

Utah Inland Port Authority Board | 2019

Utah Inland Port Authority Board Meeting Minutes

January 23, 2019 • 4:00 p.m. – 6:00 p.m.

Governor's Office of Economic Development

60 E South Temple, 3rd Floor

Salt Lake City, UT 84111

Board Members Present:	Lara Fritts, Derek Miller, Francis Gibson, Garth "Tooter" Ogden, Nicole Cottle, D.Gregg Buxton, Ben Hart, (by phone)
Board Members Absent:	Carlos Braceras, James Rogers, Michael Jensen
Others participating in meeting and staff:	Christopher M. Conabee, Paul Morris, Nick Tarbet, Robert Nutzman, Larry Shepherd, Jill Flygare, Tom Wadsworth, Aimee Edwards, Owen Barrott, Craig Sabina, Jim Grover, Kamron Dalton, Cassidee Feinauer
Others in attendance:	Monica Hilding, Marlene Jennings, Dean C. Dinas, Dorothy P. Owen, Melissa Meier, Darren Eyre, Roger Borgenicht, Amy Floor, Kory Neider, Greg Nelson, Michael Cundick, Deeda Seed, Lynn Pace, Kathryn Fitzgerald, Jessica Reimer, Ty Markham, Thea Brannon, Bradey Hooic, Aldo Tavares, Christopher Pengra, Kathy Van Dame, Gary Ferguson, Cinda Johnson, Angie Keeton, Heather Dove, Steve Erickson, Juliette Tennert, Jon Nepstad, Terry Marasco, David Scheer

A. Welcome

Chairperson Miller welcomed the public and board members to this Utah Inland Port Authority Board Meeting.

Pledge of Allegiance

The Utah Inland Port Authority's interim administrator, Christopher M. Conabee, lead the Pledge of Allegiance.

Approval of Previous Meeting Minutes:

Board member Ogden moved to approve the minutes of the December 12, 2018 and December 27, 2018 board meetings.

Board member Cottle seconded the motion.

The motion was approved unanimously.

B. Discussion Items:

#1 Timelines and Process for Public Outreach and Possible Public Outreach Phases 2 and 3.

Interim Administrator Conabee, described the timeline and process for public outreach including stakeholder involvement and public outreach throughout all phases and a focus on scenario analysis (looking, listening to the community, understanding needs) during the initial phase. He spoke of the decision to keep the initial RFP only to Phase 1 as an attempt to be fiscally responsible, learning more about what is needed and judging the performance of the contractor before spending additional monies. Phase 1 will include many surveys and public meeting. Phase 2 will include developing a preferred scenario and receiving technical analysis. Establishing a baseline – exploring what would happen to air pollution, for example, if we do nothing is a critical part of the process. Phase 3 will include identifying an optimal scenario and applying a business strategy and financing strategy. He noted that there is not a calendar for completion of each of the phases though he expects Phase 1 could be completed relatively quickly. He identified other staff assisting on this item with the Inland Port Authority including the board's legal counsel, Paul Morris, Jill Flygare of GOED operations, Tom Wadsworth of GOED corporate recruiting, Aimee Edwards of GOED communications/media, and Cassidee Feinauer of State Purchasing.

Chairperson Miller asked Interim Administrator Conabee to discuss his efforts to lead a similar process for the Utah Point of the Mountain Commission and any applicable thoughts and insights from that experience.

Interim Administrator Conabee spoke of how the process undertaken by the Point of the Mountain Commission identified factors including projected growth that altered the planning process in ways they would have never initially imagined. He emphasized identifying public concerns and working to build scenarios that address those concerns.

Chairperson Miller invited board questions on the public engagement process.
There were no questions from the board.

#2 Utah Open Meetings and Government Records Access and Management Act Training

Chairperson Miller asked the board's legal counsel, Paul Morris, to provide this training.

Paul Morris noted that this training fulfills the requirement for annual open meetings training for the board. Under the GRAMA statute, he discussed with the board what constitutes "protected records" and that they would include documents received from companies including trade secrets, proprietary information about their competitive advantage, or processes or solutions. He noted that in many cases the person providing the documents would need to request that the documents be protected at the time they were given to the board. In fairness to companies the board will deal with,

board members should request and receive the justification for keeping any document confidential prior to receiving the documents. A form for that purpose will be provided. He noted that the board has an approved process for dealing with GRAMA requests.

Paul Morris told the board that compliance with many of the requirements within the Open Meetings Act fall to the board chair and staff – meeting agendas, notices, minutes, recordings, etc. He reminded the board that a meeting requires a quorum, a majority of the members of the board, and that the board can take action with the vote of the majority of those present. To close a meeting requires a 2/3 vote of those present, a roll-call vote, and an acceptable reason for closing the meeting must be stated. Board members are not allowed to email or send text messages to one another during the meeting – deliberations and conversations must be public. Board members are allowed to attend public functions and social events where a quorum of the board may be present but cannot congregate and discuss the business of the board.

Chairperson Miller invited questions from the board. There were no questions.

#3 Presentation from Tooele County

Tooele County officials were unable to attend the meeting and will reschedule.

#4 Tax Differential Policy

Interim Administrator Conabee provided an update on the tax differential policy. Early drafts of that policy produced by Board Member Hart have been circulated to the board and made publicly available. More substantive revisions are in work now and will be presented to the board in the near future.

Paul Morris credited Board Member Hart for his work on the policy and his work with other taxing entities. He noted the difference between tax increment and tax differential and detailed the suggestions he offered for how tax differential will be used among the four funds – administrative, housing, municipal services, and development.

Chairperson Miller thanked Paul Morris, Interim Administrator Conabee and other staff for their professional services to the board in their work on this policy and other items.

Board Member Fritts asked that the board receive copies of the latest draft with enough time in advance of the next meeting to review it. Chairperson Miller agreed.

#5 Executive Director Report

Interim Administrator Conabee reported on some of the recent work of staff. Staff cleaned up some confusing information that was on the public web site about board terms. A media policy has been drafted. Staff plans to issue a news release following board meetings to highlight accomplishments. The purpose of the media policy is to provide a coordinated communication effort for the board. Staff and board chairs have discussed holding board meetings in areas in or near the inland port. Staff is also working on some items that will be needed further down the road such as policies for travel, credit card accounts, and banking. Cassidee Feinauer of state procurement has been working with staff on the RFP for public outreach. Staff has also been coordinating on a process for vetting candidates with Craig Sabina who is conducting the executive search.

The business plan RFP closed on Jan. 18, 2019. There were four applicants. No formal review process has been undertaken by staff awaiting input from the public engagement process to be folded into the business plan. He would like to move forward on that in the coming month.

Chairperson Miller invited comments from the board on the executive director report.

Board Member Fritts suggested that a good location for an offsite meeting of the board would be a school on the west side that is impacted by the inland port. Interim Administrator Conabee agreed that there are schools that will be directly impacted and spoke of his desire as staff to hold meetings and receive public input from those in the area over the next 60-90 days so the board could go in with facts and scenario planning.

Board Member Gibson asked about the timeline for the business plan RFP. He expressed interest in moving the selection of the business plan RFP forward while initiating the public input process.

Chairperson Miller said it was his hope that if the proposals for the business plan were ready for review that selection could be made at the board's next meeting.

C. Action Items

#1 Media Policy

Aimee Edwards reviewed the policy. Its purpose is to respond to inquiries in a coordinated way and not to restrict board members from interactions with the media. The aim is to be responsive to media requests, supportive of board members, transparent, coordinated and professional.

Chairperson Miller noted Aimee Edwards' previous media experience and asked that she speak to the consistency of this policy with similar policy she has seen before.

Aimee Edwards noted that this policy was consistent with policy in the Governor's Office, the Governor's Office of Economic Development, the Point of the Mountain Authority and others she has seen outside of government.

Board Questions:

Board Member Ogden asked about the distribution of news releases from the board.

Aimee Edwards said that news releases would be disseminated statewide to news outlets, to board members, and to any other who would want to be included on the list.

Public Comments:

Aldo Tavares noted that the board had previously opted not to vote on items in the first meeting at which they appeared on the agenda, to allow for public input. This action item has not been on the agenda previously.

Chairperson Miller responded that the board practice mentioned was a precedent, but not a policy of the board. It is his feeling that this item is noncontroversial and needs to be in place as the board and staff move forward with the public engagement process.

Motion:

Board Member Buxton moved that the media policy be adopted as presented. Board Member Ogden seconded the motion. The motion carried unanimously.

#2. Agreement with the Utah Local Governments Trust for Insurance Coverage

Jill Flygare stated that the Utah Inland Port Authority has recently learned that the board does not have liability insurance coverage under the Utah Division of Risk Management. She was tasked with finding private coverage for the board. She has received three quotes for public official's liability and general liability insurance for the board with coverage of \$1-5 million. Company 1 provided a quote of \$5,000 to \$8,000 per \$1 million of coverage with a \$5,000 deductible for public official's liability and the same cost for general liability coverage. Company 2 was \$10,000 per \$1 million dollars of coverage for public official's liability and general liability coverage. Company 3 was \$5,000 for \$2 million of coverage of both public official's liability and general liability coverage.

Paul Morris stated that the most cost-effective option would be the insurance provided by company 3, the Utah Local Governments Trust. He noted that this entity has been around for years and insures most of Utah's smaller counties and hundreds of cities, local districts and school districts in the state. The Military Installation Development Authority (MIDA), an authority similar to the Utah Inland Port Authority, has been insured since its inception with the Utah Local Governments Trust.

Board Questions:

Board Member Buxton mentioned a conversation with Todd Kiser, the commissioner of the Utah Insurance Department, who raised caution about the importance of the training provided by the insurer and verifying that the entity providing the insurance had sufficient assets to cover a serious claim. Paul Morris responded from his experience with training provided and the history of the creation of the Utah Local Governments Trust, its growth and the groups it insures.

Board Member Fritts asked if the board could get just a director and officer's policy and what level of coverage was recommended. Paul Morris responded that under the recommended policy the board was getting \$2 million of coverage of both public officer's liability and general liability for \$5,000.

Public Comment:

Chairperson Miller invited public comment on this item. There were no public comments.

Motion:

Board Member Cottle moved to accept the resolution provided to enter into an agreement with Utah Local Governments Trust for the coverage as detailed, effective January 23, 2019. Board Member Ogden seconded the motion. The motion carried unanimously.

#3. Executive Director Search Update

Craig Sabina, executive director search consultant with McDermott & Bull, provided an update on the search. The firm has engaged approximately 120 candidates and has made six formal recommendations, including one Utah candidate. They will continue their outreach until a candidate is selected. They would like to conduct video interviews with candidates in the next week or two, bringing the top 3 or 4 candidates to Salt Lake City during the third or fourth weeks

of February. An offer could be extended, subject to reference and background checks, in late February or early March with a start date for the new executive director of April 15 or May 1, allowing for some overlap with the time contracted with the interim administrator.

Interim Administrator Conabee asked that Craig Sabina speak to the quality of the candidates recommended. Craig Sabina stated that there were candidates that have been in significant port leadership positions from various areas in the US. There is a candidate that has recently left the US congress and a good local candidate. There is tremendous excitement and interest in this position and this opportunity.

Board Questions:

Chairperson Miller invited comments and questions from the board.

Board Member Fritts asked when the board would see resumes from the recommended candidates. Craig Sabina replied that the resumes have been given to staff and the next step would be to establish a subcommittee to evaluate the group of candidates.

Interim Administrator Conabee noted the importance of moving forward quickly and not leaving these candidates waiting.

Board Member Gibson agreed with moving forward quickly to meet the start date as outlined.

Chairperson Miller clarified that ultimately the entire board would vote to approve the selection of a new executive director but a smaller working group would do the initial vetting of the candidates. Vice Chair Rogers will head that group with Board Members Hart and Fritts participating. Interim Administrator Conabee will also participate with that working group.

Public Comments:

Chairperson Miller invited public comments to the board on the executive director selection process.

Dorothy Owen told the board that initially the community had encouraged the board to look at qualified international candidates for the position. She asked if any efforts had been made to solicit international interest in the position.

Craig Sabina replied that there have been international candidates, though the top six candidates at this point are all U.S. residents.

Motion:

Board Member Buxton moved to create the candidate selection working group as discussed. Board Member Fritts seconded the motion. The motion carried unanimously.

#4 Public Engagement Request for Proposal

At the invitation of the chair, Interim Administrator Conabee discussed the public engagement RFP. The RFP went out on January 7 and closed on January 18. Proposals were reviewed and scored by State Purchasing and GOED staff. There were three respondents, all of whom met the minimum requirements. Names of respondents were not provided in public meeting to protect from any potential negative assumptions surrounding the unsuccessful proposals. One of the respondents has significant experience in this type of public outreach work. An accompanying slide showed the following weighted scores for the three respondents. Respondent A, 52.8; Respondent B, 60; Respondent C, 100. The staff recommends the contract be awarded to Respondent C.

Board Questions:

Board Member Fritts expressed disappointment that there wasn't a more diverse group of reviewers for the RFP and indicated that she would not vote for an item that had not been reviewed by the full depth of the board.

Chairperson Miller and Interim Administrator Conabee noted the need to quickly review the RFP responses and that GOED staff and Salt Lake City Council staff who provide services to the Inland Port Authority Board were invited to participate in the review. Materials were also sent earlier in the day to all board members who had returned signed conflict of interest/disclosure forms. The RFP review was completed quickly so that it did not have to wait until the next board meeting for board approval.

Public Comments:

Dorothy Owen has provided a letter on the public engagement RFP and will hold her comments until the general comment period.

D. General Comments to the Board

Chairperson Miller invited general comments to the board at this time, noting that the board would move to executive session following comments for board discussion of responses to the public engagement RFP.

Marlene Jennings spoke to tax differential policy and endorsed the comments by Board Member Hart as recorded in the December 12, 2018 minutes where he noted that in considering future board ex-officio positions the board should consider that neither Magna Township nor Salt Lake City School District has a seat on the board. She asked if it was possible to know what comments and input on the tax differential policy came from the Salt Lake City School Board. Dorothy Owen said she was speaking for Richard Holman, co-chair of the Westside Community Council, who couldn't attend the meeting. He led out on the controversial issue of the public market at the Fairpark. The Westside Community Council worked with Salt Lake City on the RFP and offered input from the community in that process. The result was a positive agreement and cooperation. We hope the Inland Port Authority Board will use a similar approach in the future.

Heather Dove, representing Great Salt Lake Audubon, urged the Inland Port Authority Board to support the continuation of the truck ban on the Legacy Parkway. The design and intent of the parkway are beloved by residents. If truck ban is lifted to provide greater access to and from the inland port it would alter the character of Legacy Parkway including increases in noise, pollution, likelihood of accidents and negative effects on wildlife habitats and decreased quality of life for local residents.

Ty Markham, resident of Salt Lake City and Torrey, UT. She expressed curiosity over the mission of the board. Are it's purposes exploratory? She spoke to her experience in the Los Angeles area with traffic congestion and the decision to move away from that and return to Utah. Her fear is that an inland port could create the same problems in Utah.

Michael Cundick, co-director and founder of SLC Air Protectors, said he looks forward to engaging with the board in favor of air quality. We should not sacrifice air quality or health for economic gain. He encouraged the board to protect the ecosystem and air quality and to move at a pace that the public can engage and understand what the board is doing. He encouraged the formation of a community environmental council and asked that an environmental impact study be done.

David Sheer said that the inland port was a law, a board, some staff, and an aspiration for economic benefit. He feels there are people who have decided that this port is going to happen no matter what. He feels we need more information before determining the viability of the port. We don't know the costs of infrastructure, incentives to companies, and costs to the environment. We don't know if a second rail yard will be required with its costs and impacts. We don't know the markets for the goods moving through the port. We don't know if we'll be able to balance imports and exports within the port. Excluding any outcome, including the possibility of not having a port is premature. He questioned whether the public engagement consultant can construct scenarios without more information.

Terry Marasco said he had been touring the inland port jurisdictional area and saw signs marketing various uses for land there, including logistics warehouses. He asked how business activity already occurring in the area was going to impact the business plan of the inland port.

Interim Administrator Conabee replied that privately owned lands within the port's jurisdictional area are entitled and open to development by private owners. Giving his personal opinion, Interim Administrator Conabee suggested that a mass amount of uncoordinated warehousing and package delivery would contribute to the air quality problems that many fear. He said those fears and pressures were spurring the board's desire to move expeditiously. We agree these concerns are real, though we may disagree on how to address them. We can't pretend that doing nothing is a solution. Chairperson Miller reiterated that the lands within the port area are privately owned. The port does not own the land. The state and city do not own the land. The privately owned lands were entitled and zoned by Salt Lake City. The job of this board is to hopefully guide the development so that we don't see some of the problems that would inevitably come if nothing is done.

Dean Dinas asked to what extent the technical advisory committee will interact with the public outreach effort. As the technical advisory committee accepts input from experts how will that information flow to the public? He suggested that the technical advisory committee be empowered to evaluate best available control technologies and environmental impact statements from contractors.

Dorothy Owen provided a letter to the board concerning the RFP for public engagement. Her concerns were with the timeline, the vagueness of the original RFP and the lack of emphasis on environmental issues. She was pleased that when she got the RFP those concerns had been addressed. The RFP lays out a better timeline and talks about doing it right, not just doing it fast. We appreciate you listening to the community on that issue.

Closed Session:

Motion:

Board Member Buxton moved to enter closed session for the purpose of discussing the character, and professional competence of an individual and to act as an RFP selection committee under the state procurement code. Board Member Ogden seconded the motion.

The motion was approved by a roll call vote.

Board Member Cottle: Aye
Board Member Ogden: Aye
Board Member Fritts: Aye
Board Member Buxton: Aye
Board Member Gibson: Aye
Board Member Hart: Aye
Chairperson Miller: Aye

Return to Public Session:

Chairperson Miller welcomed the board and public back into public session.

Motion:

Board Member Gibson moved to accept staff recommendation and award the contract for public engagement to Respondent C. Board Member Ogden seconded the motion. The motion was approved on a vote of six to one, with Board Member Fritts voting no.

Interim Administrator Conabee announced that Respondent C was Envision Utah and their score including analysis of cost was 142.9. The second place response received a score of 60 points and the third place score received 52.8 points.

Chairperson Miller noted that the contract with Envision Utah would be handled by Interim Administrator Conabee. He noted that the board congratulates Envision Utah and the board and public are eager to get started and are confident that Envision Utah will do a good job.

Adjournment:

With no objection, Chairperson Miller adjourned the meeting.

Utah Inland Port Authority

EXPANDING ECONOMIC OPPORTUNITY



UTAH
ASSOCIATION OF
COUNTIES

The Unifying Voice for County Government

Purpose of this Presentation

- Multiple UAC members have expressed interest in working with the Inland Port
- Several counties are identifying potential port locations
- Provide further detail on statewide rail infrastructure



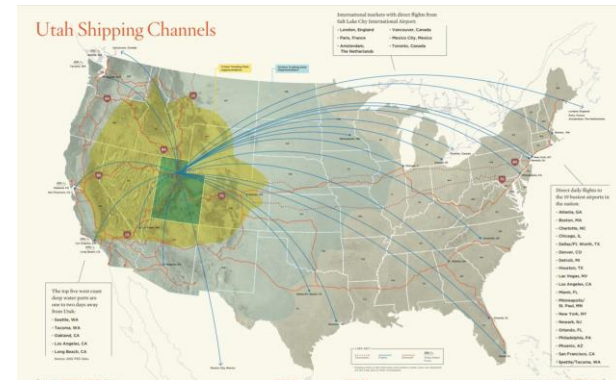
General Port Authority Functions

A public authority created by a legislative body to invest in and potentially operate ports and related transportation infrastructure



Utah Inland Port Functions

- Connecting Utah to the global supply chain
- Aligning Public and Private Investment
- Growing the overall economic pie of the state



Rethinking the Utah Inland Port

Present Approach:

- **Focused on a single site**
 - Major concerns raised by the public include air pollution, increased truck, rail, and air traffic, and job wages that don't meet levels that comfortably support living in SL County
- **Potentially adding to congestion**
 - Truck/air/rail traffic would be forced to originate from a single location
- **Limiting the benefit**
 - Economic benefit would be limited to the region housing the port



Multiple site approach:

- **Increased statewide focus with multiple sites**
 - Creating satellite locations in communities that want a port, bringing valuable jobs to overlooked communities
- **Leverages statewide transportation network**
 - Disperses emissions impact, traffic problems,
- **Expanding benefits**
 - Economic- comparatively high-paying wages
 - Environmental- softens emissions footprint by dispersing across the state
 - Community- Creates new long-term employment hubs

Community & Economic Benefits

- Creates a platform for job creation throughout the state including rural counties
- Attracts private investment to multiple areas of the state
- Acts as a Catalyst for the development of much needed infrastructure in the state
- Provides a more efficient path for Utah goods to enter the global supply chain





UTAH ASSOCIATION OF COUNTIES

The Unifying Voice for County Government



Presentation to Utah Inland Port Authority by Phillip Hoskins

February 27, 2019



Savage Introduction & Overview



Our Purpose: To Enable Our Customers and Partners to...



