



VINEYARD CITY GRAMA REQUEST

BACKGROUND

JUNE 28, 2021



FORESIGHT
WEALTH MANAGEMENT

Utah Lake
Development
Fund, L.P.



BACKGROUND

OCTOBER, 2021

LRS Document



MAYOR'S LETTER

OCTOBER, 2021

The request was made in order to inquire about the public process, or lack thereof, surrounding the letter pledging support and financial compensation to the Utah Lake Restoration Project.



Sept 20 2020

United States Environmental Protection Agency
Washington, DC

Re: Utah Lake Restoration Project—Letter in Support of WIFIA Application

To Whom It May Concern:

I serve as the current Mayor of Vineyard, Utah. I understand that Lake Restoration has submitted a Letter of Interest seeking credit assistance under the Water Infrastructure Finance and Innovation Act of 2014 in the range of \$30-385 million.

We are very familiar with Lake Restoration Solution's plan to dredge Utah Lake and create real property (island formation) with the dredge material; with the intent of selling the real property for private development. The project will significantly improve the water quality of Utah Lake and, among other benefits, remove invasive species and enhance recreational activities on and around the lake. Lake Restoration has made significant progress toward making this project a reality, including progress on various permits and environmental approvals and raising equity financing.

A key component of applying for WIFIA assistance is to demonstrate credit worthiness of the borrower's financial obligations. Vineyard strongly supports the efforts of Lake Restoration Solutions to implement the project and obtain the WIFIA loan and in that regard hereby appropriates \$5,000,000 cash or cash reserves to be used for eligible approved project related costs. Our commitment is subject to review of the final project finance plan and approval of the final proposed WIFIA/RDA funded projects as well as review and approval of documentation in evidence of our commitment.

Thank you for your consideration of this application for the betterment of the region and state.

Sincerely,

Julie Fullmer
Mayor of Vineyard, Utah

RDA REQUIREMENTS



VINEYARD
STAY CONNECTED

Vineyard RDA Development Incentive Application

Use this application to request assistance with backbone infrastructure improvements, environmental remediation, and other necessary projects associated with the Geneva URA project area. ***Applicants are strongly encouraged to attach documentation which supports their proposal.***

RELEVANT DATES

- Began in early October of 2021
- GRAMA Request Initially made on January 28, 2022
- Records Request Completed April 4, 2022
- Appeal to State on April 29, 2022.

Grama Request

Date	Notes
10/1/2021	LRS Document Received from outside source
1/28/2022	Request Formally Made
1/31/2022	Pam requested an extension
2/14/2022	Pam requested Clarification - In order to limit Scope
2/25/2022	Pam sent cost estimate of 1168
2/28/2022	Appeal made to City manager for fee waiver (AGAIN)
3/2/2022	Ezra request to split fees 50/50
3/9/2022	Ezra mentions another records request (Kaye Nelson)
3/11/2022	Request Process finally begins
3/14/2022	But wait.....must be paid first (EZRA)
	Payment made
4/4/2022	Records Request Completed
4/29/2022	GRAMA Appeal @ State
5/27/2022	Appeal approval and dates set for Oct 20 - 2022
8/30/2022	City requests mediation
9/12/2022	Initial Mediation Discussion
9/30/2022	Second mediation attempt w/ City. No results.
Misc	
	SRC Meeting set for Oct 20th
	SRC Meeting moved to Nov 17th
	SRC Meeting moved to Dec 15th

GRAMA REQUEST VERBIAGE

- all records, public meeting notices, agendas, minutes, emails, documents, texts, responses and submissions, official letters and any communications regarding any proposals, requests, authorizations, letters of intent, contracts, planning, or future plans between Mayor Julie Fullmer, former City Manager Jake McHargue, current City Manager Ezra Nair, Community Development Director Morgan Brim, Vineyard Council Members, any city employee and Lake Restoration Solutions, LLC, and their employees and lobbyists including, but not limited to Jon Benson, Ryan Benson, Jeff Hartley, Greg Hartley, Sage Solutions, the Utah Lake Commission board and executive director from August 2017 to present; and
- all records, public meeting notices, agendas, minutes, emails, documents, texts, responses and submissions, official letters and any communications regarding any proposals, requests, authorizations, letters of intent, lobbying contract, contracts, planning, or future plans between Mayor Julie Fullmer, past and present Vineyard Council Members, any city employee and Lake Restoration Solutions, LLC, and their employees and lobbyists including, but not limited to Jeff Hartley, Jon Benson, Ryan Benson, Greg Hartley, Greg Hughes, Sage Solutions, the Utah Lake Commission board and executive director from March 2015 to present.

