

Utah Inland Port Authority Board 2023

APPROVED MEETING MINUTES

Utah Inland Port Authority Board Meeting Minutes
Monday July 17, 2023
2:00 pm
Spanish Fork, City Council Chambers
80 South Main, Spanish Fork, UT 84660

Board Members Present: Miles Hansen, Abby Osborne, Mike Schultz, Jerry Stevenson

Non-Voting Board Members Present: Victoria Petro
Board Members Absent: Ryan Starks

UIPA Staff: Ben Hart, Benn Buys, Larry Shepherd, Lynne Mayer, Stephen Smith, Diana Gardner, Allen Evans, Carol Watson, Amy Brown Coffin, Max Ivory, Mona Smith, Dain Maher

Others in Attendance: Dave Anderson, Stan Summers, Paul Larsen, Valerie Claussen, Linda Bourne, Shawn Warnke, Brook McCarrick, Shawn Milne, Shawn Lambert, Brice Wallace, Joan Gregory, Andrea Allen, Stuart Clason, Elizabeth Weight, Steve Van Maren, Leia Larsen, Larry Dean, Carl Mackley, David Bennett, Kira Kaur, Jesse Cardon, Martha Harris, Deeda Seed, Bart Leeflang, Lionel Trepanier, Katie Pappas, Brett, Behling, Danny Stewart, Steve Erickson, Cameron Cook, Linda Bartholemew, David Hennefer

1. Welcome

UIPA Board Chair, Miles Hansen, welcomed the board members, staff and public to this Utah Inland Port Authority Board Meeting.

2. Closed Session

At 2:09 pm the board voted to move into a closed session meeting held at 80 South Main, Spanish Fork, Utah for the purpose of a “discussion of the character, professional competence, or physical or mental health of an individual;” as described in Section 52-4-205 of Utah Code and sections 52-4-204 of the Open and Public meetings act.

Board member Osborne made a motion to move into closed session. Board member Schultz seconded the motion. A roll call vote was taken, and the motion passed with a unanimous vote of board members present.

Roll Call Vote:

Abby Osborne – yes
Mike Schultz – yes
Miles Hansen – yes

The closed session began at 2:09 pm and concluded at 2:39 pm.

3. Approval of Minutes, June 23, 2023 Board Meeting

Board member Schultz moved to approve the minutes from the June 23, 2023 board meeting. Board chair Hansen seconded the motion. The motion was approved unanimously.

5. Executive Director Report

UIPA Executive Director Ben Hart provided an executive director report and provided updates on the recent trade mission, what was learned in Germany, in visiting port facilities there, and how what was seen there underscores the importance of increased rail availability throughout Utah.

6. Budget Update

UIPA Deputy Director, CFO, and Treasurer Benn Buys provided a budget update. He summarized expenses for the final three months of FY 2023.

7. Northwest Quadrant Incentive Consideration

Benn Buys introduced and presented a business recruitment incentive for Northrop Grumman Corporation. The company is looking to manufacture composite structures for rocket motor cases at a location at Copper Crossing within the UIPA NWQ jurisdictional area. The 300,000 square foot facility will include capital expenditures of \$80 million to convert from logistics/distribution use to aerospace manufacturing. The proposed incentive is an annual property tax rebate of 10% of the assessed property value, post completion of development for no more than 25 years. This incentive was reviewed and forwarded to the board favorably by the UIPA Incentives Subcommittee. Andy Pierucci of Northrop Grumman spoke of the company's expansion and the estimate of 100 new jobs connected to this project.

8. Policy Presentations

UIPA Chief Compliance Officer Amy Brown Coffin introduced two UIPA policies for future board consideration:

BP-01 - Open & Public Meetings Policy

Policy to ensure compliance with the Open and Public Meeting statute.

BP-03 - Media Policy

Policy to provide positive, consistent and valuable messaging across the organization.

The following policy had been previously presented to the board and was reviewed here prior to a vote of approval in this meeting.

BP-11 Personnel Policy

Policy governing responsibilities and obligations of employment with the UIPA.

4. Presentation: Draft Project Area Plan for Box Elder County

Stephen Smith, UIPA Director of Business Development and Lynne Mayer, Manager Business Development and Project Areas presented the draft project area plan for Box Elder County – what will be called the Golden Spike Inland Port Project Area.

The project area plan was published publicly 10 days prior to this meeting.

This project area will include multiple non-contiguous, regionally vital, areas in Box Elder County, Brigham, Tremonton and Garland Cities. Collectively, these areas will represent a region of economic significance in Northern Utah, support and driving advancement and efficiencies in the logistical needs of the region, as well as promoting responsible economic growth and prosperity, to the benefit of all of Northern Utah. The plan demonstrates that the project area meets the following statutory criteria: Need to Effectuate a Public Purpose; Public Benefit to the Development Project; Economically Sound; Promotes the statutory Goals and Objectives of UIPA.

