

Utah Inland Port Authority Board | 2018

Utah Inland Port Authority Board Meeting Minutes

September 26, 2018 • 4:00 p.m. – 6:00 p.m.

Utah State Capitol

House Building, Room 320

Salt Lake City, UT 84114

Board Members Present: Derek Miller (phone) Carlos Braceras, D. Gregg Buxton (phone), Stuart Clason, Lara Fritts, Ben Hart, Michael Jensen, Garth “Tooter” Ogden, James Rogers, Francis Gibson, Nicole Cottle

Board Members Absent: None

Others participating in meeting and staff: Christopher Pieper, Ruedigar Matthes

Welcome

Vice Chairperson Rogers welcomed all to the third meeting of the Utah Inland Port Authority. He draws attention to the standards of conduct and decorum document that was in the board packet. He requested that board members look over the document and be prepared to act at the next meeting.

Approval of Minutes

Vice Chairperson Rogers entertained a motion to approve the minutes.

Motion:

Tooter Ogden moved that the board approve the minutes for last meeting.

Michael Jensen seconded the motion.

Motion was approved unanimously.

Discussion:

Chairperson Rogers suggested moving the public comment portion of the meeting to immediately follow the budget hearing. He turns the time over to Chairperson Miller, who is on the phone, to begin the public hearing on the annual budget. Chairperson Miller noted that the budget was posted and noticed one week in advance, per State statute. He noted that the purpose of the hearing is to solicit input from the public. He clarified that the appropriations that comprise the budget are one-time appropriations. He stated that because the appropriations are one time, he reserved a portion of the funds for the second year in the budget. He called attention to the \$300,000 allocated for community engagement and noted that community input is critical in the process.

Vice Chairperson Rogers stated that public comments would be kept to three minutes per comment and invited public comment on the budget.

Public Comment on Budget:

The following members of the public in attendance offered public comments on the budget:

Jonny Vasic, Utah Physicians for a Healthy Environment. (Independent environmental and health impact study.)

Richard Holman, Westside Coalition. (Define terms in budget, public input through focus groups.)

Dorothy Pappas Owen, resident. (Include legal fees as separate line item. Itemize all expenses. Increase reserve funding to cover ongoing costs of FY19. Impact analysis funding.)

Mr. Alvarez, resident. (Funding for environmental studies. Elaborate the budget.)

Josh Cameron, resident. (Air quality.)

Dean Dinas, resident and economic consultant. (Port and air quality research. Compliance costs.)

Robin Adamson, SLC Air Protectors. (Move \$300,000 community engagement funds to environmental impact study. Make port a clean port.)

Heather Duff, Great Salt Lake Audubon. (Environmental health impacts. Move \$300,000 community engagement funds to environmental and health impact study.)

Chuck Newton, resident. (Increased specification. Lower amount put toward RFP. \$300,000 is too much for community engagement study. Allocate funds to administrative startup costs, insurance, website enhancement, recorder support, telecommunications.)

Discussion:

Chairperson Miller clarified that the economic study would include an environmental impact section. Vice Chairperson Rogers noted that even if adopted, the budget could be amended at a future date. Ben Hart noted that the budget is legal. He commented that nothing else can move forward until a budget is in place. Stuart Clason asked if

environmental stipulations were included in the Salt Lake City Northwest Quadrant (NWQ) Master Plan and if those could be adopted so that money isn't spent twice. Lara Fritts responded in the affirmative and suggested that the Business Plan RFP should include a review of all other plans for the area. Vice Chairperson Rogers commented that he will request a report on the NWQ master plan. Michael Jensen asked if the tentative budget needed to be passed today. Chris Pieper states that legislation requires that budget be passed as soon as is reasonably practicable. If the budget is reworked, there would need to be another public hearing.

Carlos Braceras discussed the importance of hiring an executive director and his role in putting together the RFP. He suggested that the budget will need a \$100,000 line-item to hire a search firm for the executive director. He stated that he supports reworking the budget before passing it.

Motion:

Ben Hart motioned to adjust the budget to lower the personnel line item by \$100,000 (from \$300,000 to \$200,000) and include a \$100,000-line item in the professional services category to go toward hiring an executive search firm for the executive director; after "Accounting and other professional services" add a comma and "including an executive search firm"; and with those changes to approve the budget.

No second to the motion.

Vice Chairperson Rogers asked if there is another motion.

Motion:

Carlos Braceras motioned to move \$100,000 from the personnel line to a new line item to hire a search firm and an executive director; include this change in a tentative budget that remains open to public comment; return during next meeting for consideration.

Lara Fritts seconded the motion.

Motion approved unanimously.

Public Comment:

The following members of the public in attendance offered public comments:

Kevin Lee Caster, resident. (Net zero environmental impact.)

Robin Adamson, resident. (Environmental and economic portions need to go hand in hand.)

Steve Van Maren, resident. (Be as open and transparent as possible to avoid GRAMA request.)

