

Five County Association of Governments

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MINUTES

FIVE COUNTY ASSOCIATION OF GOVERNMENTS

STEERING COMMITTEE MEETING

WEDNESDAY, APRIL 14, 2020

1:30 P.M.

BEAVER CITY OFFICE BUILDING; MEETING ROOM 3; 30 W. 300 N.; BEAVER, UTAH

MEMBERS IN ATTENDANCE IN-PERSON

Commissioner Wade Hollingshead, Chair
Commissioner Jerry Taylor, Vice Chair
Commissioner Paul Cozzens
Commissioner Andy Gant
Commissioner Gil Almquist
Mayor Robert Houston
Mayor Nolan Davis
Dale Brinkerhoff
Tyler Fails
Mayor Melanie Torgerson

OTHERS IN ATTENDANCE IN-PERSON

Heath Hansen
Scott Albrecht
Adam Snow
Johnnie Miller
Mayor Kim Soper
Jason Brown
Anona Yardley
Henrie Walton
Bryan Thiriot
Gary Zabriskie
Allison McCoy
Alyssa Gamble
Nathaniel Martinez

REPRESENTING

Beaver County Commission Representative
Garfield County Commission Representative
Iron County Commission Representative
Kane County Commission Representative
Washington County Commission Representative
Kane County Mayoral Representative
Beaver County Mayoral Representative
Iron County School Board Representative
Beaver County School Board Representative
Garfield County Mayoral Representative

REPRESENTING

U.S. Senator Mike Lee
U.S. Senator Mitt Romney
Congressman Chris Stewart
Utah Counties Indemnity Pool
Panguitch City
Beaver City
Beaver City
Dixie State University
Five County AOG Executive Director
Five County AOG Deputy Director/CED Director
Five County AOG Chief Financial Officer
Five County AOG Community Planner
Five County AOG Economic Development Planner

I. WELCOME BY CHAIR.

Beaver County Commissioner Wade Hollingshead, as Chair, opened the meeting at 1:33 p.m. after having confirmed that a quorum of the Steering Committee was present, in person. It was noted by Mr. Gary Zabriskie that Steering Committee board member LaRene Cox, representing the Washington County School Board, was listening in to the meeting via a telephone feed, but because the meeting was not publicly advertised as being held as an electronic meeting, she would not be formally participating in the meeting as a voting Steering Committee member today. He said she will listen in on the meeting, including the annual Board member training, when that agenda item is reached.

II. PLEDGE OF ALLEGIANCE.

The Chair asked Washington County Commissioner Gil Almquist to lead the group in the Pledge of Allegiance.

III. MEETING MINUTES FROM THE MARCH 10, 2021 MEETING – REVIEW AND APPROVE.

Following the reciting of the Pledge, the Chair presented Agenda Item #III. which is considering the approval of the draft minutes from the March 10, 2021 Steering Committee meeting which took place in Cedar City at the Heritage Hall building. The Chair asked if anyone had anything to bring up relative to the minutes, and seeing that there were none, called for a motion to approve.

Mayor Nolan Davis made a motion to approve the March 10, 2021 Steering Committee meeting minutes, as presented. Mayor Robert Houston seconded the motion.

The Chair called for a vote. The motion passed unanimously with all ten Committee members in attendance voting in favor.

IV. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG).

A. PRESENTATION OF THE CDBG RATING AND RANKING RESULTS FOR FY2021

Ms. Alyssa Gamble, Community Planner, handed out the prioritized scoring sheet for this year's Rating and Ranking. Alyssa explained that Five County AOG recently completed our Community Development Block Grant application cycle for FY2021 applications. She said that our regional allocation of funds this year is \$938,890 divided between the two AOG set-aside amounts and the projects rated and ranked for funding. The AOG staff each year reviews and updates the rating and ranking criteria and presents the criteria for Steering Committee approval. This year's criteria document was approved by the Steering Committee in August of 2020. The AOG Community Development staff applies that criteria to the CDBG applications to score the applications for funding. All five applicants to the five-county region are recommended for funding for the rating and ranking review, but due to funding availability, the project ranked number five will not receive the full amount requested.

