

**MINUTES OF THE CENTRAL WASATCH COMMISSION (“CWC”) EXECUTIVE/BUDGET/AUDIT COMMITTEE MEETING HELD ELECTRONICALLY ON THURSDAY, FEBRUARY 10, 2022, AT 3:30 P.M.**

**Present:**  Chair Chris Robinson

Mayor Jeff Silvestrini

Laura Briefer (on behalf of Mayor Mendenhall)

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

Blake Perez, CWC Deputy Director

Lindsey Nielsen, CWC Communications Director

Kaye Mickelson, CWC Office Administrator

**Others:** Ben McAdams, Common Ground Institute Consultant

Hannah Barton, Common Ground Institute Consultant

John Knoblock

Steve Van Maren

**Excused:** Mayor Erin Mendenhall

**OPENING**

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

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

The Legislature, pursuant to Section 52-4-207(4), required the Committee to make a determination, 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 or Committee 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 COVID-19 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.’

**MOUNTAIN ACCORD DISCUSSION AND ANNOTATION EXERCISE**

1. **Staff from the Common Ground Institute will Lead the Committee in a Discussion and Annotation of the Mountain Accord.**

Chair Robinson introduced Ben McAdams and Hannah Barton from the Common Ground Institute (“CGI”). Mr. McAdams shared a draft version of The Central Wasatch Compact and a comparison document that allowed Committee Members to compare the draft version to the original Mountain Accord. He explained that during the CWC Board Meeting on February 7, 2022, there were discussions about the Mountain Accord. The Mountain Accord included both guiding principles and key strategies. At that time, Mr. McAdams suggested breaking the Mountain Accord into two parts consisting of the timeless guiding principles and the ever-evolving strategies. The timeless guiding principles were outlined in The Central Wasatch Compact. The Executive/Budget/Audit Committee would review the document and finalize a timeline.

The comparison document was reviewed by the Committee. Chair Robinson wondered if there should be a statement at the beginning of The Central Wasatch Compact to explain that it was a restatement or renewal of the Mountain Accord charter that was signed previously. For instance, the document could state: “This is a revision or update to the values section of the Mountain Accord.” Mr. McAdams liked the idea but wanted to be thoughtful about whether the document was a true restatement. Chair Robinson felt it was important to clarify that the Mountain Accord would remain in place. However, he also believed there should be a connection made between the original Mountain Accord and The Central Wasatch Compact.

Mayor Silvestrini believed that The Central Wasatch Compact was a recommitment to the principles of the Mountain Accord. He noted that it had been seven years since the Mountain Accord was first signed and there were some things in the Mountain Accord that had been superseded. For instance, the land exchanges were not on the table in the same way that they were before. Mr. McAdams stated that CGI would draft language that referenced the Mountain Accord and made it clear that the document was a recommitment to the principles of the accord.

Mr. McAdams explained that the specific strategies were not included in The Central Wasatch Compact. He did not recommend that the CWC abandon or recommit to the specific strategies, as that language was still included in the original Mountain Accord. The Central Wasatch Compact would restate the principles of the Mountain Accord, but would not adopt or abandon the specifically negotiated terms. Language would be drafted to state that The Central Wasatch Compact was a recommitment to the principles of the Mountain Accord. CWC Executive Director, Ralph Becker suggested that the document could be titled The Central Wasatch Compact (Recommitment to the Mountain Accord). Mr. McAdams offered to work on some possible options following the Executive/Budget/Audit Committee Meeting.

One of the first changes in The Central Wasatch Compact compared to the original Mountain Accord was the insertion of language related to increased summer and winter use in the canyons as well as a reference to climate change. Some of the language specific to Mountain Accord consensus-building was removed and new language was inserted to explain what The Central Wasatch Compact was intended to be. The language was as follows:

* As signers of The Central Wasatch Compact, we hereby state the values and principles that we hold as foundational to any actions affecting the Central Wasatch Mountain range. We are committed to promoting transparent decision-making processes with robust public engagement that results in consensus-based solutions to the challenges facing our canyons. We urge public and private entities to heed these principles as they contemplate policies or actions within or directly affecting lands within the Central Wasatch.

That was a broad statement to clarify that The Central Wasatch Compact included principles rather than strategies and specifically negotiated terms. Mr. McAdams explained that language specific to the Mountain Accord process had been deleted and language was added to reference the CWC:

* WHEREAS, the Central Wasatch Commission was created by interlocal agreement as a consensus-based body comprised of elected representatives from government and non-elected representatives of governmental entities with responsibilities in the Central Wasatch Mountains, to engage with federal agencies, private businesses, environmental, and recreational interests in and adjacent to both sides of the Mountains.

Mayor Silvestrini believed it would be beneficial to add “landowners” after private businesses. Mr. McAdams added the language to the document. He continued to overview some of the line item changes. The Central Wasatch Compact would be a three to four-page document and he asked the Committee to consider whether titles and subtitles were needed or if the current formatting made sense. Mr. McAdams explained that language had been added to state:

* The signers of the Compact agree to pursue federal, state, and local action for land designations, land exchanges, conservation easements, and transit/transportation solutions where agreement is reached among stakeholders to support such actions.