Terry Marasco, Utah Mom's for Clean Air. (Air quality.)

Discussion:

Vice Chairperson Rogers directed board members to the document on the rules of decorum and asked them to look them over in preparation for discussion and action during the next board meeting.

Stuart Clason requested to add a discussion item on open and transparent subcommittee meetings at the next meeting. He also suggested transferring administrative support from Salt Lake County Economic Development to Salt Lake City Council staff. Vice Chairperson Rogers stated that he will take the request to the Salt Lake City Council.

Ben Hart complimented the rules for decorum. In response to Stuart's request, Ben Hart noted that he is willing to offer GOED staff to help support administrative functions.

Discussion:

Vice Chairperson Rogers described the business plan scope of work. Notes that he did not see anything about stakeholder input in the plan. Lara Fritts commented that the plan should include public engagement, should include a review of existing plans and studies, and should review the feasibility study, and that this review should occur in a subcommittee meeting. These should be included in the RFP. Tooter Ogden stated that he would like to see the entire state, including the rural communities, engaged in the business plan. Ben Hart suggested that the board should redline the scope of work. He suggested that the review of existing documents should happen in the full board meeting, not in the subcommittee.

Chris Pieper advised that board members should individually send redlines and comments on the business plan scope of work to the chair directly, rather than having a long chain that could be seen as an email meeting. These comments should be brought in to the next public meeting.

Vice Chairperson Rogers asked board members to pass comments on the scope of work to the chair for discussion and public comment at the next meeting.

Discussion:

Carlos Braceras reported on what his team has done. His team has found four firms, which can be selected through a small jobs request. He provided a draft of RFP to board and public. The proposals will be returned on October 6. These would then be sent to the chair and could be discussed at the next board meeting. He noted that once a firm is hired, the process will likely take four to six months to select an individual. He noted that there is nothing in the law that says the board must go down this path but suggested that this is the best way to find the best candidate.

Discussion:

Vice Chairperson Rogers asked if there are questions or comments on the GRAMA policy. He asks a question about item D, which outlines fees. Chris Pieper clarified that Salt Lake County Economic Development staff is the records officer to which this would refer.

Motion:

Ben Hart motioned that the GRAMA policy be adopted as presented to the board.

Carlos Braceras seconded the motion.

Discussion:

Michael Jensen asked where the price policy comes from. Chris Pieper noted that these track with other state policies.

Motion:

Motion approved unanimously.

Discussion:

Vice Chairperson Rogers turned the time over to Chris Pieper to discuss the options for legal support to the board. Chris Piper stated that his supervisors at the AG's office have informed the chair that support is limited. He outlines the three options that he sees as viable for the board.

Vice Chairperson Rogers clarified that there are three options: hire the AG's office, hire a private firm, or hire an individual. He suggested that the AG's office would need to provide a baseline cost for such services. Chris Pieper noted that the AG's office is putting a cost estimate to retain the AG's office. Senator Buxton suggested that hiring legal counsel would likely need to be done through an RFP process. Vice Chairperson Rogers asked Chris Pieper to do more research on this pricing. Stuart Clason suggested that it would be good to task someone on the board to lead out on this process. Nicole Cottle accepted taking the lead on researching the options.

Discussion:

Vice Chairperson Rogers turned the time over to Ben Hart to discuss the need to reconsider the Stadler Rail and tax differential motion that occurred in the previous meeting. Ben Hart clarified the reason for doing so.

Motion:

Ben Hart motioned to reconsider the Stadler Rail and Tax Differential topic.

Tooter Ogden seconded the motion.

Motion approved unanimously.

Discussion:

Ben Hart discussed the opportunities that face the inland port. He outlined how tax differential projects are typically handled and noted that the board has the capacity to also handle tax differential deals. He noted that the tax differential subcommittee did not meet in the last month. He discussed the Stadler Rail deal that is already under way. He suggested that just as Carlos Braceras is leading on the executive director search, one individual could lead on these tax differential deals. He noted that these would need to be brought to the board for approval, but that there needs to be a singular negotiating entity. The board discusses the handling of tax differential deals.

Motion:

Ben Hart motioned that the board ask GOED to work with Stadler Rail and other tax differential projects to bring deals to the board for approval.

Tooter Ogden seconded the motion.

Discussion:

The board discussed how project areas should be established, whether parcel by parcel or as an entire area. Ben Hart opined that to maintain an ongoing budget, it would make the most sense to treat the entire area as one project area. He noted that the board would have to make the final decision on how to handle project areas. He noted that such a determination should occur before any deals are finalized.

(Note: During this discussion, the power in the room went out.)

A straw poll is done to make approve of Chris Pieper performing a legal analysis on what the legislation empowers the board to do on tax differential deals.

Ben Hart suggested that the board look at deal parameters at the next meeting.

Motion:

Motion approved unanimously.

Motion:

Representative Gibson moved that the meeting adjourn.

Stuart Clason seconded the motion.

Motion was approved unanimously.