FEED THE WORLD



POWER OUR LIVES



SUSTAIN THE PLANET



Global Supply Chain Function

- Move material where it matters
- Move material timely
- Move material efficiently
 - Multi-modal – truck, rail, air, vessel
 - Requires collection and distribution points



Utah's Role in Supply Chains

- Crossroads of West
 - Connected to all major West Coast ports
 - Connected North, South, East, West
- Opportunity to connect **all of Utah** – including rural communities – to global markets
 - Connections traverse rural communities
- Existing, efficient rail infrastructure
 - Class Is
 - Shortlines



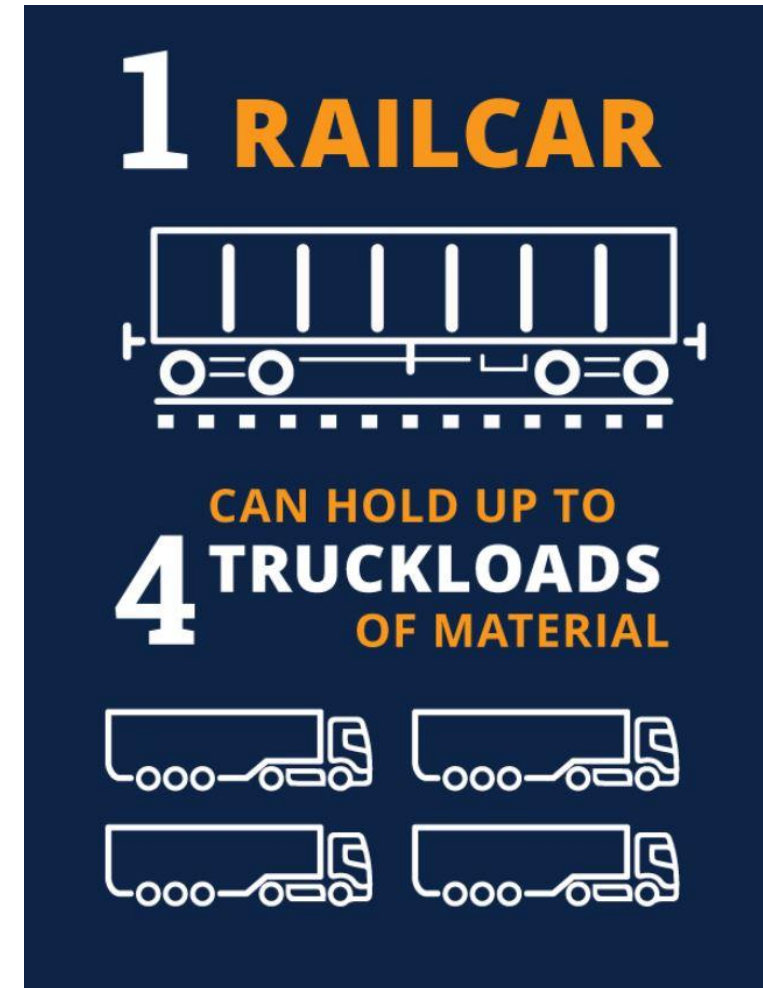
Statewide Rail – Critical to Utah

- Distributes benefits (jobs, economic benefit)
- Supports multiple locations
- Expands resource access
- Reduces pinch points
- Reduces truck congestion
- More efficient/competitive



Benefits of Rail Transportation

- Railroads pay for capital improvements
- Environmentally friendly way to move freight over land
 - On average, 4 times more fuel efficient than trucks
 - Lowers greenhouse gas emissions up to 75% (vs. transporting by truck)
 - Green technology
- Reduced road congestion and highway impacts
- Reach new markets



Source: AAR



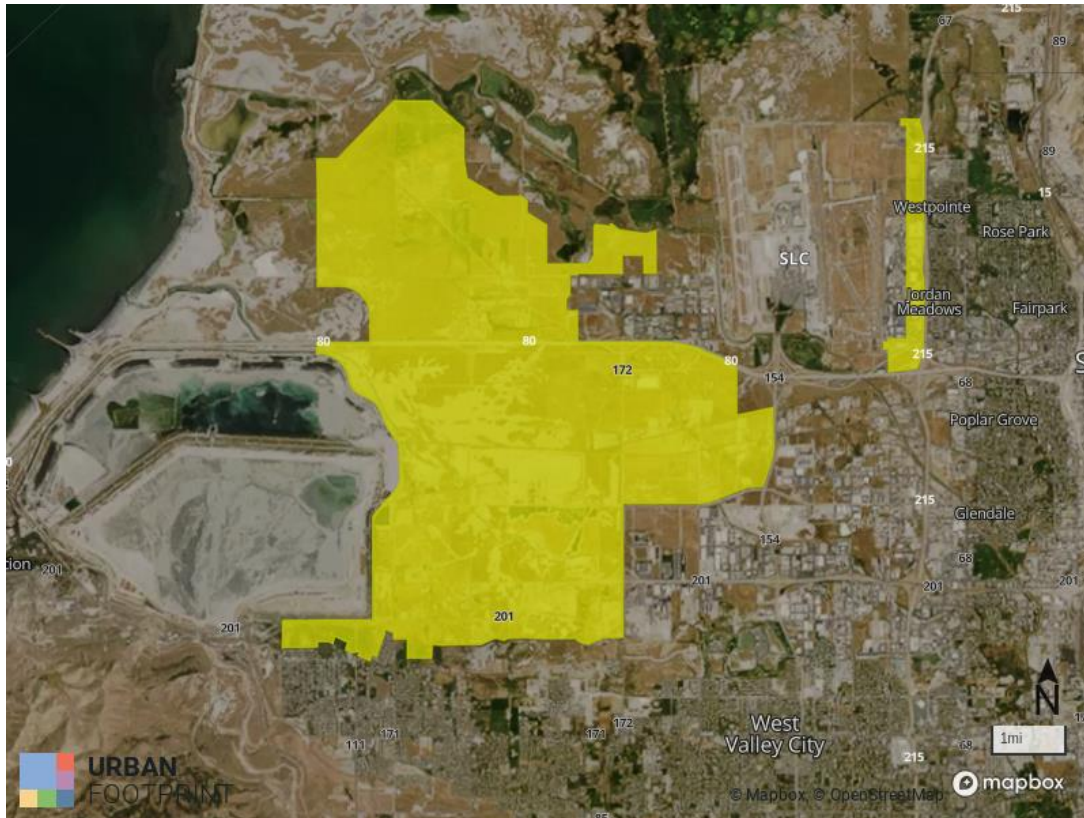
UTAH INLAND PORT

Public Forum
2/19/2019



UTAH INLAND PORT

The Utah Inland Port Authority



- An inland port is an intermodal logistics and distribution hub
- **The Inland Port Authority** was created during the 2018 State Legislative session
- Goals:
 - Engage with organizations and individuals
 - Establish a strategic plan to maximize economic and other benefits
 - Mitigate negative impacts of growth

Envision Utah — Who We Are

Founded in 1997 by concerned citizens

- Nonprofit, nonpartisan, voluntary
- Partnership of business, government, & community



**Envision
Utah** How we grow matters.

The Process



UTAH INLAND PORT

Phase 1:
Listening

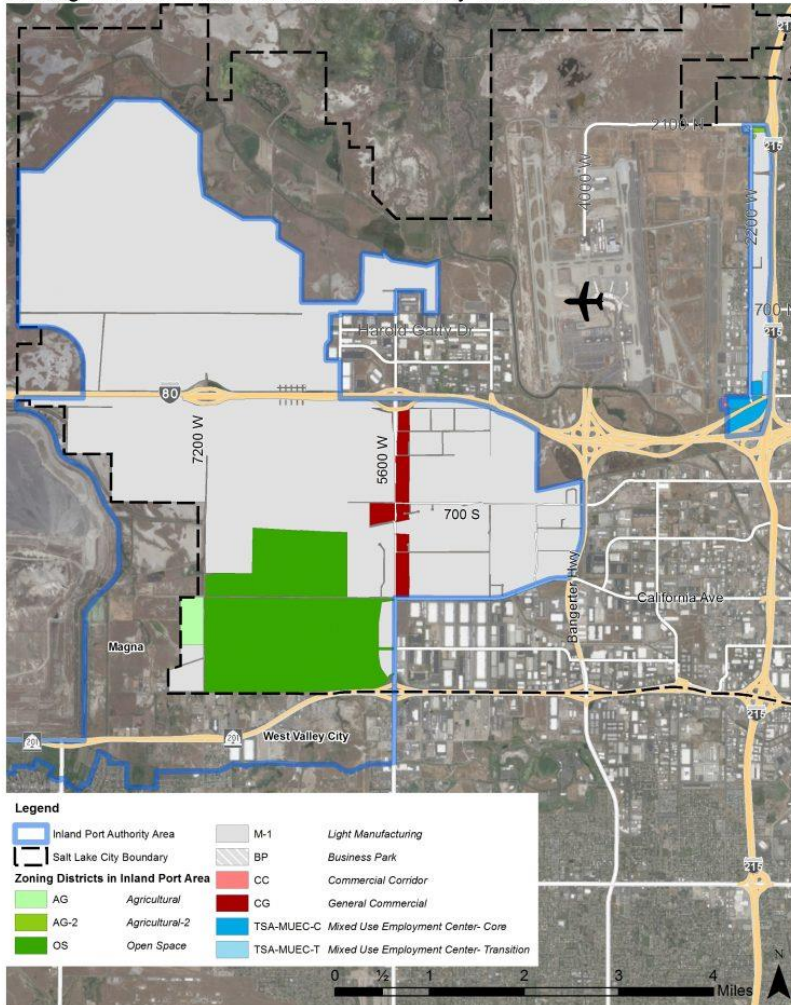
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Phase 2:
Scenarios

Phase 3:
Vision

Zoning

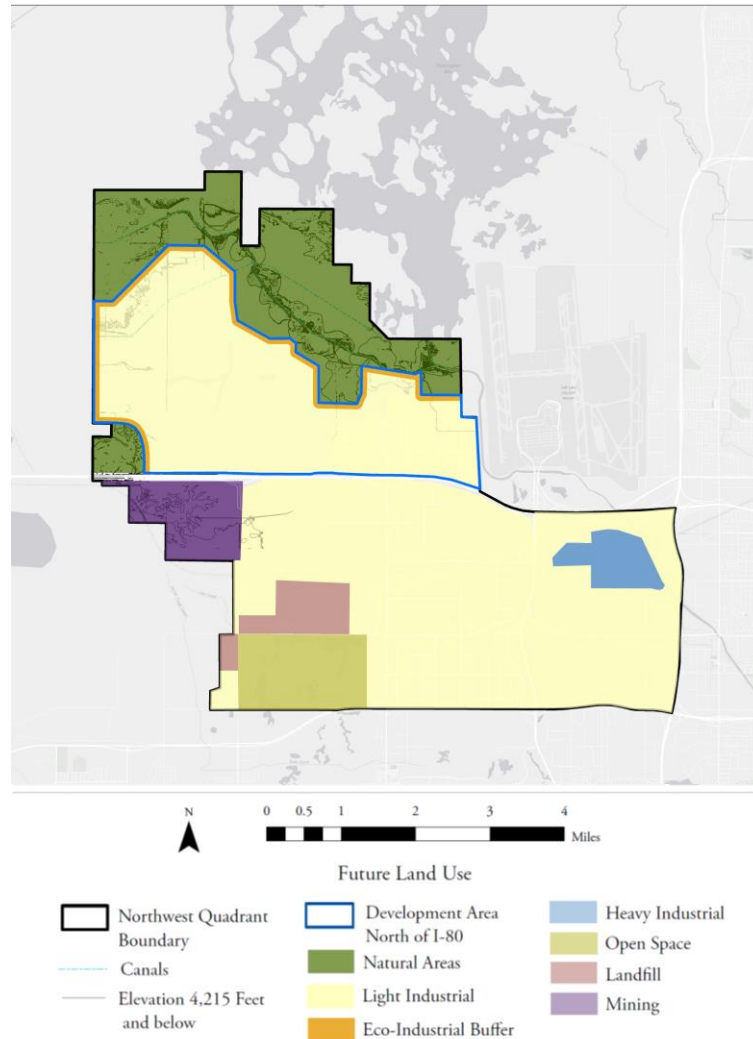
Zoning Districts Within Inland Port Authority Jurisdictional Land



Salt Lake City, Salt Lake County, and West Valley City zoned the Inland Port primarily as manufacturing, followed by agriculture and open space

Salt Lake City Zoning (prior to inland port overlay)

SLC Northwest Quadrant Master Plan



Preexisting plans by Salt Lake City and other local governments in the area call for future industrial, manufacturing, and related land uses, including an “eco-industrial park”

Other than the prison site and the old Salt Lake City Landfill (currently owned by SITLA), almost all of the land in the Inland Port is privately owned

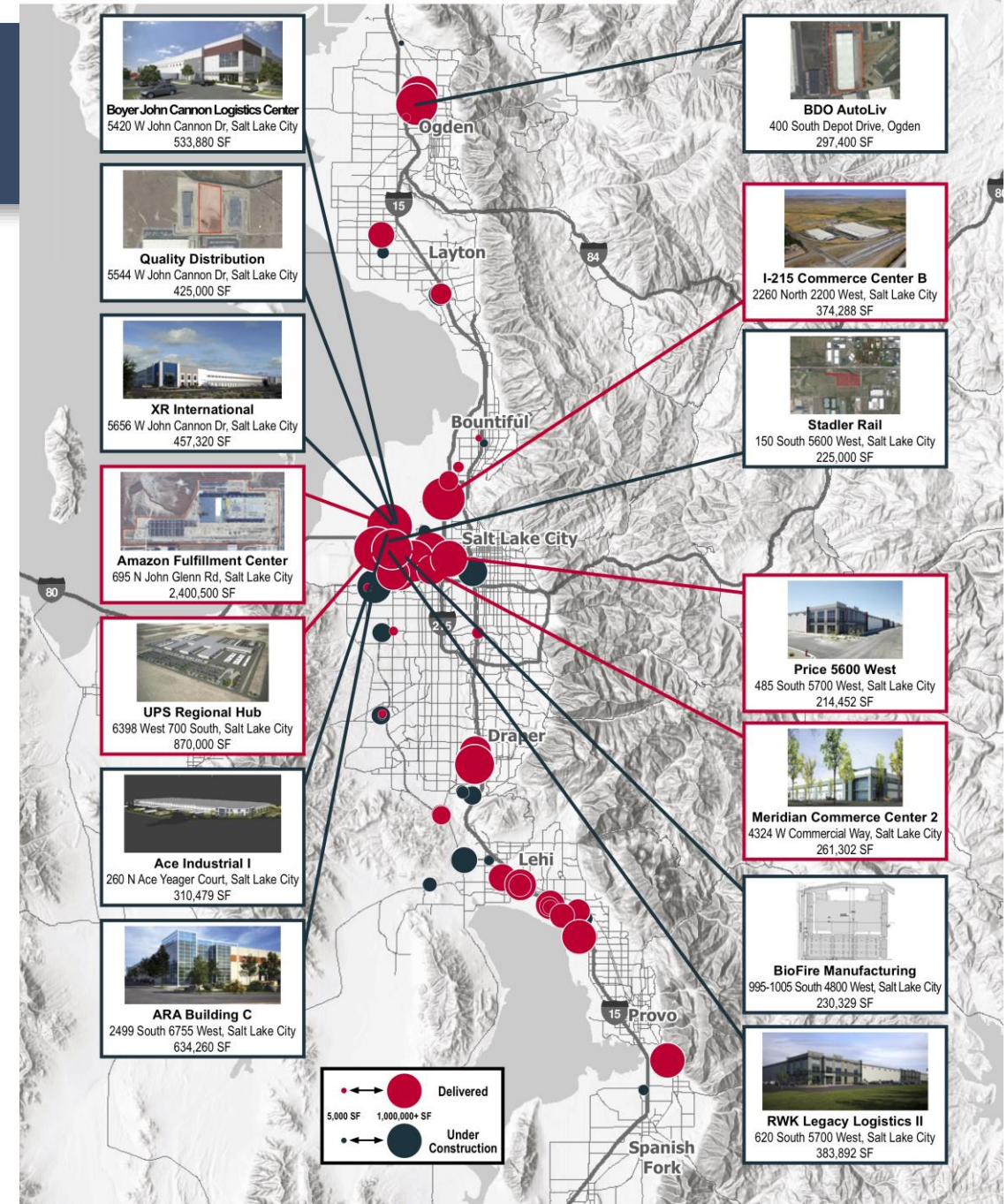


Development Trends

- Northwest Quadrant building inventory – 92 million square feet
- Space under construction 2018 – 4.2 million square feet
 - 97% of county total for industrial buildings
- Since 2009 there have been 66 new commercial building permits issued for the inland port area, with an approximate value of **\$462,855,000**

Source: Newmark Grubb Acres, Zions Public Finance, Wasatch Front Regional Council

2018 Under Construction and Delivered Buildings – The Wasatch Front





Scenarios



UTAH INLAND PORT

1

No Inland Port

2

?

3

?

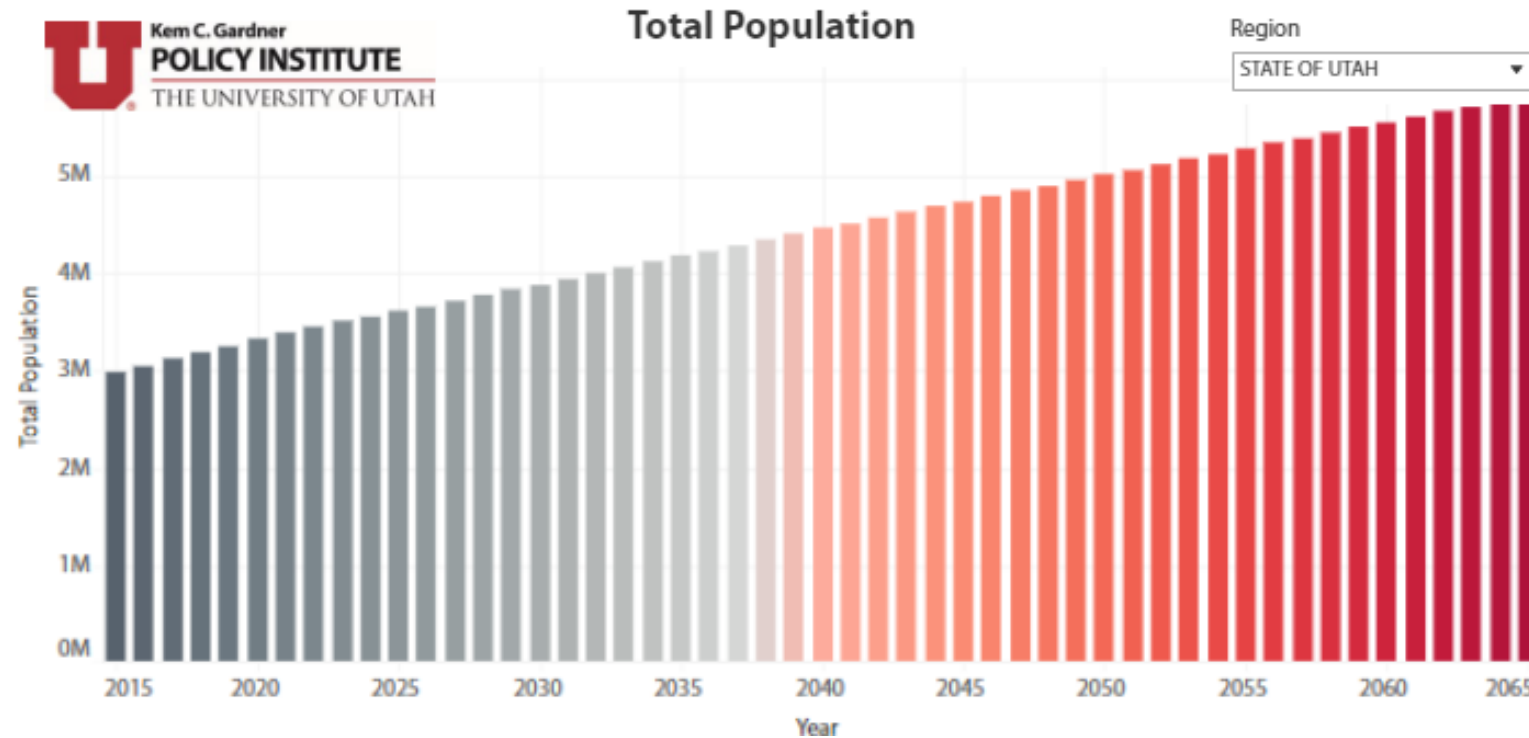
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Growth in Utah