Lynne Mayer provided an overview of the commodities and logistics benefits of an inland port project area to the region, as well as the industries of focus for recruitment.

The following local officials spoke:

Representing Box Elder County, Commissioner Stan Summers, spoke of the historical position of Box Elder County in transportation in Utah and as the Crossroads of the west.

Representing Brigham City, Paul Larsen Community and Economic Development Director, spoke of what Brigham City brings to the project area with the convergence of I-15, the Union Pacific railroad, and the Brigham City airport.

Representing Garland City, Valerie Claussen spoke of the opportunity for recruitment the port will bring to Garland and the existing rail there.

5. Presentation: Resolution 2023-06 adopting the Spanish Fork Project Area

Stephen Smith, UIPA Director of Business Development and Dave Anderson, Director of Community and Economic Development, Spanish Fork City reviewed the draft project area plan for the Verk Industrial Park, A Utah Inland Port Project Area.

Stephen Smith reviewed the key actions and dates in the development of this project area including the resolution passed by the Spanish Fork City Council, the publishing and board introduction to the project area plan and the recent adoption by the city council of an interlocal agreement with the port authority. Stephen and Dave provided an executive summary of the project area, its strategic location and the public purpose and benefits of the project area.

6. Public Comment

Board Vice Chair Osborne opened up the public comment period and welcomed those both in person and online to join the queue. Comments made include concern that developers in Spanish Fork project area are also involved in the Northwest Quadrant project area, impact to wetlands in Spanish Fork and Box Elder County, impact of development and growth on small-town life, and support for this project area for its ideal location for the movement of goods.

7. Approval of Northrop Grumman Corporation Incentive

Board member Schultz moved the following motion: The Utah Inland Port Authority recommends an annual Project Area Incentive/Property Tax Differential Rebate equivalent to 10% of the assessed property tax, post completion of the development.

This rebate will be provided yearly for no more than 25 years, provided continued operation within the Project Area during that time.

Incentive approval is subject to the following:

- Completion of contract agreement (including daily water usage requirements)
- Submission of full Corporate Stewardship Plan

Board member Stevenson seconded the motion.

A roll call vote was taken, and the motion carried with a unanimous vote of board members.

Roll Call Vote:

Mike Schultz – yes

Jerry Stevenson – yes

Abby Osborne – yes

Miles Hansen – yes

8. Approval of BP-11 Personnel Policy

Board member Stevenson moved to approve the policy as presented. Board member Schultz seconded the motion.

A roll call vote was taken, and the motion carried with a unanimous vote of board members present.

Roll Call Vote:

Mike Schultz – yes
Jerry Stevenson – yes
Abby Osborne – yes
Miles Hansen – unable to record this vote due to audio difficulty

9. Approval of Resolution 2023-06: Approving the Verk Industrial Park Project Area Plan

Board member Schultz moved to adopt resolution 2023-06 as presented. Board member Stevenson seconded the motion.

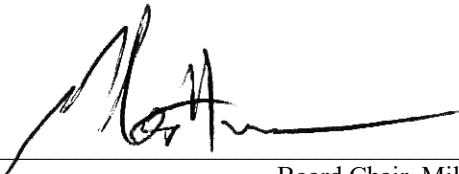
A roll call vote was taken, and the motion carried with a unanimous vote of board members.

Roll Call Vote:

Mike Schultz – yes
Jerry Stevenson – yes
Abby Osborne – yes
Miles Hansen – yes

10. Adjourn

Board Vice Chair Osborne adjourned the meeting.



Board Chair, Miles Hansen

Written Public Comments submitted during and after the meeting:

UIPA Board members

Ben Hart, Executive Director, Utah Inland Port Authority

Dear UIPA Board and staff,

I am writing to express concerns about the proposed BP-01 Open & Public Meetings Policy v2.pdf.

There are several provisions in this draft policy that conflict with Utah law on public hearings and open meetings.

Specifically, Section XII of the draft policy does not meet the "reasonable specificity" requirement for agendas under OPMA 52-4-202(6). Section XIII fails to allow for written public comments as mandated by OPMA 52-4-202(5)(a)(ii). And Section XIV does not comply with the requirements for public budget hearings.

Court rulings in Utah have indicated that a public hearing requires allowing public attendance, participation, and access - it cannot be a mere formality. Budget hearing laws like UCA 11-58-801 emphasize opportunities to participate and comment, as well as accessibility.

In summary, while Utah law does not define "public hearing" for budgets, precedents show hearings must enable meaningful public input.

Sections XII, XIII, and XIV of the draft policy do not adequately ensure transparency, access, and participation.

The recording restrictions in Section XV based on "discomfort" are concerning, as OPMA 52-4-203 generally allows recording open meetings. Prohibitions require a reasonable basis per 52-4-201, not just discomfort. This

proposal also would give the chair inappropriate discretion to limit who can provide public comments, which could infringe on First Amendment rights

Finally, the lack of clarity in Section XVI on submitting written comments virtually should be addressed under OPMA 52-4-207(2)(a)(ii).

