

**MINUTES OF THE CENTRAL WASATCH COMMISSION (“CWC”) BOARD MEETING HELD MONDAY, DECEMBER 6, 2021, AT 3:30 P.M. THE MEETING WAS CONDUCTED ELECTRONICALLY WITHOUT A PHYSICAL LOCATION**

**Board Members:** Chair Christopher F. Robinson

Mayor Jeff Silvestrini

Mayor Mike Peterson

Mayor Jenny Wilson

Mayor Harris Sondak

Mayor Dan Knopp

Councilor Jim Bradley

Councilor Max Doilney

Carlton Christensen, Ex Officio

**Staff:** Ralph Becker, CWC Executive Director

Blake Perez, CWC Deputy Director

Lindsey Nielsen, CWC Communications Director

Kaye Mickelson, CWC Office Administrator

Shane Topham, CWC Legal Counsel

**Excused:**  Councilor Marci Houseman

Mayor Erin Mendenhall

**Others:**  Mayor Andy Beerman

Marian Rice

Michael Marker

Mimi Levitt

Patrick Shea

Paul Diegel

Richard Jaussi

Roger Borgenecht

Sarah Bennett

Steve Van Maren

Terry Warner

Brian Hutchinson

Chris McCandless

Patrick Nelson

Catherine Kanter

Laura Briefer

Lisa Hartman

Robert Sampson

Ned Hacker

Lisa Hacker

Barbara Cameron

William McCarvill

Abi Holt

Bob Kollar

Carl Fisher

Dave Fields

Dennis Goreham

Ed Marshall

Hilary Lambert

Jan Striefel

Jenifer Eishen

Joshua Van Jura

John Knoblock

Joe Reimann

**OPENING**

1. **Chair of the Board Christopher F. Robinson will Open the CWC Board Meeting Plus Comment on the Electronic Meeting, No Anchor Location, as Noted Above.**

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

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

‘I, as the Chair of the Board of Commissioners (the “Board”) of the Central Wasatch Commission (“CWC”), 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. Although the overall instances of COVID-19 have diminished over the past several months, the pandemic remains and the recent rise of more infectious variants of the virus merits continued vigilance to avoid another surge in cases, which could again threaten to overwhelm Utah’s healthcare system.’

1. **(Action) The Board will Consider Approving the Minutes of the November 5, 2021, Board Retreat.**

**MOTION:** Mayor Knopp moved to APPROVE the November 5, 2021, CWC Board Retreat Meeting Minutes. Councilor Doilney seconded the motion. The motion passed with the unanimous consent of the Board.

1. **(Action) The Board will Consider Approving the Minutes of the November 1, 2021, Board Meeting.**

**MOTION:** Mayor Peterson moved to APPROVE the November 1, 2021, CWC Board Meeting Minutes. Councilor Bradley seconded the motion. The motion passed with the unanimous consent of the Board.

**STAKEHOLDERS ADVISORY COUNCIL UPDATE: ACTION ITEM**

1. **Meeting Took Place Virtually on October 20, 2021, 3:00 p.m. Minutes of the Stakeholders Advisory Council are Included for your Review.**

Chair Robinson reported that the Stakeholders Council Meeting took place on October 20, 2021. The Meeting Minutes were available in the packet for review.

1. **Stakeholders Council Chair and Vice-Chair, William McCarvill and Barbara Cameron will Provide an Update on the Millcreek FLAP Grant letter, the Stakeholders Advisory Council Majority Opinion, and Minority Opinion. The Action Item for the Commissioners is to Consider the Millcreek FLAP Grant Letter to the Federal Highway Administration.**

Chair and Vice-Chair of the Stakeholders Council, William McCarvill, and Barbara Cameron were present at the CWC Board Meeting to share updates related to Council business. Mr. McCarvill reported that the Millcreek Federal Lands Access Program (“FLAP”) grant was supported by Salt Lake County, The U.S. Forest Service, and Millcreek City. It involved approximately $19 million with approximately $4 million coming from Salt Lake County. One of the drivers for the FLAP grant was the fact that the current road was in need of repair. The Millcreek Canyon Committee and the CWC endorsed the FLAP grant during the application period.