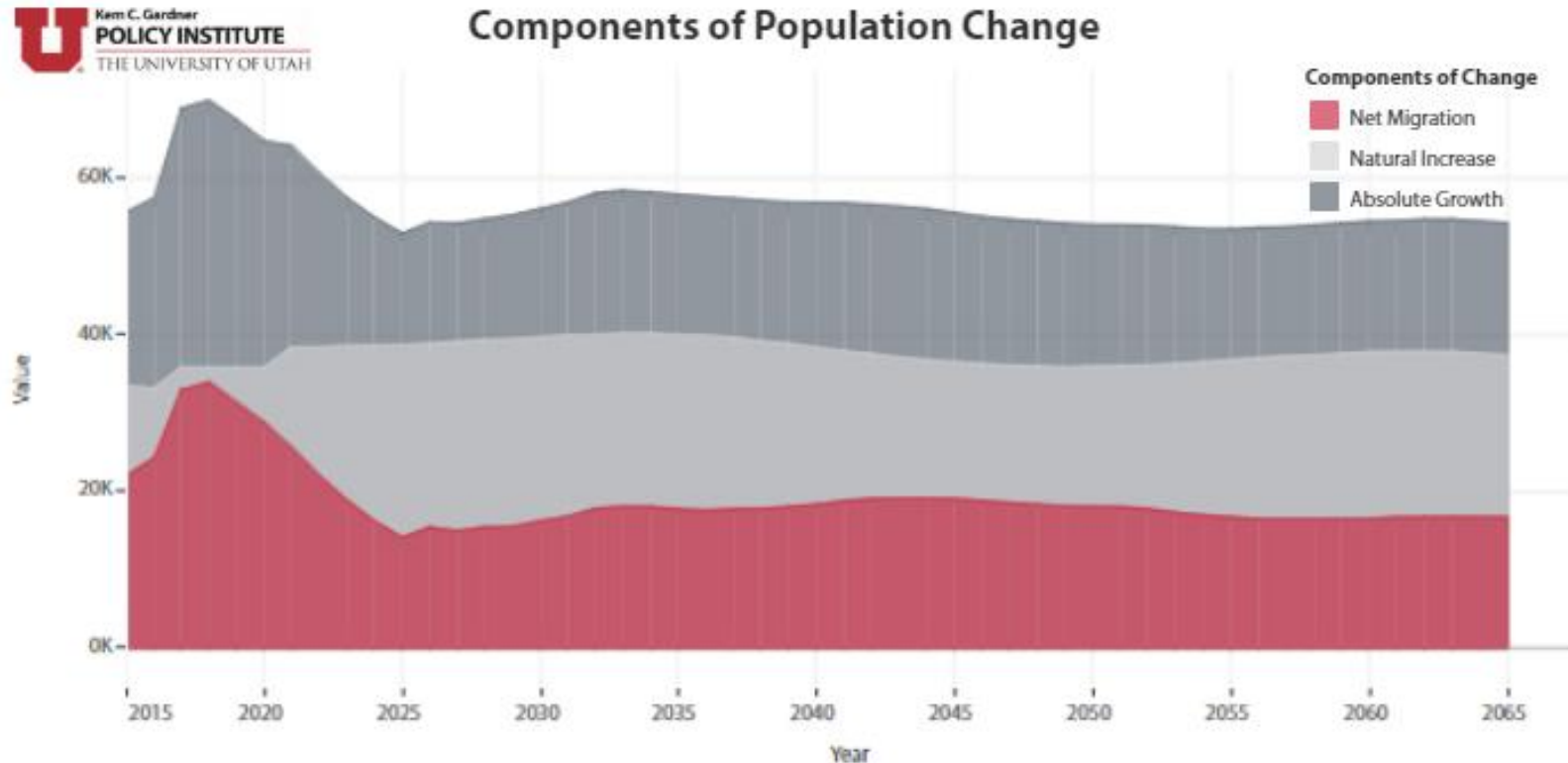


UTAH INLAND PORT



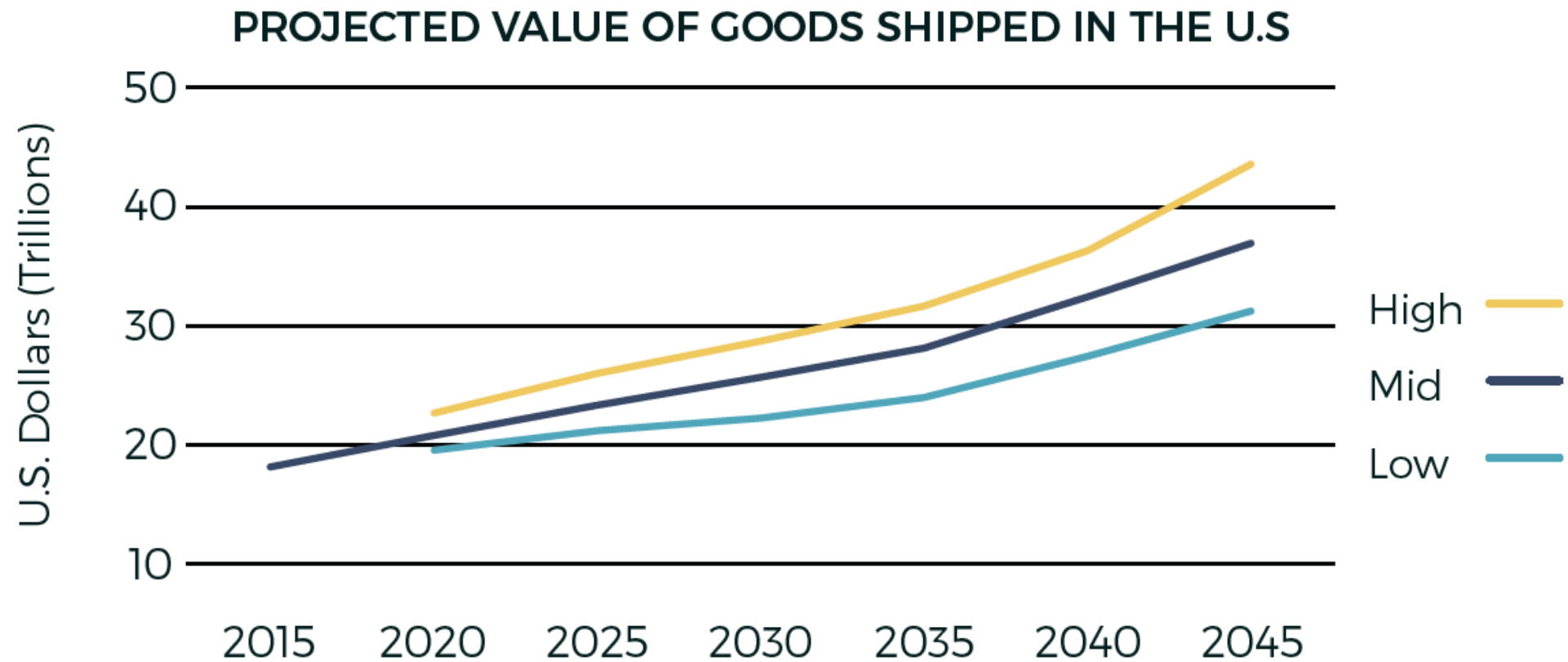
Utah has added almost 400,000 people since 2010. It is anticipated that our population will double between today and 2050.

Growth in Utah



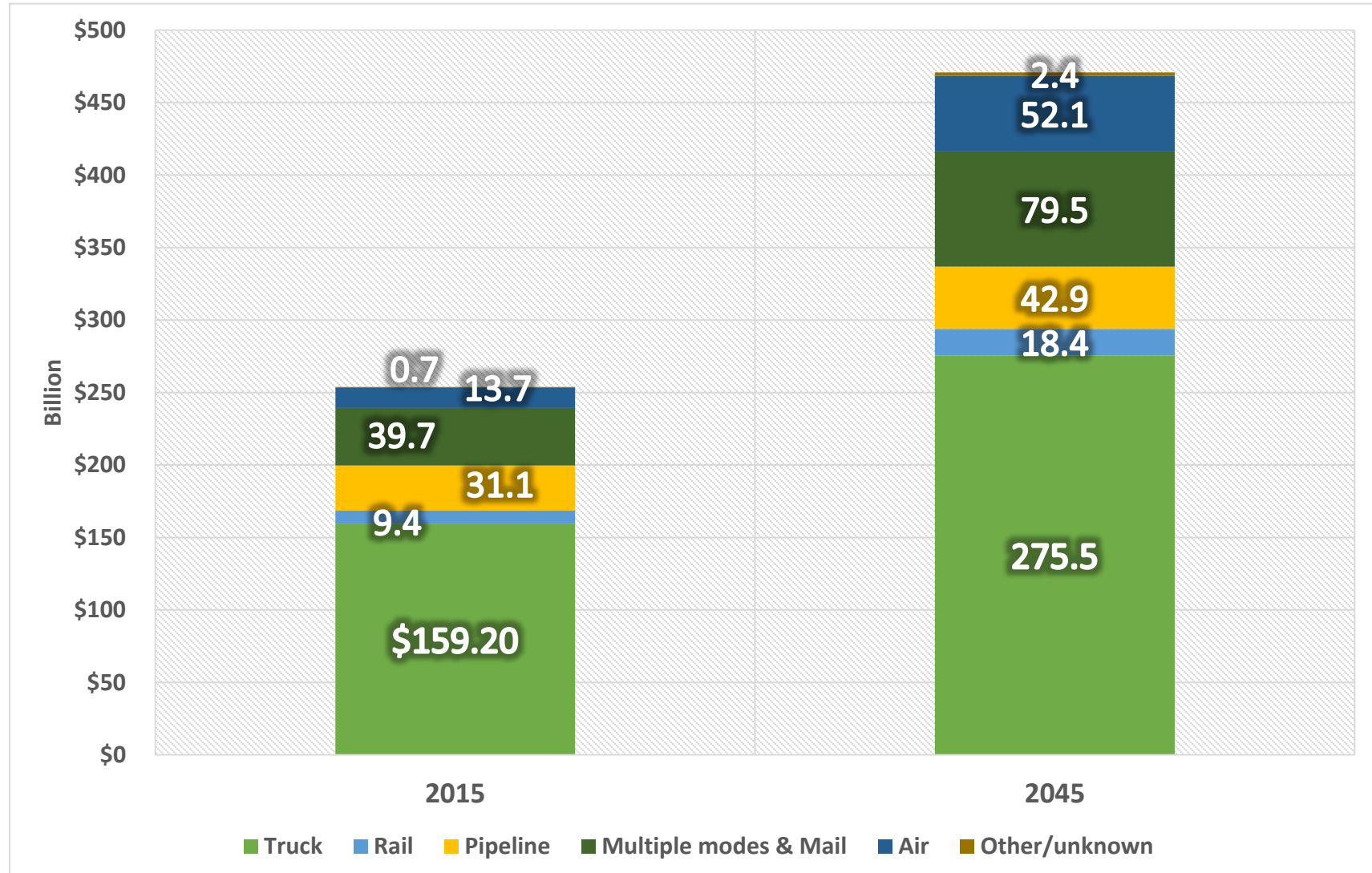
Two-thirds of Utah's growth is internal (births-deaths)

Value of Goods Shipped in the US



Source: U.S. Department of Transportation, Bureau of Transportation Statistics and Federal Highway Administration

Value of Goods Shipped in Utah



Source: Freight Analysis Framework
V 4, Federal Highway
Administration

Shipping Trends

E-Commerce Drives Global Package Shipping Volume to Rise 48% in Two Years



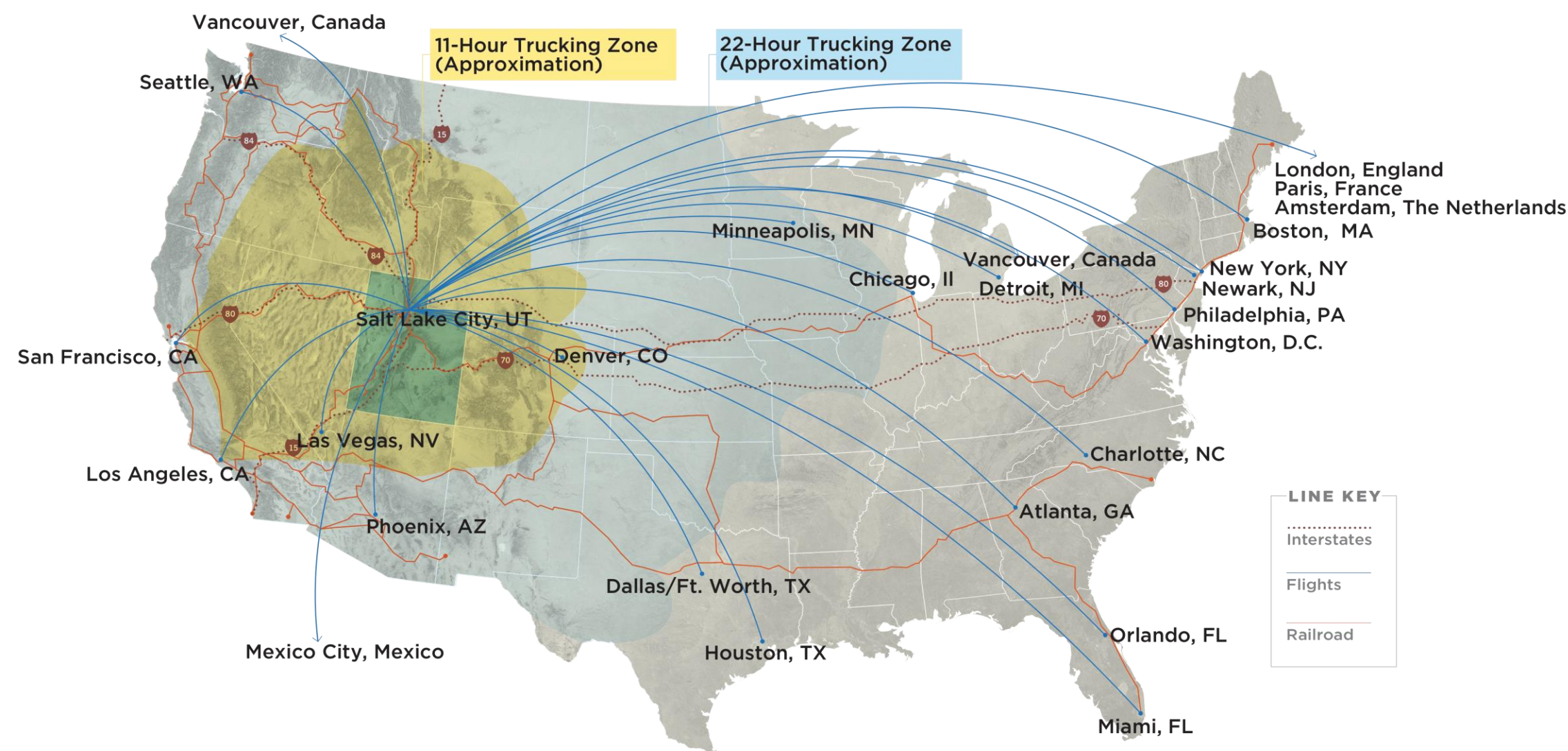
Victor J. Blue/Bloomberg News

Global package shipping volume increased by 48% during the past two years, powered by growth in e-commerce, according to a report released last week by technology company Pitney Bowes.

Package or parcel volume as it is called in the report, has grown from 44 billion parcels in 2014 to 65 billion in 2016, according to an index that measures volume and spending on shipments in 13 major markets including the U.S. Pitney's index estimates parcel shipping will continue to rise between 17% and 28% each year between 2017 and 2021.

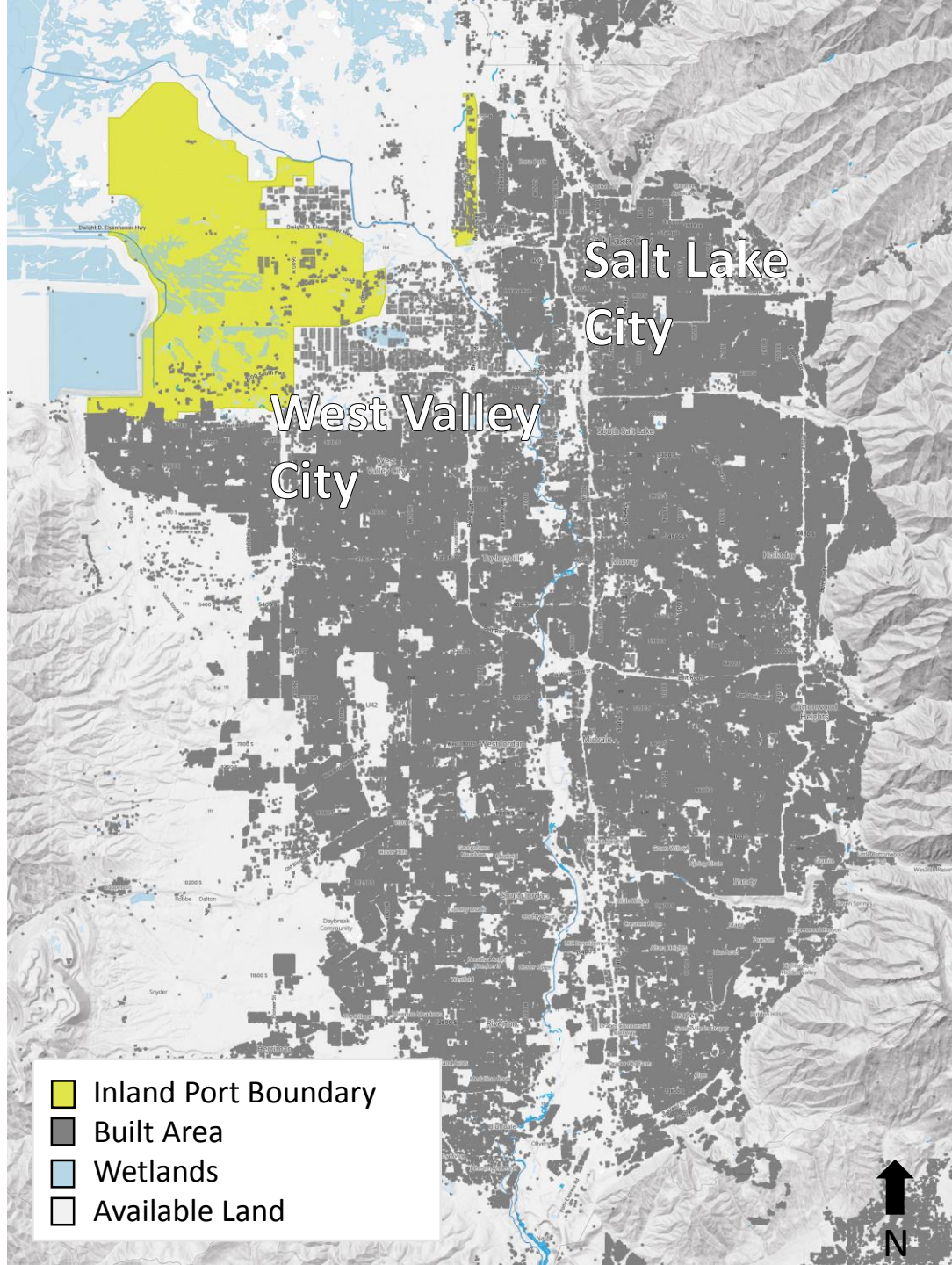


Logistics Pressure for the “Crossroads of the West”