I urge the board to revise the draft policy to fully comply with OPMA, budget hearing laws, and other applicable statutes to promote public involvement.

Please let me know if you have any questions.

Sincerely,
Lionel Trepanier

Comment submitted by Katie Pappas on July 11, 2023

We are a coalition of concerned organizations and residents with a focus on human health impacts, responsible use of our tax dollars, environmental sustainability, and environmental justice. The Conserve Utah Valley Town Hall, on Thursday, June 8th, was informative and balanced but also raised serious and significant questions about the wisdom of the proposed Utah Inland Port Spanish Fork Project Area plan. While the tone of the discussion was heated at times, we hope you'll focus on the messages and concerns of the panelists and audience. This type of forum should have occurred prior to approval of the project.

A majority of the panelists, including Byron Adams EPA, Shawn Miller, a Professor of Environmental History from BYU, and Eldon Neves, President of the Lakeshore Livestock Association, emphasized the need to protect farmland. The west side of Spanish Fork has some of the most fertile farmland in the state of Utah, as evidenced by the soil types present there. As populations grow and development increases, other states are prioritizing preservation of their best agricultural lands and Utah should too.

Other negative impacts that would result from establishing this project area include:

- Sacrificing wetlands within and adjacent to the project area. This would impair their ability to filter pollutants, act as water storage basins, prevent erosion and provide habitat, contributing to the overall health of Utah Lake.
- Loss of habitat for nineteen different migratory bird species and three other threatened species. Once this area has been developed, it cannot be brought back to host these vital species.
- The added traffic, noise and pollution would disproportionately affect low-income families.
- Rather than the city, private developers took the initiative to establish this project area, which raises concerns about who it is primarily designed to benefit.

According to UIPA's environmental review, the project area is anticipated to fall in the 94th percentile nationally for severity of ozone pollution and the 99th percentile for severity of wastewater discharge as a consequence of port development.

Serious concerns that have been raised about other UIPA project areas also apply here. These include:

- increased truck, train and car traffic with resulting air and water pollution,
- questionable water availability due to the ongoing drought,
- proliferation of warehouses as developers push to fast track development,

- increased herbicide and pesticide use, and
- economic viability.
- UIPA is taking critically needed revenue from local education districts to spend it on logistics projects and infrastructure.

To date, UIPA's satellite port projects have all been approved without adequate community information sharing and engagement. The same developers, many out of Salt Lake City, appear to be the moving force behind different project areas, seeking to benefit from tax increment funded infrastructure.

We respectfully request that you slow down the process. We ask that you

1. engage with residents of Spanish Fork and surrounding communities since they will also be impacted by this development.
2. Allow for environmental, health and community impact studies prior to development.
3. Provide opportunities for conservation easements to preserve farmlands.

Going forward, we suggest a more community centered approach when introducing new project areas. Area residents shouldn't have to learn about a project area after it's already been approved by local leaders.

Thank you for your attention to our concerns,

Stop the Polluting Port Coalition

Comment submitted by Morgan Abbott on July 14, 2023

I grew up in Spanish Fork, Utah. My family is from Spanish Fork and Payson. I have generations of family members that have been born and buried in the pioneer cemetery, Spanish Fork Cemetery and Payson Cemetery. I attended Spanish Fork Middle School, Diamond Fork Junior High, Spanish Fork High School, and Utah Valley University. Despite being a low-income, first generation college student I was taught by the best educators in the state from middle school until college and became a scientist, educator, and business owner in my hometown. I live in Texas now, but I don't forget my roots and responsibilities, but it seems that the Utah Inland Port Authority has.

When you agreed to approve Spanish Fork's inland port, you signed with the blood of everyone who has been buried in this community, pioneer and Timpanogos alike. When you approved Spanish Fork Inland Port, you agreed that your names, your children's names, your grandchildren's names and all of their descendants will be associated with genocide into perpetuity. I know this burden this because my ancestors settled many communities in the Intermountain West and helped run the Tuba City Residential School. My family and I owe a shameful, unpayable debt and now you do too.

The Utah Inland Port Authority is agreeing to erase Timpanogos Nation's ancestors burial sites, their connection to their homeland, water and their right to their temples because of greed and misguided sense of "progress".

The approval wouldn't have happened if it was a city or pioneer cemetery or an LDS Temple. The Utah Inland Port Authority wouldn't have agreed to approve the Spanish Fork Inland Port if it was on Temple Grounds.

The Utah Inland Port Authority has agreed to sign away our community's right to access rare wetlands, clean water and air, stream orchids, fireflies, fish, migratory birds and our health.