Mr. McCarvill explained that comments on the FLAP grant need to be submitted by December 9, 2021. The Millcreek Canyon Committee met on November 15, 2021, to discuss a Comment Letter related to the grant. The Comment Letter was approved on a 5-to-0 vote, with one proxy vote. On November 16, 2021, the Stakeholders Council met to discuss the Comment Letter. The vote to approve the Comment Letter was 16 in favor, seven opposed, with two abstentions. Only 25 of the 35 Stakeholders Council Members participated in the meeting and vote. The Stakeholders Council Rules and Procedures stated that there need to be 18 votes for there to be an official endorsement. However, due to the absence of members and the high level of support for the Comment Letter, he proposed that the CWC Board endorse the comments.

CWC Communications Director, Lindsey Nielsen shared the Comment Letter with the CWC Board. Mayor Knopp had read through the Comment Letter. He pointed out that a shuttle system could not be done without road improvements. Councilor Bradley thanked the members of the Millcreek Canyon Committee for their work on the Comment Letter. He stated that a shuttle system required a road that was in good repair. However, he hoped there would be continued discussions about how to better control use in the canyon and how to ensure a shuttle system was implemented. Councilor Bradley wondered if a 20 MPH speed limit would be more appropriate above the Winter Gate. The reduced speeds would enhance safety in the area even further.

Chair Robinson allowed members of the public to share comments related to the Comment Letter.

*Carl Fisher* reported that Save Our Canyons had a lot of concerns about the FLAP grant proposal. For instance, there was no reference to a shuttle system, transit, or the reduction of vehicles. The organization was also concerned that road widening would lead to increased vehicle speeds. Mr. Fisher noted that the Forest Plan, the Mountain Accord, and the Millcreek Transportation Study from Salt Lake County all called for a shuttle system to be explored, particularly for the upper canyon. If roadway improvements were done, he felt they should be done in connection with a shuttle system. Save Our Canyons also wanted to see better bicycling infrastructure at trailheads. He believed that encouraging e-bike use along the roadway and implementing bicycle infrastructure would be preferable to increasing the number of vehicles and the amount of parking in the upper canyon.

*Paul Diegel* introduced himself as the Chair of the Millcreek Canyon Committee and stated that he drafted the first version of the Comment Letter. It was noted that Item 5 on the Comment Letter supported the development of infrastructure for a shuttle. Mr. Diegel also explained that the FLAP grant proposal would not increase the amount of parking. It would rearrange the existing parking to eliminate roadside parking and move vehicles into parking lots. Some members of the Millcreek Canyon Committee and the Stakeholders Council expressed a desire that no action be taken in the canyon. Some wanted to see the road completely closed to vehicles. However, he believed there was a public benefit to continuing to allow access to Millcreek Canyon. It was important for the road to be improved and brought up to more sustainable standards. As a result, the Millcreek Canyon Committee had voiced their support for the work outlined in the FLAP grant proposal, with one exception. Mr. Diegel noted that the current design did not have accommodations for non-motorized traffic above Elbow Fork. The Committee felt that was an oversight and would create safety issues within the canyon.

Chair Robinson asked if further edits needed to be made to the letter. Mr. Diegel explained that the Millcreek Canyon Committee and Stakeholders Council both edited the letter. It represented their position well. If there was a desire to more clearly express support for a shuttle system, that could be done, but he did not see a reason to make changes to the Comment Letter.

*Brian Hutchinson* noted that the proposed design called for the removal of trees and an extensive excavation to widen and straighten the upper loop of Millcreek Canyon Road. It also proposed a near doubling of the canyon parking lot surface area. He expressed concerns related to increased speed levels and stated that higher speeds resulted in more roadkill and increased collisions. Mr. Hutchinson believed that the FLAP grant proposal would degrade what was currently a relatively safe, quiet, and narrow road. He referenced the City Creek Canyon model as something to consider. Collision data was overviewed. Mr. Hutchinson reported that pedestrian mortality for collisions with vehicles was statistically non-existent with speed limits of 15 miles per hour. That increased to 7% at 20 MPH and 45% at 35 MPH. He felt that road widening, and road straightening would not be required for a shuttle. Mr. Hutchinson suggested that the $4.3 million that Salt Lake County would offer as a FLAP grant match be used to fund a shuttle system instead.