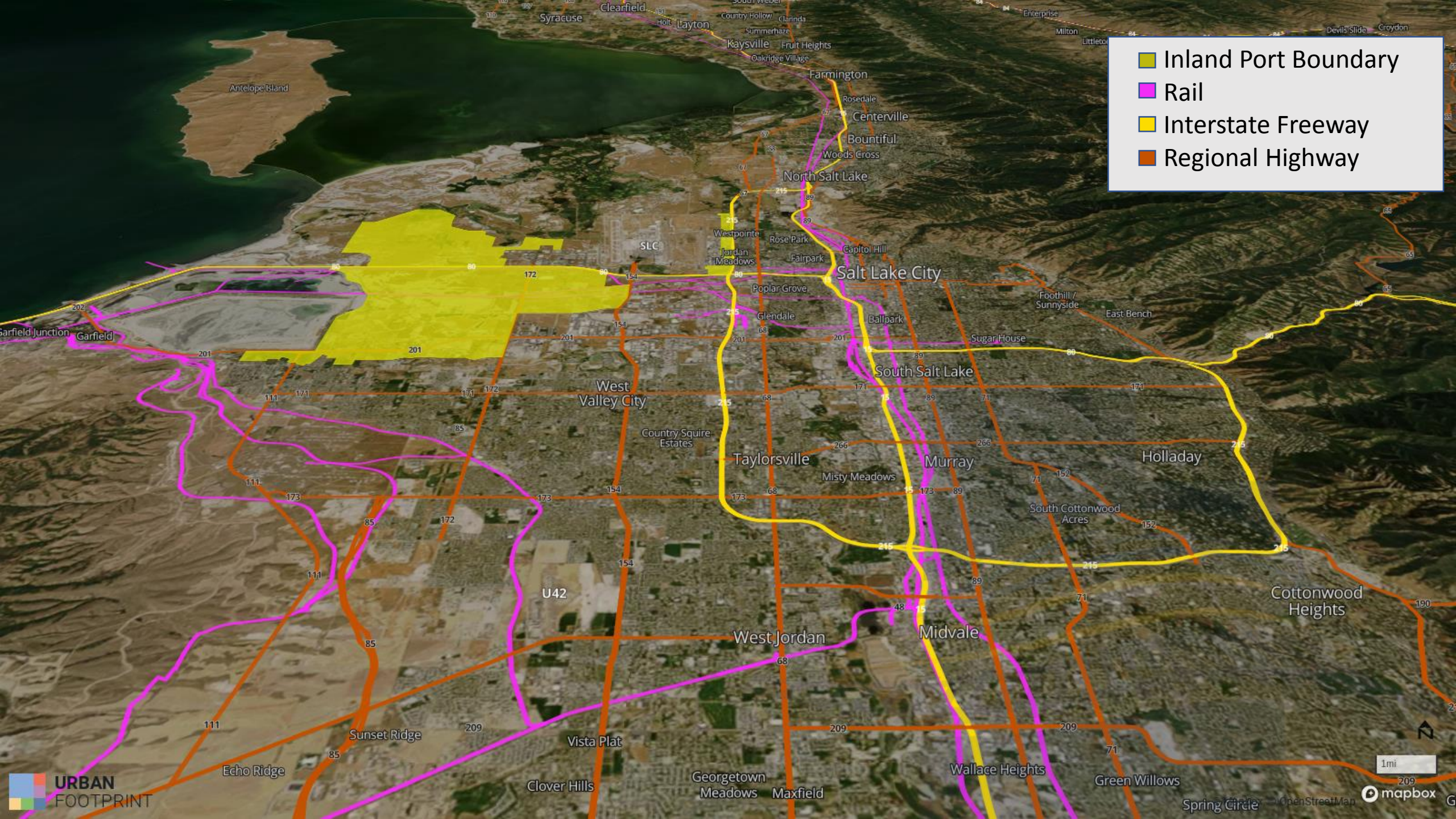


UTAH INLAND PORT

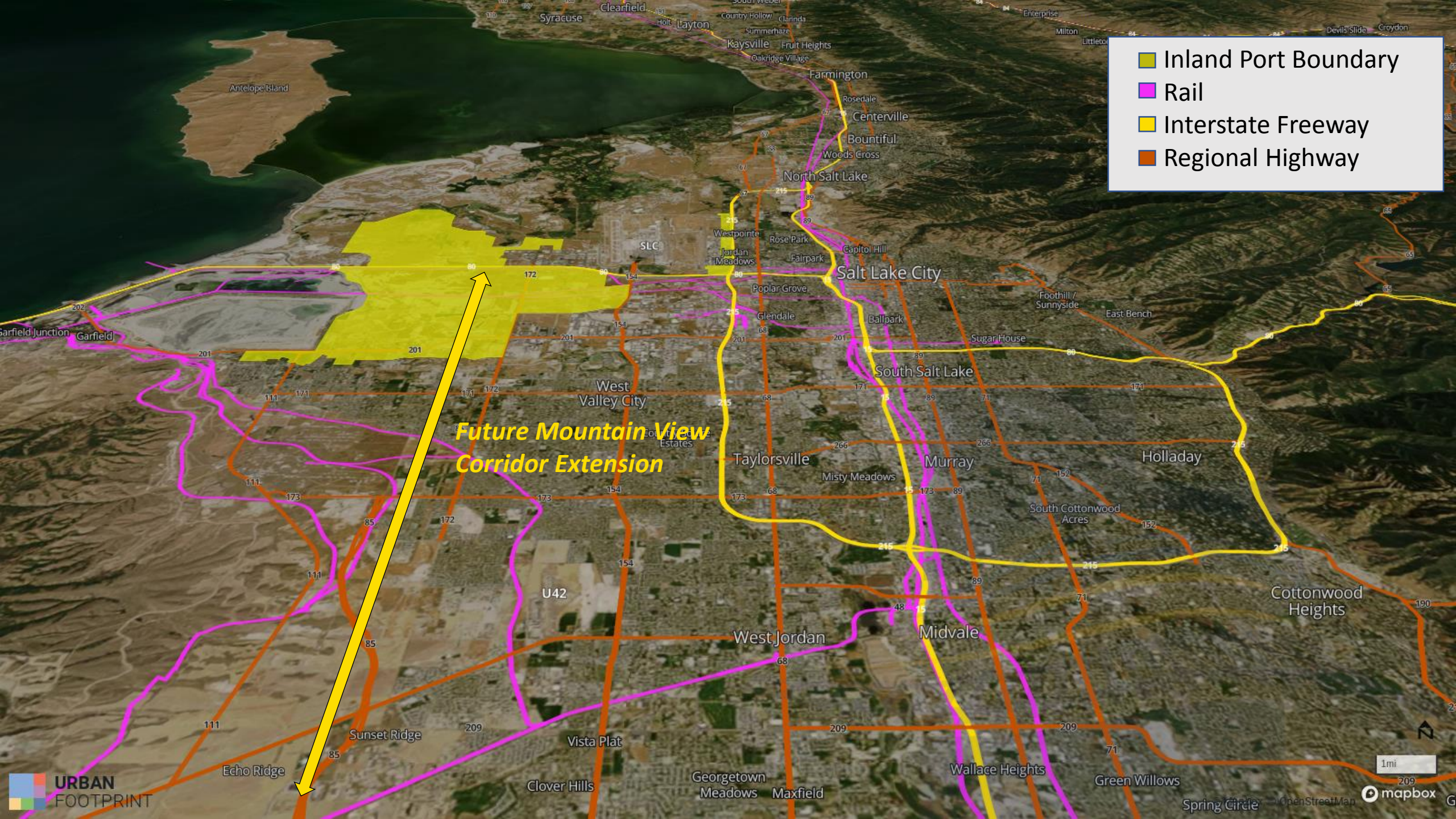


Approximately 11,000 acres of buildable land is available in the Utah Inland Port boundary



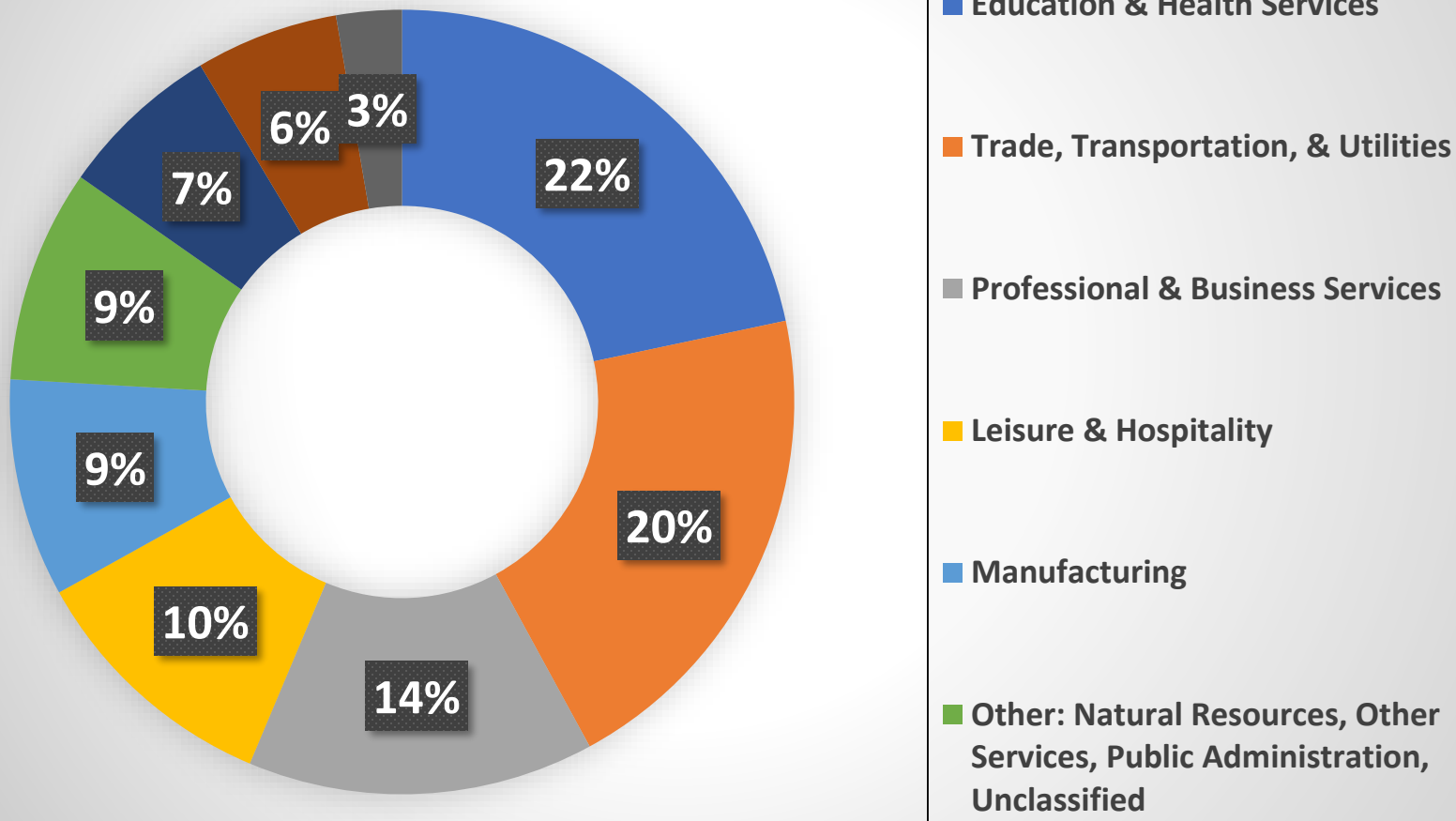


- Inland Port Boundary
- Rail
- Interstate Freeway
- Regional Highway












Diverse Economy

Employment



Utah has the most diverse economy in the nation while also maintaining industry expertise in many industries such as aerospace, life sciences, and finance. A diverse economy contributes to the state's economic resilience.

Port-related Occupations

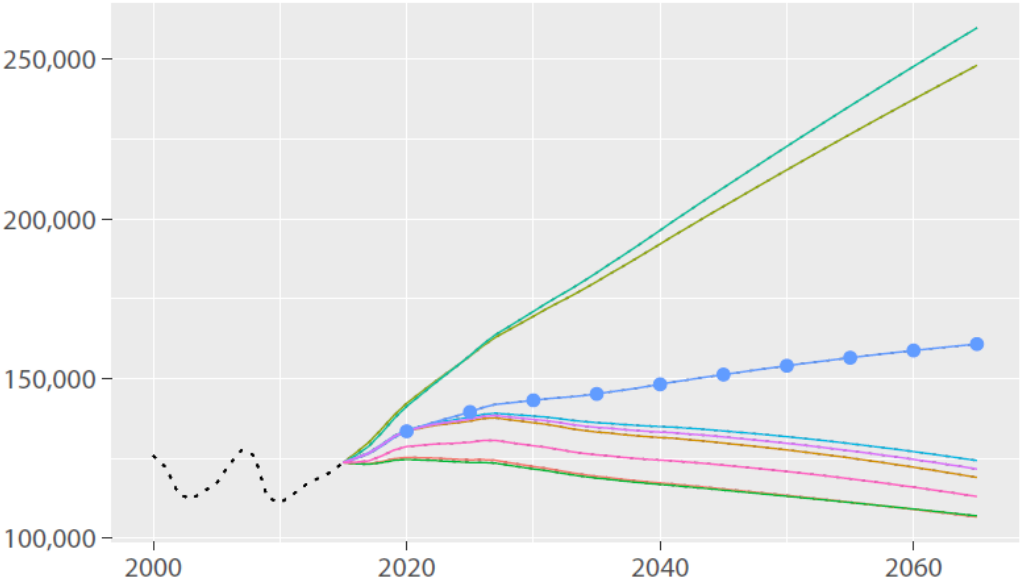
SECTOR	AVG. MONTHLY WAGE	% OF STATEWIDE AVG.
 Transportation & Warehousing	\$4,115	107%
 Air Transportation	\$6,308	165%
 Rail Transportation	\$5,880	154%
 Truck Transportation	\$3,995	104%
 Warehousing & Storage	\$3,443	90%
 Construction	\$4,159	109%
 Manufacturing	\$4,614	120%
 Transportation Eqpt. Manufacturing	\$5,711	149%
 Machinery Manufacturing	\$5,088	133%

State Employment Projections



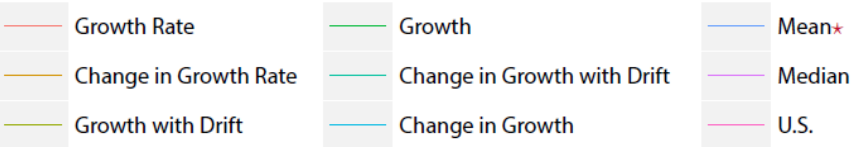
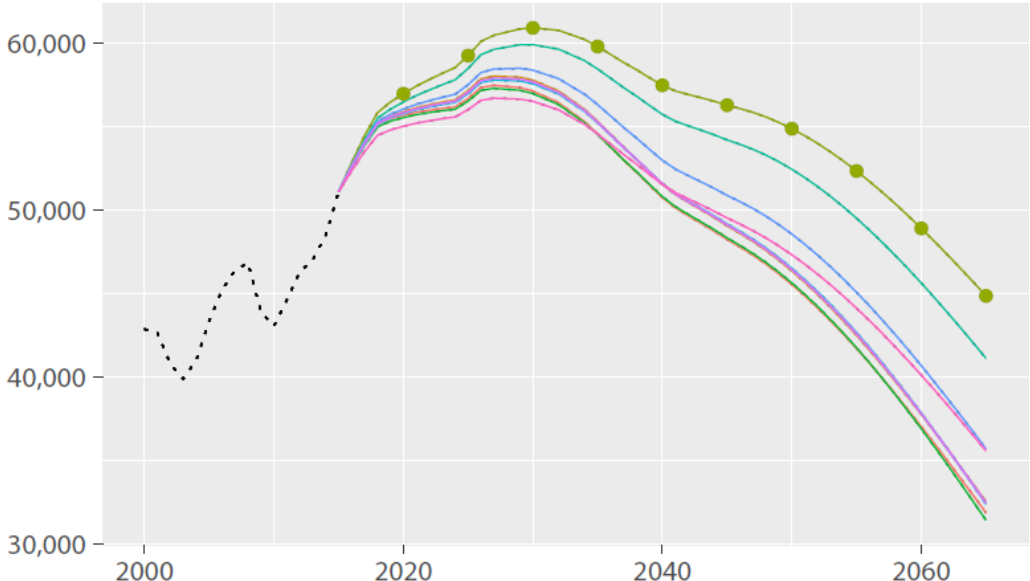
Manufacturing

