 **MINUTES OF THE CENTRAL WASATCH COMMISSION (“CWC”) BOARD MEETING HELD MONDAY, OCTOBER 5, 2020 AT 3:30 P.M. THE MEETING WAS CONDUCTED ELECTRONICALLY WITHOUT A PHYSICAL LOCATION, AS AUTHORIZED BY THE GOVERNOR’S EXECUTIVE ORDER DATED MARCH 18, 2020.**

**Present:**  Chair Chris Robinson, Co-Chair Jenny Wilson, Commissioner Jim Bradley, Mayor Erin Mendenhall, Commissioner Marci Houseman, Mayor Dan Knopp, Mayor Harris Sondak, Ex Officio Member Carlton Christensen

**Staff:** Executive Director Ralph Becker, Deputy Director Blake Perez, CWC Attorney Shane Topham, Communications Director Lindsey Nielsen, Office Administrator Kaye Mickelson, Auditor Greg Ogden

**Others:**  Jenna Malone, Bobby Sampson, Kyle Maynard, Ned Hacker, Patrick Nelson, Steve Van Maren, Mimi \_\_\_\_\_\_, Holly Lopez, Carl Fisher, Robert Cameron, Robert Myers, Ron Clegg, Sharon Turner, Tamara Prue, Will McCarvill, Tom Diegel, Mike Reberg, Laura Briefer, Bob Kollar, Cassie Dippo, Dave Fields, Ed Marshall, Marian Rice, Megan Anderson, Megan Nelson, Barbara Cameron, Annalee Munsey

**Absent:** Mayor Mike Peterson, Mayor Jeff Silvestrini, and Mayor Andy Beerman

**OPENING**

1. **Commissioner Christopher F. Robinson will Conduct the Meeting as Chair of the Board, (the “Board”) of the Central Wasatch Commission (“CWC”).**

Chair Chris Robinson called the meeting to order at approximately 3:30 p.m.

1. **The Chair will Read his Written Determination Regarding an Electronic Meeting Anchor Location for this Meeting, Pursuant to Utah Code Ann. 52-4-207(4).**

The Legislature, pursuant to Section 52-4-207(4), required the Board to make a determination, which was as follows:

I, as the Chair of the Board of Commissioners, the Board of the Central Wasatch Commission hereby determine that conducting board meetings at any time during the next 30 days at an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. The World Health Organization, the President of the United States, the Governor of Utah, the Salt Lake County Mayor, and the Health Department have all recognized that a global pandemic exists related to the new strain of the Coronavirus, SARS-CoV-2. Due to the state of emergency caused by the global pandemic, I find that conducting a meeting at an anchor location under the current state of public health emergency constitutes a substantial risk to the health and safety of those who may be present at the location. According to the information and from State epidemiology experts, Utah is currently in an acceleration phase, which has the potential to overwhelm the State’s health care system.

1. **The Board will Consider Approving the Minutes of the August 3, 2020, Board Meeting.**

**MOTION:** Mayor Wilson moved to approve the minutes of the August 3, 2020, Board Meeting. Mayor Knopp seconded the motion. The motion passed with the unanimous consent of the Board.

**2019/20 CENTRAL WASATCH COMMISSION AUDIT REPORT**

1. **Fraud Risk Assessment Report from Commissioner Mayor Harris Sondak: Mayor Silvestrini is out of the Area. (Discussion and Action to Certify).**

Mayor Sondak introduced Auditor Greg Ogden. Mr. Ogden prepared the Audit Report for the Central Wasatch Commission Budget/Finance Committee. He noted that this year, Finance Director, Dave Sanderson drafted the financial statements. There was one finding as part of the audit. The Utah State Auditor’s Office required all governments to conduct a Fraud Risk Assessment this year. Due to COVID-19, the Budget/Finance Committee had not completed the Fraud Risk Assessment by the end of June. Mr. Ogden believed it was currently being completed.

The Board reviewed the Statement of Net Position that showed the following:

* Assets of the Commission;
* Outstanding liabilities; and
* Assets in excess of the liabilities (net position or fund balance).

Mr. Ogden reported that the Commission had a net position of $1,062,000 at the end of the year. The operating expenses for the year were $824,000. The Commission had enough on hand to cover operating expenses for 2021. Mr. Ogden confirmed that the net change in position of ($113,000) meant that the Commission had dipped into the Fund Balance.

**MOTION:**  Mayor Sondak moved to accept the Audit Report, as presented. Mayor Wilson seconded the motion. The motion passed with the unanimous consent of the Board.