*Michael Marker* noted that the CWC was formed with the intention of implementing the Mountain Accord. It would be more effective to look at different solutions through the lens of the charter. He did not often see the CWC Board or Stakeholders Council look at the options presented and determine if they were true to the principles and concepts of the Mountain Accord. Mr. Marker reported that the original Mountain Accord documents related to transportation mentioned providing shuttle service in Millcreek. It did not say to plan for or support shuttle service. As a result, he felt that the Comment Letter should be amended to include the exact wording from the Mountain Accord. Mr. Marker felt that the shuttle service seemed to be an afterthought to the proposed road work.

*John Knoblock* explained that the Federal Highway Administration (“FHWA”) and the Forest Service Engineers stated that the road needed to be repaired to put in a shuttle service. One way or another, the road needed to be fixed. He felt that the question was whether there should be 12-foot-wide traffic lanes or 10-foot-wide traffic lanes with a four-foot-wide bicycle lane. The latter was preferred by the Millcreek Canyon Committee.

*Roger Borgenecht* believed the design concept above the Winter Gate should focus on traffic calming. The roads need to be repaired but the design also needs to consider parking, trailheads, and the shuttle program. He commented that 20 MPH was more than sufficient and believed that the bicycle lanes should be six-feet-wide instead of the minimum four feet.

Chair Robinson turned the discussion back over to CWC Board Members.

Councilor Bradley felt there should be a purpose statement included at the beginning of the Comment Letter. Chair Robinson believed that CWC Staff would format the contents and there would be a purpose statement included. He asked about the importance of the Comment Letter to the FHWA. CWC Executive Director, Ralph Becker explained that the comments were intended to guide the FHWA, the Forest Service, and Salt Lake County during the design phase of the FLAP grant project. Specific designs had not been created and the public comments were a preliminary step. He noted that the comment submission deadline was December 9, 2021. CWC Staff recommended that the Millcreek Canyon forward their comments to the Stakeholders Council and then the CWC Board. Chair Robinson noted that there was not a lot of time. He suggested that CWC Staff take the Comment Letter and turn it into a formal letter from the CWC.

Catherine Kanter provided additional context about the shuttle program. She explained that the Forest Service owns Millcreek Canyon Road and Salt Lake County does not. The County has an easement to maintain most of the road but does not have ownership rights on the road. As a result, the County was unable to dictate that the owner moves forward with a shuttle program. She reported that a few years ago there was a meeting with the Forest Service about the viability of a shuttle program. The Forest Service was uninterested in pursuing a shuttle at that time.

Mayor Silvestrini added that the Forest Service was not interested in implementing a shuttle program in Millcreek Canyon when the roads were falling into the creek and there were not adequate facilities to handle the crowds. The FLAP grant was a coordinated effort between the Forest Service, Salt Lake County, and Millcreek City to obtain the funds necessary for the shuttle program prerequisites. He explained that the FLAP grant was a step toward a shuttle program and not a step away from a shuttle program. He reminded those present that the FLAP grant was a transportation grant. The things that could be built with the grant were limited and constrained by the grant application. Mayor Silvestrini also pointed out that the road widening would be minimal and one of the reasons for the widening was to accommodate emergency vehicles in the canyon.

Ex Officio Member, Carlton Christensen suggested that the Comment Letter ask for design elements that would facilitate a future shuttle program. He also suggested that two or three CWC Board Members work with CWC Staff on drafting the final letter, so it could be submitted quickly. Mayor Knopp was in full support of the Comment Letter and noted that the road needed to be fixed to implement a shuttle. Chair Robinson liked the suggestion from Ex Officio Christensen about a few Board Members helping CWC Staff finalize the letter. Councilor Bradley, Mayor Silvestrini, Ms. Kanter, and Laura Briefer volunteered to assist CWC Staff. Chair Robinson asked that the CWC Staff turn the Comment Letter into a formal letter to the FHWA. It could then be shared with the volunteers as well as either the Chair or Vice-Chair of the Stakeholders Council and the Millcreek Canyon Committee Chair. Chair Robinson could also review the final version of the letter.