Morgan Abbott
 abbott.morgan@yahoo.com

Comment received from CINDY J O'NEIL, June 26, 2023

I am inquiring about the mitigation that the Utah Inland Port Authority is undertaking to address the additional negative impact this port would have on Highway 6. It is already the most deadly road in Utah and ranks among the nations worst road. It should have been expanded to a four lane highway the entire distance of the canyon, and it is ignored. The truck traffic on this road is already horrendous and the port, however small is going to add a bigger, deadlier impact.

Comments received 7/17/2023 from Liesa Manuel

- UIPA involvement creates a pathway to public subsidies. This means UIPA could set standards if it chose to do so.
- Free market arguments become specious when these subsidies are taken into account.
- UIPA needs to set policies and definitional standards related to farmlands and wetlands; expressions of individual concern accomplish nothing.
- Cities have no obligation to zone in order to accommodate developers, and state agencies should be committed to protecting the environment.
- Job opportunities should not be speculative because economic gain to the community is the only justification for tax subsidies.
- Low-paid jobs do not benefit the community.

Comments received 7/17/2023 from Elizabeth Weight

I am listening to the July 17 meeting of the UIPA in Spanish Fork and Mr. Hart talking about rail in Germany and rail investments by the EU. I hope the Port Authority is planning to coordinate with the state legislature and agencies to create studies and standards like those on which the EU has based its long-term development of rail.

Those will be necessary to honor the described concepts of sustainability and air quality . The EU regulates locomotive emissions much more strictly than the US does. From what I understand, under EU regulations, any diesel locomotive built after 2019 has to meet “Stage V” emissions standards. In the US, diesel locomotives built after 2015 have to meet “Tier 4” emissions standards. The EU’s Stage V standards are much more stringent than Tier 4 standards. For fine particulates, for example, Stage V is 90% tighter than Tier 4.

QUESTION: What standards can Utahns count on to be established and enforced by UIPA to assure sustainability and air quality levels? We are familiar with Tier 3 gasoline, which was substantially subsidized by taxpayers. It would be helpful (and transparent) to describe at least emissions standards in any of the rail development areas -- new rail and transloading facilities -- anywhere in the state.

Comment received 7/17/2023 from Joan Gregory,
My name is Joan Gregory and I am from Salt Lake City.

I have concerns about the proposed revisions of: BP-01 Open & Public Meetings . I note that the goal of the revision is to merge this policy with BP-02 Electronic Meetings and BP-05 Meeting Transparency. In general, I support this goal. However, I have concerns about compliance of revised BP-01 with the Utah Open and Public Meetings Act. In addition, I notice omissions of detail related to the recent improvements to the written comment process. Let's move forward, not backward! I will send related written comments to you as soon as possible.

Most importantly, I continue to be concerned about the proliferation of ports around the state. I support prioritizing the preservation of the best agricultural lands in our state. Spanish Fork has some of the most fertile farmlands, we need that land for farming, not for an inland port. The Golden Spike proposal would forever negatively impact the Bear River Migratory Bird Refuge and Bear River Bay. Don't do this!!

The health of Utahns is dependent on the health of our lakes. And the health of our lakes is dependent on the health of our wetlands. If we are to be able to continue to live in Utah, to breathe air that is safe to breathe, to grow food that is safe to eat, to have water to drink and water our crops, we must prioritize the air, land and water here. We are the stewards of this ecosystem, this air, this soil, this water. It is time to stop expanding and instead be true stewards of what we have, or else lose it to pollution, infertility, drought, and death. Let's not make that our legacy.

Comments received 7/18/2023 from Mike Mascher

my concern is most warehouse jobs are not a living wage so how are the majority of the employees going to afford housing

Comments received 7/18/2023 from Marco Allain

How do you intend to offset the increased air pollution of your construction and having more trucks on the road? We will be messaging our local representatives if we feel that air quality standards will be threatened.

Comments received 7/18/2023 from Jennifer Carroll

I understand the need for trucks, however they are a major cause of pollution-congestion and create a hazardous driving environment as they often form an unintentional barricade for vehicles entering the freeway, and snarl freeway traffic as truck passes truck, often commandeering three lanes of traffic. Something needs to be done to better manage truck- related congestion, such as limiting trucks to particular lanes and prohibiting passing when it interferes with traffic.

Comments received 7/18/2023 from Larry Dean

MY NAME IS LARRY DEAN. I'M A RESIDENT OF SALT LAKE CITY.

I'VE BEEN WATCHING THE INLAND PORT PROCESS FOR ALMOST FIVE YEARS AND HAVE SEEN SOME DISTURBING TRENDS.

TIME AFTER TIME, THE PORT AUTHORITY AND DEVELOPERS COME UP WITH A SCHEME (PLAN), APPROVE IT AND THEN ENGAGE THE COMMUNITIES MOST AFFECTED BY THE PLAN WHEN IT REALLY SHOULD BE THE OTHER WAY AROUND.

REGARDLESS OF LOCATION THE DEVELOPERS AND POLITICIANS BENEFIT AND LEAVE THE COMMUNITIES TO PICK UP THE BILL AND SUFFER THE CONSEQUENCES.