GRAMA REQUEST

- Email request from Pam to City staff.
- Includes WIFIA
- Excludes:
 - Hartleys
 - Former City Mgr. Jake McHargue
 - To and From!
 - ????

Dear Mayor, City Council and Staff,

We are ready to start working on the attached records requests. There are two separate requests attached requesting any records and form communication that you might have such as emails, and texts. You can screen shot your texts and email then to me.

The first request asks for information from August 2017 to present (January 31, 2022, date request received).

The second request is requesting information between March 2015 and present (February 11, 2022, date request received).

Your search should include the parameters listed below. To and from:

- o LRS
- o Lake Restoration Solutions, LLC
- o Any Vineyard Employee or lobbyist, active or not, during the time frame listed above
- o Jon Benson
- o Ryan Benson
- o Klair White
- o Jeff Hartley
- o Greg Hartley
- o Robert Scott
- o Sage Solutions to and from Vineyard City employees or representatives
- o Letter in Support of WIFIA Application and correspondence leading up to and after unauthorized letter was sent.

Please have your documentation to me no later than March 21. Please do not respond to the requestors.

Thank you for your time,




Pamela Spencer, CMC
City Recorder | Vineyard

p: 801.226.1929 | d: 385.338.5183
a: 125 South Main Street
Vineyard, UT 84059
www.vineyardutah.org

FURTHER COMMUNICATION

• Supplemental Information Denial Letter (1)

- o Greg Hickey
 - o Robert Scott
 - o Sage Solutions to and from Vineyard City employees or representatives
 - o Foresight Wealth Management
 - o Letter in Support of WIFIA Application and correspondence leading up to and after unauthorized letter was sent.
- 

SENT VIA E-MAIL

October 13, 2022

Shawn Herring
sherring@regiondesignllc.com

Re: GRAMA Request/Appeal to State Records Committee

Dear Mr. Herring:

Re: Vineyard City's May 12, 2022 decision on your January 28, 2022 GRAMA request, since appealed to the State Records Committee.

That you and Vineyard City Recorder Pam Spencer worked together to establish the parameters for the City's search for records responsive to your request. The date range you searched was from 2017 to the date of the GRAMA request.

Last week, Vineyard City learned that former City Manager Jake McHargue ("McHargue") sent an e-mail to former Acting City Manager George Reid ("Reid") on February 3, 2022, with screenshots of text messages sent between McHargue and Mayor Julie Fullmer in September 2020. In the messages, McHargue and Mayor Fullmer exchange edits to draft of the letter that was sent to the United States Environmental Protection Agency during the same month ("EPA Letter"). You received a copy of the EPA Letter with the City's initial response to your GRAMA request.

It appears the text messages didn't turn up in the City's search for two reasons: (1) the subject of the e-mail from McHargue to Reid was "WIFIA" and WIFIA was not one of the agreed-upon search terms; and (2) Jake forwarded screenshots of the text exchange to George Reid on February 3, 2022, which date was beyond the date range searched by the City (the City searched up to the date of the GRAMA request, which was January 28, 2022).

Because the text messages between McHargue and Mayor Fullmer were about the subject of your request and were sent within the date range of our agreed-upon search, the City must supplement its initial response with the following information: City Recorder Pam Spencer reviewed the screenshots sent by McHargue. Because the sole content of the record are edits to a draft of the EPA Letter, she has classified the record as PROTECTED pursuant to Utah Code Ann. § 63G-2-305(22). I uphold her decision to do so.

FURTHER COMMUNICATION

- Appeal Denial Letter (1)
- Personal Email/Text/Facebook Messaging, etc

Government Records on Personal Devices

Records on personal devices are still government records. Texts, emails, messaging apps...it is still a government record no matter where it is located.

You are responsible for your records. Government records on personal devices must be protected from unauthorized access and use.

