

**MINUTES OF THE CENTRAL WASATCH COMMISSION (“CWC”) EXECUTIVE/ BUDGET/AUDIT COMMITTEE MEETING HELD ELECTRONICALLY ON MONDAY,**

**NOVEMBER 21, 2022, AT 3:30 P.M. THE MEETING WAS CONDUCTED BOTH IN-PERSON AND VIRTUALLY VIA ZOOM. THE ANCHOR LOCATION WAS THE CWC OFFICES LOCATED AT GATEWAY AT 41 NORTH RIO GRANDE STREET, SUITE 102, SALT LAKE CITY, UTAH.**

**Present:**  Chris Robinson, Chair

Mayor Jeff Silvestrini

Mayor Erin Mendenhall

**CWC Staff:** Blake Perez, CWC Executive Director of Policy

Lindsey Nielsen, CWC Executive Director of Administration

Madeline Pettit, Community Engagement Intern

**Others:** Barbara Cameron

Will McCarvill

Carl Fisher

Patrick Shea

Steve Van Maren

Kirk Nichols

Ralph Becker

**Open Executive/Budget/Audit Committee Meeting**

1. **Chair Christopher F. Robinson Will Call the Meeting to Order and Welcome Committee Members and the Public.**

Chair Robinson called the meeting to order at 3:30 p.m. and welcomed those present.

1. **The Committee will Approve Minutes from the September 19, 2022, Meeting.**

**MOTION:** Mayor Mendenhall moved to APPROVE the September 19, 2022, Executive/Budget/Audit Committee Meeting Minutes. Chair Robinson seconded the motion. The motion passed with the unanimous consent of the Committee.

**Housekeeping Items**

1. **Staff will present the Fraud Risk Assessment.**

Executive Director of Policy, Blake Perez reported that there were annual requirements associated with the Fraud Risk Assessment. The full CWC Board needs to review and sign some documents. This included the Ethical Behavior Form, Open and Public Meetings Act Training, Procurement Policy Review, and Conflict Disclosure Statement. The intention was to include the materials in the packet for review ahead of the December 2022 CWC Board Meeting. He asked that the documents be completed and submitted in early 2023.

Chair Robinson wondered if it was possible to sign the documents digitally. Mr. Perez offered to look into that but indicated that a notary is needed for one of the documents. Chair Robinson explained that the next CWC Board Meeting would be in-person. He suggested that a notary be present so that the documents could be notarized at that time. Executive Director of Administration, Lindsey Nielsen explained that she would find out whether anyone on staff at Millcreek City Hall was a notary. Mr. Perez pointed out that CWC Legal Counsel, Shane Topham is a notary. Chair Robinson asked that CWC Staff determine whether the other documents could be signed digitally. An email could be sent to each CWC Board Member asking them to review and sign the digital documents. Those not attending the next meeting in person would need to sign the other document before a notary. A copy of the notarized signature could be submitted.

Chair Robinson reported that he serves on several different Boards. As a result, he has taken the Open and Public Meetings Act Training multiple times. He received a certificate afterward. That could be submitted to CWC Staff. Mayor Erin Mendenhall informed those present that she took the Open and Public Meetings Act Training earlier that day. Mr. Perez believed that all CWC Board Members have completed the training through their respective jurisdictions.

1. **2023 Board and Stakeholders Council Meeting Recommendations.**

Mr. Perez reported that he sent out a memo regarding the proposed 2023 meeting schedule for the CWC Board and Stakeholders Council. That meeting schedule needed to be passed at the December 2022 CWC Board Meeting. The recommendation was for the CWC Board to continue the bi-monthly meeting schedule with a meeting in January. He explained that there were meetings scheduled for May and June to pass the Tentative and Final Budgets.

As for the Stakeholders Council, those meetings would also be held every other month. The schedule would alternate with the CWC Board Meetings. For example, the first Stakeholders Council Meeting would take place in February. This schedule would make communication easier between the CWC Board and the Stakeholders Council. Mr. Perez reported that the Stakeholders Council Meetings would be moved to Mondays from 2:30 p.m. to 4:30 p.m. so CWC Board Members could attend and observe the Stakeholders Council Meetings in the future.