Alyssa provided a handout, which summarized the funding. She went over the recommended funding as follows: The Five County AOG set aside for community planning and technical assistance will be \$47,000 and Five County CDBG Administration will be \$50,000 for a total of \$97,000. She said that Panguitch City, which was ranked the highest is recommended to receive for water tank improvements will be \$200,000. Cedar City on behalf of the Cedar City Housing authority, to acquire one to two low-income housing units is recommended to receive \$200,000 this year, with an additional \$100,000 allocated in the 2022 program

year. They were a multi-year project. Washington County on behalf of Angel Springs Special Service District will conduct water system improvements and it is recommended that they be awarded \$44,686. Iron County for the Newcastle Fire station is recommended to receive \$200,000. Beaver City for Road improvements \$197,204. If the Steering Committee, in its role as the Regional Rating and Ranking Committee, approves this allocation, the next steps for the applicants include attending the grantee workshop to be held April 29th for project managers. Awarded applicants will also need to hold a second public hearing and post that to their WebGrants3 application. Final application submissions will be due on May 31st and then our AOG staff are able to review applications, answer questions, and review public hearing notices and minutes before that submission date.

Alyssa let the Board know she was happy to answer any questions that the Steering Committee members might have about the rating and ranking process scoring for projects. Commissioner Hollingshead, Chair, asked how they were ranked. Alyssa explained that there is a set of 19 criteria. We go through the criteria each year, involve the mayors and county commissioners, and the public, and update it annually and bring it to this body for approval. It includes the number of low- and moderate-income people served by the project. She also explained that there is also an aspect that some of the Board members may have gotten in an email from her about the project ranking. She explained that certain types of projects are assigned certain priorities by this body, and we ask for feedback every year for that. She said, as an example, a public safety project might receive a higher score for that metric than a parks and recreation project. She went on to say that we add all those criteria together so that the project with the highest score is prioritized for funding and we just go down the list until Alyssa said that she would be happy to send out the full criteria list if any Board members would like it, but that will be coming out to all in the summer. She said that the AOG staff will have some adjustments and recommendations for that as well.

Commissioner Hollingshead, Chair, asked Alyssa if cities know when to when to apply and how to apply to, on a regular basis? Alyssa explained that the Association of Governments community and economic development staff posts public hearings and sends out information to our contact list of all the city offices and counties as well. She said that we also extend invitations out to non-profits and special service districts who can partner with, or more accurately, be sponsored by, a community or city for funding. She explained that the staff does quite a bit of engagement with communities and then the AOG staff is available to help them through the application process. Mr. Gary Zabriskie, Community and Economic Development Director, said that this year was a somewhat unique year because the number of applications received was lower than we typically have. He said that we typically have in a year three, four, or maybe five more applications than there are dollars available, and those ones that scored below where the money run out were not funded for that year and they would have to reapply the next year and go through the process again.

Mr. Zabriskie said that typically we will have many more but part of it likely had to do with Covid and a lot of other things that cities are worried about. These were the projects that were ready to apply and did apply. Mr. Zabriskie told the Board that Alyssa did a great job with this [the Rating and Ranking process] for her first go-around in the process. He said this is a complicated program to administer for a relatively small, amount of money. And is complicated for the applicants that Alyssa works with to help make the process easier for them as much as possible. He said in our case, the CDBG funding annually is around \$900,000, and is federal bringing all sorts of rules, and steps you must go through to receive and use it. He said that Alyssa spends considerable time helping the communities to make sure they go through all the steps to get it. He said that in the end, however, when you look at that projects on this list and previously funded, those are all some meaningful projects here. These are some projects that are going to make a difference in those communities, and Alyssa has done a great job and she has had a good mentor

with Senior Planner Nate Wiberg. Mr. Zabriskie said that Nate has had five years' experience doing this and having the two together this past year has been instrumental in Alyssa getting up to speed. He also said that she is a quick learner.

B. APPROVAL OF (FY2021) RATING & RANKING FUNDING BY THE STEERING COMMITTEE IN IT'S ROLE AS THE REGIONAL REVIEW COMMITTEE (RRC)

The Chair thanked the staff, and then asked the Board if they had any questions for Alyssa. The Chair said he would entertain a motion to approve the Rating and Ranking for the Fiscal Year 2021 Community Development Block Grant program in the Five County region as presented in the handout with all projects funded as prioritized, with the one at the bottom receiving a small reduction from what was requested.

Commissioner Gil Almquist made a motion to approve the Rating and Ranking as presented by Alyssa for Community Development Block Grant with the prioritization and funding of applications 1 through 5, as already entered into the minutes. Mayor Nolan Davis seconded the motion.

Seeing that there was no discussion requested by any Board members, the Chair called for a vote. The motion passed unanimously with all ten Committee members in attendance voting in favor.

V. DEFEDERALIZATION OF THE FEDERAL INTEREST IN GRANTS FROM THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION TO THE FIVE COUNTY ECONOMIC DEVELOPMENT DISTRICT REVOLVING LOAN FUND.