Mayor Sondak reported that the Commission needed to approve the Fraud Risk Assessment Questionnaire. Office Administrator, Kaye Mickelson noted that the purpose of the questionnaire was to determine the overall risk level. The Budget/Finance Committee reviewed the questionnaire and the Operational Policy Analysis. There had been a brief conversation with the Executive Committee related to the questionnaire and it was now being brought to the CWC Board for approval.

Communications Director, Lindsey Nielsen shared the Fraud Risk Assessment Report with the CWC Board. Mayor Sondak noted that a clear answer had not been given during the Budget/Finance Committee Meeting regarding whether the entity had a licensed or certified expert as part of the management team. Points were awarded if someone on the management team had a Bachelor’s Degree in Accounting. Ms. Mickelson noted that the answer was referenced in the Operational Policy Analysis Document. She stated that Mr. Sanderson has a bachelor’s degree in Accounting, which would satisfy that requirement.

Mayor Mendenhall felt that the Fraud Risk Assessment information should have been included as part of the packet for the Board Meeting. She had not reviewed it and did not feel comfortable voting. Ms. Mickelson confirmed that the Board has until the end of the year to certify the questionnaire. She apologized for sending out the information separately. Commissioner Houseman noted that the document was sent via email on September 29, 2020, as CWC Housekeeping Items for Review and Return. Chair Robinson asked Ms. Mickelson if all of the disclosures had been returned. She noted that some were still coming in. Chair Robinson felt it would be beneficial to postpone the item until the next Board Meeting.

**MOTION:**  Mayor Mendenhall moved to table the certification of the Fraud Risk Assessment Questionnaire, as presented. Mayor Sondak seconded the motion. The motion passed with the unanimous consent of the Board.

**MOUNTAIN TRANSIT SYSTEM SUMMIT FACILITATOR SERVICES**

1. **Consideration of Resolution 2020-20 Approving and Ratifying the CWC’s Entry into an Independent Contractor Agreement with Crafted Leadership, LLC for Online Facilitator Services for the Mountain Transit System Summit in November 2020. (Action). Mayor Sondak Presenting.**

CWC Executive Director, Ralph Becker discussed the facilitator contract with Julianna Christie. The Board budgeted and participated in the Request for Proposal (“RFP”) process for a facilitator who would handle the Mountain Transportation System Virtual Summit. The applicants had been narrowed down based on specific criteria. Julianna Christie from Crafted Leadership, LLC was chosen to facilitate the summit. Staff asked Ms. Christie to begin the necessary preparations, pending final Board approval.

Chair Robinson reported that the budgetary impact would be $14,500. Ms. Christie would be the facilitator at the Mountain Transportation System Virtual Summit on November 13 and 14, 2020. The contract was signed by Chair Robinson and was in the packet that was distributed to the Board Members.

**MOTION:**  Mayor Sondak moved to approve Resolution 2020-20. Mayor Mendenhall seconded the motion. The motion passed with the unanimous consent of the Board.

**INDEPENDENT CONTRACT AGREEMENT AMENDMENT WITH CASEY HILL**

1. **Consideration of Resolution 2020-21 Approving and Ratifying the CWC’s Entry into an Amended Independent Contractor Agreement with Casey Hill, Red Hill Strategic for Government Affairs Consulting.**

Chair Robinson reported that at the last Executive Committee Meeting, a discussion was had regarding Casey Hill from Red Hill Strategic. The contract with Mr. Hill expired and the Executive Committee recommended that the contract be renewed. Other lobbying contracts with Ron Dean and Bill Simmons had been terminated. Chair Robinson noted that the 45-day session of the Utah State Legislature was not far away. There would be important discussions related to transportation, land tenure, and legislation issues addressed in the near future.

Mr. Becker stated that the original contract with Mr. Hill was for six months. With the forthcoming Legislative Session, it was important to decide on next steps. Staff and members of the Legislative/Land Tenure Committee felt it would be beneficial to enlist the help of Mr. Hill. Mr. Becker noted that the item was within budget and Mr. Hill would be on a monthly retainer. There would be a $20,000 budget over a six-month timeframe, which would equate to approximately $3,300 per month. Ms. Mickelson reported that the contract would begin on October 6, 2020, and end on April 16, 2021.

Commissioner Houseman wondered if Mr. Hill’s contract would remain the same. Mr. Becker confirmed that the contract would be the same as last year, with the exception of the start and end dates. Commissioner Houseman asked about incidental expenses and whether those expenses would require approval. Mr. Becker reported that incidental expenses would automatically be covered but stated that Mr. Hill had not submitted any additional expenses last year.

**MOTION:**  Mayor Knopp moved to approve Resolution 2020-21. Commissioner Houseman seconded the motion. The motion passed with the unanimous consent of the Board.