**COMMITTEES AND PROJECTS**

1. **Minutes of the Combined Executive Committee and Budget/Finance/Audit Committee Meeting on November 15, 2021.**
2. **Chair Chris Robinson will comment on the meeting.**

Chair Robinson noted that there had been a combined meeting of the CWC Executive Committee and Budget/Finance/Audit Committee. Those minutes were available for review in the packet and would be approved during the next Executive Committee Meeting.

**CENTRAL WASATCH COMMISSION SITUATIONAL ASSESSMENT REQUEST FOR PROPOSALS**

1. **Commissioners will review and consider approving the Mountain Accord Central Wasatch Commission Situational Assessment and Facilitation of a Path Forward Request for Proposal.**

Chair Robinson reported that during the CWC Board Retreat, there was a suggestion that the CWC take part in a situational assessment. The assessment would focus on the following:

* Refinement and recertification of the Mountain Accord.
* Recommitment to the Mountain Accord.
* Review the organizational structure of the CWC; and
* Ensure that the right managerial structure was in place.

CWC Staff prepared a Request for Proposals (“RFP”), which was included in the packet for review. Chair Robinson hoped the RFP could be approved by the CWC Board so that CWC Staff could issue it and the situational assessment process could begin in January 2022. CWC Board Members voiced their support for the RFP. It was noted that the situational assessment may be beneficial to new CWC Board Members. Chair Robinson explained that there would be a few changes in membership and the situational assessment would be a useful tool to introduce newcomers to the Mountain Accord. It would also provide direction about how the CWC could best fulfill the objective of implementing the Mountain Accord.

Mr. Becker overviewed the RFP selection process. He explained that certain applicant criteria had been outlined. CWC Staff would do an initial screening to determine which applications meet the basic qualifications. The applications would then be passed to a Selection Committee. He felt there should be at least one CWC Board Member on the Selection Committee as well as the Chair or Vice-Chair of the Stakeholders Council. If the CWC Board approved the RFP during the current meeting, the plan was to send out the RFP on December 7, 2021, allow a few weeks for responses, and make a selection during the last week of December.

Laura Briefer expressed concerns about the schedule due to the holidays. Mr. Becker noted that if there were no responses to the RFP due to the timeline, it could be extended, but the hope was that there would be suitable applications. CWC Office Administrator, Kaye Mickelson reported that the RFP deadline was midnight on December 27, 2021. December 27, 2021, to January 3, 2022, would be used to make the selection. From that point on, a contract would be drafted and would hopefully be approved during the CWC Board Meeting scheduled for January 10, 2021. Chair Robinson pointed out that the schedule was aggressive. It may be possible to shift the January CWC Board Meeting if additional time was needed. Ms. Mickelson believed the schedule would allow enough time. CWC Staff was ready to post the RFP the next morning if approved.

**MOTION:** Mayor Knopp moved to APPROVE the RFP for the CWC Situational Assessment. Mayor Peterson seconded the motion. The motion passed with the unanimous consent of the Board.

**PUBLIC COMMENTS AND BOARD COMMENTS**

Mayor Silvestrini informed the CWC Board Members that there was an application for a gravel quarry in Parleys Canyon. It was proposed to be located across the canyon from the existing gravel mine operation. He explained that two applications were filed with the Utah Division of Oil, Gas, and Mining. One was for a 10-acre mining operation and the other was for a 600-acre mining operation. The Millcreek City Council was concerned about the application due to previous experiences with the quarry across the canyon. There had been a number of issues related to dust. Mayor Silvestrini explained that in certain conditions when the wind blows, it creates air quality concerns and is a nuisance for residents in the community. Millcreek considered opposing the applications or attempting to shape the applications to mitigate concerns. He noted that there were also concerns about the scale of the operation and what it would do for recreational opportunities in the area. He may return to the CWC Board and ask for support. Millcreek was currently working with Salt Lake City Public Utilities to coordinate a response.

Mayor Sondak discussed the situation in the Town of Alta related to parking and traffic management. There was confusion about what the Town would be required to do by the Utah Department of Transportation (“UDOT”) and the Forest Service. He explained that the Town and the ski area did not have an accord on the parking plan for the coming winter. Mayor Sondak encouraged the CWC to continue to keep an eye on the issue.