Chair Robinson wondered if the Stakeholders Council Meetings should run from 3:30 p.m. to 5:30 p.m. so the meetings would not encroach as much into the workday. Chair of the Stakeholders Council, Will McCarvill felt it might be best to have the meetings slightly later. Ms. Nielsen explained that the 2:30 p.m. start time was chosen because some of the Stakeholders have other obligations. It was determined that Stakeholders Council Meetings will take place from 2:30 p.m. to 4:30 p.m. Chair Robinson liked the staggered meeting schedule.

Mr. Perez reported that the information would be shared with Mr. Topham and there would be Resolutions in the packet for the December 2022 CWC Board Meeting.

**CWC Retreat Recap**

1. **Staff will Present an Overview of the November 10 Board Retreat and Next Steps.**

Chair Robinson reported that the Utah Transit Authority (“UTA”) was thanked for their contribution to the CWC, which was recently received. Ex-Officio Member, Carlton Christensen had since discussed the success of the CWC Board Retreat. Chair Robinson asked those present to share feedback about the Retreat. Stakeholders Council Co-Chair, Barbara Cameron thought the CWC Board Retreat was outstanding. A lot of brainstorming took place. She believed the Stakeholders Council would benefit from a similar type of retreat. Mr. McCarvill felt that the Retreat was productive. He received a lot of guidance from the CWC Board at that time.

Though the CWC Board Retreat was only four hours, a lot was accomplished in that time. Mr. Perez noted that there had been some good dialogue and engagement. He reported that Mayor Mendenhall was unable to attend and Mayors Roger Bourke and Mike Weichers attended virtually. Though a lot of the retreat focused on the in-person exercise, CWC Staff did their best to allow virtual participants to take part in the exercise as much as possible.

Ms. Nielsen shared the Draft Retreat Storyboard Matrix with the Executive/Budget/Audit Committee. She explained that it was the distillation of the in-person storyboarding exercise that took place during the CWC Board Retreat. A series of questions were posed to CWC Board Members, Stakeholders Council leadership, and CWC Staff. Participants wrote answers on note cards. The Draft Retreat Storyboard Matrix outlined the answers. Ms. Nielsen reported that the answers had since been categorized. Some of the categories included transportation, Central Wasatch National Conservation Recreation Area Act (“CWNCRA”), Environmental Dashboard, administration, funding, and public outreach. The matrix also showed the number of votes that each answer or idea received during the retreat voting process. Ms. Nielsen overviewed the five questions posed during the Story Boarding Workshop:

* What should the top priorities be for the CWC in 2023?
* What should the top priorities be for the CWC in the next three to five years?
* What would you like to see the CWC accomplish before your time on the Board ends?
* If the CWC received additional ongoing funding, what should the money be used for?
* What do you think the Stakeholders Council should work on this year?

The answers to those questions were illustrated on the Draft Retreat Storyboard Matrix. Ms. Nielsen reported that after in-person attendees were done writing their answers to the questions on a note card, the answers were categorized, and then voted on. She reported that the introduction and passage of the CWNCRA received nine votes. It was noted that answers related to the final question, having to do with the Stakeholders Council, were not included in the matrix.

Chair Robinson asked how the responses were sorted on the matrix. Ms. Nielsen clarified that the questions were not shown on the matrix as the answers were the focus. Green sections represented answers that had to do with transportation. Light pink sections represented answers that had to do with the CWNCRA. Orange represented the Environmental Dashboard, blue represented outreach and engagement, red had to do with funding, gray had to do with short-term projects, and yellow was administrative. Regardless of the question, if the answer fit into one of those categories, it was grouped with other answers that had a similar theme.