Records follow retention schedules. You can't just delete a government record even if it is on a personal device.

Get to know your local records officers. Ask them how you can help them manage and provide access to government records.

Transitory Correspondence = Go ahead and delete
Administrative Correspondence = Retain 3 years

division of Archives and Records Service
recordsmanagement@utah.gov | 801-531-3863

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GRAMA RESULTS

Grama Request RESULTS		
		Notes
TOTAL DOCUMENTS	125	
NOT RELEVANT	41	
DOCUMENTS AFTER GRAMA REQUEST	32	
DOCUMENTS MENTIONING LAKE DEVELOPMENT PROJECT / LRS / "LAKE"	40	From City = 2
DOCUMENTS MENTIONING WIFIA LETTER OF SUPPORT	3	1 - "Here it is" - Re Document3.docx.pdf 2 - Utah-Lake-Development-Fund.pdf 3 - WIFIA Supoort copy.pdf
MISC DOCS	9	
Misc		

GRAMA APPEAL

We feel that the GRAMA request was not completed properly and did not include all the information requested in the initial request. Additional reasons include, but not limited to:

- The GRAMA was a self-auditing request for information and not automated or extracted data.
 - Email from City recorder to city councilors and representatives
- Emails that were shown to contain attachments did not include the attachment as a document that was delivered.
- March 30, 2021 there was a stakeholder meeting with Vineyard City and IRS and there is no record of it or minutes in GRAMA.
 - This was included in the ULR application as Appendix A (Stakeholder Coordination)
- Meeting w/ Mayor Fullmer and Robert Scott on June 14, 2021.
- Concern over personal email use and documentation not fully being disclosed.
- Lack of information concerning the support and promise of 5 million dollars in taxpayer funds. How this came to be, discussion and follow up acceptance of letter of support.
- Where was the request for information made to Jeff Hartley? Did he provide any documentation as part of this GRAMA request?
- Further documentation has been received from outside sources that was not (and should have been) included in this request.

FURTHER COMMUNICATION



US Environmental Protection Agency
WIFIA Program
Letter of Interest

OMB Control No. 2040-0292
EPA Form No. 6100-030
Approval expires 4/24/2023

2020

adjacent to the existing lake shore will be transferred to LRS and its related entities. There are no other cost requirements to the Project to obtain the land.

Additionally, the State of Utah has committed to provide a \$10 million loan guarantee to LRS to backstop a portion of its initial debt service obligations as part of the WIFIA application package, to further demonstrate the importance of this Project in the State and its willingness to contribute to the Project's credit worthiness. This commitment is documented in the attached letter with filename State_of_Utah_10m_Loan_Guarantee.pdf.

The City of Vineyard is another public sponsor of the Project and has pledged an additional \$5 million loan guarantee to help secure WIFIA funding, as documented in the attached letter with filename Vineyard_5m_Loan_Guarantee.pdf.

The Utah Lake Restoration Project has tremendous public support and is a priority for the elected leaders at the State and federal level. See attached bi-partisan support letter from every member of Utah's congressional delegation, ULRP_WIFIA_Congressional_Support_Letter.pdf.

(b) (4)

22. If the prospective borrower is not a public entity, is the project(s) publicly sponsored? Please explain.

The Utah Lake Restoration Project is publicly sponsored by the State of Utah and is its largest public-private partnership to date. Utah Lake and its lakebed are owned by the State of Utah, which has become increasingly concerned about water quality degradation and the overall declining health of Utah Lake's ecosystem. The State issued a request for proposals to select a private partner via a competitive procurement process to help tackle the lake's numerous challenges.

LRS was the successful proposer³ based on its comprehensive plan for restoring the lake, known as The Utah Lake Restoration Project, and its approach for financing the project. The Project creates significant public benefits including conserving water and enhancing supply resilience, improving water quality, restoring native plants and wildlife, sustaining population growth along the Wasatch Front, promoting commerce, improving transportation, and increasing recreational utilization, access, and safety.

The legislature subsequently passed the Utah Lake Restoration Act authorizing the transfer of title to land created by dredging the lakebed to form islands and limited land adjacent to the existing lake shore to LRS and its related entities in exchange for the Project's environmental restoration and conservation efforts. There are no other cost requirements to the Project to obtain the land.