*Patrick Shea* apologized to those who had been offended by his written and verbal comments at various meetings. He explained that he is passionate about the canyons. Mr. Shea expressed concern that the ability for the public to communicate with members of the CWC Board during the meetings had lessened. Additionally, he felt it was important to establish a toll policy for Millcreek Canyon, Big Cottonwood Canyon, and Little Cottonwood Canyon to ensure that the canyons were not compromised by development or money-focused interests. It was suggested that there be a definition about what development should and should not be allowed in the canyons.

*Steve Van Maren* noted that he was expecting the election of a Chair and Vice-Chair during the current CWC Board Meeting. The last election was held on December 2, 2019, and at that time, it was determined that the Chair and Vice-Chair would be elected for 18 months. Those terms expired in June 2021. Mr. Van Maren was concerned about the Interlocal Agreement listed on the CWC Board Meeting agenda and was surprised that it could be approved by CWC Board Members alone.

Chair Robinson thanked Mr. Van Maren for mentioning the lack of elections. It was determined that officers and committees would be elected after the new CWC Board Members were seated. CWC Staff would look into the possibility that the Chair and Vice-Chair had been operating with expired terms. However, he noted that normally in such situations, there is the ability to continue to act in that role until successors are appointed and seated.

*Carl Fisher* stated that there were many threats confronting the Wasatch. He felt that the CWC and local governments had done little to enact policies or provide effective tools to stand up against those threats. He requested that the CWC aggressively implement and recommend conservation measures and environmental protections for the Wasatch before the wildness and character of the Wasatch Mountains were lost. He believed it was time to take action.

*Joe Reimann* stated that he is a property owner close to the mine proposal. He was concerned that the mine will completely change the look of Parleys Canyon. Mr. Reimann explained that he also looked into the proposed wilderness area. Approximately half of the proposed wilderness area would be in Parleys Canyon. Pushing the wilderness area forward was important and would help protect the area. He wondered if there was any status update on the wilderness area. Chair Robinson commented that there was no status update.

*Mr. Shea* had heard rumors that UDOT selected the gondola transportation alternative over the enhanced bus service. Previously, a spokesperson from UDOT said they were planning to issue the UDOT Little Cottonwood Canyon Final Environmental Impact Statement (“EIS”) and Record of Decision (“ROD”) on the same day. If that happened, he would seek a Temporary Restraining Order and a Preliminary Injunction. UDOT claimed they could issue both on the same day under the FHWA regulations, but they could not do so under the Environmental Protection Agency (“EPA”) or any other federal agency. Mr. Shea believed there needed to be a period for public comments on the UDOT Little Cottonwood Canyon Final EIS before the ROD was shared. He asked that the CWC take that into consideration.

There were no further public comments. The public comment session was closed.

**ACTION ITEMS**

1. **The Board will Consider Resolution 2021-20 Establishing a Schedule for Regular Meetings of the Board of Commissioners and Stakeholders Council for 2022.**

Chair Robinson discussed the schedule for Regular Meetings of the CWC Board and Stakeholders Council for 2022. He reported that the CWC Board meets at 3:30 p.m. on the first Monday of each month, with certain exceptions. For instance, the meeting in July was canceled, the meeting in September was moved to avoid Labor Day, and the meeting in January was moved. Stakeholders Council Meetings were scheduled to take place on a quarterly basis on the third Wednesday of each month. There could be more frequent Stakeholders Council Meetings or Special Meetings of the CWC Board scheduled, as needed.

**MOTION:** Mayor Knopp moved to APPROVE Resolution 2021-20 Establishing a Schedule for Regular Meetings of the Board of Commissioners and Stakeholders Council for 2022. Councilor Bradley seconded the motion. The motion passed with the unanimous consent of the Board.

1. **The Board will Consider Resolution 2021-21 Appointing an Ex Officio Commissioner to Represent Metropolitan Water District of Salt Lake and Sandy.**

Chair Robinson reported that the above Resolution was related to the admission of the Metropolitan Water District of Salt Lake and Sandy as an Ex Officio Member. This had been discussed previously by the CWC Board. Due to the interest of the Metropolitan Water District of Salt Lake and Sandy in Little Cottonwood Canyon, there had been previous support from Board Members. Chair Robinson explained that the CWC Board could have no more than four Ex Officio Members and they currently have one, which was Utah Transit Authority (“UTA”) Ex Officio Christensen.