Mr. Perez shared information about how the data would be incorporated into the Strategic Plan and budget for the next year. He stated that the Draft Retreat Storyboard Matrix was the roadmap for the portfolio of work and budget-building process. The matrix prioritized the work that was of interest to the CWC Board. That work would be done through the Committees, Stakeholders Council, and CWC Staff. During the Retreat, Laura Briefer requested that all the answers be included in the matrix rather than only the ones that received a lot of votes. As a result, there were several ideas listed that did not receive votes. Everything written down had been added.

Over the next few months, the matrix work would run parallel with the Common Ground Institute (“CGI”) report. There were still some outstanding items from the CGI report that needed to be addressed. Mr. Perez noted that there were some similarities between the CGI report and the matrix. It was important to work on both, for the time being, determine where there were similarities, and determine where there were differences. He hoped that in the spring, it would be possible to evaluate the status of the CGI recommendations. Mr. Perez suggested that the Draft Retreat Storyboard Matrix be brought to the CWC Board at the December 2022 meeting.

Chair Robinson believed the Draft Retreat Storyboard Matrix would prompt a robust discussion about the Strategic Plan. Mayor Mendenhall apologized that she had been unable to attend the CWC Board Retreat but felt confident that Ms. Briefer had represented her well. She was grateful for the work done by Mr. Perez and Ms. Nielsen on the matrix. The information was clear.

**Stakeholders Council Update**

1. **Stakeholders Council Co-Chairs Will McCarvill and Barbara Cameron will Present Four Recommendations From the Stakeholders Council.**

Mr. McCarvill reported that the Stakeholders Council had been active during the last several months. Individuals brought forward concerns and there had been a lot of discussions. Those discussions led to recommendations and votes from the Council. Ms. Cameron confirmed that the last two meetings differed from meetings held in the past. Stakeholders Council Members were anxious to have their voices heard about important issues facing the area.

Stakeholders expressed concerns about conflicts in Upper Cardiff Canyon. Ms. Cameron explained that this issue has been going on for over 20 years. There was a patchwork of public lands and inholdings. Approximately 10 years ago, the U.S. Forest Service created an agreement where private property owners allowed members of the public to go over their private lands. In return, the Forest Service allowed private landowners to access their properties through public lands. This agreement worked for 10 years but recently issues had resurfaced. There was increased visitation and some of the property owners had sold off parcels. This resulted in user conflicts as the landowners had decided not to renew the special use permit. In response, the Forest Service had decided to lock the gate, which limited access to the private property owners.

Tom Diegel prepared a proposal for the CWC Board to consider. The Stakeholders Council recommended that the CWC Board consider a request that encouraged and supported an access agreement between the Forest Service, Salt Lake County, Salt Lake City, and private property owners as soon as possible, allowing public access across parcels. An alternative would be for the County, State, or Forest Service to procure funding to purchase the needed properties. Chair Robinson wondered if Wayne Crawford was involved. Ms. Cameron confirmed this and explained that he was one of the private property owners. She noted that the parcels were being sold off but it was difficult to determine who owned what parcel. It seemed that the State of Utah could be more cooperative with the County and allow the County to have some input on land use authority in that area. There were illegal buildings in the area as well, but the County had a hard time establishing authority there because it rests with the State.

Chair Robinson believed it was reasonable to bring the item to the CWC Board for consideration. He wondered if the Forest Service was blocking access to the private landowners. Ms. Cameron clarified that private landowners could walk in like anyone else, but motorized vehicles could not be taken in. The canyon was a non-motorized area. She explained that there were no homes on the private lands. It was determined that the item would be brought before the Board.

Ms. Cameron reported that at the last Stakeholders Council Meeting, a concern was raised about the County cutting $647,000 for fire and emergency services in Millcreek and the Cottonwood Canyons. In the past, Salt Lake County had subsidized the visitor recreation areas, but the amount of money that it cost to provide those services had increased by $5.78 million. It was expected to increase another $1 million by 2024. The Stakeholders Council wondered if the shortfall could be covered by Salt Lake County. It seemed that the additional burden created by visitors to the canyon should be shared by everyone who may need emergency services in the recreation areas. Unified Fire Authority (“UFA”) Fire Chief, Dominic Burchett, said that the decision to cut funding for public safety would have dire consequences for the four million annual visitors to the canyon. As a result, the Stakeholders Council recommended that the CWC ask the Salt Lake County Council to restore the $647,000 and cover the shortfall.