The Chair turned the floor over to Mr. Gary Zabriskie who explained that the Five County Association of Governments started a revolving loan fund in 1987, six years before he was hired on at the AOG. He explained the reasons for forming a revolving Loan Fund that would fund local businesses within the five-county region.

Mr. Zabriskie explained that in 1987, the AOG received an award of \$500,000 from EDA that was matched with other local funds that created our Revolving Loan Fund. Since that time, we have loaned out approximately ten point five million dollars from that original \$841,000. He said we matched the \$500,000 matched with \$341,000 of other funds. Since that time, it has always been considered federal money, because when the original program was put together by the U.S. Economic Development Administration Congress said that money granted to agencies like ours would remain federal in perpetuity. Because that that was put in by Congress, EDA could never on its own defederalize those funds. It would take another act of Congress. Well, that was 32 years ago on ours and we are not the only oldest RLF in the nation. The oldest one that was established was close to 40 years in one of the other regions in the country. Last year for a strange reason, the Stars aligned right, and Congress passed a bill that would authorize and direct the Secretary of Commerce to defederalize revolving loan funds upon request from the ones that have a revolving loan fund if the money has been disbursed at least seven years ago, ours was 32 years on the original grant that we got from EDA.

Mr. Zabriskie said that what this resolution will do is it authorize and direct AOG staff to submit a formal written request, to release the federal interest in the EDA grant awards. The resolution supports our Association continuing to utilize the funds that are released in a regional Revolving Loan Fund.

Gary explained that the AOG is not going to take the defederalized EDA dollars and use them somewhere else. The EDA dollars, once released, will continue to be used to rebuild a revolving Loan Fund, but we will not have the rules of the federal government have to contend with. We can establish our own loan plan which I am going to do as soon as be federalized and bring that loan plan back to the steering committee for approval and part of that would be simplifying the process. Right now, EDA requires us to have a nine-member board with a specific makeup of that board and you must have a quorum of at least five and you must have the majority of that quorum.

Mr. Zabriskie explained that the AOG may go to a three-member loan board and have like a banker or a former banker, a county commissioner or mayor and maybe a retired businessperson or a current businessperson who does not have a financial interest in our loan fund . The final part of the resolution authorizes the chair to sign all documents and agreements necessary to defederalize. And then finally the resolution thanks the EDA Denver staff for all the years of their assistance, as they have been wonderful to work with. Mr. Zabriskie said that for all the years he has worked with them they have been a great asset. He said that they are also happy to see this defederalization happen. He said he was at a meeting about two years ago, over in Denver, and that was a major topic of discussion. He said that the EDA staff there said that they did not want to have us keep having to report and deal with these very old grants. Mr. Zabriskie said the EDA staff wants to devote their time to deal with the new grants that they do, but their hands have been tied because Congress would have to change it.

Mr. Zabriskie said Congress finally passed the RLF act that directs them to be able to defederalize the funds. He said we must identify that we're going to continue using it for economic development purposes, so in our request to them we are going to tell them we're going to use that money the formerly federal funds still as an RLF. He said we could use it for other economic purposes, such as to build an economic development center or something. He said that EDA does not really care what the grantee does, as long they identify it to them. Mr. Zabriskie said there are some other strings still attached. One is if you use the released funds for construction, Davis-Bacon prevailing wages have to be paid. So even though it was not going to be federal, they still put that restriction along with it, but for us, defederalization is going to be a big deal. This is something Mr. Zabriskie started working with Senator Hatch's office about seven or eight years ago, but Senator Hatch could not get enough traction in Congress with this matter at that time. But thankfully it was passed by the House and Senate last year and signed into law by President Trump. From that point, until the end of January 2021, EDA worked on finalizing the process in which the defederalization could occur.

Mr. Zabriskie explained that he would need two resolutions approved, each one approved separately, because there are two grants. He said we are looking forward to this defederalization and anything that we can make anything less federal is good. Mr. Zabriskie asked if anybody have any questions on the resolutions. He said that we have funded 149 businesses, created over 1,000 jobs and saved over 800 jobs.

Commissioner Jerry Taylor said to Mr. Zabriskie that in 1989, [the AOG] gave him a loan of \$50,000 to start Canyon Country Gas and Goodies in Escalante. He said that business is still there, with different owners, but it is still there. Mr. Zabriskie said that up in Panguitch, the Panguitch Drug drugstore was funded by this fund, as was the Purple Sage Motel renovation there. The Flying M Restaurant at the north end of the City, that has now is something else inside, was expanded with our RLF funding.

