

## MINUTES

# UTAH LAND USE & EMINENT DOMAIN ADVISORY BOARD

## Heber M. Wells Building Conference Room 2B

May 6, 2014

### ADVISORY BOARD:

Fred Finlinson, Chairman  
Mike Ostermiller, Vice Chairman  
Gary Crane

William Perry  
Donald Wallace  
Monette Hurtado

Absent and Excused: | John Fee

### STAFF:

Brent Bateman, Lead Attorney, Office of the Property Rights Ombudsman  
Elliot Lawrence, Attorney, Office of the Property Rights Ombudsman  
Jim Wright, Attorney, Office of the Property Rights Ombudsman  
Cyndy Nelson, Board Secretary, Office of the Property Rights Ombudsman  
Andrew Roth, Intern, Office of the Property Rights Ombudsman

### VISITORS:

Josh Daniels. Libertas Institute

The meeting was called to order at **11:10 a.m. by Chairman, Fred Finlinson**

### ADMINISTRATIVE MATTERS

#### INTRODUCTIONS

All members of the Board, in attendance, were introduced.

### APPROVAL OF MINUTES

**MOTION:** Mr. Bill Perry made a motion to approve the minutes of the Board meeting held October 2, 2012. Mr. Mike Ostermiller seconded and the Motion passed unanimously.

### PUBLIC MEETINGS

A recording of the meeting must be posted on the Public Meetings Website within three days of the meeting. In addition, the minutes must be posted within 30 days of approval.

### OTHER ADMINISTRATIVE MATTERS

Mr. Bateman thanked the Board for attending the meeting.

### APPOINTMENTS OF PRESENT LUED ADVISORY BOARD MEETINGS

Terms for Board members Fred Finlinson, William Perry, Don Sorenson & Monette Hurtado expire August 30<sup>th</sup> of 2014. Mr. Finlinson stated generally the Governor requests no more than two consecutive terms. Mr. Bateman states ours is a special situation. He will contact your organizations, request their nominations, and notify the Board of the results.

### STAFF REPORTS

#### • STAFF ACTIVITIES AND REPORTS

Mr. Bateman presented the 2013 Yearly Staff Report which contains statistics for the entire year including mediations and advisory opinions. Discussion ensued.

City and County planning commissions and councils, among others, have requested training.

- OPRO WEBSITE. The new Office website is up and running. Thank you to the Board and especially to Francine Giani for her assistance in getting the contractor to complete work. Mr. Finlinson stated the Office should acknowledge Ms. Giani's assistance.
  
- BYU LAW SCHOOL CLINIC CONSULTANT REPORT The Office participated in consultation by the BYU ADR Two students were assigned and at the end of their assignment, they presented the Office with a report of their findings. Originally, they examined our ability to issue advisory opinions faster. They were unable to resolve the problem and opted to select two other issues. One of the students reviewed the Office website. The other student addressed personal and professional liability for the Office staff.  
  
Discussion about speeding up the Advisory Opinion process ensued.
  
- LEGISLATIVE MATTERS: Mr. Bateman was complimented for his work on House Bill 25 and credit also extended to Rep. Perry.
  
- INVOLVEMENT IN LAND USE AUTHORITY TRAINING Currently, the framework for the training program is being built as well as the online component to provide a place to house the training classes and information. The funds allocated for the training program are being held by the Department of Commerce and not the Office. Mr. Bateman, however, will award the funds according to the State's usual procurement process.
  
- UPCOMING LEGISLATION Mr. Finlinson stated the Board should take a look at personal and professional liability protection as suggested by the BYU Students.
  
- ADDITIONAL MATTERS: NONE -
  
- FUTURE MEETING Mr. Bateman will determine when the next Board meeting will be held based on the upcoming nominations and preferably before any members' terms are completed.
  
- ADJOURN MOTION: Mr. Mike Ostermiller made a motion to adjourn the Board meeting. Ms. Monette Hurtado seconded and the Motion passed unanimously. The meeting adjourned at 11:37 p.m.

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Fred Finlinson, Chairman

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Date