Further demonstrating the importance of this public-private partnership and its willingness to contribute to the Project's creditworthiness, the State of Utah has committed to provide a \$10 million loan guarantee (in the form of legislated appropriations passed in March 2021) to LRS to backstop a portion of its initial debt service obligations as part of the WIFIA application package.⁴

The City of Vineyard is another public sponsor of the Project and has pledged an additional \$5 million loan guarantee to help secure WIFIA funding.⁵

The Utah Lake Restoration Project has tremendous public support and is a priority for the elected leaders at the state and federal level. See attached bi-partisan support letter from every member of Utah's congressional delegation.⁶

2021

³ See attached UL16_Proposal_to_the_State_of_Utah.pdf

⁴ Documented in the attached letter with filename 2UL_State_of_Utah_10m_Loan_Guarantee.pdf

⁵ Documented in the attached letter with filename 3UL_Vineyard_10m_Loan_Guarantee.pdf

⁶ Documented in the attached letter 9UL_Letter_of_Congressional_Support.pdf

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“Loan guarantee” is clearly defined in the WIFIA handbook: Any guarantee or other pledge... to pay all or part of the principal of and interest on a loan or other debt obligation issued by a borrower and funded by a lender.

PLANNING COMMISSION MEETING MINUTES

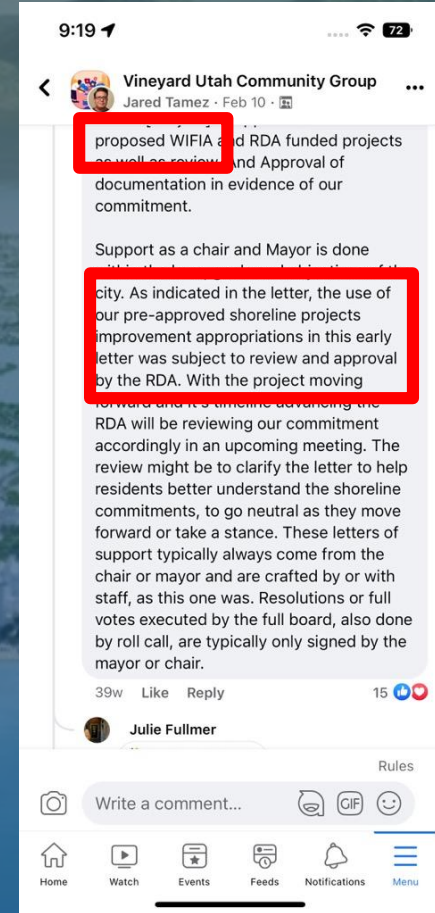
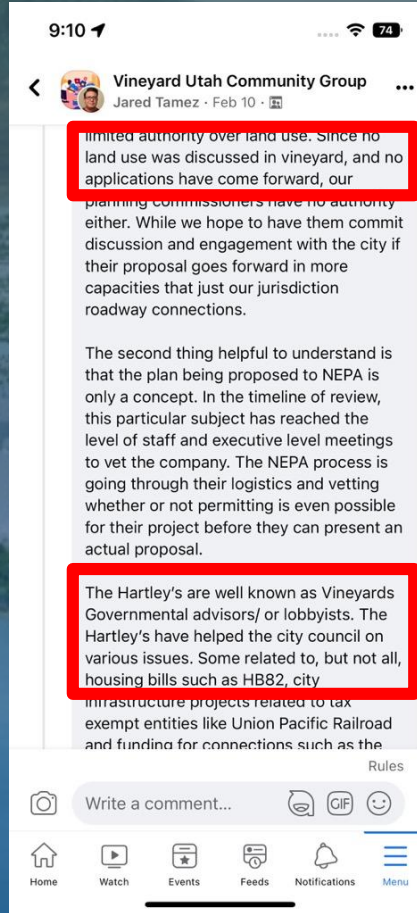
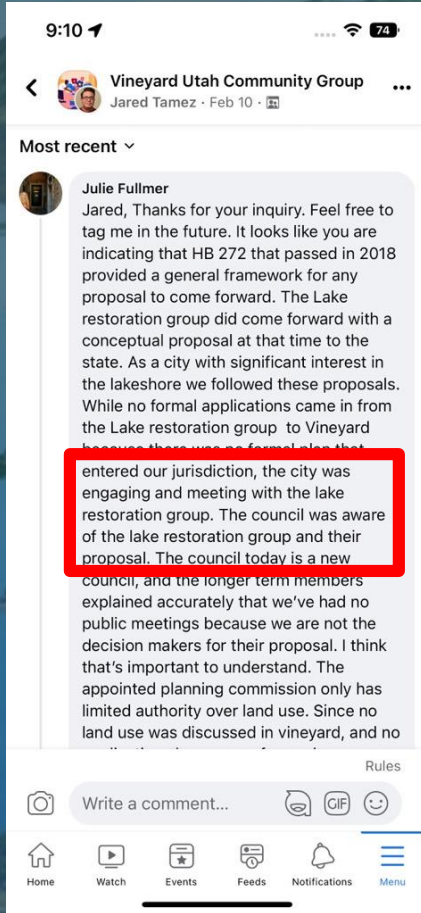
MAY 16, 2018