Chair Robinson wondered what the motivation was for the County's decision. He asked if the County felt the tax base needed to be broadened or if it was a budgetary issue. Ms. Cameron explained that there was a steady increase related to ambulance and paramedic services. Chair Robinson believed House Bill (“H.B.”) 303 dealt with the provision of emergency services in unincorporated portions of a county. He thought there were new laws about who was responsible. In an area with high visitation, it may not be fair for the County to shoulder the costs. He wondered whether representatives from UFA and Salt Lake County could meet with the CWC to discuss the concerns and share rationales for their decisions. Mayor Mendenhall liked the idea of speaking with UFA and Salt Lake County. Given the increasing risks of wildfire, increased use of the area, and the reality of call and response times, she would likely support a recommendation to the Salt Lake County Council about reinstating the funds and covering the shortfall.

Ms. Cameron explained that the County would adopt its budget on December 6, 2022. Chair Robinson wondered whether the intention was to have the CWC Board approve a recommendation the day before the budget adoption or if there was a desire for the Executive/Budget/Audit Committee to adopt the language at the current time. Ms. Cameron was not certain what the best procedure would be. She asked if it was appropriate for the Executive/Budget/Audit Committee to vote on the item. Chair Robinson explained that it could not be adopted on behalf of the entire CWC Board, but it could be adopted by the Chair and Vice-Chair of the Executive/Budget/Audit Committee. He wondered whether it would be possible to reach out to UFA and Salt Lake County.

Mr. Perez reported that Catherine Kanter participated in the last Stakeholders Council Meeting. At that time, she shared her perspective and the County's perspective on the matter. Chair Robinson had no issue adding the item to the CWC Board Meeting on December 5, 2022. However, there may be more success if there was some intervention done with Salt Lake County beforehand. It was determined that CWC Staff would reach out to the County.

Mr. McCarvill explained that anyone on the Stakeholders Council could share an item for discussion and potential action. Patrick Shea brought forward the Recommendation of Practical Application and Fiscal Responsibility Concerning Little Cottonwood Canyon. This was a document recommending that there be a phased approach to transportation in Little Cottonwood Canyon. Improvements and changes could continue to be incorporated. Once the desired traffic flow was achieved, the gondola would be indefinitely deferred or eliminated. Mr. McCarvill read through some of the main points of the document, which included a request that Legislative action be taken to protect against any potential damage caused by the Utah Department of Transportation (“UDOT”) Little Cottonwood Canyon Final Environmental Impact Statement (“FEIS”).

Chair Robinson wondered if the document was intended to be a Resolution that was approved by the CWC Board. Mr. McCarvill confirmed this. Mayor Jeff Silvestrini noted that Federal Legislation would require State support. Referencing the gondola and the Federal Legislation in one document could impact the Legislation work. He did not believe this was the best way to move things forward with the CWNCRA. Mayor Mendenhall agreed. She also pointed out that it would not be appropriate for the CWC to take on the timetable creation. UDOT was the appropriate entity for that. However, it may be possible to ask UDOT for the timetable. Chair Robinson read the following from the document:

* “When the desired traffic flow numbers have been achieved the proposed gondola would be indefinitely deferred or eliminated.”

Chair Robinson suggested that the language be changed to state, “The future of the gondola would be reevaluated once other methods were implemented.” That way, the document would not ask to defer or eliminate the gondola, but it would ask that other strategies be implemented first. Mr. McCarvill wanted to know whether the Executive/Budget/Audit Committee would make amendments to the language or if it would be sent back to the Stakeholders Council for further revision. Mayor Mendenhall asked that CWC Staff work with the Council on a new draft. Chair Robinson also asked that Mr. Topham draft the document into the proper Resolution format.