Employment



Transportation and Warehousing

Employment

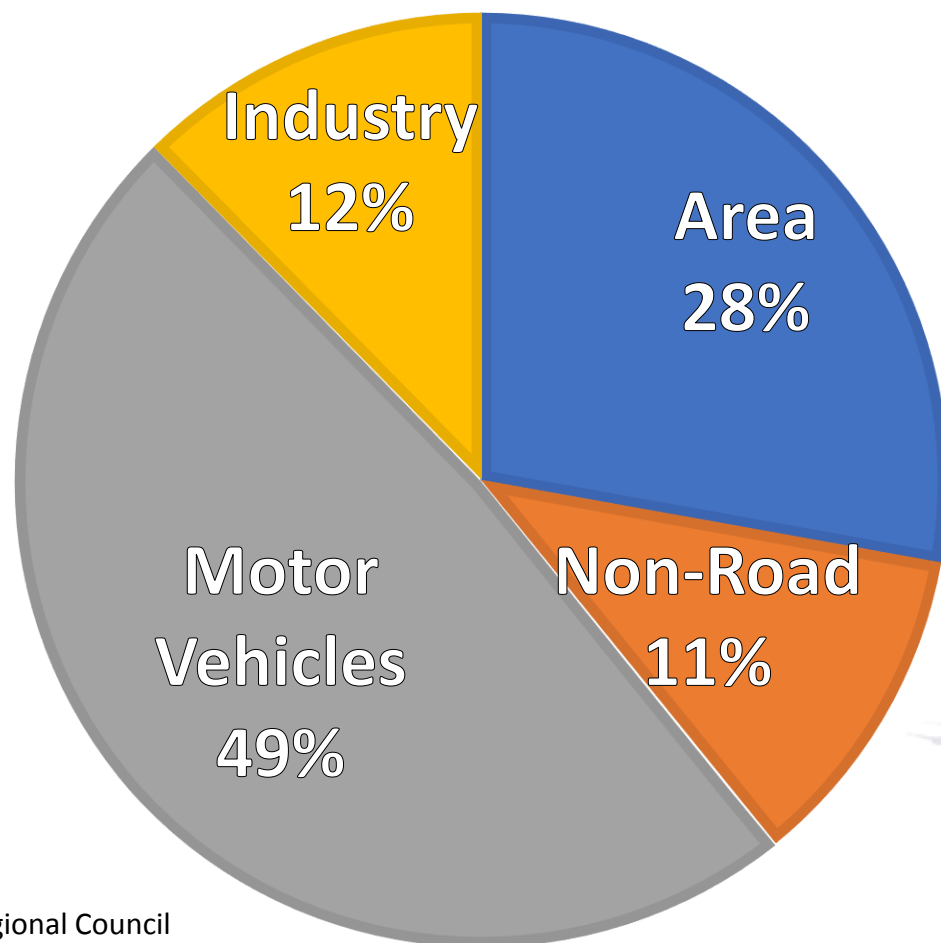


Sources of Emissions



UTAH INLAND PORT

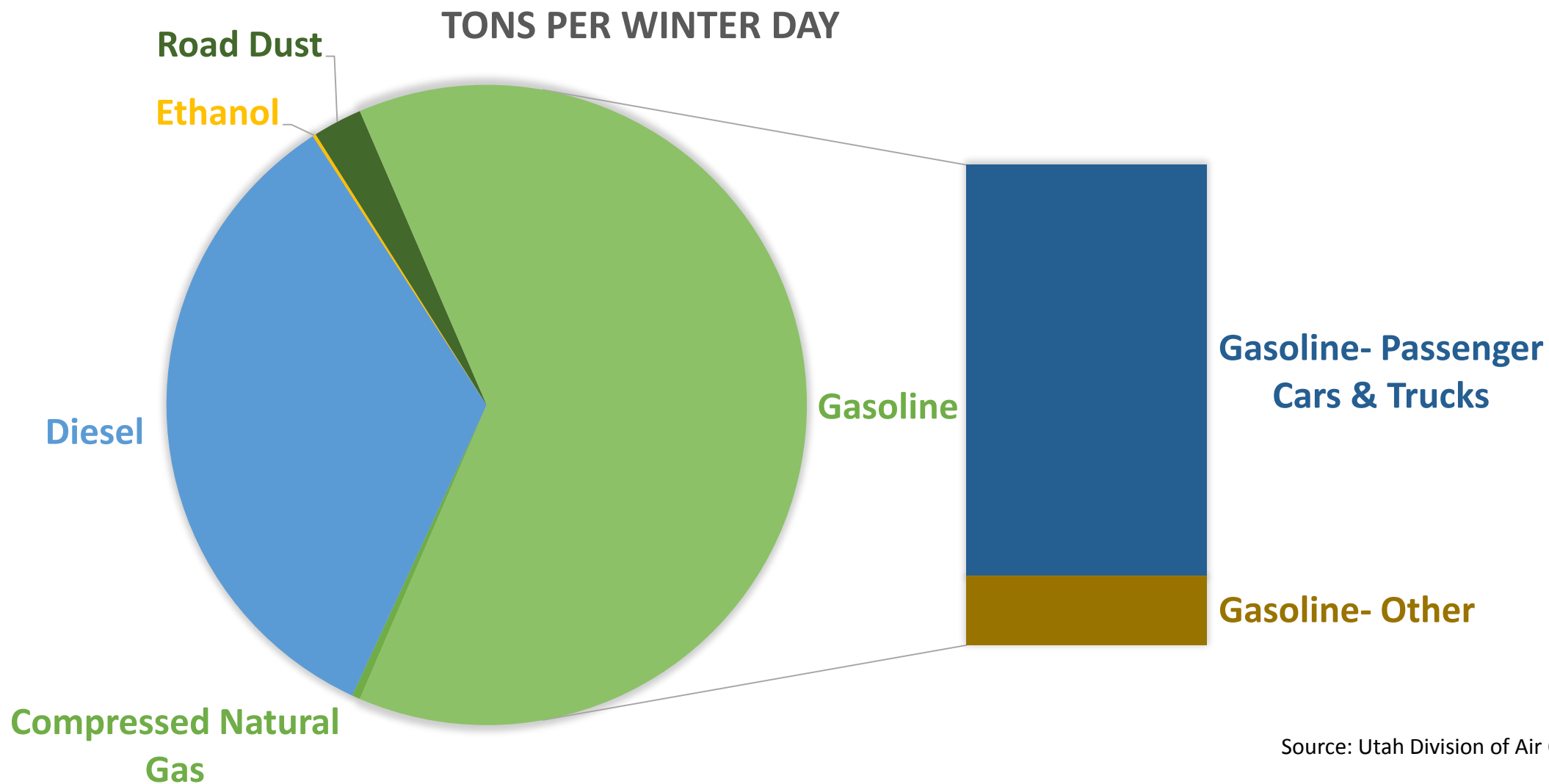
PM2.5 EMISSIONS – 2014
295 TONS/DAY



Vehicle Emissions by Fuel Type



UTAH INLAND PORT



Source: Utah Division of Air Quality

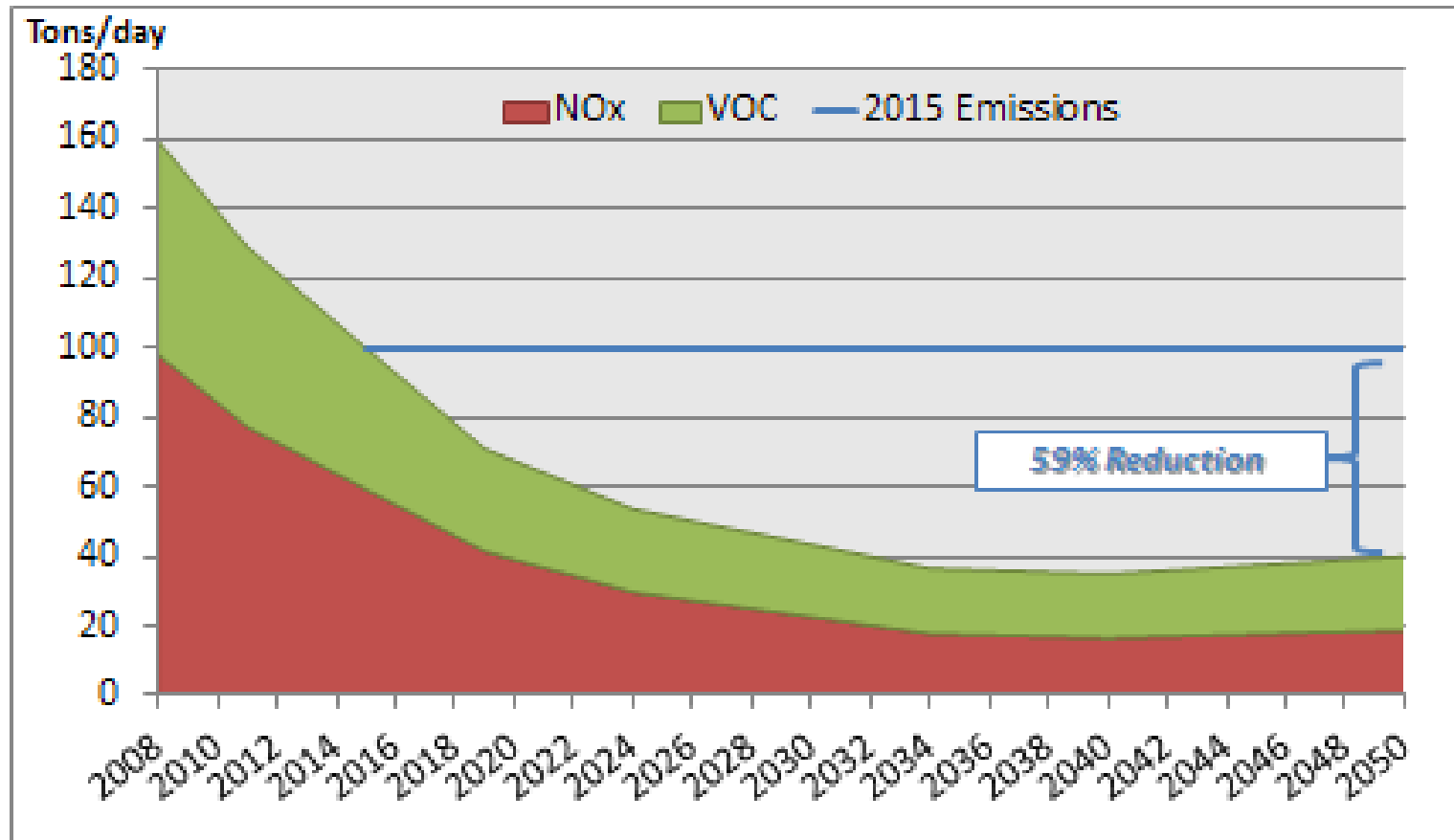
Air Quality



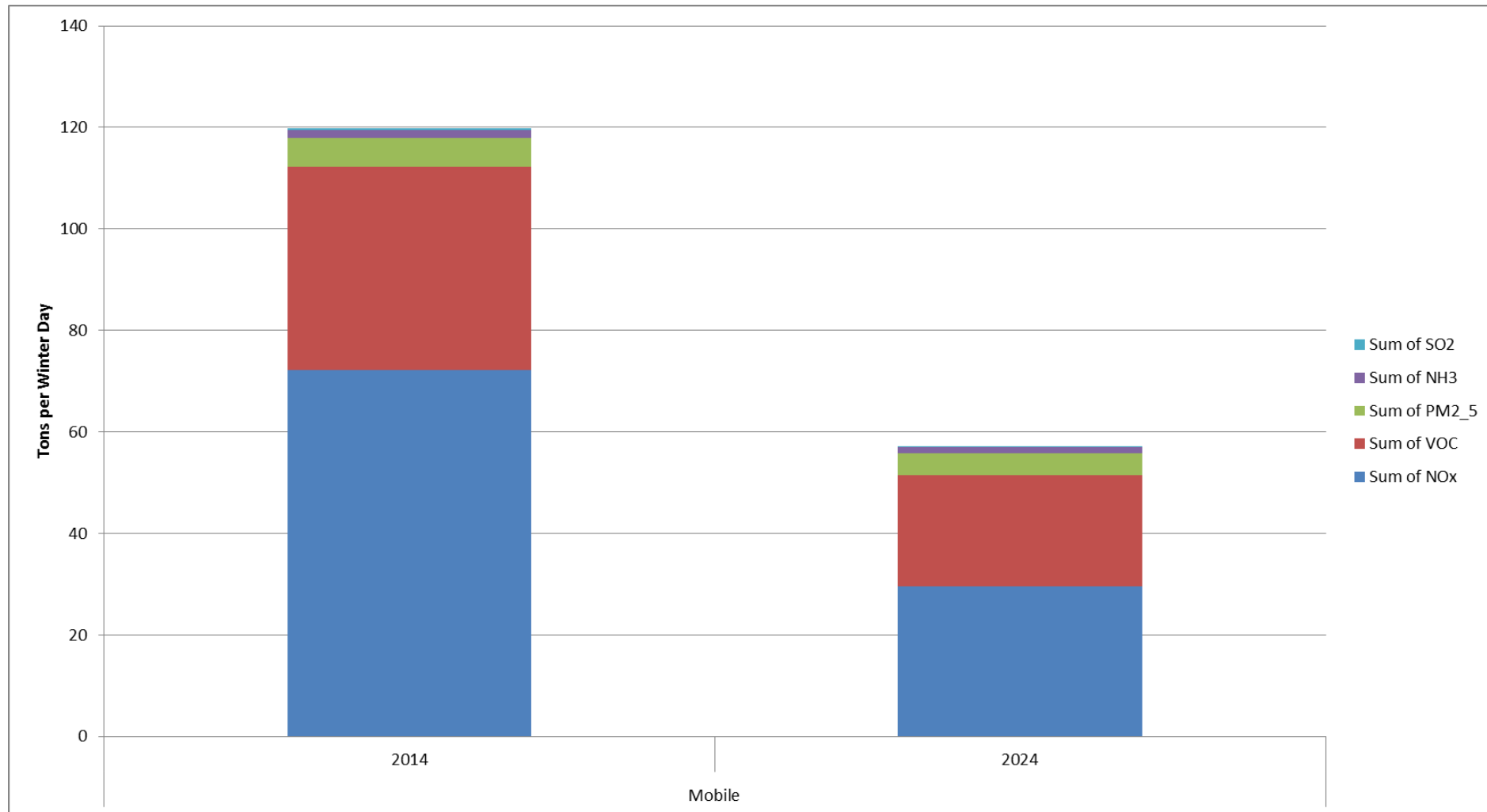
UTAH INLAND PORT

Vehicle Emissions Reductions

Weber, Davis, Salt Lake, Tooele, Box Elder



2014 vs. 2024 Salt Lake NAA Emissions – Mobile Sources





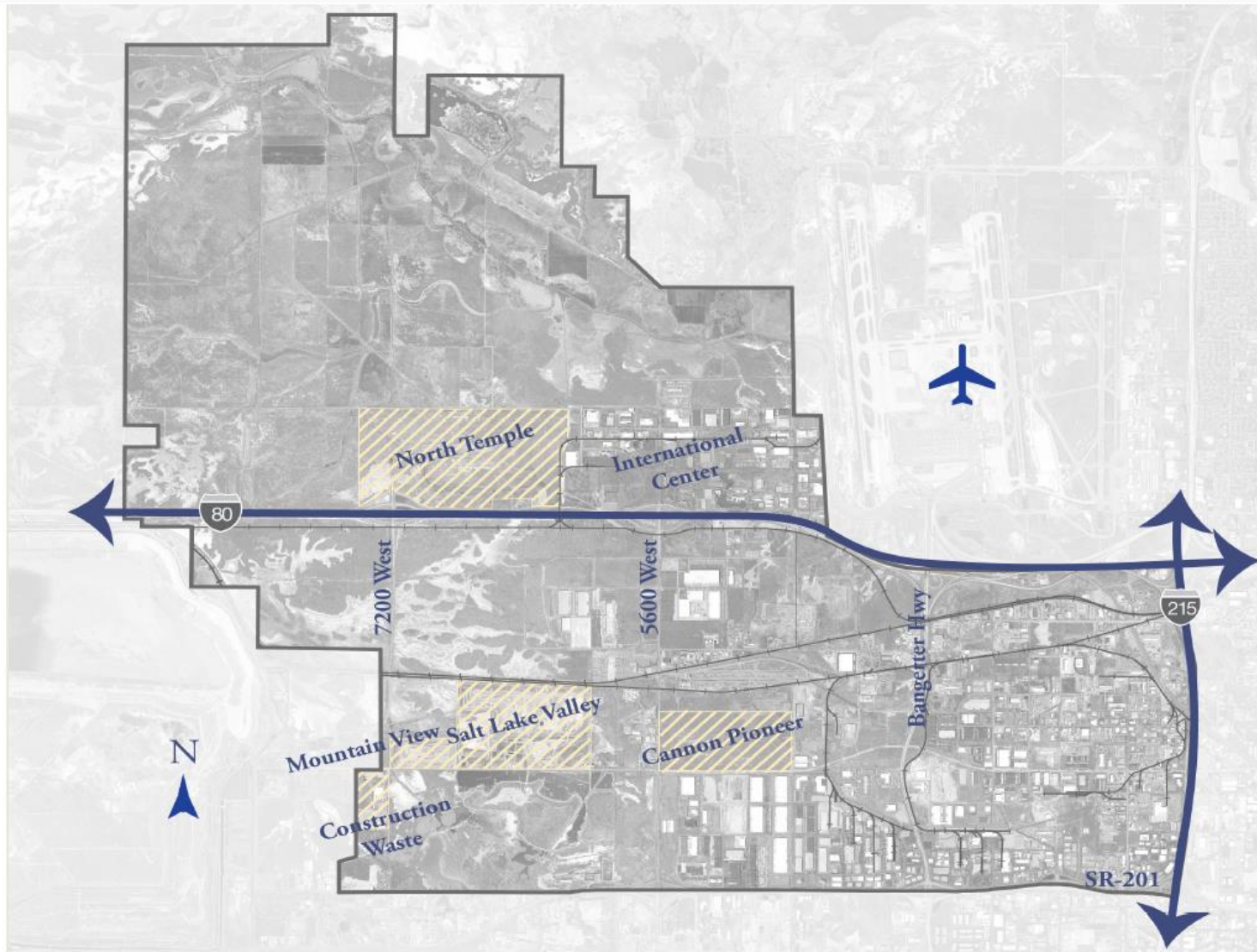
Farmington Bay

South Shore Preserve

Inland Sea Shorebird
Reserve

Bailey's Lake

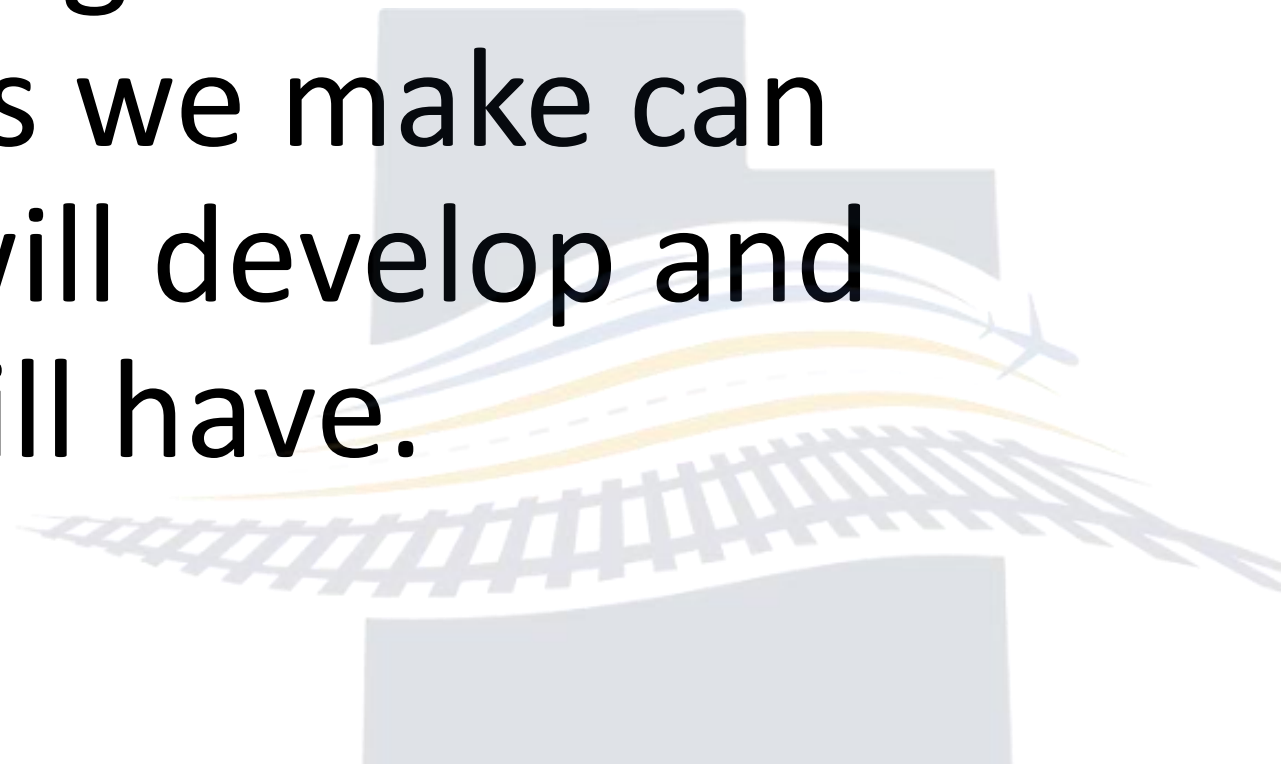
Pre-Existing Environmental Issues



Name	Years of Operation
North Temple (unlined)	1959-1979
Cannon Pioneer (unlined)	1968-1975
Salt Lake Valley	1979-present
Mountain View	present
Construction Waste	present

Not IF, but HOW

The regional and statewide flow of goods is leading to growth in this area, but decisions we make can influence how it will develop and what impacts it will have.





SAN PEDRO BAY PORTS
CLEAN AIR ACTION PLAN



San Pedro Bay Ports – Clean Air Action Plan



- Strategies included in the Clean Air Action Plan;
 - Clean Trucks Program- replace older trucks to low/zero emission trucks
 - Requiring terminal operators to purchase zero-emissions (or nearest possible) equipment
 - Transitioning the most-polluting ships out of the San Pedro Bay fleet
 - Accelerating the deployment of cleaner engines
 - Operational strategies
 - Expanding on-dock rail to shift cargo from trucks to rail
 - The Port banned pre-1989 trucks in 2008 and trucks not meeting the 2007 emissions standards in 2012. Starting October 2018, all new trucks entering the Port registry must be 2014 model year or better



Elwood, Illinois Inland Port



“Instead of abundant full-time work, a regime of partial, precarious employment set in. Temp agencies flourished, but no restaurants, hotels, or grocery stores ever came, save for the recent addition of a dollar store. Tens of thousands of semis rumbled through Will County every day, wreaking havoc on the infrastructure. And as the town of Elwood scrambled to pave its potholes, its inability to collect taxes from the facilities plunged it into more than \$30 million in debt.”- Article from The New Republic



INLAND PORT PUBLIC FORUMS

Come to the Utah Inland Port Authority public forums to learn about the Utah Inland Port and share your voice on how you think we can responsibly maximize the potential of the area.

Your input will help us create a strategic plan for future development of the area. Please share your voice!

FEBRUARY 19, 2019
6 PM - 8 PM

STATE FAIRGROUNDS - ZIONS BLDG
155 N 500 W
SALT LAKE CITY, UT 84116

FEBRUARY 28, 2019
6 PM - 8 PM

FRANKLIN ELEMENTARY SCHOOL
1115 N 300 S
SALT LAKE CITY, UT 84104



UTAH INLAND PORT



UTAH INLAND PORT

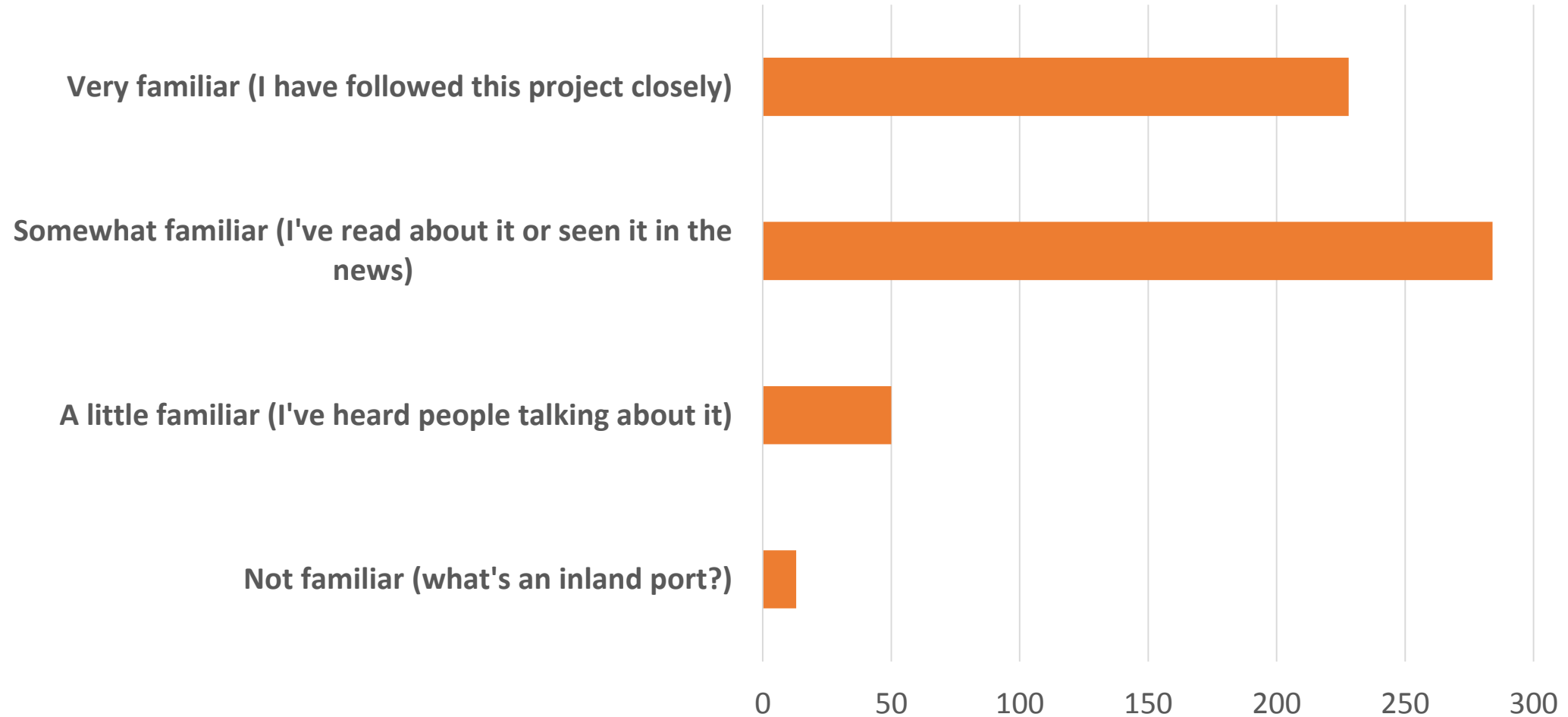
Take the Inland Port Survey at:
utahinlandport.org

Utah Inland Port Survey



- As of February 22nd, the Inland Port survey had received over 600 responses. Following is a summary of preliminary results.
- The goal of the survey is to identify priorities for research in the scenarios phase.
- Note: This is not a representative sample. We are continuing to collect responses in the upcoming months.

