

JORDAN RIVER COMMISSION
Board of Commissioners – Regular Meeting

Minutes of July 21, 2011

A regular meeting of the Board of Commissioners of the Jordan River Commission, was held on Thursday, July 21, 2011. The meeting was called to order by Commissioner Corey Rushton, Commission Chair, at 9:00 am at the Division of Environmental Quality Board Room, 195 North 1950 West, Salt Lake City, UT 84114.

ATTENDENCE

Name	Agency or Organization	Present
Councilman Corey Rushton	Board Chair, West Valley City	X
Councilman Chris McCandless	Board Vice-Chair, Sandy City	X
Richard Bay	Board Member, Jordan Valley Water Conservancy District	X
John Bennett	Board Member, Office of the Governor	X
Councilman Bill Colbert	Board Member, Draper City	
Mayor Peter Corroon	Board Member, Salt Lake County	X By alternate: Julie Peck-Dabbling
Commissioner Louenda Downs	Board Member, Davis County	X By alternate: Scott Hess
Commissioner Larry Ellertson	Board Member, Utah County	
Councilman Irvin Jones	Board Member, City of South Salt Lake	X
Senator Aaron Osmond	Board Member, Utah Senate	X
Councilman Stan Porter	Board Member, City of North Salt Lake	X
Councilman Tee Tyler	Board Member, Cottonwood Heights	X
Mayor Russ Wall	Board Member, Taylorsville	X By alternate: Michael Meldrum
Councilman David Wilde	Board Member, Salt Lake County	X
Jenny Wilson	Ex-Officio Member, Community at Large	X
Mark Bedel	Ex-Officio Member, Jordan River Foundation	X
Alene Bentley	Ex-Officio Member, Rocky Mountain Power	X
Greg Hardy	Ex-Officio Member, Chevron	X
Michael Horrocks	Ex-Officio Member, Wasatch Rowing Foundation	

ALSO IN ATTENDANCE

Laura Hanson, Jordan River Commission
Jeffrey Studenka, DEQ, Division of Water Quality
Wilf Sommerkorn, Salt Lake City
Dave Spalding, Rocky Mountain Power
Roy Avery, Rocky Mountain Power
Bill Yates, Great Salt Lake Audubon
David Eckhoff, Jordan River Commission TAC
Tracy Tran, Envision Utah
Karen Nichols, HDR
Jim Price, Mountainlands Association of Governments
LaNiece Davenport, Wasatch Front Regional Council
Ken Leetham, North Salt Lake

MINUTES

Commissioner Rushton, Board Chair, called the meeting to order. He welcomed the group and thanked the Department of Environmental Quality for its hospitality.

ITEM 1 – CONSENT AGENDA

Councilman Chris McCandless made a correction to the minutes where it refers to his comments under Item 3. Public Comment Period. The word “not” should be removed from the sentence below:

He also noted that he feels the environmental and recreational interests are ~~not~~ represented at the meeting.

Mr. Richard Bay, noted that the attendance should show that he was represented by an alternate Bart Forsyth at the June 16, 2011 meeting.

Motion – Councilman Chris McCandless made a motion to approve the agenda and the minutes from the June 16, 2011 meeting with the corrections noted.

Second – Mr. Richard Bay

Discussion - none

Vote – Unanimous in favor.

ITEM 2 – PUBLIC COMMENT PERIOD

Board chair, corey rushton noted that since the board has a full agenda and a lot of business to cover that we feel it is important to set aside a specific time to hear from members of the public at the beginning of each meeting. He asked the audience if there was anyone there to speak to the Commission. Seeing none, the public comment period was closed.

ITEM 3 – MEMBER PRESENTATION

Executive director welcomed the newest members of the Governing Board. The City of Saratoga Springs joined the commission, and until they identify their official representative Jim McNulty will serve as the temporary Governing Board Member for the city. Also new to the Governing Board are Senator Aaron Osmond from the Utah State Senate, and Mr. John Bennett from the Governor’s Office. In addition, three new Ex-officio members are joining the board today as well: Alene Bently from Rocky

Mountain Power, Greg Hardy from Chevron, and Michael Horrocks from the Wasatch Rowing Foundation.

ITEM 4 – EXECUTIVE DIRECTOR’S REPORT & FINANCIAL REPORT

Executive Director Laura Hanson gave an overview of the tasks that the Commission has been working on over the last month. These include:

- Reminder for each member government to approve a resolution amending the Interlocal Agreement. Sample resolution provided in last month’s meeting packet. JWCD’s Board considered this, and approved the change subject to the word “approximately” being replaced with “not more than.” Karl Hendrickson, Commission legal counsel will take another look at this and propose a change if he feels on is necessary.
- Created internal blog as a way to share documents and condense email discussions. www.jrcut.wordpress.com. No decision making may occur in this forum, and it is to be use simply for sharing information.
- Salt Lake County proposed parks bond was tabled until next year, and the Salt Lake Athletic Complex was removed from the proposal. This is an opportunity to re-craft the proposal to put more money towards the Jordan River corridor. Councilman David Wilde noted that he is not certain how he would vote on a revised proposal, but that the proposed bond would be more favorable to him if it put more emphasis on the Jordan River. He recommended bing proactive and working perhaps with a study committee of the Council to develop a revised proposal.
- Working on exploring funding opportunities for 9000 South parkway gap completion – CMAQ, UDOT Transportation Enhancement Funds, 2030 TIP
- Researched the idea of creating individual Special Assessment Districts along the river corridor. Councilman McCandless suggested at an earlier meeting that the Commission look into the possibility of helping local governments create Special Assessment Districts as a tool to generate revenue that implements the Commission’s objectives while still ensuring municipal sovereignty and local control.
 - Requirements of Special Assessment Districts - specific projects must be identified, could be used for operations and maintenance as well as capital projects or economic development activities. Must clearly demonstrate benefits to those within district. Requires a board of equalization.
 - Possible uses for Special Assessment Districts - restoration of a wetland adjacent to a development, within a development project, an endowment for long-term maintenance of a restored wetland nets to a development.
 - Challenges of Creating Special Assessment Districts – difficult to create politically, possibility of legal challenges other whether assessment methodology is appropriate, and challenges over whether property is directly or indirectly benefited by the creation of the assessment area.