LIKE ALL THE OTHER APPROVED SITES THE RESULTS IN SPANISH FORK WILL BE THE SAME, INCREASED TRAFFIC. NOISE, AND AIR POLLUTION AND SQUANDERED PUBLIC FUNDS.

THIS PROJECT WILL DESTROY SOME OF THE MOST FERTILE AND PRODUCTIVE FARMLAND IN THE STATE AS WELL AS NEIGHBORING WETLANDS.

Comments received 7/18/2023 from Ronald Wilson

I love that there is currently no commercial ships in the Great Salt Lake. Please keep it that way. You are creating a solution for a problem you have created.

Comments received 7/18/2023 from Jason Haymond Jr

I'm almost entirely Pioneer Heritage blood. This constant push for development of farmland is exactly why we plan to leave the state. For the love of everything holy, please stop trying to turn our beautiful place to live into another Oakland. The whole warehouse/industrial/inland port area in SL County just feels busy, nasty, and like we've destroyed God's creation. I want absolutely nothing to do with such massive development projects. Please please please stop.

Public comment received 7/19/2023 from Tyler Mitchell

Instead of focusing on building this inland port, focus on trying to refill the Great Salt Lake. If Utah continues growing the way it is the great Salt lake and surrounding water sources will deplete even faster than they currently are. Not only would Utah not have any drinking water if the Great Salt Lake gets depleted then Utah will just become unlivable anyways due to arsenic and other toxins within the lake bed getting blown into the air and causing further issues. If this happens then the inland port that you are suggesting may have anywhere from 10-50 years of use max. When building a structure of any kind we should not be looking at short term use such as this but rather be looking at a couple of hundreds of years of use. So do not build this inland port in Spanish Fork

Comments received 8/4/2023 from STPP Coalition Communication Improvement Team

The Stop the Polluting Port Coalition Communication Improvement Team has completed our review of proposed UIPA [BP-01 2.0 Open and Public Meetings Act](#) which was introduced at the July 17, 2023 UIPA Board meeting.

Thank you for receiving our comments and please let us know if you have questions about any of the concerns addressed in the review.

BP-01 Open & Public Meeting Policy – 2.0 – PROPOSED STPP Communication Improvement Team Comments

The STPP Communication Improvement Team (STPP CIT) has identified the following concerns and suggested solutions regarding the proposed BP-01 revision: [BP-01 Open & Public Meetings 2.0](#). We note that the goals of the revision (as listed in the Revision Table) are to merge BP-01 Open & Public Meeting with BP-02 Electronic Meetings and BP-05 Meeting Transparency, as well as to add new definitions, roles, and responsibilities, and to update the public commentary process. In general, we support those goals. However, we have concerns about OPMA Act -2023 and UIPA Act - 2018 compliance of sections of the proposed revised policy. We have also noticed that improvements recently implemented by UIPA (e.g., annual meeting schedule posted and updated, addition of a written public comment link on the UIPA website, and consistent documentation of public comments in meeting minutes) are not included in the revised policy.

Throughout this review, we reference the following documents with links to help make it as easy as possible for each of us to be able to refer back to them.

- [BP-01 Open & Public Meetings 2.0](#) (BP-01 2.0)
- [Utah Open & Public Meeting Act - Utah Code Section 52-4 – 2023](#) (OPMA Act - 2023)
- [Utah Inland Port Authority Act – Utah Code Section 11-58 – 2018](#) (UIPA Act - 2018)

The details of our review and comments are below:

SECTION III. PUBLIC NOTICE

- **Annual Meeting Schedule** – The OPMA Act - 2023 requires the [publication of a meeting schedule at least annually](#) [54-2-202(2)(a)]. This requirement is missing from proposed BP-01 2.0. The most recent UIPA Board schedule that we have been able to locate on the Utah Public Meetings Notice (PMN) site is: [FY23 Annual meeting schedule](#) [posted on June 23, 2022]. Per the OPMA Act - 2023, the FY24 schedule should have been posted by now, but has not. It has also been UIPA's practice to update that schedule as things changed. That has not been happening on the PMN site. We appreciate that updates have been posted on the UIPA website announcing the next meeting: <https://inlandportauthority.utah.gov/uipa-board-meetings-agenda/> but that is not an annual schedule, nor is it the official PMN site. Having both an annual schedule and meeting schedule changes noted as they are determined posted on the PMN site would serve the public best. **SUGGESTED SOLUTION:** Add a second paragraph to BP-01 2.0 Section III. Public Notice stating: *UIPA shall give public notice at least once each year of its annual meeting schedule specifying the date, time, and place of the scheduled meetings.* Even more helpful would be: publishing the annual meeting schedule on a set schedule (e.g., by June 30th each year), amending that schedule when additional meetings are added or canceled, posting the schedule and updates on both the PMN and UIPA websites.