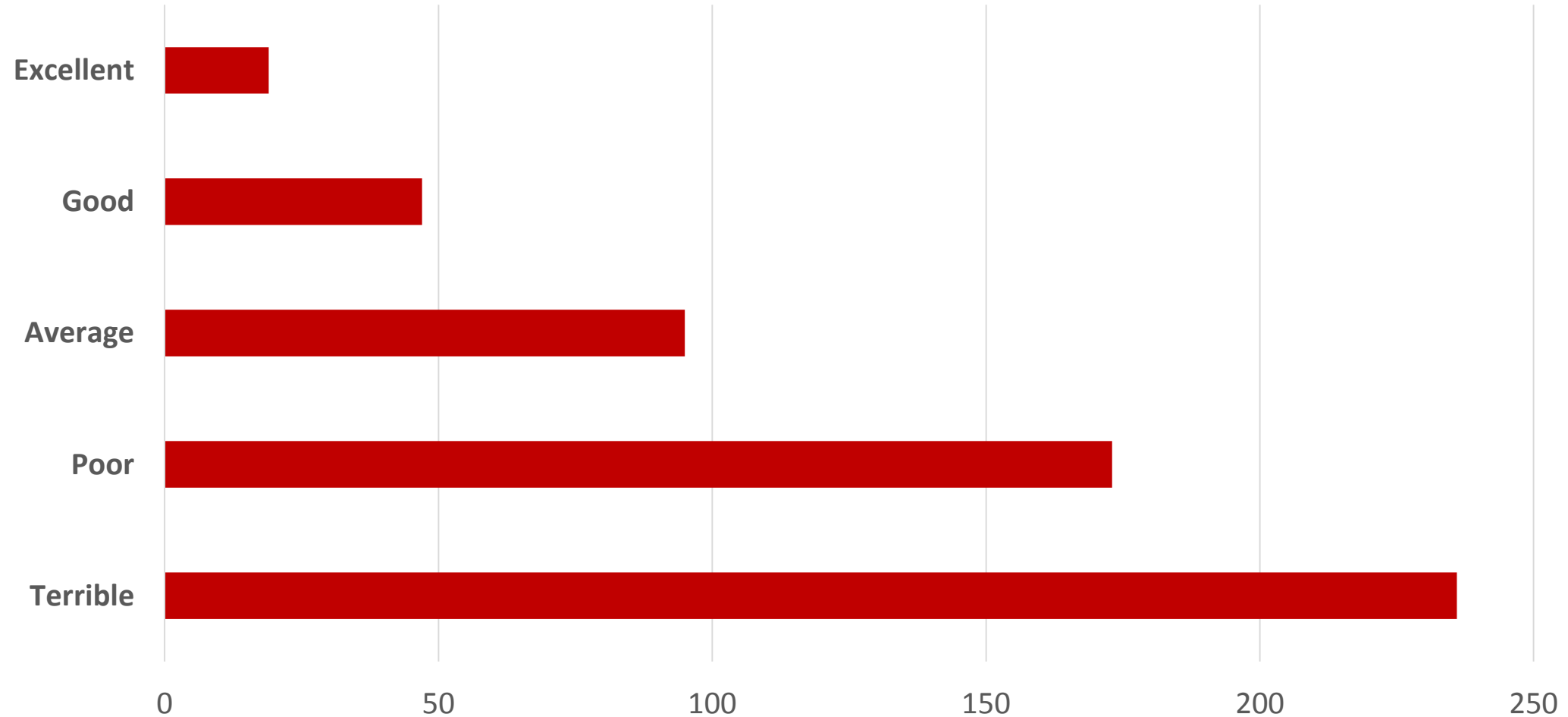
How familiar are you with the Utah Inland Port project?



How well has the Port Authority conducted a fair and transparent process?



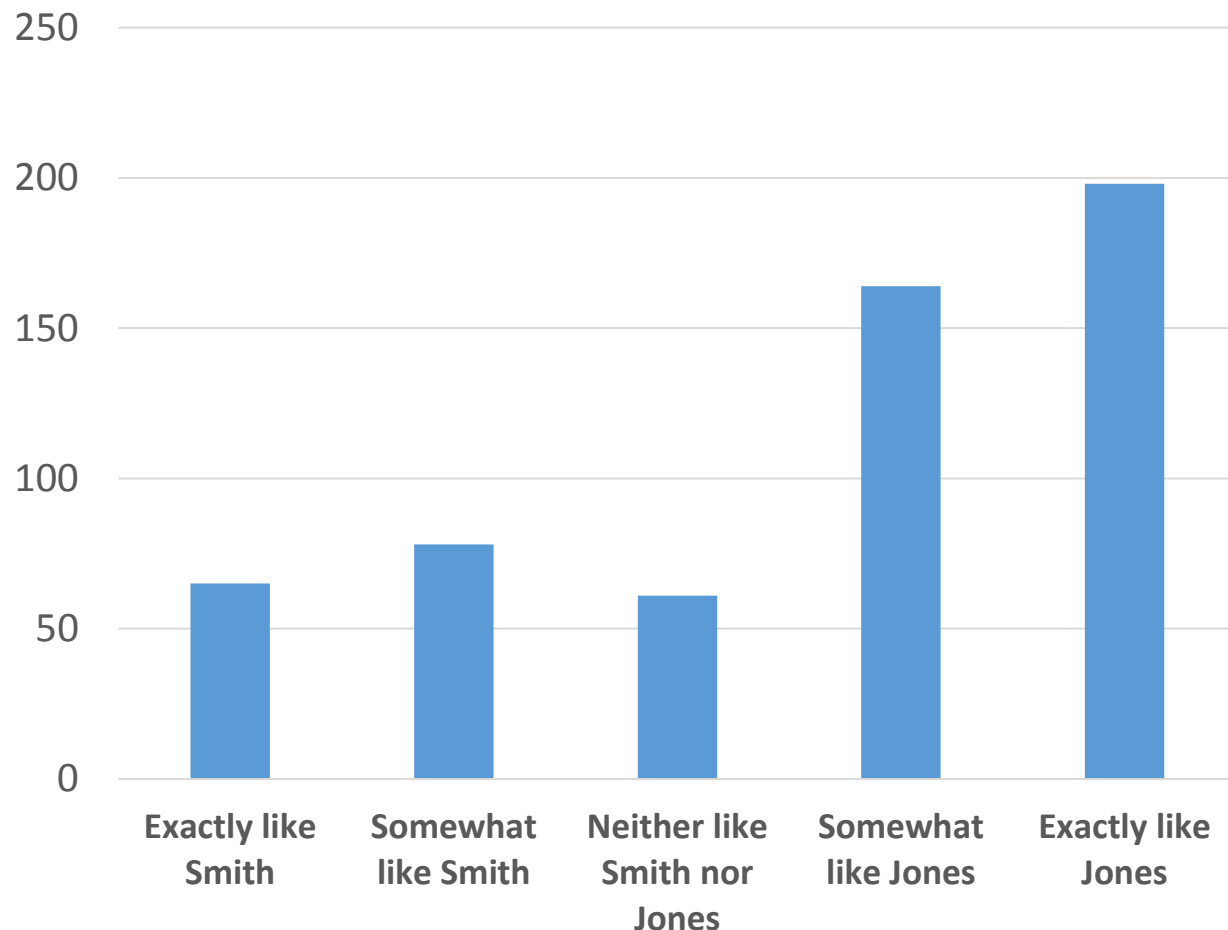
UTAH INLAND PORT



As of 2/22
Note: Not a representative sample

N = 570

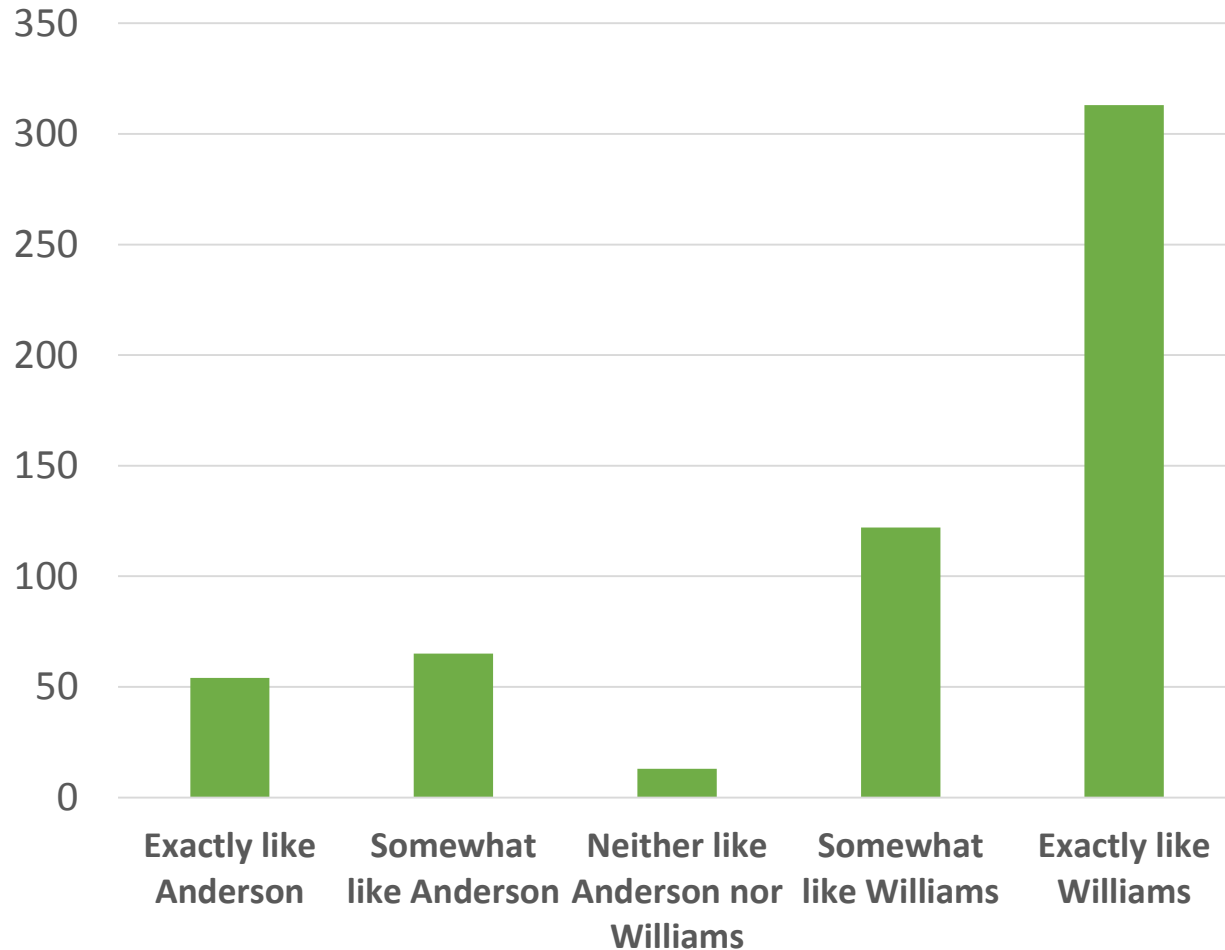
Is your opinion more like Smith or Jones?



Smith believes that the increased availability of markets and economic opportunity that the inland port will provide will be beneficial to Utah.

Jones believes that the Utah economy is growing quickly enough and does not need the additional stimulus that would come from the inland port.

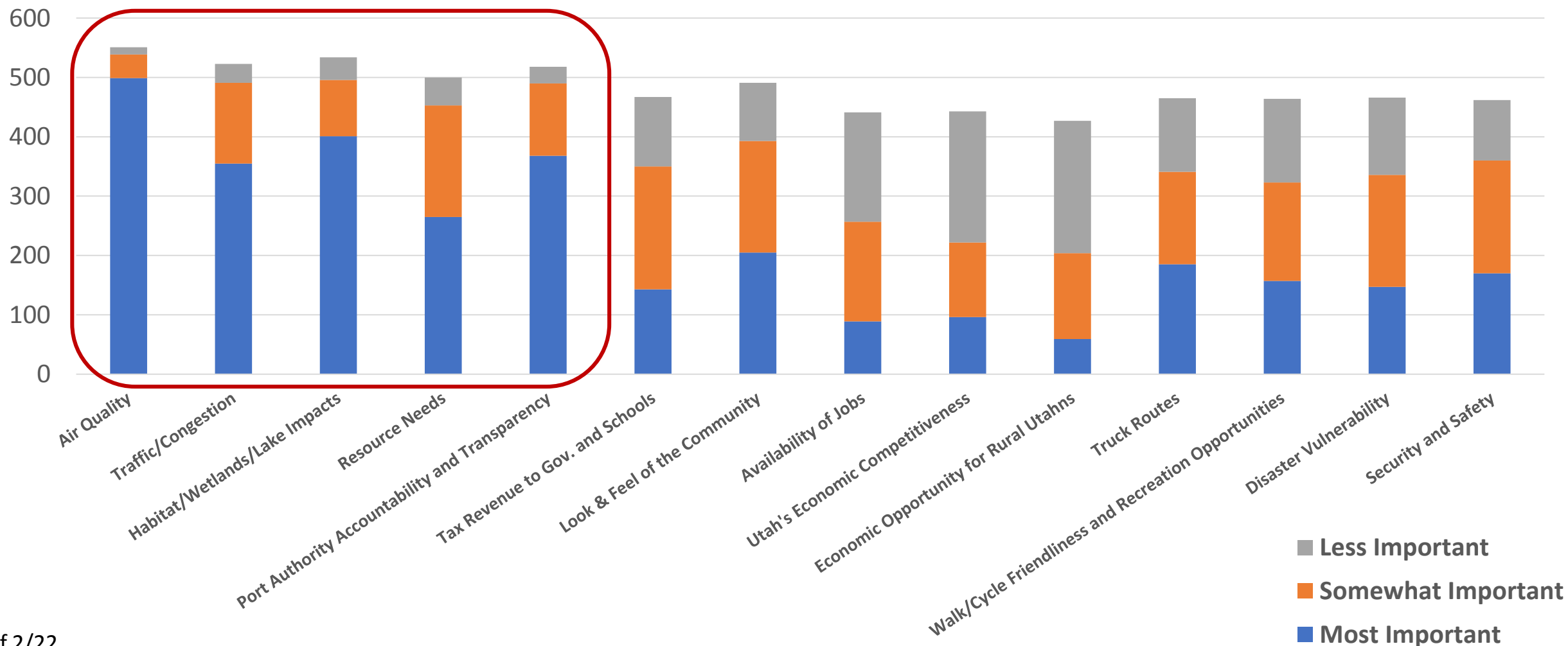
Is your opinion more like Anderson or Williams?



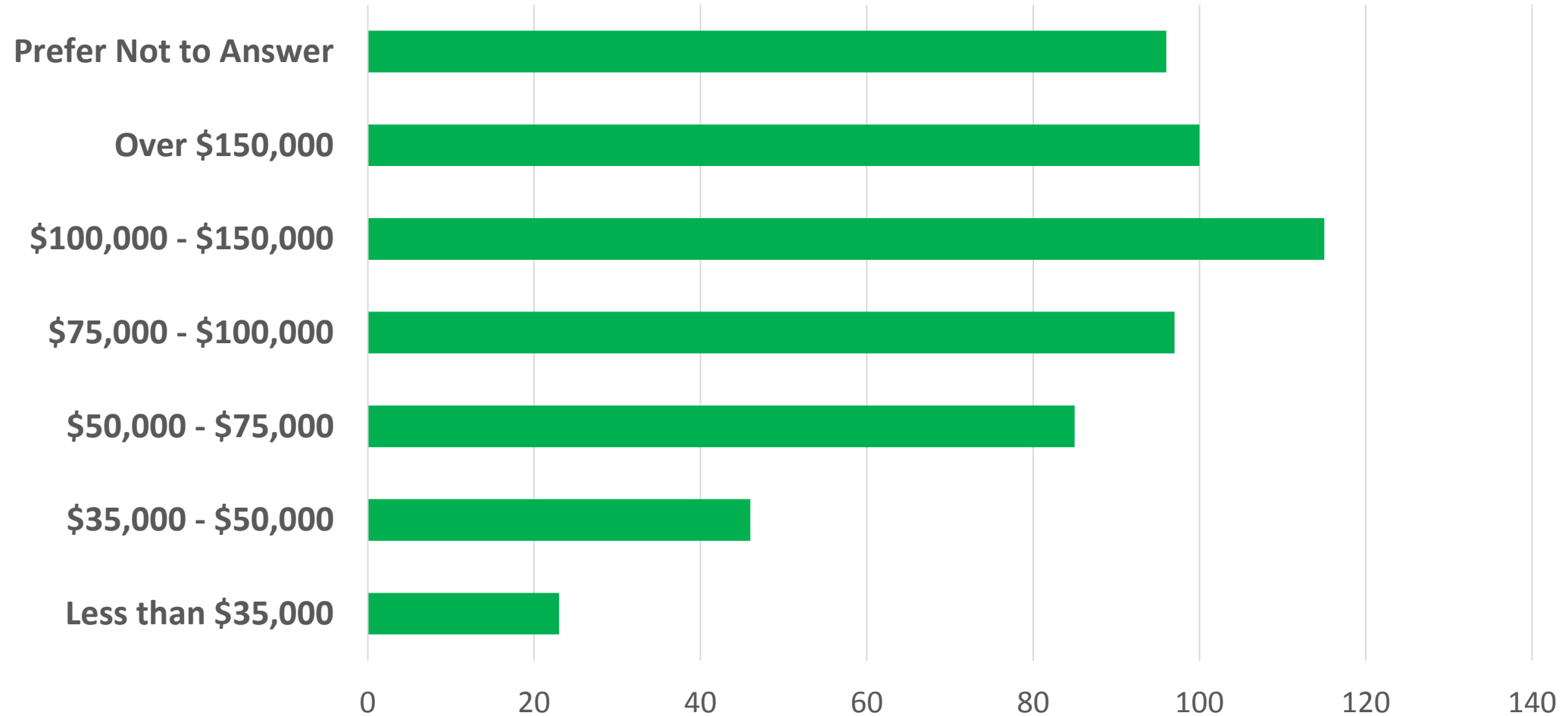
Anderson believes the inland port could be done in a way that mitigates growth-related impacts in the area (air quality, traffic, crowding, etc.).

Williams believes that the inland port will worsen growth related impacts (air quality, traffic, crowding, etc.).

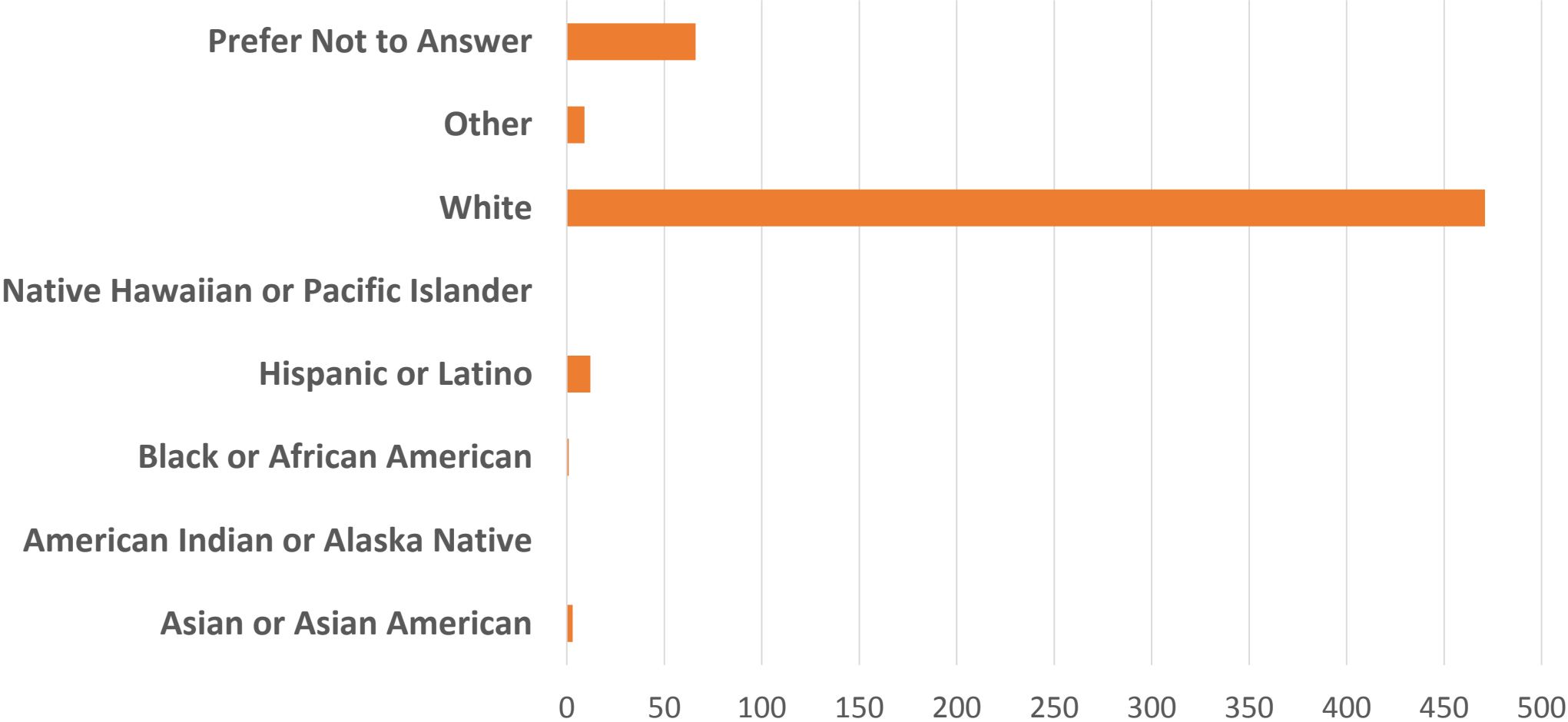
As the Authority plans for the area, how important is it to think about the following items?