Mr. Brim announced that he asked commissioner Knighton to submit a bid for a design charrette for the town center station. He explained that the city leaders have received three submissions regarding the town center. The city wants to create a concept plan of how that station and the adjacent property would function and where the apartments would be. The council hasn't hired anyone yet they wanted a plan that they could provide to UDOT.

Madam Chair Welsh talked about the Utah Lake islands meeting that she and Commissioner Brady attended. She felt that is something we need to be aware of as we move forward with the city's general plan.

Commissioner Carter asked if there were any connection points to Vineyard. Mr. Brim answered that they have an island windbreak that technically falls in our jurisdiction and there's two islands that would impact a harbor.

FURTHER COMMUNICATION



Re Clarity on Support for the Islands Project.pdf

FURTHER COMMUNICATION

Where is the information to backup Julies claims of “support of the application”. What application?

“the council and staff supported me in the investigation and support of the discovery”

- Where is this investigation and support materials?
- Who supported this?

“Since the bill passed 4-5 years ago, I’ve been working to keep vineyard in front of everything and they’ve been responsive to meeting with me and shaping their goals to fit with our plans” –
WHAT MEETINGS?

When the bill passed four of five years ago, Vineyard's goal has been to maintain a seat at the table, have oversight / a voice in zoning that would affect our community.

- Where is said “table”?

On Wed, Feb 2, 2022 at 12:34 PM Vineyard <julie.a.fullmer@gmail.com> wrote:

Jeff, I tagged you in a post and sent this to Marcus today-

Hey Marcus! Thanks for the birthday wishes :-)

The SMM that is described refers to investments the Redevelopment Agency has put forward in support of restoration to the lake with regard to its shorelines. This is the promenade, the beach front, sunset beach etc. These projects were voted on by the Redevelopment agency upon application.

The letter of support offers our shorelines as a match upon approval from the RDA. It allows them to show what has been done. The council gave guidance and made general planning policy for restorative projects and the RDA invested in them.

RDA funding is tax increment financing. We use it to remediate restore [redacted] on the redevelopment agency. The commitment was support of the application, [redacted] not a loan guarantee of up-front fiscal costs but rather through pre-approved and budgeted planning. The intent to offer support is

part of my role and the council and staff supported me in the investigation and support of the discovery.

RE Fire Chief's Tour (Brim).pdf

On Mon, Aug 13, 2018 at 1:02 PM, Morgan Brim <morganb@vineyardutah.org> wrote:

Jake/Eric,

Mayor Fullmer and I met with the development group over the Utah Lake Restoration Project today and they would like to tour the property. They recently had legislation passed to accommodate their project. Their project includes several improvements along the shoreline and it would be great to tie some of their concepts into the Walkara Way Project. They would like Eric Ellis to be there as well.

They indicated that they may be able to participate in this project and others in Vineyard. They said they would be available on Monday or Friday at 3 pm next week. Would either of those times work for you?