Mayor Silvestrini wondered if CWC Staff had received any comments from members of the public expressing concerns about the Ex Officio appointment. Mr. Becker reported that there had been no formal comments received about the appointment. Mayor Silvestrini noted that the Metropolitan Water District of Salt Lake and Sandy had a valid interest. One of the primary goals of the Mountain Accord was related to the protection of the watershed for culinary water purposes. Chair Robinson pointed out that the Metropolitan Water District of Salt Lake and Sandy had been very active in the Mountain Accord process.

**MOTION:** Councilor Bradley moved to APPROVE Resolution 2021-21 Appointing an Ex Officio Commissioner to Represent Metropolitan Water District of Salt Lake and Sandy. Councilor Doilney seconded the motion. The motion passed with the unanimous consent of the Board.

1. **The Board will Consider Resolution 2021-22 Thanking Mayor Andy Beerman (Park City) for His Service as a Central Wasatch Commission Commissioner.**

Chair Robinson reported that the next three items would honor CWC Board Members who have served on the Commission. There were separate Resolutions to honor Mayor Andy Beerman, Mayor Mike Peterson, and Mayor Harris Sondak. Chair Robinson expressed his gratitude for their involvement over the years. It had been a pleasure to have them on the CWC Board.

Mayor Beerman noted that it had been some time since he last attended a CWC Board Meeting and stated that Councilor Doilney stepped in for him one year ago. Mayor Beerman reported that he had been involved in the Wasatch Summit, Mountain Accord, and the CWC. He felt this was important work. While he acknowledged that there had been some frustrations in terms of the pace, a lot of good had come out of the Commission. For instance, the efforts behind Bonanza Flats had been beneficial as was the work related to the Gate Buttress boulders. Additionally, the attention that had been drawn to the Wasatch Mountains was extraordinarily valuable. Mayor Beerman hoped that the CWC Board Members would continue to work hard as the mountains deserved protection.

**MOTION:** Councilor Doilney moved to APPROVE Resolution 2021-22 Thanking Mayor Andy Beerman (Park City) for His Service as a Central Wasatch Commission Commissioner. Councilor Bradley seconded the motion. The motion passed with the unanimous consent of the Board.

1. **The Board will Consider Resolution 2021-23 Thanking Mayor Michael Peterson (Cottonwood Heights) for His Service as a Central Wasatch Commission Commissioner.**

Mayor Peterson noted that he was a Parks and Recreation practitioner, and outdoor recreation was his passion. He was involved in the Mountain Accord through the Recreation Committee. It had been a pleasure to become Mayor of Cottonwood Heights and stay involved in the CWC work. Despite some of the challenges the organization faced, he felt that progress had been made. Mayor Peterson applauded the fact that both the Environmental Dashboard and the Visitor Use Study were moving forward. He appreciated the opportunity to serve and be involved. Additionally, he hoped the efforts of the CWC would continue and the components of the Mountain Accord were a priority.

**MOTION:** Councilor Bradley moved to APPROVE Resolution 2021-23 Thanking Mayor Michael Peterson (Cottonwood Heights) for His Service as a Central Wasatch Commission Commissioner. Mayor Silvestrini seconded the motion. The motion passed with the unanimous consent of the Board.

1. **The Board will Consider Resolution 2021-24 Thanking Mayor Harris Sondak (Town of Alta) for His Service as a Central Wasatch Commission Commissioner.**

Mayor Sondak commented that the CWC work had been one of the more rewarding aspects of being the Mayor of Alta. He had learned a lot from his fellow CWC Board Members and hoped to maintain those relationships moving forward. He believed that the CWC was doing important work. Mayor Sondak thanked CWC Board Members, Ex Officio Members, and CWC Staff.

**MOTION:** Mayor Wilson moved to APPROVE Resolution 2021-24 Thanking Mayor Harris Sondak (Town of Alta) for His Service as a Central Wasatch Commission Commissioner. Mayor Silvestrini seconded the motion. The motion passed with the unanimous consent of the Board.