SECTION XII. AGENDA

- **Agenda - Reasonable Specificity** - *Section XII. Agenda* of BP-01 2.0 does not meet the ["reasonable specificity" requirement for agendas under OPMA 52-4-202\(6\)\(a\)](#). This section fails to require that agenda topics be listed with "reasonable specificity" as required by the OPMA Act - 2023. Specifically, *A public notice that is required to include an agenda under Subsection (1) shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic shall*

be listed under an agenda item on the meeting agenda. **SUGGESTED SOLUTION:** Add the following point between proposed points #2 and #3 (resulting in 7 points under Section XII) that states: *Agenda topics shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic shall be listed under an agenda item on the meeting agenda.*

- **Agenda - Topics Not on the Agenda** – Section XII. Agenda. Point #6 of BP-01 2.0 conflicts with the 2nd sentence in [OPMA 52-4-202\(6\)](#)
 - Section XII. Agenda. Point #6 of BP-01 2.0 proposes that: *The board may not take action on any item not listed on the agenda. However, at the Chair’s discretion additional discussion topics may be raised, staff may be directed, or items may be placed on a future agenda for action.*
 - A conflict arises in that allowing board discussion of topics not listed with “reasonable specificity” on an Agenda that is posted at least 24 hours in advance is not allowed by [OPMA 52-4-202\(6\)\(b\)](#) unless the topic is **raised by a member of the public**. Here is what OPMA says: *Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding member of the public body, a topic raised by the public may be discussed during an open meeting, even if the topic raised by the public was not included in the agenda or advance public notice for the meeting.*
 - Per OPMA, if the Board is going to direct the staff at a meeting then that topic has to have already been disclosed with reasonable specificity in advance on the agenda. Also, there is already a process for placing items on a future agenda for action or otherwise (see: Section XII. Agenda. Points #1 & #2 of BP-01 2.0).
 - **SUGGESTED REVISION** – Revise BP-01 2.0 Section XII. Agenda. Point #6 to state: *The board may not take action on any ~~item~~ topic not listed on the agenda. However, at the Chair’s discretion additional discussion topics may be raised, a topic raised by the public may be discussed staff may be directed, or items may be placed on a future agenda for action.*

SECTION XIII. PUBLIC COMMENTARY

- **Written Public Comment** – UIPA has been providing an option to submit written public comment via the UIPA contact form on the UIPA website. So, we were surprised that it was not more prominently included in Section XIII. Public Commentary of BP-01 2.0. **SUGGESTED SOLUTION:** After Online/Virtual on page 8, add a section called: **Written Comments** following the Online/virtual section, and move and revise the sentence at the very end of this section to state: **Written Questions/comments are always welcome on the UIPA website (<https://inlandportauthority.utah.gov/contact>).** **ADDED THOUGHTS:** The UIPA website also includes this section/link: <https://inlandportauthority.utah.gov/written-public-comment/>. It appears to be more of a Q&A rather than a location where public comments are documented. You might want to re-title that page Q&A. But that leaves the question: where do folks go to find written public comments. That could be listed as an additional point under: Written. For example: *Written comments related to topics on a particular public meeting’s agenda are posted at the end of the minutes for that meeting.* Then add instructions on how to navigate to meeting agendas and minutes. [This does not seem to be very user/public friendly. We are hoping your web designer will have a better idea for this.]
- **Exhibits/Written Remarks** - Consider repeating the suggested solution statement re: Exhibits/Written Remarks as revised below in UIPA BP-01 2.0 SECTION XIV. Public Hearings, 3rd bullet point. Here is that **SUGGESTED SOLUTION STATEMENT:** *If you have written remarks, documents, or other items you may want the board to review, do not approach the dais. Staff will take any information you have (in hard copy or via email attachment) and distribute.* For further explanation, see: **Exhibits/Written Remarks** below.

- **Public Comments at Hybrid Meetings** – Two other bullet points in BP-01 2.0 Section XIII. Public Commentary raise significant concerns from a public perspective:
 - **Prioritizing Certain Comments** (Paragraph 1 of 2): *If the meeting is being held as a hybrid option (in-person and virtual) the public comment period will allow in-person public commenters first, and, if there is time, virtual commenters. The chair may prioritize residents or property owners affected by project area presentation, creation, or amendment.*
 - **Altering Public Comment Periods** (Paragraph 2 of 2): *We may not get to all members of the public who wish to participate. The chair, in their sole determination, may alter any portion of the public comment period based on topic, time, or other considerations.*
 - **MAJOR CONCERNS:** These paragraphs represent significant setbacks from previous methods of taking comments where the UIPA Board rotated comments between those who were in the room and those who were online without consideration of viewpoint. Current policy and practice upholds equal protection and due process principles without favor or viewpoint-based discrimination. This is an equitable method and should not be abandoned. Further, the revised paragraphs give the chair wide, inappropriate, and unbridled discretion to limit who can provide public comments, infringing on due process and First Amendment rights.
 - **SUGGESTED SOLUTIONS:**
 - If the meeting is being held as a hybrid option (in-person and virtual) the public comment period will ~~allow~~ **alternate between** in-person public commenters ~~first, and, if there is time,~~ virtual commenters. ~~The chair may prioritize residents or property owners affected by project area presentation, creation, or amendment.~~
 - *We may not get to all members of the public who wish to participate. The chair, in their sole determination, may alter ~~any portion of the~~ **length of** the public comment period ~~based on topic, time, or other considerations.~~ **to increase the time allotted. The amount of time designated for public comment must be at least the amount of time allocated on the agenda. If all comments have not been heard, the chair shall remind public commenters that questions and comments are always welcome on the UIPA website (<https://inlandportauthority.utah.gov/contact>).***