Mr. McAdams reported that the language was added to acknowledge that there would be a consensus-building negotiation process to support those actions. Mayor Silvestrini suggested adding, “which are consistent with the principles of The Central Wasatch Compact,” to the end of the sentence. Chair Robinson suggested adding “private action” to the first sentence. Mr. Becker noted that CWC Staff could work with CGI to suggest additional language changes. Mayor Silvestrini offered to look over the document following the meeting and share suggested edits with CWC Staff or CGI. Chair Robinson suggested that CWC Staff do one more revision of the document before additional input was received from the Executive/Budget/Audit Committee Members. That would allow CWC Staff and CGI to refine the document further.

Mr. Becker overviewed the timeline moving forward. There would be Stakeholders Council and public review ahead of the March 2022 CWC Board Meeting. Mr. McAdams believed the next CWC Staff and CGI review of The Central Wasatch Compact could be done within the next 24 hours. It could be sent back out to the Executive/Budget/Audit Committee Members for review over the weekend and any suggested changes could be shared via email. There could be a Special Meeting of the Stakeholders Council in order to review the document. Public comment could take place during that Special Meeting. The Central Wasatch Compact would then come to the CWC Board at the March 2022 CWC Board Meeting for possible adoption. Committee Members agreed to review the drafted document over the weekend and share feedback.

Mr. McAdams continued to review the comparison document and read the following paragraph:

* The signers of the Compact recognize that action on transit/transportation solutions would likely require corresponding action developed through a public consensus-building process relating to land designations, land exchanges, or conservation easements in order to maintain the delicate balance of principles and values sought by the public and to protect the future health and viability of the mountains.

Since the negotiated terms in the Mountain Accord were being removed in The Central Wasatch Compact, it was important to acknowledge that corresponding action would need to be developed through a public consensus-building process. Even small solutions would need to be negotiated amongst Stakeholders. Additionally, there was language that stated the following:

* It is recognized by all signers of this Compact that while federal actions may be pursued, there are related conditions that have been outlined previously in the Mountain Accord or may be subsequently developed through a public consensus-building process that must occur in conjunction with any contemplated federal action as a condition for support for such federal action, in order to maintain the delicate balance of principles and values sought by the public and to protect the future health and viability of the mountains.

Mr. McAdams suggested that “federal, state, local, or private action,” should be stated instead of just “federal actions.” Ms. Barton made the proposed change. Laura Briefer asked for clarification about the public consensus-building process. She felt that could be interpreted in a lot of different ways. For instance, Salt Lake City updated its Watershed Management Plan, and there was a public engagement portion, but it was not a consensus-based plan. Mr. McAdams clarified that there would be independent processes. As an example, he noted that the U.S. Forest Service could not fold into the CWC process legally, but if CWC support was sought after, that would come through a public consensus-building process. Mayor Silvestrini believed that further clarification should be added. Mr. McAdams stated that CGI and CWC Staff would add clarifying language to that section of The Central Wasatch Compact following the meeting.

Some of the intended outcomes were left in The Central Wasatch Compact, which included the designation of certain Forest Service lands in the study area for additional Federal protections, and to bind resort boundaries on public land within the federal designation. He asked for feedback on that. Chair Robinson believed the language should remain for now. Broadly speaking, enacting additional Federal protections was still an intention of the CWC. Chair Robinson noted that there could be some fine-tuning of the language at a later date. Mr. McAdams read the following:

* To focus future development in urban areas near transit corridors.

The rest of the language that was originally included in that bullet point had been removed to keep the statement broad. Additionally, the following intended outcome had been edited to state:

* To limit additional mountain development in the Cottonwood Canyons to clustered nodes within existing disturbed areas at the bases of the existing ski areas. The signers of the Compact recognize the rights of private property owners to develop their property as prescribed by existing local laws and ordinances.

There was discussion regarding the language. Mr. Becker pointed out that other development nodes should be considered, such as the area around Silver Fork. Mr. McAdams stated that the language could be refined further. Mr. Becker had added a sentence to one of the bullet points, which laid out the intention to address increasing visitor use and its impact on the environment as well as the need to respect competitor users in limited terrain. He explained that it was necessary to add language that specifically referenced the issue of visitor use.

Mr. McAdams overviewed the Agreed Upon Actions section of the document. He explained that this was the section of the Mountain Accord that included a lot of specific strategies, and as a result, most of the language had been deleted. However, there was some language related to the principles and values that remained. He read a revised paragraph from the document:

* To achieve the outcomes described above, the signers of this Compact agree to pursue a comprehensive and interdependent package of actions including land exchanges, land designations, transportation improvements, environmental monitoring, visitor use management, and other actions. Because actions relating to the Central Wasatch are often interdependent, the signers recognize that any proposed individual actions may warrant negotiation, consensus-building, and other associated actions to maintain the balance of priorities desired for the Central Wasatch. The signers of this Compact agree to continue to build upon public engagement efforts, to maintain public transparency, and to implement a disclosure procedure for conflicts of interest for future efforts.