Morgan Brim, AICP

Community Development Director | Vineyard

p: 385.248.7029

RE Fw Utah Lake Restoration Project.pdf

From: Jacob McHargue <Jacobm@vineyardutah.org>
Sent: Monday, March 5, 2018 11:09 AM
To: Julie Fullmer
Subject: RE: Fw: Utah Lake Restoration Project
Attachments: HB 272.docx

Awesome, I have drafted the letter, will you take a look at it and let me know if you want to make changes before I send it to him?

Thanks,

Jake

From: Julie Fullmer [<mailto:julie.a.fullmer@gmail.com>]
Sent: Monday, March 5, 2018 11:06 AM
To: Jacob McHargue <Jacobm@vineyardutah.org>
Subject: Fwd: Fw: Utah Lake Restoration Project

----- Forwarded message -----

From: Ryan Benson <ryandbenson@msn.com>
Date: Fri, Mar 2, 2018 at 10:53 AM
Subject: Fw: Utah Lake Restoration Project
To: "Julie.a.fullmer@gmail.com" <Julie.a.fullmer@gmail.com>

Mayor Fullmer,

This is Ryan Benson from the Utah Lake Restoration Project.

Would you have a few minutes for a short call about the status of the Utah Lake Restoration bill HB 272 before the Utah State Legislature?

Ryan Benson
(801)870-5307

FW Lake shore trail discussion - Meeting request for next Tuesday - RSVP (Brim)

From: Morgan Brim
Sent: Tuesday, March 23, 2021 5:57 PM
To: Eric Ellis; Julie Fullmer; Jacob McHargue; Don Overson
Subject: FW: Lake shore trail discussion - Meeting request for next Tuesday - RSVP

Hi Eric, I have Julie, Jake and Don on this email. I can do 12-noon or after 2 pm next Tuesday.

From: Eric Ellis <eric@utahlakecommission.org>
Sent: Tuesday, March 23, 2021 4:42 PM
To: Morgan Brim <morganb@vineyardutah.org>
Subject: Lake shore trail discussion - Meeting request for next Tuesday - RSVP

Morgan,

Could you meet next week, preferably Tuesday 11:00 - 1:00 pm or after 2pm with the necessary staff and maybe Mayor Fullmer to discuss the Clegg property/trail alignment with the Lake Restoration Solutions group?

Let me know what works asap, so I can get the LRS guys scheduled. They will bring their architect to help with potential alignments for the trail as it might tie into their future plans for a road connector on the south end of the city.

Thanks,

Eric J. Ellis
Executive Director
UTAH LAKE COMMISSION
801-851-2901 o
801-836-1963 c
eric@utahlakecommission.org
www.utahlakecommission.org

FW Lake Restoration Solutions.pdf

From: Julie Fullmer <mayor@vineyardutah.org>
Sent: Monday, June 14, 2021 2:03 PM
To: 'Julie Fullmer (Julie.A.Fullmer@gmail.com)'
Subject: FW: Lake Restoration Solutions

From: Robert Scott <robertscott@lakerestorationsolutions.com>
Sent: Monday, June 14, 2021 11:51 AM
To: Julie Fullmer <mayor@vineyardutah.org>
Subject: Lake Restoration Solutions

Hi Mayor:

As promised, attached is my email address.

Really enjoyed meeting with you this morning and I appreciate you putting me on your list of people involved in review of your Water Front Project and anything else that you think might be beneficial where I might help in any way.

I wish I lived in Vineyard so I could serve on your Planning Commission, that would be amazing. But that will come as, I mentioned in a previous meeting, we plan to move to Vineyard in a year or two, so I look forward to being apart of all the exciting things you have going on.

Let me know if there is anything I can do to help you further.

Robert

Robert Scott
Director of Design & Planning
LAKE RESTORATION SOLUTIONS, LLC
3300 N Triumph Blvd, Suite 100
Lehi, Utah 84043
C: 801.391.4066
robertscott@lakerestorationsolutions.com
www.lakerestorationsolutions.com

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WHY IS THERE SUCH AN ABSCENSE OF INFORMATION REGARDING THE LARGEST, MOST IMPACTFUL PROJECT IN THE HISTORY OF VIN

WHY, AS THE SOLE STAKEHOLDER/SPONSOR, WHOSE CITY BOUNDARIES BORDER THE LAKE, IS THERE NO INFORMATION REGARD
PROJECT?

| THANK YOU

