

3. Phased Collection Framework:

- a. The TEC acknowledged and discussed the RDA's plan to implement phased triggering of tax increment collection during its December 17, 2009, meeting (Agenda Item 3), allowing the RDA to activate increment collection in phases over the life of the project area.⁵

4. No Requirement for Interlocal Agreements:

- a. Because the Geneva Project Area was created and approved through the TEC process prior to May 2016, the interlocal agreement requirement in Utah Code § 17C-5-204 does not apply. The TEC's resolutions adopted on December 20, 2010, and amended on January 18, 2011, fully authorize the RDA's tax increment collection without additional interlocal agreements.

² December 20, 2010, TEC Meeting, Agenda Item 3.1, Resolution T-2010-02 approving finding of blight.

³ December 20, 2010, TEC Meeting, Agenda Item 3.2, Resolution T-2010-03 approving project area budget with \$300M cap.

⁴ January 18, 2011, TEC Meeting, Agenda Item 3, motion by Jim Carter to remove \$300M cap, approved by majority vote with mitigation payments recognized.

⁵ December 17, 2009, TEC Meeting, Agenda Item 3, presentation and discussion of phased triggering of tax increment collection.

Legal Authority of Annual Taxing Entity Committee Meetings

I. Issue

Whether the TEC for the Vineyard RDA is required, or permitted, to hold annual informational meetings as envisioned in their initial resolution?

II. Short Answer

Short answer: No. Annual ongoing meetings of the TEC for informational purposes are beyond the scope of the statutory authority of a TEC. This provision in the first resolution of the Vineyard RDA TEC (2009-01) is beyond the scope of their purpose and statutory authority. State law governing TEC's neither require such meetings nor grants them authority to conduct such meetings.

III. Legal Analysis

Under Utah law, a public entity like a **Taxing Entity Committee (TEC)** only has the powers expressly granted to it by statute, and cannot lawfully impose obligations or adopt policies outside of those enumerated powers unless those powers are necessarily implied.

A. Powers and Duties of a Taxing Entity Committee

Utah Code § 17C-1-402 and related sections outline what a TEC *may* do. These include:

- Approving or disapproving project area budgets and amendments.
- Approving exceptions to project area limitations (e.g., size, duration, and tax increment limits).
- Casting binding votes on taxing entities.
- Approving use of tax increment outside a project area in specific cases.
- Giving other approvals or consents as *required or allowed* under Title 17C Utah Law.

There is *no statutory authority* granting TECs the power to impose self-directed procedural requirements such as a mandatory annual meeting for general informational reporting—unless the statute specifically authorizes it.

B. The Legal Effect of Actions Not Enumerated

Under Utah statutory interpretation principles (and the general legal doctrine of *expressio unius est exclusio alterius*), when a statute explicitly lists what an entity *may* or *shall* do, **any action not listed is presumed to be prohibited unless necessarily implied.**

In other words:

- If the statute says a TEC *may* approve a budget or *shall* appoint a chair, those are permissible or mandatory.
- But if the statute **does not mention** the authority to establish mandatory recurring meetings for informational purposes, the TEC **lacks authority to require** such meetings.

C. Impact of a TEC Resolution Beyond Its Statutory Authority

If a TEC adopted an initial resolution stating that it "shall meet at least annually during the time that the Agency receives tax increment" and that requirement is not:

- Required by Title 17C, or
- Authorized as a discretionary function (i.e., included in a "may" list),

then the resolution:

- Is likely **unenforceable** and has **no binding legal effect**.
- Would be considered **ultra vires**—an act beyond the legal power or authority of the TEC.
- Cannot bind the TEC or its members, nor override the statute.

D. Utah Law on “Expressio Unius”

The Utah Supreme Court and Court of Appeals have consistently applied the doctrine in interpreting statutory delegations of authority. This doctrine is especially relevant when dealing with **limited-purpose governmental entities** like RDAs and TECs created under Title 17C.

Relevant Utah Case Law

1. *C.T. v. Johnson*, 2020 UT 24, 15

“Under the canon of *expressio unius est exclusio alterius*, when a statute specifically designates what is to be done, it is presumed that the Legislature intended to exclude what is not listed.”

Application: When the Legislature sets out an exclusive list of powers or procedures, courts presume that anything not included was deliberately omitted. Thus, if Title 17C lists TEC powers (e.g., approving budgets, consenting to amendments), courts will presume **no authority exists** beyond that list.

2. *Jensen v. Intermountain Health Care*, 679 P.2d 903 (Utah 1984)

“[T]he express mention of one thing in a statute implies the exclusion of others not mentioned.”

Application: This case reinforces the principle that courts must not infer powers that are not clearly included in the statute. In the context of TECs, this means a committee cannot impose annual meeting requirements absent express legislative grant.