What was your 2018 income before taxes?



What is your race/ethnicity?



Stakeholders meetings



Past meetings and presentations:

- Department of Natural Resources - GSL Team Tech
- Community Forum on the Inland Port
- Panel at University of Utah Hinckley Institute of Politics
- SITLA
- Ninagret Development
- Westside Coalition meeting
- Dominion
- Nicole Cottle @ WVC
- Salt Lake City Council Briefing
- Public open house @ Fairgrounds
- Friends of the Great Salt Lake
- Magna Township (Max Johnson, Greg Schultz)
- Colmena

Future meetings and presentations:

- Utah Div. of Wildlife Resources, 8:30am
- DEQ (Bryce Bird)
- UCAIR
- Public open house @ Franklin Elementary
- Union Pacific Railway
- BNSF Railway
- Public Forum @ SLCC Westpointe
- Stakeholder meeting @ Easton Archery
- Stakeholder meeting @ SLCC Westpointe

UTAH INLAND PORT AUTHORITY

PROPERTY TAX DIFFERENTIAL USE POLICY

January 2019

1) Guiding Principles

- a) The purpose of this Property Tax Differential Policy (“Policy”) is to establish procedures and guidelines for property tax differential use by the Utah Inland Port Authority (“Authority”) established pursuant to Utah Code Chapter 58, Title 11 (“Authority Act”). Pursuant to the Authority Act, the Authority is authorized to receive and use property tax differential (“Tax Differential”) in a project area (“Project Area”).
- b) The Authority’s responsible use of scarce public resources—specifically the use of Tax Differential—should be focused on the purposes, policies, and objectives described in the Authority Act, including encouraging economic development and high-quality job creation, fostering healthy communities, and supporting environmentally and economically sustainable development to ensure a thriving area, regional, and state economy.
- c) The Authority supports collaborative efforts to effectively manage commercial and industrial development and redevelopment to meet the robust growth anticipated in the State. The Authority’s use of Tax Differential for development shall be based in part on linkages to various long-term sustainable growth strategies and plans.
- d) The Authority’s Tax Differential participation in a Project Area will include a negotiation process that will define the terms of the Authority’s involvement. The guidelines set forth in this Policy are to assist this process and to educate requesting parties, guide the negotiation process, and allow the public to be informed.
- e) In certain cases, an application may have unique characteristics that do not fully conform to the guidelines yet have significant community and economic impact. In this case, the Authority reserves the right to participate at or above the stated participation rates outlined in the Policy. Conversely, there may be a project that meets the guidelines, but the Authority does not believe it serves a significant community benefit. In this case, the Authority reserves the right not to participate. Proposals for use of the Development Fund, defined below, that contain a majority of Favorable Project Considerations listed below and provide significant community benefit will receive the most favorable terms.

2) Tax Differential Funds

- a) The Authority Act requires and allows Tax Differential to be used in 4 different ways. The Authority:
 - i) May use up to 2% of the Tax Differential, plus any litigation legal expenses, to fund its administrative expenses (“Administrative Fund”). [§11-58-602(1)(b) and (4)]

- ii) Shall pay 10% of the Tax Differential generated from land located within a community reinvestment agency to that agency, to be used for affordable housing ("Affordable Housing Fund"). [11-58-601(1)(d)]
 - iii) Shall use Tax Differential to pay a municipality and other taxing entities for providing municipal services ("Taxing Entity Services Fund"). [§11-58-205(7) through (9) and §11-58-602(1)(f) and (g)]
 - iv) May use the remainder, after (i) through (iii) are paid to fulfill the purposes, policies, and objectives described in (1) above. Specifically, the Authority may use Tax Differential to pay for land development, ongoing operation of a facility, publicly owned infrastructure and improvements, and for bonds ("Development Fund"). [11-58-602(a), (c) through (e), and (h)]
- b) If the Authority chooses to receive all of the Tax Differential and after payments to the Administrative Fund (assuming no litigation costs) and Affordable Housing Fund, 88% of the Tax Differential is remaining.
- i) The Authority Act sets out mandatory factors the Authority must consider in paying for taxing entity services and requires reviewing and reassessing what the Authority retains and what it shares so that the Authority retains what it reasonably needs to meet its responsibilities and adjusts the amount the authority shares with the taxing entities to cover the costs of providing those services accordingly. Consequently, the Authority cannot set an exact percentage that will be used for the Taxing Entity Services Fund. Nevertheless, a target percentage for estimation purposes is 15%.
 - ii) The remainder for the Development Fund is 73%. Another target is to set aside up to 5% for sustainability initiatives. If the target percentages are met, the remaining amount to negotiate with the landowners is 68% to achieve the development goals outlined in this Policy.
- 3) **Development Fund Guidelines.** These principles will help determine the allocation of time and resources for economic development efforts. In order to ensure the successful implementation of these principles, metrics will be developed, implemented, and tracked to objectively measure the success of economic development and redevelopment efforts. Projects shall provide sufficient evidence that Tax Differential funding is necessary for the Project to succeed, to verify that the request is reasonable, and that it involves significant private investment of capital so as to assure adequate yield of Tax Differential. These guiding principles are:
- a) Retain and expand existing businesses and stimulate new commercial and industrial development.
 - b) Generate sufficient and sustainable revenues to taxing entities.
 - c) Diversify revenue sources to minimize potential revenue shortfalls and leveraging of private investment
 - d) Development Fund recipients will not receive more than 68% of the available Tax Differential, unless significant need can be demonstrated.

- e) Development Fund will be shared on a need-based system only, using the “but for” test. Tax Differential will only be used to eliminate impediments to the development, be they physical or economic impediments.
- f) No Tax Differential will be provided to businesses that are coming from neighboring communities or adjacent counties, unless the business is expanding its employment base and/or its capital investment.
- g) Priority for Tax Differential will be given to the following four categories:
 - i) Public infrastructure, including issuing assessment bonds
 - ii) Costs associated with building an inland port intermodal facility, including issuing CPACE bonds
 - iii) Costs associated with significant impediments to site development
 - iv) Corporate incentives based on a “but for” analysis as part of a recruitment.

4) Development Funds Processes, Policy and Procedures:

- a) It is the policy of the Authority to provide a standardized procedure to process, review, and make recommendations on all Tax Differential use from the Development Fund requests (“Projects”).
- b) Because Tax Differential funding is complex, the Authority may take up to 120 days following receipt of all requested documents to respond to proposed Projects. For this reason, project developers are encouraged to contact the Authority early in the process.
- c) The following are primary favorable project considerations (“Favorable Project Considerations”). Projects meeting the following criteria will be viewed favorably by the Authority:
 - i) Projects that will create “new incremental jobs” that are “high paying jobs”, as such terms are defined in Section 63N-2-103 of the Utah Code.
 - ii) Projects that include a significant amount of capital investment or capital density within a small geographic footprint—for instance, from taxable personal property or equipment (such as robotic machinery, electronic equipment, computing devices, etc.)—without substantially increasing the cost of services of taxing entities.
 - iii) Projects for which Tax Differential participation rate is typically limited to 68% or less.
 - iv) Project’s that are confined to a reasonably sized geographic footprint for the Project’s intended and defined purpose, and do not include excess land for yet-to-be defined future projects or project expansion.
 - v) Projects for which the proposed Tax Differential is shared only upon achieving a specified dollar amount of capital investment.
 - vi) Projects for which the Tax Differential participation amount or rate is conditioned upon achieving certain Project benchmarks.
 - vii) Projects where the environmental impact of power-consuming, water-consuming, or other resource-consuming personal property will be mitigated, to the maximum extent possible, by a renewable energy project, water conservation project, or other resource conservation project, whichever is applicable.

- viii) Projects where best available water control technology is used.
- d) Projects meeting any of the following criteria may be viewed unfavorably by the Authority:
 - i) Projects that have any housing.
 - ii) Projects that are predominately retail, unless there is a material justification to do so, which shall be evaluated on a case-by-case basis.
 - iii) Projects that would merely cause a relocation of jobs or retail sales from one area in the State to another area in the State, unless it is an expansion of the number of jobs or taxable value from what is currently existing.
 - iv) Projects that would involve development on sensitive land designated as open space, wetlands, or wildlife habitat.

5) Project Participation Request Timeline, Submission, and Evaluation

Process. Absent extenuating circumstances, Authority staff will attempt to respond to all completed Project participation requests within 120 days of receipt. The Authority and the applicant submitting the Project participation request ("Applicant") shall adhere to the following procedures:

- a) Step One. The Applicant shall provide written notice to the Authority's executive director ("Executive Director") indicating its intent to create a Project, containing a short description of the proposed Project, and requesting Authority participation. Following receipt of this written notice, the Executive Director shall direct the entity to submit a Project participation request and may arrange a meeting with Authority representatives.
- b) Step Two. The Applicant shall submit a completed Project participation request. The Project participation request will be submitted in writing to the Executive Director. A completed Project participation request, includes but is not limited to, all of the following materials:
 - i) Project boundary map and legal description; (GIS map with supporting files);
 - ii) A detailed narrative Project summary;
 - iii) A Draft Project Area Plan if the Project is not already in a Project Area; and
 - iv) A Project budget setting forth:
 - (1) Total Project revenues by source and expenditures by category;
 - (2) The amount of requested Tax Differential and its use, including whether such uses are Project Improvements or System Improvements, as defined in Section 10 below;
 - (3) The amounts and description of tax benefits requested, promised or received from any other federal, state, county, local or other public entity;
 - (4) Administrative Fund, Affordable Housing Fund, and Taxing Entity Services Fund revenues generated;
 - (5) Project term; and,
 - (6) Any pass-through scenarios.
- c) Step Three. Following receipt of a completed Project participation request, the Executive Director shall conduct a due diligence review. The due

- diligence review shall include consulting with the Governor's Office of Economic Development and completing a third-party financial analysis paid for by the Applicant. If the participation request is for less than \$1,000,000, the third-party financial analysis may be waived. The analysis shall include:
- i) The public benefit anticipated to be derived from the proposed Project;
 - ii) A determination of financial need and whether or not the proposed Project might reasonably occur through private investment without the Tax Differential;
 - iii) If applicable, conduct an analysis of comparable values of equivalent properties (both the difference and the percentage relative to comparable values) to ensure that the Tax Differential is not being used to reimburse overvalued land costs.
- d) Step Four. After the due diligence is completed, the Executive Director shall provide a written recommendation to the Authority's governing body ("Board") indicating whether the Authority should participate in the proposed Project and to what extent.
 - e) Step Five. Following receipt of a written recommendation from the Executive Director, the Board shall review the Executive Director's recommendation and shall request a briefing at a Board meeting, at which time the Board may provide additional guidance, request additional information or request modifications. If any incentives are being offered to the Applicant, or if any participation agreements have been entered into or will be entered into with Applicant, this must be disclosed or known publicly at, or prior to, the briefing during the Board meeting.
 - f) Step Six. After the Board meeting, the Executive Director, shall, consistent with the Executive Director's recommendation and any guidance provided by the Board, negotiate terms of an agreement, consistent with Section (6) below, with the Applicant and work with the Authority's legal counsel to draft a final agreement consistent with the negotiated terms. The Executive Director shall then review and approve the agreement and submit it to the Board for final approval.
 - g) Step Seven. Upon receipt of the agreement, the Board shall schedule a public hearing. At the public hearing, the Board shall take public comment. Following the public hearing, the Board shall either approve and adopt or deny and reject the proposed agreement in a public meeting. If at the public meeting the Board votes to approve and adopt the agreement, the Board shall adopt a resolution authorizing the Executive Director to execute the Board agreement in substantially the form submitted.
 - h) Step Eight. Following adoption of a resolution authorizing the Executive Director to execute the agreement, the Executive Director (or authorized designee) shall execute the same.
- 6) **Tax Sharing and Reimbursement Agreement with the Applicant**
- a) The Authority shall enter into an agreement with the requesting Applicant for each approved Project. The agreement shall be in the form prescribed by the Authority.

- b) The agreement shall not be amended unless authorized and approved by the Board in a public meeting following a public hearing.
- c) The agreement shall include the following:
 - i) The Authority intends that the beneficiary of the Tax Differential reimbursement will be the owner of the Project for the life of the agreement. In the event of a transfer or sale of the property, the agreement and all benefits conferred under the agreement shall benefit the Project and be recorded against the property to run with the land, with the intent that all Tax Differential reimbursements will remain with the owner of the real property and Project. In the event that the ownership of the real property and improvements are severed, the Authority will have sole discretion to determine the beneficiary of the Tax Differential.
 - ii) If the agreement is executed and the real property and Project are conveyed to a third party while the improvements are still being constructed, the Authority will retain the right, in its sole discretion, to consent or refuse to consent to the transfer of the agreement to the new owner, in order to ensure that the benefits the Authority anticipated receiving under the original agreement with the original developer are consistent with and will be honored by the new developer and that the new developer is financially and otherwise able, willing, and committed to perform the developer's obligations thereunder. If the Authority does not consent to the transfer of the agreement, the Tax Differential reimbursement will cease, and the agreement will terminate.

7) Annual Disclosure Reports

- a) Each Applicant that receives Tax Differential shall, for the duration of the Project funds collection period: (a) submit a disclosure report to the Board and Executive Director no later than May 1st of each year for the previous calendar year; and (b) submit information to and otherwise participate in the Authority's public project area database (i.e., a database established by the Authority for the collection and display of Project information).
 - i) All annual disclosure reports submitted under this section shall be posted on a conspicuous place on the Authority's public website.
 - ii) The annual disclosure report shall include the following:
 - (1) The name, street and mailing address, phone number, business license number (if applicable), and chief officer of each Applicant receiving Tax Differential.
 - (2) A status report and updated GIS map documenting the status of the economic development objectives completed in the approved Project plan and a summary of any material changes to said objectives.
 - (3) The applicable expenses and eligible Project uses of the Tax Differential
 - (4) Matching public and private contributions toward the project.

- (5) Annual itemized reporting of completed and planned development expenditures and related agreements, to be published on the Authority's public website.
- (6) Any new company relocations and/or expansions.
- (7) A certified reconciliation statement reflecting the actual amount of Tax Differential disbursed over the prior year as compared to the amount of Tax Differential projected for that year in the original Project budget.
- (8) Verification:
 - (a) Of performance and compliance by Applicant of all benchmarks, conditions, covenants and obligations in the agreement, including detailed evidence of such performance and compliance;
 - (b) That the Applicant is not in default under any of the terms and conditions of the agreement; and,
 - (c) That Applicant has no claims against the Authority (or, in the alternative, provides a detailed identification of all claims that Applicant has against the Authority).
- (9) An affidavit signed by the chief executive officer and chief financial officer of each Applicant receiving Tax Differential certifying as to the accuracy of the information provided in the annual disclosure report.
- b) Any Applicant that fails to comply with the annual disclosure report obligations of this Section may be subject to forfeiture of all or a portion of future Tax Differential, as the Authority may determine in its sole discretion.

8) Project Access

- a) The Authority shall have access at all reasonable times to the Project and the Project records of any Applicant receiving the Tax Differential, whether directly or indirectly, to monitor the project and verify compliance with the Project agreements.
- b) Any Applicant that fails to provide the Authority access to the Project at a reasonable time may be subject to forfeiture of all or a portion of future Tax Differential, as the Authority may determine in its sole discretion..

9) Eligible Categories for Tax Differential Use. Eligible Tax Differential uses shall be categorized as either project-specific improvements or system-wide improvements, as follows:

- a) Improvements Tax Differential reimbursements may facilitate project-specific improvements ("Project Improvements") that benefit a single parcel or parcel assemblage. Project owners/developers will receive a portion of the Tax Differential generated by the Project Improvements over a limited period of time.
- b) Tax Differential reimbursements may facilitate system-wide improvements ("System Improvements") that benefit more than one parcel and property owner. A portion of the new, additional taxes generated by development that has been facilitated by the System Improvements may be paid toward the cost of System Improvements on a pro-rata basis. Applications for

reimbursement for System Improvements will be given priority based on the date the application is made, and the Authority will commit Tax Differential based on priority of the application.

- c) Projects in Salt Lake City that are approved for Tax Differential reimbursement must consider the City's Northwest Quadrant Master Plan and utilize the guidelines as practicable, promote green building standards, and encourage good planning design. Projects will be required to be in conformance with all applicable policies, ordinances, and codes.

10) Reimbursement terms

- a) The maximum amount of Tax Differential available for reimbursement shall be 68% of the annual Tax Differential generated from the Project. Exceptions may be made by the Board dependent upon the following criteria:
 - i) Capital expenditures in excess of one billion (\$1,000,000,000);
 - ii) Projects that will create 50 or more high-paying jobs; or,
 - iii) Projects that create a unique economic opportunity as defined by the Board.
- b) The maximum reimbursement term shall be twenty-five (25) years.

11) Sufficient Tax Differential. The actual total of the Tax Differential reimbursement may fluctuate. Tax Differential is dependent on the development of the Project and the taxable value being assessed, and Projects that do not generate sufficient Tax Differential during the reimbursement term will not receive the full Tax Differential reimbursement amount.

- a) The Authority shall only be obligated to capture and reimburse Tax Differential generated from property taxes paid on from the Project.
- b) Interest will not accrue against the Authority on the anticipated or projected Tax Differential to be reimbursed to the Project.
- c) All reimbursement recipients shall be required to notify the Authority if they have applied for a property tax appeal with county where the property is located related to the Tax Differential reimbursement. In the event that any such appeal results in a reduction in property taxes, the percentage share of the Tax Differential payable to the recipient shall be decreased, and the percentage share of the Tax Differential payable to the Authority shall be increased, so that the dollar amount payable to the Authority is the same as if no appeal of the assessed value had been made.

UTAH INLAND PORT AUTHORITY

PROPERTY TAX DIFFERENTIAL USE POLICY

January 2019

1) Guiding Principles

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- c) The Authority supports collaborative efforts to effectively manage commercial and industrial development and redevelopment to meet the robust growth anticipated in the State. The Authority's use of Tax Differential for development shall be based in part on linkages to various long-term sustainable growth strategies and plans.
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- a) Retain, locate and expand existing businesses as identified by the Authority's Business Plan which areas key to the Authority's success, and stimulate new commercial and industrial development and redevelopment.
- b) Generate sufficient and sustainable revenues to taxing entities.
- c) Diversify revenue sources to minimize potential revenue shortfalls and leveraging of private investment
- d) Development Fund recipients will not receive more than 68% of the available Tax Differential, unless significant need can be demonstrated as outlined in Section 10 below.

- e) Development Fund will be shared on a need-based system only, using the “but for” test. Tax Differential will only be used to eliminate impediments to the development, be they physical or economic impediments.
- f) No Tax Differential will be provided to businesses that are coming from neighboring communities or adjacent counties, unless the business is significantly expanding its employment base and/or its capital investment.
- g) Priority for Tax Differential will be given to the following ~~three~~four categories:
 - i) Public infrastructure, including issuing assessment bonds
 - ii) Costs associated with building an inland port intermodal facility, including issuing CPACE bonds
 - iii) Costs associated with significant impediments to site development
 - ~~iv) Corporate incentives based on a “but for” analysis as part of a recruitment.~~

Commented [A1]: Recommend deleting this because the concept is already adequately addressed in item “e” above. No need to call this specific item out here.

4) Development Funds Processes, Policy and Procedures:

- a) It is the policy of the Authority to provide a standardized procedure to process, review, and make recommendations on all Tax Differential use from the Development Fund requests (“Projects”).
- b) Because Tax Differential funding is complex, the Authority may take up to 120 days following receipt of all requested documents to respond to proposed Projects. For this reason, project developers are encouraged to contact the Authority early in the process.
- c) The following are primary favorable project considerations (“Favorable Project Considerations”). Projects meeting the following criteria will be viewed favorably by the Authority:
 - i) Projects that will create “new incremental jobs” that are “high paying jobs”, as such terms are defined in Section 63N-2-103 of the Utah Code.
 - ii) Projects that include a significant amount of capital investment or capital density within a small geographic footprint—for instance, from taxable personal property or equipment (such as robotic machinery, electronic equipment, computing devices, etc.)—without substantially increasing the cost of services of taxing entities.
 - iii) Projects for which Tax Differential participation rate is ~~typically~~ limited to 68% or less.
 - iv) Project’s that are confined to a reasonably sized geographic footprint for the Project’s intended and defined purpose, and do not include excess land for yet-to-be defined future projects or project expansion.
 - v) Projects for which the proposed Tax Differential is shared only upon achieving a specified dollar amount of capital investment.
 - vi) Projects for which the Tax Differential participation amount or rate is conditioned upon achieving certain objective Project benchmarks.
 - vii) Projects where the environmental impact of power-consuming, water-consuming, or other resource-consuming personal property will be mitigated, to the maximum extent possible, by a renewable energy project, water conservation project, or other resource conservation project, whichever is applicable.
 - viii) Projects where best available water control technology is used.

d) Projects meeting any of the following criteria may be viewed unfavorably by the Authority:

- i) Projects that have any housing.
- ii) Projects that are predominately retail, unless there is a material justification to do so, which shall be evaluated on a case-by-case basis.
- iii) Projects that would merely cause a relocation of jobs or retail sales from one area in the State to another area in the State, unless it is a significant expansion of the number of jobs or taxable value from what is currently existing.
- iv) Projects that would involve development on sensitive land designated as open space, wetlands, or wildlife habitat.
- v) Projects that would have a disproportionate impact on surrounding residential neighborhoods and/or abutting properties.