**CWC BOARD “HOUSEKEEPING” ACTIONS (RALPH BECKER FOLLOW UP)**

1. **Open Meeting Act Training: Confirm Training Completed for Each Board Member.**

Chair Robinson discussed the Open Meeting Act Training and asked about the completion deadline. Ms. Mickelson reported that the deadline was the end of the year. Commissioner Houseman asked if training received elsewhere would meet the requirements or if additional training would be needed. Commissioner Bradley stated that the Certificate of Training is transferable. Chair Robinson asked that the Open Meeting Act Training be completed by the end of the month.

1. **Conflict of Interest Disclosure Statements: Confirm Completed and Received.**

Chair Robinson discussed the Conflict of Interest Disclosure Statements and asked that they be completed by the end of the month.

1. **Ethical Behavior Form: Confirm Completed and Received.**

Chair Robinson discussed the Ethical Behavior Forms and asked that they be completed by the end of the month.

**2019/20 CENTRAL WASATCH COMMISSION ANNUAL REPORT PRESENTATION**

1. **The Board will Receive an Annual FY 2019/20 Staff Report from Executive Director, Ralph Becker.**

Mr. Becker reported that an Annual Staff Report had been prepared.

It included the following information:

* The Commission, CWC membership, and processes;
* Budgeting and Financing;
* Stakeholders Council and Committees; and
* Work that focused on:
  + Legislative/Land Tenure Committee;
  + Short Term Projects Committee;
  + Environmental Dashboard;
  + Mountain Transportation System proposal; and
  + Little Cottonwood Canyon EIS and discussions with UDOT.

Mr. Becker noted that the Annual Staff Report also included a schedule for work that was underway. The goal of the report was to put all current information related to the Commission in one place. Chair Robinson noticed that Brighton was missing from the list of memberships. Mr. Becker noted that staff would make the necessary correction. Ex Officio Member, Carlton Christensen reported that he participated in the Transportation Committee but was not sure what date he became an Ex Officio Member. Chair Robinson felt it was important for the Annual Staff Report to be historically correct. He asked staff to ensure that all members and memberships were listed correctly.

**2019/20 STAKEHOLDERS COUNCIL REPORT**

1. **The Board will Receive an Annual FY 2019/20 Stakeholders Council Report.**

Mr. Becker reported that the charter for the CWC states that the Stakeholders Council is to be comprised of 28 to 35 members. There was an appointment process that the CWC went through to approve the initial 35 members. Some members had since moved on to different positions and the number of members had reduced. Mr. Becker also noted that Greg Summerhays had stepped down from the Stakeholders Council and resigned as Chair. Vice-Chair, Dr. Kelly Bricker was willing to fill the remaining term of the Chair through June 2021. Mr. Becker reported that staff would come back to the Executive Committee with recommendations regarding the process of filling the remaining Stakeholders Council positions.

Chair Robinson brought up a potential issue with Vice-Chair Bricker serving as Chair. He mentioned her likely response to the RFP on the Visitor Use Study. Mr. Becker noted that the visitor use management work was Vice-Chair Bricker’s area of expertise. She had advised the Stakeholders Council on the potential scope of services and budget range. Mr. Becker noted that Vice-Chair Bricker was willing to recuse herself from participation in any action related to a Visitor Use Study. Staff felt it was appropriate for her to serve as Chair.

Mayor Sondak expressed concern that a member of the Stakeholders Council could potentially be providing a service to the CWC. Chair Robinson commented that he would bring up these concerns at the next Executive Committee Meeting. Mayor Wilson believed the decision would depend on how much the Stakeholders Council was focused on the Visitor Use Study at the current time. If it was a small piece of their work, Vice-Chair Bricker could potentially step aside during those discussions. However, if the study was a large piece of their current work, another Chair might need to be considered.

Chair Robinson updated the Board on the Executive Committee Meeting. They asked staff to return with a methodology for selecting a Vice-Chair and additional Stakeholders Council members. Chair Robinson reported that the Executive Committee had also discussed getting feedback from the Stakeholders Council regarding the Mountain Transportation System alternatives. These alternatives were revealed during the Mountain Transportation System Panel Discussion on September 18, 2020. It was suggested that the October 21, 2020 Stakeholders Council meeting focus on the various alternatives in preparation for the Mountain Transportation System Virtual Summit. Chair Robinson hoped that as many Board Members as possible would be able to observe the meeting.

1. **The Board will Review the Decision Tree for Stakeholders Leadership and Membership. (Action)**

The Decision Tree for Stakeholders Leadership and Membership was not reviewed.