Mr. Zabriskie explained that there is RLF money throughout your communities and said that while he didn't start the fund, he said we are going to keep it because it's doing good in our region here.

- A. ADOPT A RESOLUTION AUTHORIZING STAFF TO REQUEST RELEASE OF THE EDA FEDERAL INTEREST IN THE "ORIGINAL" EDA RLF GRANT AWARD 05-39-0266 AWARDED JUNE 15, 1987 AND AUTHORIZING CHAIR TO SIGN ALL AGREEMENTS REQUIRED IN THE DE-FEDERALIZATION PROCESS.**

The Chair called for a motion on approving the resolution supporting the defederalization of the Original EDA Grant # 05-39-0266.

Commissioner Almquist moved to approve the Resolution as presented. Mayor Davis seconded the motion.

Seeing no additional discussion needed, the Chair called for a vote. All ten members present voted in favor, so it passed unanimously.

- A. ADOPT A RESOLUTION AUTHORIZING STAFF TO REQUEST RELEASE OF THE EDA FEDERAL INTEREST IN THE "RECAPITALIZATION" EDA RLF GRANT AWARD 05-39-0266.01 AWARDED MARCH 15, 1996 AND AUTHORIZING CHAIR TO SIGN ALL AGREEMENTS REQUIRED IN THE DE-FEDERALIZATION [REQUIRES A MOTION AND VOTE]**

The Chair called for a motion on approving the resolution supporting the defederalization of the "Recapitalization" EDA Grant # 05-39-0266.01.

Commissioner Almquist moved to approve the Resolution as presented. Mayor Davis seconded the motion.

Seeing no additional discussion needed on this resolution as well, the Chair called for a vote. All ten members present voted in favor, so it passed unanimously.

VI. UPDATE ON THE FIVE AND SIX COUNTY CONGRESSIONAL BRIEFING ACTIVITY IN AUGUST.

The Chair moved on to Agenda Item #VI and turned the time over to Commissioner Taylor. Commissioner Taylor said that they had a meeting last week with the Five and Six County Coalition moving forward with the Congressional staff briefing. He said they have raised nearly \$50,000 to bring about 20 staffers from Washington DC out this summer to talk about public land issues, actually life in the west, and what we are dealing with. He said that the last one was two years ago, and it was a huge success for us. He said that in 2020 there was not one because of Covid, but we are still moving forward, but we're always looking for more money, and more scholarships to bring more people.

Five County Executive Director Bryan Thiriot said there are at least 50 names that have been identified back in Washington DC to come out, but I think they are only going to take 20. He said there is a lot of

interest to come out here. Commissioner Taylor said that the last time some of the people from the left were surprised at what they saw and learned. He said that we made some actual good friends out of it so when we go back to DC, we can talk to those people and they open their doors now and let us in to talk. He said it is a real positive thing that we are doing it.

Commissioner Taylor said that some of these people that do not have any idea acres of public land. looks like. They have no idea. They have no idea about forest fires and the damage they can cause the community. Commissioner Taylor asked Panguitch Mayor Kim Soper about the costs to Panguitch City because of the Brian Head Fire. Mayor Soper said it was over a two million dollar hit for [the City's] springs but when they added to the that cost the new well that was required, it was up to five to six million dollars of damage of that one fire. Commissioner Taylor emphasized that this magnitude of that fire could have been prevented had we had some real leadership 20 years ago and did not have the "self-ish interest" groups shove forest "mis-management" [practices] down our throats.

VII. AGENDA ITEM TABLED.

At the request of Executive Director Bryan Thiriot, the Chair proposed that the Committee table Agenda Item #VII.

Mayor Nolan Davis made a motion to table Agenda Item #VII. Commissioner Gil Almquist seconded the motion.

The Chair called for a vote. The motion to table this item passed unanimously with all ten Committee members in attendance voting in favor.

VIII. CONGRESSIONAL UPDATES – BY CONGRESSIONAL FIELD OFFICE STAFF.

Heath Hansen – representing U.S. Senator Mike Lee. Mr. Hansen reported that Secretary Deb Haaland and part of the Department of the Interior was out here in Utah last week. She visited the Bears Ears National Monument and visited with people in San Juan County and Kanab. She had some good feedback from people who are actually tied to this land for Generations and who live on the land and depend on it for their livelihoods. The next step is for the Secretary to brief President Biden who will then make a decision on the re-expansion of the Monument.