Mayor Silvestrini commented that he had learned a lot from Mayors Beerman, Peterson, and Sondak. He thanked them for their contributions to the CWC and their communities. The Resolutions were a reflection of CWC Board Members’ gratitude for their service. Councilor Bradley noted that the three individuals had a profound sense of what public service is all about. They were all smart, exhibited class, and were thoughtful. He would miss their collective contributions. Ex Officio Christensen echoed the comments shared by Councilor Bradley. He commented that Mayor Beerman, Mayor Peterson, and Mayor Sondak had been a pleasure to work with. Ms. Briefer, Mr. Becker, and Mayor Wilson expressed their gratitude.

1. **The Board will consider Resolution 2021-25 A Resolution Approving an Interlocal Agreement for the Withdrawal of Salt Lake County from the Central Wasatch Commission.**

Chair Robinson reported that the above Resolution involves an Interlocal Agreement to approve the withdrawal of Salt Lake County from the CWC. Mayor Wilson thanked CWC Board Members, Stakeholders, and CWC Staff for the time they continued to devote to the organization. She explained that Salt Lake County wanted to leave on the right terms. The CWC was a great organization and had been purposeful. Mayor Wilson was committed to working with CWC Board Members in the future.

Councilor Bradley noted that there were differences in opinion as to whether this was the right strategy. He reported that there would be an important vote with the Salt Lake County Council on December 7, 2021, to ensure that Salt Lake County can continue in terms of its financial contribution through June 2022. Chair Robinson hoped there was a way for the CWC and Salt Lake County to continue to work together on important issues. He thanked Mayor Wilson for wanting to honor the Fiscal Year 2021-2022 contribution as that money had already been budgeted.

Ms. Kanter addressed an earlier comment from Mr. Van Maren. She explained that the original Interlocal Agreement, which was executed in 2017 when the CWC was formed, included a provision that discussed the withdrawal of members. That Interlocal Agreement specified that any member could withdraw with 90 days' written notice to the Commission. Ms. Kanter shared background information related to the Interlocal Agreement that was before the CWC Board for consideration. She received information from members of the Salt Lake County Council that may alter the agreement. However, that would not be determined until the meeting the following day.

It was the desire of the Mayor’s Office that Salt Lake County make the already appropriated contribution to the CWC. To do that, they were advised by legal counsel that there needed to be an Interlocal Agreement between the CWC and the County. That agreement was before the CWC Board for consideration. The agreement provided the 90-day notice, though it specifically stated that the withdrawal was intended to be effective in June 2022. Chair Robinson believed it was in the best interest of the organization that participation continues until that date to accommodate a relatively seamless transition. The Interlocal Agreement also contemplated a contribution of $200,000 from Salt Lake County to the CWC. That amount was appropriated in connection with the Salt Lake County budget. Ms. Kanter explained that their budget ran on a calendar basis and that money was appropriated as part of the 2021 budget. It was intended to be for the second half of 2021 and the first half of 2022. The Interlocal Agreement would confirm that.

Ms. Kanter reported that there were certain Council Members that want to make changes to the Interlocal Agreement. She explained that this happened after the agreement was delivered to the CWC Board and publicly noticed. Ms. Kanter noted that she did not know what would happen during the Salt Lake County Council Meeting, but she suggested that the CWC Board decide to either defer the vote and hold an emergency meeting prior to the end of the year or approve the Interlocal Agreement and allow Chair Robinson to approve the agreement subject to the following changes:

* The amount of the appropriation ($200,000) would be reduced to $100,000.
* The withdrawal of Salt Lake County from the CWC may be effective prior to June 30, 2022; and
* Non-substantive technical changes.

Chair Robinson was disappointed that the previously discussed membership contribution and end date may not come to pass. He noted that the CWC budget had already accounted for the full membership contribution. Ms. Kanter explained that it was the intention of the Mayor’s Office to go into the Salt Lake County Council Meeting and advocate for the Interlocal Agreement as it was currently written. They hoped the contribution would be $200,000 and the withdrawal date would be June 30, 2022, but there was a risk that the Salt Lake County Council would vote differently.

Mayor Peterson expressed appreciation for the support and participation of Salt Lake County up to the current point. He assumed there would be continued dialogue moving forward. Mayor Knopp asked if the Interlocal Agreement had been approved by the Salt Lake County Attorney. Ms. Kanter reported that it had been approved by the Salt Lake County District Attorney’s Office.