3. *Heber Light & Power Co. v. Wasatch Cty.*, 2010 UT 27, 23

“An agency created by statute may exercise only those powers expressly granted or necessarily implied from statutory language.”

This decision squarely applies to RDAs and TECs—entities created by statute. **Only powers clearly conferred or indispensable to a granted power are allowed.** TECs have no inherent powers beyond Title 17C.

4. *Grappendorf v. Pleasant Grove City*, 2007 UT 84, 21

“Where the legislature has provided a comprehensive list in one portion of a statute, courts should be cautious in implying additional items not enumerated.”

Application: If TEC statutory authority includes a detailed list of what it “shall” or “may” do (e.g., approve project budgets, extend increment periods under certain conditions), courts will view attempts to add powers (e.g., requiring annual meetings) skeptically.

Implications for the Vineyard TEC’s Annual Meeting Resolution

- **No statutory grant of power** in Title 17C-1-402 or related sections authorizes TECs to self-impose an annual meeting requirement for informational purposes.
- Courts interpreting TEC powers will rely on the above precedent to hold that **TEC actions not expressly listed (or necessarily implied) are unauthorized.**
- The initial TEC resolution (if it imposed a mandatory annual meeting) would be **ultra vires**—beyond the committee’s legal authority.
- Any such “requirement” has no legal effect and cannot bind the TEC, its members, or the RDA.

Under well-established Utah precedent, including *C.T. v. Johnson* and *Heber Light*, a Taxing Entity Committee’s powers are limited to those **explicitly granted or indispensably necessary** to execute those powers. The TEC may not legally impose or enforce requirements such as annual informational meetings unless Title 17C grants or implies that power.

IV. Conclusion

The Vineyard RDA TEC’s self-imposed requirement for annual informational meetings, while possibly helpful, **has no legal authority or enforceability** unless explicitly authorized in Title 17C. Any such requirement is **procedurally voluntary** and not binding on the TEC, the RDA, Vineyard City or its members absent statutory support.

**MINUTES OF A REDEVELOPMENT
AGENCY BOARD MEETING**

City Council Chamber
125 South Main Street, Vineyard, Utah
May 28, 2025, at 6:00 PM

Present


Chair Julie Fullmer
Board Member Sara Cameron
Board Member Brett Clawson
Board Member Jacob Holdaway
Board Member Mardi Sifuentes

Absent

Staff Present: City Attorney Jayme Blakesley, City Manager Eric Ellis, Lieutenant Holden Rockwell with the Utah County Sheriff's Office, Orem Fire Chief Marc Sanderson, Chief Building Official Cris Johnson, Community Development Director Morgan Brim, Senior Planner Cache Hancey, Public Works Director Naseem Ghandour, Environmental Utilities Manager Devan Peterson, Finance Director Kristie Bayles, Utility Billing Clerk Maria Arteaga, Parks and Recreation Director Brian Vawdrey, Communications Manager Jenna Ahern, City Recorder Pamela Spencer

Others Speaking: Orem resident John Barrick and resident David Pearce


1. CALL TO ORDER/INVOCATION/INSPIRATIONAL THOUGHT/PLEDGE OF ALLEGIANCE


 Chair Fullmer opened the meeting at 6:04 PM. Chair Fullmer gave the invocation and led the Pledge of Allegiance.

2. PRESENTATIONS/RECOGNITIONS/AWARDS/PROCLAMATIONS


2.1. RDA Update


RDA Director Josh Daniels will give an update on the RDA.


 Chair Fullmer turned the time over to RDA Director Josh Daniels.


 Mr. Daniels gave an overview of the RDA extension that was done in 2023. Board member Holdaway asked if the board had hired a lobbyist to run the bill. Mr. Daniels replied no, it was the developers' lobbyist. Board member Holdaway disagreed with the timeline of events as to how this happened. Chair Fullmer clarified that this was done legally according to state law. A discussion ensued. Mr. Daniels noted that there were two pathways through the law. The discussion continued.

Chair Fullmer asked if there was something Board member Holdaway wanted to accomplish with the business of Vineyard today regarding his discussion. She clarified the discussion and noted that Mr. Daniels had already clarified the process. The discussion continued.

 Mr. Daniels reviewed the second memo on the impact to the new school district and the RDA. He stated that nothing in the state code would give the new school district the ability to change their involvement in the RDA. A new school district would still be bound by the previous entity's obligations.

 Board member Holdaway wanted to explain what he understood what happened with the extension of the RDA and the school district. A discussion ensued.

 Mr. Daniels reviewed the third memo about the different types of budgets in an RDA. A discussion ensued. Chair Fullmer felt that it was important to note that the Vineyard RDA was following the law. Boardmember Sifuentes stated that she did not mind Board member Holdaway sharing but felt that he was arguing with an expert and she did not see Board member Holdaway as an expert. The discussion continued. Chair Fullmer explained that Board member Holdaway had been given the information he had requested and now there was additional information for the public.