**CWC COMMITTEE/PROJECT REPORTS:**

1. **Executive Committee: Chair Christopher F. Robinson, on behalf of the Executive Committee, will Discuss the August 17, 2020, and September 21, 2020, Committee Meeting Minutes: Including Recommendation for Action on CWC Employee Handbook (previously sent to members). (Action).**

Chair Robinson did not feel there was additional information related to the Executive Committee to share. He noted that the minutes were included in the packet distributed to the Board.

1. **Budget/Finance/Audit Committee: BFAC Member Mayor Sondak on Behalf of the Budget/Finance/Audit Committee, will Discuss the August 13, 2020, and September 16, 2020, Committee Meetings.**

Mayor Sondak reported that fundraising was discussed at the August 13, 2020, Budget/Finance/Audit Committee Meeting. There had also been discussions related to Sandy City contributions. At the September 16, 2020 meeting, the Committee reviewed financial information, addressed the Fraud Risk Assessment Questionnaire, reviewed the audit, and looked over the contract for the Mountain Transportation System Virtual Summit facilitator. A $1,500 contract related to Zoom support for the summit had also been discussed.

1. **Short-Term Projects Committee: Chair Jim Bradley, on Behalf of the Short-Term Projects Committee, will Discuss Items Under Discussion and the September 14, 2020, Committee Meeting Minutes.**

Commissioner Bradley reported that short-term projects were currently moving forward toward completion. He noted that there was originally $50,000 allocated for the new fiscal year. The Short-Term Projects Committee had since allocated $20,000 of that funding to the Salt Lake Climbers Alliance project for trails maintenance and an anchor replacement project. There was currently $30,000 remaining. The Short-Term Projects Committee decided to leave the money until the end of the winter season. Commissioner Bradley noted that the ski season may lead to sanitation problems. The additional funds would be able to address such issues.

1. **Transportation Committee:**
2. **The Board will Consider and Take Action on Commissioner Mike Peterson’s Request to be Replaced as the Chair of this Committee, and the Committee’s Suggestion that Commissioner Dan Knopp be Appointed as Replacement Chair of this Committee. (Confirmation/Action).**

Chair Robinson reported that he had spoken to Mayor Peterson about the Transportation Committee. Mayor Peterson was not backing away from the CWC or the Transportation Committee, but time commitments had made it difficult for him to continue to serve as Chair. It was recommended that Mayor Knopp replace Mayor Peterson as Chair of the Transportation Committee.

**MOTION:**  Mayor Sondak moved to replace Mayor Mike Peterson as Chair of the Transportation Committee with Mayor Dan Knopp. Mayor Wilson seconded the motion. The motion passed with the unanimous consent of the Board.

1. **Chair Dan Knopp, on Behalf of the Transportation Committee, will Discuss Items Under Discussion. The Committee will also Update the Board on the Planned November 13-14, 2020 Mountain Transit System Summit.**

Mayor Knopp updated the Board on the Transportation Committee. The Mountain Transportation System Panel Discussion was held on September 18, 2020. Approximately 150 people attended the virtual panel. The public comment period is currently open and will close on October 18, 2020. The Design Your Transit tool was developed to allow participants to use a budget and invest in modes and demand management strategies. Between public comment and the Design Your Transit tool, the Transportation Committee had received approximately 600 responses. The Mountain Transportation System Virtual Summit would take place on November 13 and 14, 2020. Julianna Christie from Crafted Leadership, LLC would serve as the facilitator. The goal of the summit was to build a consensus among the stakeholders on a Mountain Transportation System that could go to the CWC Board for approval and recommendation.

Mayor Knopp reported that the next Stakeholders Council meeting would discuss the Mountain Transportation System alternatives. The Transportation Committee would meet on October 30, 2020, to finalize the summit agenda, review preliminary comments, discuss outcomes from the Stakeholders Council meeting, and provide additional direction for the Mountain Transportation System process.

Commissioner Bradley expressed concerns related to the timeline. He believed that reaching a consensus on a Mountain Transportation System by November was unlikely. Commissioner Bradley felt that a second panel may be needed to further address the bus option as well as the environmental consequences of the proposed alternatives. Chair Robinson noted that limited feedback from the stakeholders had prompted the Executive Committee to turn the October 21, 2020 Stakeholders Council meeting into a forum to gain additional insight. Chair Robinson felt it would be challenging to reach a consensus but a schedule was in place with the Stakeholders Council meeting and the Mountain Transportation System Virtual Summit. The meeting in December would determine whether a consensus had been reached. He noted that another forum could be planned or discussed at the December meeting, if necessary.