Ex Officio Christensen asked CWC Legal Counsel, Shane Topham if the CWC Board could approve the Interlocal Agreement, subject to certain conditions. Mr. Topham reported that the CWC was an Interlocal Entity, created under the Interlocal Cooperation Act. One of the provisions of the Interlocal Cooperation Act was that that the entities that formed the Interlocal Entity needed to provide information about how a member could withdraw. The CWC Interlocal Agreement provided for the withdrawal of members with 90-day notice. As far as the Interlocal Agreement in front of the CWC Board, he had reviewed it and suggested minor changes. Those changes had been submitted to the Salt Lake County District Attorney’s Office. Mr. Topham explained that the CWC Board could authorize the Chair to sign the Interlocal Agreement after negotiating additional changes.

Councilor Bradley believed it was important for Salt Lake County to continue to sit at the table. He also felt that the CWC serves an extremely useful purpose. That being said, he believed the Interlocal Agreement provided the opportunity for Salt Lake County to be honorable in terms of their exit. It would allow the County to pay what they committed to pay and would allow a period for possible reconsideration.

Mayor Silvestrini recognized the political realities associated with the decision. He respected Mayor Wilson and her decision and praised the work of both Catherine Kanter and Councilor Bradley. Mayor Silvestrini felt it was a mistake for Salt Lake County to withdraw from the CWC. He was disappointed and did not believe it was the right thing to do. However, he would support their decision. Chair Robinson thanked Mayor Wilson, Ms. Kanter, and Councilor Bradley for their contributions to the CWC. He hoped they would continue to work with the organization during the CWC situational assessment.

**MOTION:** Councilor Bradley moved to APPROVE Resolution 2021-25 an Interlocal Agreement for the Withdrawal of Salt Lake County from the Central Wasatch Commission, with Delegated Authority to Chair Robinson to enter the Interlocal Agreement with the Possible Modifications:

1. The amount paid by Salt Lake County be between $100,000 and $200,000.
2. The effective date be as late as June 30, 2022.
3. The first two items would be as determined by the Salt Lake County Council.
4. Authority delegated to Chair Robinson to make other non-substantive changes to the Interlocal Agreement, as necessary, to achieve approval by the Salt Lake County Council.

Mayor Silvestrini seconded the motion. The motion passed with the unanimous consent of the Board.

**CLOSED SESSION BEGINS**

1. **Chair of the Board Christopher F. Robinson will Begin a Closed Session for the Purpose of Discussing the Character, Professional Competence, or Physical or Mental Health of an Individual as Authorized by Utah Code Annotated 52-4-205(1)(a).**

Chair Robinson wondered if it was necessary to hold a Closed Session. Mr. Becker explained that the item had been added to the CWC Board Meeting agenda in case the CWC Board wanted to hold a Closed Session. The session was not required.

**CLOSED SESSION ENDS**

1. **Chair of the Board Christopher F. Robinson will End the Closed Session for the Purpose of Discussing the Character, Professional Competence or Physical or Mental Health of an Individual as Authorized by Utah Code Annotated 52-4-205(1)(a) and Reopen the Central Wasatch Commission Board Meeting.**

There was no Closed Session.

**BOARD MEETING REOPENS**

Mr. Becker reported that he was formalizing an announcement stating his decision to retire as CWC Executive Director effective June 30, 2022. He would continue to work with the CWC until that time. Chair Robinson appreciated the leadership Mr. Becker brought to the organization. He was grateful that Mr. Becker would be able to see the CWC through the situational assessment process. Mayor Knopp and Councilor Bradley stated that Mr. Becker had been a joy to work with and thanked CWC Staff for their efforts.

**ADJOURN BOARD MEETING**

1. **Chair of the Board Christopher F. Robinson will Close the CWC Board Meeting.**

**MOTION:** Mayor Knopp moved to ADJOURN the CWC Board Meeting. Mayor Peterson seconded the motion. The motion passed with the unanimous consent of the Board.

The meeting adjourned at 6:00 p.m.

***I hereby certify that the foregoing represents a true, accurate, and complete record of the Central Wasatch Commission Board Meeting held Monday, December 6, 2021.***

**Teri Forbes**

Teri Forbes

T Forbes Group

Minutes Secretary

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