Mr. McAdams explained that the paragraph was lifted from the very end of the Mountain Accord but it made sense to restate the commitment to transparency and public engagement. Chair Robinson overviewed some of the language that would not be included in The Central Wasatch Compact. All of the removals from the original Mountain Accord were very specific and were not related to the overall principles and values. Ms. Briefer noted that even though certain language was shown as being struck from the Mountain Accord, the actual Mountain Accord would not be changed. It was simply being used as a base document to create The Central Wasatch Compact. The new document was a restatement of principles and the Mountain Accord would remain. Mr. McAdams explained that there would be an introductory paragraph that would clarify that. The Central Wasatch Compact would be independent of the Mountain Accord.

Chair Robinson asked who would sign The Central Wasatch Compact. Mr. McAdams envisioned that the document would be adopted by the CWC. Chair Robinson suggested that the primary signers be the Stakeholders Council Members and the CWC Board. There could be language to state: “We the Stakeholders and we the Board.” Mr. Becker felt that was consistent.

Mayor Silvestrini believed that the more Stakeholders and CWC Board Members that signed The Central Wasatch Compact, the more it would reflect a recommitment to the principles. It would also improve the efficacy of the CWC. While he agreed that the introductory paragraph was important, there would also need to be education as the document was shared with others. He wondered who had seen the document so far and felt it might be best to maintain some level of control over the draft until it was ready to be shared further. Chair Robinson reported that the Executive/Budget/Audit Committee Meeting was public and the draft document had been shared on the Utah Public Notice website. However, that did not mean that editorial control would be turned over to others until it was time to receive public input.

Mr. McAdams explained that CGI would work all of the proposed revisions into the document and circulate a revised draft. There would then be a meeting of the Stakeholders Council where the Stakeholders could provide feedback and the public could share comments. The document would then be brought back to the CWC Board for consideration. It could be considered for adoption at the March 2022 CWC Board Meeting. Further discussions were had about the intended signers of The Central Wasatch Compact. Mr. McAdams noted that it could be adopted by just the CWC Board and Stakeholders Council or it could be left open-ended so others could choose to sign it as well.

Chair Robinson asked if CGI intended to reach out to State Leaders about their current attitude toward the Mountain Accord. Mr. McAdams confirmed this and explained that he would focus on that over the next few weeks. If the document was in final draft form, it could be shared with those State Leaders to determine whether they would be interested in participating.

Mr. McAdams explained that possible governance models had been discussed at the previous CWC Board Meeting. Based on the discussions during that meeting, he believed there was a desire to continue with the existing CWC governance model. Chair Robinson clarified that the CWC Board wanted to determine what was being governed before a governance model was selected. Tom Dolan had a significant role in the Mountain Accord and Executive Committee. At that time, there was a desire to keep the CWC small and for elected officials. The current structure was the result of that mentality. He believed that most CWC Board Members liked the current structure, but there was a desire to make some tweaks as well. Mr. McAdams explained that the current governance structure could be refined further. Chair Robinson noted that the Executive Committee of the Mountain Accord had a lot of non-elected officials and he wondered whether that was something to consider for the CWC Board. Additionally, he wanted to see more State involvement.

Chair Robinson suggested that another Executive/Budget/Audit Meeting take place before the March 2022 CWC Board Meeting. That meeting would allow the Committee to discuss governance. He believed there would be some recommended tweaks made to the current structure. Mr. McAdams confirmed that CGI had some recommendations to share. Mayor Silvestrini was open to another meeting to discuss governance. As long as the CWC continued with the current funding model, where funds were from municipalities, he felt that elected officials should be the decision-makers. If someone from the State was invited to join the CWC, it would also need to be an elected official in some capacity. He felt it would be beneficial to collaborate with the State. Mr. McAdams pointed out that the Jordan River Commission had both elected officials non-elected officials. That type of structure could be possible for the CWC as well.

Chair Robinson asked about the next Executive/Budget/Audit Committee Meeting. CWC Deputy Director, Blake Perez reported that there was a meeting scheduled for February 28, 2022. Chair Robinson noted that the governance models would be discussed further at that time.

**ADJOURN COMMITTEE MEETING**

1. **Chair of the Board Christopher F. Robinson will Close the CWC Executive/Budget/Audit Committee Meeting.**

The Central Wasatch Commission Executive/Budget/Audit Committee Meeting adjourned at approximately 4:30 p.m.

***I hereby certify that the foregoing represents a true, accurate, and complete record of the Central Wasatch Commission Executive/Budget/Audit Committee Meeting held Thursday, February 10, 2022.***

Teri Forbes

Teri Forbes

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Minutes Secretary

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