SECTION XIV: PUBLIC HEARINGS

- **Sufficient Time for Comments at Public Hearings** - BP-01 2.0 does not provide sufficient time for meaningful public comments. A 15 minute comment period of 2 minute comments per commenter provides for only 7 members of the public to briefly comment on the budget. That is not sufficient. Court rulings in Utah indicate a public hearing requires allowing public attendance, participation, and access. Further, while the [UIPA statute](#) does not define specific details for "public hearings" for budgets, precedents show hearings must enable all interested persons in attendance to have an opportunity to be heard (e.g., [Uniform Fiscal Procedures Act for Utah Cities \[10-6-114\]](#)). **SUGGESTED SOLUTION:** Make the following changes in bullet point #5 in the first paragraph of BP-01 2.0 Section XIV. Public Hearings:
 5. *Members of the public may comment on the budget*
 - a. *Comments are limited to the topic of the budget ~~only~~ and must be non-repetitive during a public hearing;*
 - b. *~~Comments are limited to 2 minutes per person;~~*
 - c. *Individuals may only speak once during public comment period; and,*
 - d. *~~Public comment period is limited to 15 minutes~~*
- **Recording Equipment Making Others Uncomfortable** – The first bullet point on page 10 of BP-01 2.0 Section IV states: *If you have questions about proper placement of recording equipment or recording*

*in general, coordinate with staff prior to the meeting to ensure it does not disrupt the meeting or make others **uncomfortable**.* This bullet point is in direct conflict with [OPMA 52-4-203\(5\)](#) which states: *All or any part of an open meeting may be independently recorded by any person in attendance if the recording does not interfere with the conduct of the meeting.* Restricting recording equipment at public meetings of the UIPA Board is inappropriate when based upon a belief that the recording equipment may "make others uncomfortable." In fact, OPMA 52-4-203 generally allows recording open meetings. Prohibitions require a reasonable basis per [OPMA 52-4-201](#), not just discomfort. **SUGGESTED SOLUTION:** *If you have questions about proper placement of recording equipment or recording in general, coordinate with staff prior to the meeting to ensure it does not disrupt the meeting ~~or make others uncomfortable~~.*

- **Exhibits/Written Remarks** - On page 10 of UIPA BP-01 2.0 in SECTION XIV, the 3rd bullet states: *If you have written remarks, documents, or other items you may want the board to review, do not approach the dais. Staff will take any information you have and distribute.* However, virtual participants are not instructed on how or when to submit material for the board's meeting. **SUGGESTED SOLUTION:** *If you have written remarks, documents, or other items you may want the board to review, do not approach the dais. Staff will take any information you have **(in hard copy or via email attachment)** and distribute.* Another option for electronic submissions might be via an electronic document upload form.

Thank you for receiving our comments and please let us know if you have questions about any of the items addressed above.

STPP Coalition Communication Improvement Team:

Joan M. Gregory, joanmzg@gmail.com
Ann O'Connell, connell@xmission.com
David Bennett, davidbennett@mac.com
Deeda Seed, DSeed@biologicaldiversity.org
Katie Pappas, kpappas56@yahoo.com
Lionel Trepanier, lioneltrepanier@gmail.com
Stan Holmes, stholmes3@xmission.com
Tussy King, tking461@yahoo.com

Last Update: 8/3/2023

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Comments received 8/17/2023 from STPP Coalition Communication Improvement Team

Good Morning, Larry, Amy, Ben and Miles,

Thank you for taking time to review our comments re: UIPA's BP-01 v.2 Open & Public Meetings.

Thank you also for making quite a number of changes:

- II. Regulatory / Legislative Requirements. Listing of additional relevant statutes.
- IV. References. Addition of BP-06 and the UIPA written comment link.
- VIII. Public Notice. Addition of the 10 day notice for draft project area plan based on 11-58-502.
- XI. Electronic Meetings. Reorganization of this section.
- XII. Agenda. #3 Addition of the statement: *Agenda will include the topics to be discussed with reasonable specificity;*

- XIII. Public Commentary. Addition of the Written Comment section.
- XIV. Decorum. Rephrasing of the third bullet point and addition of information on how to submit physical and electronic materials to the Board.