A question was brought up about Justice Roberts and his re-evaluation of the Antiquities Act and possibly bringing it back into its original intent. The Supreme Court denied hearing the case brought against President Obama; however Chief Justice Roberts made some interesting statements that might open the possibility of bringing the Antiquities Act up for review in the future depending on what the case is brought up. The Utah AG's office is looking into what options they might have, depending on the final decision from President Biden.

Zion National Park just announced that they will be increasing the fee for their shuttle system from \$1 to \$2 – but must go through an Open Public Comment period which ends on April 25th.

Other legislative actions – Senator Lee has introduced a Bill called the PILT Act which (if passed) would require the Department of the Interior to produce a model and undertake a study to determine how much the federal land would be worth if it was privately held and then figure out what the taxable value of that

land would be which would then start to increase the PILT payments to bring them up to par with property tax. Senator Lee has got Idaho to co-sponsor the Bill with him and is working with Nevada, Wyoming, and other public land states to try and get more support for the Bill.

Again, as reported last month, Senator Lee has reintroduced the Military Spouse Licensing Relief Act. This Act would make it so that if you are the spouse of an active military member – and you move to a different state, your license would be valid in that state.

Scott Albrecht – representing U.S. Senator Mitt Romney. Mr. Albrecht noted that Senator Romney was in on the delegation that accompanied Secretary Haaland and was impressed with our united front and our ability to advocate for the local communities and economy.

The other item of note is the re-introduction of the Match Act which will allow any work that a local county or municipality does on fire clean up to use as a credit for the 25% of what you put in to your NRCS match. A couple of other items they are trying to influence some benefit to the State is the Great American Outdoor Act – where only 7.3 million of the 1.6 billion dollars is set aside for Utah and the Shuttered Venue Act which should help programs like the Shakespearean festival. They are working closely with them to make sure they can get their application submitted and hopefully get some of that money.

Adam Snow – representing Congressman Chris Stewart. Congressman Stewart reminded members of the Board that the appropriations requests need to come in by the end of this week. These appropriations are for rural projects where you don't have the resources available that larger communities have. They had some success in opening a portion of the Flint Trail to one of the two sections between Wayne and Garfield County.

Congressman Stewart is continuing his push to for the small-dimensional wood usage act. He reported that the Forest Service is agreeable to this action and would support our pushing for lumber companies to bid on this product. Congressman Stewart has also introduced two bills – one that balances the budget and one that sets the budget on more of a glide path.

IX. STATE AGENCY UPDATES.

There were none at this meeting.

X. UNIVERSITY UPDATES.

Mr. Henrie Walton, with Dixie State University. Mr. Gary Zabriskie noted that the (2) presidents of the universities (or their designees) are ex-officio members of the Steering Committee, which means they are non-voting, but nonetheless they are members of the Steering Committee. Mr. Zabriskie noted that we would like to reinstitute the practice where the presidents and/or designees recognize their position and sit at the table where they can participate in the meeting and discussions.

Mr. Walton reviewed the name recommendation process that is going on at Dixie State University and the recommendation that the Board of Trustees made to recommend a name change that now must move through the Board of Regents and then to the State legislature. The State legislature would like to receive a name to review prior to November 1, 2021.

XI. REQUIRED ANNUAL BOARD TRAINING ON OPEN MEETINGS, ETHICS, ETC.

Mr. Johnnie Miller, CEO of the Utah Counties Indemnity Pool (UCIP), provided the required annual public meeting training to the Board, including when in limited circumstances wherein a public meeting may have a portion in a closed session. He also provided training on ethics for Board members including avoiding conflicts of interests and when a Board member should provide the Board notice he or she has been approached with ex parte communication and how to avoid such communications in the first place.

Mr. Miller covered what the statutes dealing with the Government Records and Management Act, known as GRAMA means to the Association and how to respond appropriately to government records requests. He explained that there is a presumption that all government records are open and available to the public with certain exceptions. The Association should classify the records that we have and have an appeals process if records are denied based upon the reason given for denying access.

Mr. Miller covered the Public Officers and Employees Ethics Act which is what the Association falls under. He said there are several things that one must disclose and several things that you are prohibited from doing. He discussed the Prohibition on Employment of Relatives Act and talked about the procurement code.

The Chair thanked Mr. Miller for accommodating the training of the Board, and for him traveling all the way down to Beaver City to provide it for the Board.

XII. LOCAL AFFAIRS / OTHER ITEMS FROM BOARD MEMBERS.

There were no other local affairs items to discuss.

XIII. ADJOURN.

Commissioner Wade Hollingshead, Chair, seeing that there was no further business to be conducted, and at his discretion, without debate, adjourned the meeting.