 Board member Sifuentes asked about redoing the membership of the RDA board. Mr. Daniels explained that state code for an RDA, states that an RDA sponsored by a municipality must be the same as the city council.

3. CONSENT ITEMS

3.1. Approval of May 14, 2025, RDA Meeting Minutes


 Chair Fullmer called for a motion.


 **Motion:** BOARD MEMBER SIFUENTES MOVED TO APPROVE THE MAY 14, 2025, RDA MEETING MINUTES. BOARD MEMBER CAMERON SECONDED THE MOTION. CHAIR FULLMER, BOARD MEMBERS CAMERON, HOLDAWAY, AND SIFUENTES VOTED YES. BOARD MEMBER CLAWSON WAS EXCUSED. THE MOTION CARRIED WITH ONE (1) ABSENT.


4. BUSINESS ITEMS

4.1. Public Hearing - Fiscal Year 2025-2026 Tentative Budget

The RDA Board will hear public comment concerning the adopted Fiscal Year 2025-2026 Tentative Budget. The RDA Board may review any items that were the proper subject of consideration in the Public Hearing. Approval of the final budget is tentatively scheduled for June 25, 2025.


 Chair Fullmer called for a motion to open the public hearing.


 **Motion:** BOARD MEMBER SIFUENTES MOVED TO OPEN THE PUBLIC HEARING AT 6:40 PM. BOARD MEMBER CAMERON SECONDED THE MOTION. CHAIR FULLMER, BOARD MEMBERS CAMERON, HOLDAWAY, AND SIFUENTES VOTED YES. BOARD MEMBER CLAWSON WAS EXCUSED. THE MOTION CARRIED WITH ONE (1) ABSENT.


 Chair Fullmer turned the time over to RDA Director Josh Daniels.


 Mr. Daniels reviewed the tentative budget.

 Chair Fullmer called for public comments.


 Orem resident John Barrick mentioned resolution 200901 section 5C about the Taxing Entity Committee (TEC) meeting each year. He asked if the TEC had met since 2011.

 Board member Jacob Holdaway, speaking as a resident, mentioned that he had spent time studying the RDA and felt that the taxpayers needed to understand the new process. He said that when they met early last year, they had asked how it was extended. He reviewed the timeline for the passing of the state legislation. Board member Cameron mentioned that the reason most people live in Vineyard was due to the RDA.


 Board member Sifuentes called for point of order. She stated that she did not know about the state legislation but, knew about that the legal action they were taking in 2023, and which was inside the law.


 David Pearce, living in the Cascade subdivision, asked if the Vineyard RDA was unique from any other RDA in the state. He asked if it was relatively common to treat things that were unique in unique ways.

 Chair Fullmer called for additional comments. Hearing none, she called for a motion to close the public hearing.


 **Motion:** BOARD MEMBER SIFUENTES MOVED TO CLOSE THE PUBLIC HEARING AT 6:50 PM. BOARD MEMBER CAMERON SECONDED THE MOTION. CHAIR FULLMER, BOARD MEMBERS CAMERON, HOLDAWAY, AND SIFUENTES VOTED YES. BOARD MEMBER CLAWSON WAS EXCUSED. THE MOTION CARRIED WITH ONE (1) ABSENT.

 Mr. Daniels addressed the public comments. A discussion ensued.

 Board member Holdaway responded to Mr. Pearce's comments. Mr. Pearce felt that they needed to address the uniqueness of this project. He said that it was common to treat unique things differently. Chair Fullmer stated that there were experts running the RDA and it was being treated with uniqueness.

 Board member Cameron stated, to the people listening, that there had been a review on the benefit to the Alpine School District and the success of the RDA. She felt that people just had to look around Vineyard and everything you see was touch by the RDA. Board member Holdaway asked if it was so great, the previous law only asked the school district to say if it was good. He


asked why they ran from asking them. A discussion ensued. Chair Fullmer explained that the school district had already agreed to it, they put the investment in early, they created the RDA, and gave up the tax increment knowing the investment that would go in, knowing that they would be giving that up in order for the people that sat before the RDA to move into the community.

 Chair Fullmer said that there had been statements made that were assumptions, but the reality and data were before them and written in memorandums. She suggested they read the memos and look up the data to see the benefit of the RDA. She stated that things were done appropriately.

5. CLOSED SESSION

No closed session was held.

6. ADJOURNMENT

 Chair Fullmer adjourned the meeting at 7:00 PM.

MINUTES APPROVED ON: _____

CERTIFIED CORRECT BY: 
PAMELA SPENCER, CITY RECORDER