Commissioner Houseman wondered if public comments and the Design Your Transit tool would impact the conversations taking place in November. Commissioner Bradley felt that public feedback would be an important part of the creative process. Chair Robinson commented that a consensus did not need to be reached in November. If it could not be reached, alternative plans would be made to try and reach a consensus in the future. Mayor Knopp did not believe a consensus would be reached right away but felt it was important to continue moving forward with the process.

1. **Legislative Land/Tenure Committee: Chair Jenny Wilson, on behalf of the Legislative Land/Tenure Committee, will Present Items for Discussion and Direction from the Board.**

Mayor Wilson reported that the Legislative Land/Tenure Committee held a meeting the previous week and discussed potential next steps. The goal was to pursue some level of protection for critical areas of the canyon. If a consensus could not be reached related to a federal bill, other options would need to be explored. The Committee reached an understanding that other options would be pursued and some elements would be considered for a federal bill at a later stage.

Mike Reberg reported that he and Mr. Becker had spoken to different ski resorts and conservation groups individually. Those conversations indicated that the currently drafted legislation, with the land exchange element included, was unlikely to move forward. The Legislative Land/Tenure Committee decided to start working on a new federal legislation draft that excludes the land exchanges. The focus instead would be on the land conservation pieces. Land exchanges would instead be explored through non-legislative methods. Chair Robinson reported that the last nine months had largely been focused on transportation. It was now time to focus on the legislation and land tenure activities to bring those in line with transportation. Staff would present possible suggestions at the next Legislative Land/Tenure Committee Meeting, which would be held next month.

1. **Environmental Dashboard Project: Board Liaison Commissioner Jim Bradley and CWC Staff Member Lindsey Nielsen will Update the Board on Work Underway for this**

**Project.**

Commissioner Bradley reported that the completion date for the Environmental Dashboard Project was postponed until late next year. It was currently in the data collection and analysis stage. Commissioner Bradley believed the information from the study would be invaluable for anything related to transportation or visitor utilization. He wondered if there was a way for $80,000 to be put back into the budget to move up the timeline. Ms. Nielsen regularly has check-in calls with the project managers, Dr. Phoebe McNeally and Dr. James Ehleringer. They did not feel it was possible to get back to the original timeline, which was to be online by the end of this calendar year or early next year. However, their work could be expedited if additional funding becomes available. Chair Robinson asked Ms. Nielsen to find out the earliest date the Environmental Dashboard could be completed if full funding were to become available.

1. **Visitor Use Study Project: Board Liaison Commissioner Harris Sondak and CWC Staff Member Blake Perez will Update the Board on this Project and on the August 28, 2020 Presentation by Utah State University on 2014-2015 Visitor Use Study (Courtesy of Carl Fisher and Chase Lambron).**

CWC Deputy Director, Blake Perez noted that the Visitor Use Study was discussed but progress was contingent on when revenues come in, member contributions, and fundraising efforts.

**PUBLIC COMMENTS**

*Gerald Renshaw* commented on parking and admittance to ski areas. He hoped consideration would be given to those with handicap stickers that need to drive to the ski resorts in their own cars. Chair Robinson noted that the implementation of anything that could restrict vehicular traffic was a long way off. However, he believed it was important to consider accessibility for all.

*Jenna Malone* was happy to hear legislation discussions related to National Conservation Recreation Areas in the Central Wasatch.

There was no additional public comment.

**COMMISSIONER COMMENTS**

Commissioner Houseman expressed gratitude for all of the hard work that had gone into the Mountain Transportation System Panel discussion. She noted that a lot of effective effort had gone into education and communication.

**ADJOURNMENT FOR CLOSED SESSION**

**MOTION:** Mayor Knopp moved to adjourn and go into a Closed Session. Commissioner Houseman seconded the motion. The motion passed with the unanimous consent of the Committee.

There was some question as to whether a quorum was present. Mr. Becker reported that there were currently five voting members present as well as Ex Officio Member Carlton Christensen. CWC Attorney, Shane Topham noted that there were not enough members present to constitute a quorum. He felt the meeting should be adjourned and the Closed Session added to a subsequent meeting agenda. Chair Robinson revoked the motion to adjourn for Closed Session.

**ADJOURNMENT**

**MOTION:** Mayor Knopp moved to adjourn the CWC Board Meeting. Commissioner Bradley seconded the motion. The motion passed with the unanimous consent of the Committee.

The Central Wasatch Commission Board Meeting adjourned at approximately 5:20 p.m.

***I hereby certify that the foregoing represents a true, accurate, and complete record of the Central Wasatch Commission Board Meeting held Monday, October 5, 2020.***

**Teri Forbes**

Teri Forbes

T Forbes Group

Minutes Secretary

Minutes Approved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_