While looking over the newly revised version of the policy this week, we noticed some additional small changes we recommend:

- II. Regulatory / Legislative Requirements.
 - SUGGESTED CHANGE: Include links to the statutes.
 - This would be very helpful - for UIPA staff and Board as well as for the public.
- IV. References.
 - SUGGESTED CHANGE: Include a link to BP-06.
 - Links save time for all.
- VI. Roles & Responsibilities - Board Chair - PROPOSED CHANGES:
 - SUGGESTED CHANGE: *Approve agenda, convene and conduct **electronic** board meetings,*
 - This responsibility applies to both in-person and electronic meetings.
- VIII. Public Notice
 - SUGGESTED ADDITION: *UIPA shall give public notice at least once each year of its annual meeting schedule specifying the date, time, and place of the scheduled meetings.*
 - OPMA 54-2-202(2)(a) requires annual posting of a meeting schedule for the coming year. UIPA is already doing this posting, so this seems to be an appropriate place to reference this requirement in UIPA policy.
- IX. Minutes
 - SUGGESTED MOVE of one sentence to XV. Rules of Decorum: *Board members are encouraged to refrain from transmitting text messages to other members of the board during an open meeting.*
 - This sentence seems to be out of place in the Minutes section. We suggest moving it to XV. Rules of Decorum.
- XI. Electronic Meetings
 - SUGGEST REMOVAL of the **WITH ANCHOR LOCATION** section on page 8.
 - It appears to fully duplicate the information on page 7.
- XII. Agenda. #7
 - SUGGESTED CHANGE: *The board may not take action on any item not listed on the agenda. However, at the Chair's discretion topics ~~may be~~ raised by the public but not on the agenda may be discussed during an open meeting. Items may be placed on a future agenda for action.*
 - In other words, if a member of the public makes a public comment about a topic that is not on the agenda, the Board, at the Chair's discretion, may discuss that topic.
- XIII. Public Commentary. Written Comment.
 - REMOVE DUPLICATE WORDS: Written public comments ~~public comments~~ submitted to the UIPA website will be included in the board meeting minutes.
- XIV. Decorum. 5th bullet point.
 - The 5th bullet point now states: *If you have written remarks, documents, or other items you may want the board to review, do not approach the dais. Staff will take any information you have in hard copy and distribute or you may follow the Written Public Comment instructions section set forth in this policy.*
 - The new phrasing answers some of our questions. But IF a person attends a meeting in-person, it is relatively easy for them (following the instructions) to share a photo or a document with the Board in hard copy at the meeting. But IF they are attending electronically, using the Written Public Comment form is not likely to get the photo or document into the hands of the board members at the meeting.
 - What would work as a solution to this problem?

We have come far in these discussions and revisions of BP-01 Open & Public Meetings. However, and once again, it appears that we have very different perspectives on **public comments** and **public hearings** which relate to:

- VI. Roles & Responsibilities - Board Chair
- XIII. Public Commentary
- XIV. Public Hearing

We suggest that it is time again to discuss these three sections of the policy. We request an in-person meeting at the Utah State Capitol on a date and time agreeable to all of us. Due to scheduling constraints that meeting will need to take place after September 10, 2023. Please let us know when might work for us to have this conversation.

In the meantime, we propose that BP-01 v.2 is **not** ready for a vote at the Monday, August 21, 2023 UIPA Board meeting and should be **held** until after our conversation takes place.

STPP Coalition Communication Improvement Team:

Joan M. Gregory, Facilitator, joanmzg@gmail.com, 801-949-2906

Ann O'Connell, oconnell@xmission.com

David Bennett, davidbennett@mac.com

Deeda Seed, DSeed@biologicaldiversity.org

Katie Pappas, kpappas56@yahoo.com

Lionel Trepanier, lioneltrepanier@gmail.com

Stan Holmes, stholmes3@xmission.com

Tussy King, tking461@yahoo.com

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Comment received 8/15/2023 from Nena Alexander

I have huge concerns with the proposed plans to build a massive complex next to the Bear River Refuge. Has an environmental impact study been conducted? Has this been open to public comment? As someone who visits this area at least once a month it would be heartbreaking to lose such a unique area of migratory birds and other wildlife. Please reconsider.

Comments received 8/16/2023 from Ellis Daragon

Hi, I am AGAINST the inland port being built near the Bear River Migratory Preserve. I understand that Utah is growing and industry is a good thing, but we have to take care not to destroy our natural spaces in the process of expansion. The migratory preserve is vital habitat to our bird species and other wildlife that depend on the marsh ecosystem. It is also prime recreational space for residents of Salt Lake City and surrounding areas, who want to visit wild spaces and connect with nature.

Please find an alternate location for the proposed inland port.