5) Project Participation Request Timeline, Submission, and Evaluation Process. Absent extenuating circumstances, Authority staff will attempt to respond to all completed Project participation requests within 120 days of receipt. The Authority and the applicant submitting the Project participation request ("Applicant") shall adhere to the following procedures:

- a) Step One. The Applicant shall provide written notice to the Authority's executive director ("Executive Director") indicating its intent to create a Project, containing a short description of the proposed Project, and requesting Authority participation. Following receipt of this written notice, the Executive Director shall direct the entity to submit a Project participation request and may arrange a meeting with Authority representatives.
- b) Step Two. The Applicant shall submit a completed Project participation request. The Project participation request will be submitted in writing to the Executive Director. A completed Project participation request, includes but is not limited to, all of the following materials:
 - i) Project boundary map and legal description; (GIS map with supporting files);
 - ii) A detailed narrative Project summary;
 - iii) A Draft Project Area Plan if the Project is not already in a Project Area; and
 - iv) A Project budget setting forth:
 - (1) Total Project revenues by source and expenditures by category;
 - (2) The amount of requested Tax Differential and its use, including whether such uses are Project Improvements or System Improvements, as defined in Section 10 below;
 - (3) The amounts and description of tax benefits and other financial support requested, promised or received from any other federal, state, county, local or other public entity;
 - (4) Administrative Fund, Affordable Housing Fund, and Taxing Entity Services Fund revenues generated;
 - (5) Project term; and,
 - (6) Any pass-through scenarios.

Commented [A2]: Double check reference to section 10. Looks like it should be Section 9

Commented [A3]: Intent is to provide the Authority with an understanding of the total public investment the project is seeking.

- c) Step Three. Following receipt of a completed Project participation request, the Executive Director shall conduct a due diligence review. The due diligence review shall include consulting with the Governor's Office of Economic Development and completing a third-party financial analysis paid for by the Applicant. ~~If the participation request is for less than \$1,000,000, the third-party financial analysis may be waived.~~ The analysis shall include:
- i) The public benefits anticipated to be derived from the proposed Project;
 - ii) A determination of financial need and whether or not the proposed Project might reasonably occur through private investment without the Tax Differential;
 - iii) If applicable, conduct an analysis of comparable values of equivalent properties (both the difference and the percentage relative to comparable values) to ensure that the Tax Differential is not being used to reimburse overvalued land costs.
- d) Step Four. After the due diligence is completed, the Executive Director shall provide a written recommendation to the Authority's governing body ("Board") indicating whether the Authority should participate in the proposed Project and to what extent.
- e) Step Five. Following receipt of a written recommendation from the Executive Director, the Board shall review the Executive Director's recommendation and shall request a briefing at a Board meeting, at which time the Board may provide additional guidance, request additional information or request modifications. If any incentives are being offered to the Applicant, or if any participation agreements have been entered into or will be entered into with Applicant, this must be disclosed or known publicly at, or prior to, the briefing during the Board meeting.
- f) Step Six. After the Board meeting, the Executive Director, shall, consistent with the Executive Director's recommendation and any guidance provided by the Board, negotiate terms of an agreement, consistent with Section (6) below, with the Applicant and work with the Authority's legal counsel to draft a final agreement consistent with the negotiated terms. The Executive Director shall then review and approve the agreement and submit it to the Board for final approval.
- g) Step Seven. Upon receipt of the agreement, the Board shall schedule a public hearing. At the public hearing, the Board shall take public comment. Following the public hearing, the Board shall either approve and adopt or deny and reject the proposed agreement in a public meeting. If at the public meeting the Board votes to approve and adopt the agreement, the Board shall adopt a resolution authorizing the Executive Director to execute the Board agreement in substantially the form submitted.
- h) Step Eight. Following adoption of a resolution authorizing the Executive Director to execute the agreement, the Executive Director (or authorized designee) shall execute the same.

Commented [A4]: Consider removing since projects of less than \$1 million are not anticipated

6) Tax Sharing and Reimbursement Agreement with the Applicant

- a) The Authority shall enter into an agreement with the requesting Applicant for each approved Project. The agreement shall be in the form prescribed by the Authority.
- b) The agreement shall not be amended unless authorized and approved by the Board in a public meeting following a public hearing.
- c) The agreement shall include the following:
 - i) The Authority intends that the beneficiary of the Tax Differential reimbursement will be the owner of the Project for the life of the agreement. In the event of a transfer or sale of the property, the agreement and all benefits conferred under the agreement shall benefit the Project and be recorded against the property to run with the land, with the intent that all Tax Differential reimbursements will remain with the owner of the real property and Project. In the event that the ownership of the real property and improvements are severed, the Authority will have sole discretion to determine the beneficiary of the Tax Differential.
 - ii) If the agreement is executed and the real property and Project are conveyed to a third party while the improvements are still being constructed, the Authority will retain the right, in its sole discretion, to consent or refuse to consent to the transfer of the agreement to the new owner, in order to ensure that the benefits the Authority anticipated receiving under the original agreement with the original developer are consistent with and will be honored by the new developer and that the new developer is financially and otherwise able, willing, and committed to perform the developer's obligations thereunder. If the Authority does not consent to the transfer of the agreement, the Tax Differential reimbursement will cease, and the agreement will terminate.

7) Annual Disclosure Reports

- a) Each Applicant that receives Tax Differential shall, for the duration of the Project funds collection period: (a) submit a disclosure report to the Board and Executive Director no later than May 1st of each year for the previous calendar year; and (b) submit information to and otherwise participate in the Authority's public project area database (i.e., a database established by the Authority for the collection and display of Project information and metrics).
- i) All annual disclosure reports submitted under this section shall be posted on a conspicuous place on the Authority's public website.
- ii) The annual disclosure report shall include the following:
 - (1) The name, street and mailing address, phone number, business license number (if applicable), and chief officer of each Applicant receiving Tax Differential.
 - (2) A status report and updated GIS map documenting the status of the economic development objectives and benchmarks completed in the approved Project plan and a summary of any material changes to said objectives.
 - (3) The applicable expenses and eligible Project uses of the Tax Differential
 - (4) Matching public and private contributions toward the project.

Commented [A5]: Should this say agreement instead of plan? Would be referring to the negotiated agreement approved at the end of the process in Section 5. Every project will have an agreement. Not every project will have a project area plan per 5(b)iii

- (5) Annual itemized reporting of completed and planned development expenditures and related agreements, to be published on the Authority's public website.
- (6) Any new company relocations and/or expansions.
- (7) A certified reconciliation statement reflecting the actual amount of Tax Differential disbursed over the prior year as compared to the amount of Tax Differential projected for that year in the original Project budget.
- (8) Verification:
 - (a) Of performance and compliance by Applicant of all benchmarks, conditions, covenants and obligations in the agreement, including detailed evidence of such performance and compliance;
 - (b) That the Applicant is not in default under any of the terms and conditions of the agreement; and,
 - (c) That Applicant has no claims against the Authority (or, in the alternative, provides a detailed identification of all claims that Applicant has against the Authority).
- (9) An affidavit signed by the chief executive officer and chief financial officer of each Applicant receiving Tax Differential certifying as to the accuracy of the information provided in the annual disclosure report.
- b) Any Applicant that fails to comply with the annual disclosure report obligations of this Section may be subject to forfeiture of all or a portion of future Tax Differential, as the Authority may determine in its sole discretion.

8) Project Access

- a) The Authority shall have access at all reasonable times to the Project and the Project records of any Applicant receiving the Tax Differential, whether directly or indirectly, to monitor the project and verify compliance with the Project agreements.
- b) Any Applicant that fails to provide the Authority access to the Project at a reasonable time may be subject to forfeiture of all or a portion of future Tax Differential, as the Authority may determine in its sole discretion.

9) Eligible Categories for Tax Differential Use. Eligible Tax Differential uses shall be categorized as either project-specific improvements or system-wide improvements, as follows:

- a) Improvements Tax Differential reimbursements may facilitate project-specific improvements ("Project Improvements") that benefit a single parcel or parcel assemblage. Project owners/developers will receive a portion of the Tax Differential generated by the Project Improvements over a limited period of time.
- b) Tax Differential reimbursements may facilitate system-wide improvements ("System Improvements") that benefit more than one parcel and property owner. A portion of the new, additional taxes generated by development that has been facilitated by the System Improvements may be paid toward the cost of System Improvements on a pro-rata basis. Applications for reimbursement for System Improvements will be given priority based on the date the

application is made, and the Authority will commit Tax Differential based on priority of the application.

- c) Projects in Salt Lake City that are approved for Tax Differential reimbursement must consider the City's Northwest Quadrant Master Plan and utilize the guidelines as practicable, ~~promote green building standards~~ use the most efficient and best available technology, and encourage good planning design. Projects will be required to be in conformance with all applicable policies, ordinances, and codes.

10) Reimbursement terms

- a) The maximum amount of Tax Differential available for reimbursement shall be 68% of the annual Tax Differential generated from the Project. Exceptions may be made by the Board dependent upon the following criteria:
 - i) Capital expenditures in excess of one billion (\$1,000,000,000);
 - ii) Projects that will create 50 or more high-paying jobs as defined in by Section 63N-2-103 of the Utah Code GOED standards; or,
 - iii) Projects that create a unique economic opportunity ~~as defined by the Board~~ to achieve the Authority's Business Plan.

b) The maximum reimbursement term shall be twenty-five (25) years.

c) Projects that use the most efficient and best available technology to mitigate environmental impacts.

b)d) If the Board considers any exception to reimbursement terms, a written explanation must be provided to the entity contracted to provide municipal services, explaining if changes an amendment to the contract may be necessary.

Commented [A6]: Any reimbursement above 68% could have an impact on funds used to pay for services. Therefore, the municipality providing those services should be notified in case this could impact the contract.

11) Sufficient Tax Differential. The actual total of the Tax Differential reimbursement may fluctuate. Tax Differential is dependent on the development of the Project and the taxable value being assessed, and Projects that do not generate sufficient Tax Differential during the reimbursement term will not receive the full Tax Differential reimbursement amount.

- a) The Authority shall only be obligated to capture and reimburse Tax Differential generated from property taxes paid on from the Project.
- b) Interest will not accrue against the Authority on the anticipated or projected Tax Differential to be reimbursed to the Project.
- c) All reimbursement recipients shall be required to notify the Authority if they have applied for a property tax appeal with county where the property is located related to the Tax Differential reimbursement. In the event that any such appeal results in a reduction in property taxes, the percentage share of the Tax Differential payable to the recipient shall be decreased, and the percentage share of the Tax Differential payable to the Authority shall be increased, so that the dollar amount payable to the Authority is the same as if no appeal of the assessed value had been made.

February 20, 2019

Mr. Chris Conabee
Interim Executive Director
Utah Inland Port Authority

Dear Mr. Conabee,

I'm writing to respond to the draft Utah Inland Port Property Tax Differential Use Policy published January, 2019. I have the following comments:

I applaud the priorities given in paragraph 1b, particularly the emphasis given to high-quality job creation, healthy communities and environmentally sustainable development.

1. I find the policy vague in many places. It is so vague, in fact, that it essentially gives the Board carte blanche to approve whatever projects they like. This obviates the entire purpose of the policy. The Board needs clear guidelines by which to judge the merits of projects seeking tax differential (TD) monies. This would give applicants a better idea up front of how to improve their chances of being awarded TD funds. It would also allow the public to understand why certain projects are receiving funds. In particular, paragraph 1e allows the Board to disregard other parts of the policy.
2. I also find that the measures to evaluate applications for TD funds do not do enough to ensure that taxpayers get a worthwhile return on their investment. For example
 - a. Paragraph 3 refers to "adequate yield of Tax Differential"- who determines what is "adequate"? Although financial forecasts are not 100% reliable, some effort should be made to set goals for the return on tax differential investment. An independent third party should determine if the applicant's financial forecasts are sound.
 - b. Paragraph 3e says the award of TD funds is to be "need-based" and "eliminate impediments to investment". What constitutes a "need" or "impediment"? How will these be determined? Again, there is a need for an independent third party to evaluate applicants' "needs".

[REDACTED]

[REDACTED]

[REDACTED]

- c. I applaud the mention of achieving project benchmarks as a criterion for the Board's viewing a project favorably (para. 4c(vi)) but I think the Policy needs to go further. The experience of many towns and regions indicates that tying subsidies to performance is essential to ensure that the public reaps the intended benefits of its investment. The experiences of Elwood, ILⁱ and Racine County, WIⁱⁱ graphically illustrate this need. Each project should be required to establish benchmarks for capital invested, number and quality of jobs created and environmental impacts (resource consumption and emissions).
 - d. Per para. 5c, the Executive Director will conduct a due diligence review of each application. There is no mention of how these reviews are to be conducted, nor of the criteria that will be applied. An independent third party should be engaged to conduct these reviews. A public RFP should be issued to find a reputable firm to do the reviews and the criteria made public as well.
 - e. The public's opportunity to comment on a development comes only after an agreement has been prepared between the Port Authority and a developer (para. 5g). That is clearly too late for the public to have any meaningful input on the decision. The results of the "due diligence" should be made public, after which public hearings should take place to give the public a voice in the process.
 - f. The public disclosure reports only require information about the project. The company receiving TD funds should also be required to submit audited statements of its overall financial health. Without these, the Authority risks disbursing TD funds to a company unable to finish its project.
3. I find that the policy does not adequately implement the Board's stated intention to create an environmentally sustainable port.
- a. Why does para. 4d(iv) give development on environmentally sensitive land as grounds for viewing a project unfavorably? Such projects should not be eligible for TD funds.
 - b. The 5% of the TD for sustainability initiatives is paltry given the extent of the port development and the magnitude of its likely environmental impacts.

4. How was it determined that an intermodal rail facility was to be given such high priority for receiving TD funds (para. 3g(iii))? This appears to assume a conclusion that should be debated in an open forum.
5. There is no mention of when a proposed project undergoes planning review by Salt Lake City or other jurisdictions. Where a conditional use permit is required, preparing the necessary materials for review and undergoing the review itself is a lengthy process during which time conditions affecting the project may change. Planning review may result in a project's denial, or add significant costs. A thorough due diligence evaluation of such projects cannot be done until all entitlements are received from the relevant jurisdictions.

Thank you for considering the above comments on the Tax Differential Use Policy.

Respectfully,

A handwritten signature in blue ink, reading "David R. Scheer". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Ross Scheer, architect & urban planner

ⁱ see The New Republic, Jan. 9, 2019

ⁱⁱ see Bloomberg BusinessWeek, Feb. 15, 2019

SCOPE OF WORK FOR UTAH INLAND PORT BUSINESS PLAN

The items listed below include the Scope of Work for this solicitation. Vendors should propose how best to complete the items and should provide a timeline on how and how they can deliver each item.

SCOPE OF WORK

EXISTING PLANS & DATA REVIEW

Identify and review inland port related state and local studies and planning efforts to inform on existing conditions, needs, and limitations.

ORGANIZATIONAL STRUCTURE, FUNDING AND OPERATIONS

Recommend structure and staffing of the Inland Port Authority.

- a. Identify a minimum of three (3) scenarios for development of a Utah Inland Port with a recommendation if the consultant chooses.
 - i. The scenarios should consider weighing environmental, economic, and infrastructure/traffic impacts as outlined in the sections below.
 - ii. All data collected in relation to the various scenarios will be provided to the Inland Port Board.
 - iii. The respondent should consult with and utilize local technical experts in each category whenever possible.
- b. Identify the funding models for the various scenarios for the Utah Inland Port, and for the ideal model if one is recommended. Funding models should be based on access to private capital, grants, public funding and how the funding sources can be best used and combined.
- c. Evaluate the funding options so that all government entities contributing to the development of the Port benefit from the development, and that the tax increment allocated for the Port is not anticipated to be permanent.
- d. Recommend potential partners for funding and operating the inland port.
- e. Forecast the funding streams and operating costs, including upfront investment requirements, ongoing expenses, and revenue flows.
- f. Conduct a financial performance analysis, including the measurement of profitability through the start-up period, incremental growth, and at project stabilization.
- g. Perform a risk assessment related to public and private investment, such as construction risks, start-up period risks, macroeconomic issues, geopolitical risks, pricing risks, weather, labor, and regulatory issues.
- h. Identify the extent to which the other levels of government (state, county, municipalities) have existing technical resources that can be accessed to avoid duplication and encourage the efficient use of resources.
- i. Provide options for an approach to recognize and reimburse other governmental entities the cost of providing services to the inland port, including but not limited to: police, fire, building inspection, business licensing, legal services.
- j. Review potential infrastructure funding resources, and recommend a process by which those resources can be appropriately leveraged to create maximum benefit and respect the concept that the growth in the area is expected to cover the development costs.

- k. Review current state, county and municipal policies on the criteria for, evaluation of, and accountability for the allocation of tax differential or other incentives, and provide recommendations on the ratio of tax differential funds allocated to attract and support specific business development projects vs. the amount allocated to develop infrastructure.
- l. Develop a 3 – 5-year plan from start-up to operations, with detailed phases and tasks; and identify partnerships to carry out start up tasks based on the current community and business ecosystem.

ECONOMIC IMPACT

Building upon the Utah Inland Port Feasibility Study, assess the economic impact of an inland port on the community, state and intermountain region.

- a. Identify potential growth of the business base, export base, markets, and supply chain networks.
- b. Identify existing companies, industries and supply chains that will benefit from an inland port.
- c. Identify companies and industries to attract and recruit within the inland port area as well as the surrounding proximity, including ecologically-oriented businesses compatible with the sensitive area,
- d. Identify opportunities for cluster development and partnership ecosystems.
- e. Perform a commodity flow analysis that quantifies the potential economic and fiscal effects resulting from the shipment of commodities to and from the inland port.
- f. Assess how regional, national and international business trends might impact the inland port and recommend mitigation options.
- g. Recommend potential partnerships with existing seaports and assess their impact and benefit.
- h. Assess the current ability to balance outgoing volume with incoming volume to determine the near term scope and size of an inland port.

ENVIRONMENTAL IMPACT AND SUSTAINABILITY

In partnership with the Utah Department of Environmental Quality, identify impacts and mitigation options to develop an environmentally sensitive and sustainable inland port.

- a. Perform a baseline air quality analysis, including inventory of current emissions, using relevant existing studies and local expertise.
- b. Conduct a baseline water inventory and analyze the projected water needs for development of the inland port.
- c. Assess potential impact to air quality, including the number of trucks on the freeway system, increased rail traffic and air miles, and mitigation options.
- d. Conduct an environmental element inventory that informs where development and what type should occur.
- e. Provide examples of alternative fleet options that are available and could be implemented such as electrification of trucks to limited idling and alternative fuels.
- f. Assess potential impacts to wildlife, water quality and local wetlands and mitigation options.
- g. Identify potential impacts to local communities such as localized air emissions, light pollution, noise, and vibrations, and identify mitigation options.

- h. Provide direction on compliance with existing environmental laws and regulations.
- i. Identify other sustainability components and best-practices that can be incorporated into the inland port.

SITE ASSESSMENT AND INFRASTRUCTURE

Perform a site assessment and provide recommendations on infrastructure siting, needs, and costs.

- a. Perform a site review and assessment of the property's physical characteristics, including existing infrastructure, linkages, opportunities, and constraints.
- b. Identify and define capital improvement needs and associated costs.
- c. Assess landowners' current and planned infrastructure investments and improvements.
- d. Assess the inland port area and recommend potential sites for the transfer station based on:
 - i. Property physical characteristics.
 - ii. Existing infrastructure and transportation assets.
 - iii. Cost to build needed infrastructure and transportation assets.
 - iv. Public health and social impacts.

PROPOSED TIMELINE FOR DELIVERABLES

Provide a proposed timeline. The proposed timeline for deliverables should be a point-by-point list of deliverables the Offeror believes can be completed during the project period, along with the length of time for each deliverable. The specific deliverables are in each section of the above Scope of Work sections. Offerors should include the deliverable name in the timeline.

OTHER

FOR INFORMATIONAL PURPOSES ONLY

Offerors are invited to suggest work products or consulting services not directly referenced in this scope but that may be, in the experience of the offeror, beneficial to the Authority's efforts to establish a successful inland port. Offeror should submit pricing for such services in a 'menu' format, with a description of the possible service or product as well as the additional cost for that service or product.