Mr. Perez explained that in the past, the Millcreek Canyon Committee had drafted a letter that went to the Stakeholders Council for approval. It was approved by the Council, but the CWC Board made some adjustments before it was forwarded to the County and Forest Service. That was also an option in this instance. The document could be presented to the full CWC Board. The Board could make some adjustments and forward it on. Alternatively, it could be brought back to the Stakeholders Council. Chair Robinson asked how time sensitive the document was. Mr. McCarvill did not believe there was a time-sensitive deadline. It was determined that the item would be discussed at either the December or January CWC Board Meeting.

Mr. McCarvill reported that there was one more Stakeholders Council item to discuss. The last one had to do with pointing out the deficiencies of the original UDOT Little Cottonwood Canyon Environmental Impact Statement (“EIS”). The document stated that the basis for the EIS was flawed. He did not believe there was action the CWC Board needed to take on the item. It was essentially a statement from the Stakeholders Council that the process was not handled properly.

The votes on the last two items were approximately 3-to-1. Mr. McCarvill explained that there were people who leaned towards support and another group, which consisted primarily of the ski areas, that voted against the items. He was concerned that this could lead to future issues. Chair Robinson believed it would be worthwhile for CWC Board Members to observe future Stakeholders Council Meetings to better understand the dynamic and discussions.

**Budget Discussion**

1. **Mayor Silvestrini will Present Several Funding Scenarios From a Budget Memo for Consideration and Discussion by the EBAC.**

Mayor Silvestrini reported that the packet included a memo related to membership contribution options. The suggested funding strategies included:

* Remain the Same:
  + Status Quo contribution amounts from 2018/2019;
  + Voting Member contributions totaled $450,000 in Fiscal Year 2022/2023;
  + Ex-Officio Member contributions totaled $65,000 in Fiscal Year 2022/2023.
* Recalibration of Each Member Contribution:
  + Have each member contribute closer amounts with less of a percentage gap;
  + Take steps to address membership gaps from previous year's revenue.
* Use the Same Membership Contribution Formula as ULCT:
  + What does the ULCT formula include? Population, land value, sales tax.
* Modify Formula:
  + Should changes be made to the formula?
  + What factors should be considered in determining a different formula?

Mayor Silvestrini explained that the different possibilities could be discussed by the Executive/Budget/Audit Committee and CWC Board. He believed that some sort of methodology needed to be determined so there was predictability with the budget. Mayor Mendenhall foresaw Salt Lake City staying with the CWC but noted that there was the possibility that future Mayors may not want to participate. Salt Lake City was 17% of the population in the County but held 37% of the membership contribution. If there was a population formula, the CWC would lose more than half of that contribution from Salt Lake City based on the information listed.

The Executive/Budget/Audit Committee reviewed the options outlined in the memo. It had been suggested by Mayor Silvestrini at the CWC Board Retreat that individual conversations be scheduled with CWC Board Members. Chair Robinson asked that the memo be brought forward to the CWC Board Meeting on December 5, 2022, for further discussion and consideration.

**Legislative and Land Tenure Committee Update**

1. **The Legislative and Land Tenure Committee Convened on November 3rd, 2022.**

Chair Robinson noted that the Legislative and Land Tenure Committee met in November.

1. **Mayor Mendenhall will Provide an Overview of the Outcomes to the EBAC.**

Ms. Nielsen reported that there was a desire to recalibrate and hold an informational session. The Legislative and Land Tenure Committee Meeting was not discussed further.

**Adjourn Executive/Budget/Audit Committee Meeting**

1. **Following an Affirmative Vote, Chair Christopher F. Robinson will Close the Public Meeting.**

**MOTION:** Chair Robinson moved to ADJOURN the Executive/Budget/Audit Committee Meeting. Mayor Silvestrini seconded the motion. The motion passed with the unanimous consent of the Committee.

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 Monday, November 21, 2022.***

Teri Forbes

Teri Forbes

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Minutes Secretary

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