Ms. Hanson also reviewed a financial report of Commission revenue and expenses, and noted that the annual contributions from each member are now due for FY 2011-2012.

Revenue	\$5,593.65
Expenses	\$6,433.33

Account Balance \$100,117.05

OLD BUSINESS

ITEM 5A – FINALIZE TECHNICAL ADVISORY COMMITTEE MEMBERSHIP

Board Chair Rushton asked Laura Hanson to introduce this agenda item. Ms. Hanson noted that the Interlocal Agreement largely specifies who should participate on the Commission's Technical Advisory Committee, but leaves the door open for additional appointments.

She noted that at the June 16, 2011 meeting that the following individuals were appointed to the TAC:

- Christine Morr
- David Eckhoff
- Sumner Swaner
- Greg Williams
- Tom Ward
- Lynn Larsen

Ms. Hanson then recommended the following individuals to be added to that list to help round out the areas of expertise on the TAC:

- Dan Potts, Salt Lake County Fish and Game Association
- Ty Harrison, Great Salt Lake Audubon and TreeUtah
- Adriaan Boogerd, community activist and river user
- Eric McCulley, Legacy Nature Preserve
- Chris Cline, US Fish and Wildlife Service
- Scott Stoddard, US Army Corps of Engineers
- Bernard Stolp, US Geologic Survey
- LaNiece Davenport, Wasatch Front Regional Council
- Jim Price, Mountainlands Association of Governments
- Karen Nichols, HDR

Councilman Chris McCandless asked if The Board would have any problems in removing anyone from the TAC if we determined that it was not a good fit? Ms. Hanson noted that there is not language in the Bylaws or Interlocal that refer to that situation, and that we should be able to make those decisions on a case-by-case basis if needed. She said that she would forward the question to the Commission's legal counsel for confirmation.

Councilman McCandless also mentioned that he would like to nominate Mr. David Eckhoff as Chair of the TAC, and Mr. Lynn Larsen as Vice-Chair of TAC. He mentioned that he had spoken privately with Mr. Eckhoff and mentioned his intent and that Mr. Eckhoff agreed.

Councilman Tee Tyler noted that we should also reach out to the mosquito abatement districts.

Motion – Councilman Chris McCandless made a motion to appoint the individuals recommended by the Executive Director on pages 5 and 6 of the meeting packet to the Technical Advisory Committee (TAC), and also to appoint Mr. David Eckhoff as the Chair of the TAC, and Mr. Lynn Larsen as the Vice-Chair.

Second – Julie Peck-Dabling

Vote – Unanimous in favor.

ITEM 5B – REVIEW COMPARISON OF ENTERPRISE V. GENERAL FUND ACCOUNTING AND SPECIAL REVENUE FUND ACCOUNTING

Board Chair Rushton asked Laura Hanson to introduce this agenda item. Ms. Hanson noted that at the last meeting the Board approved a budget for FY 2011-2012 as an Enterprise Fund, but there was still some question about whether this was the appropriate type of fund accounting. Ms. Hanson and the Commission Treasurer, Ken Leetham, did some research and have presented the main elements, pros, and cons of each type of Fund Accounting: General Fund, Enterprise Fund, Special Revenue Fund.

She also explained the year-end financial reporting requirements as outlined by Utah State Code. Both she and Mr. Leetham have reached out to the Utah State Auditor's Office and the Governmental Accounting Standards Board (GASB), and both have indicated that they feel that an Enterprise Fund appropriate for use by the Commission as its primary budgeting and accounting tool. Based on these expert opinions, it is the recommendation of the Executive Director and Treasurer that the budget remain as an Enterprise Fund.

The Board discussed the various options, and agreed to leave the budget as an enterprise fund.

No action taken.

NEW BUSINESS

ITEM 6A – CONSIDER APPROVAL OF A RECORDS MANAGEMENT POLICY

Board Chair Rushton asked Laura Hanson to introduce this agenda item. Ms. Hanson noted that per Utah State Code, 63A-12-100 through 63A-12-109, the Jordan River Commission is subject to GRAMA requests. Based on the Commission's Governing Board's guidance, Karl Hendrickson has drafted a proposed Records Management Policy that places final appeal authority with the State Records Management Committee.

She noted that a draft of the proposed Records Management Policy was included in the June 19, 2011 meeting packets, and is now before the Governing Board for possible adoption.

Councilman David Wilde asked what the work federal was referring to in the following language in the proposed policy: "The Commission shall comply with the provisions of this policy, the Act, and other federal and state statutory and regulatory recordkeeping requirements." It was explained that this likely refers to any requirements that are outlined as part of a federal grant management policy.

Motion – Ms. Jenny Wilson made a motion to approve the Records Management Policy, with the Board's intent to review and approve a retention policy and fee schedule, and following all requirements specified by any federal grants awarded the Commission.

Second – Councilman Chris McCandless

Vote – Unanimous in favor.

ITEM 6B – CONSIDER APPROVAL OF AN ELECTRONIC MEETINGS POLICY

Board Chair Rushton asked Laura Hanson to introduce this agenda item. Ms. Hanson noted per Utah State Code, Section 52-4-209, members of the Governing Board may participate in the Governing Board meetings via teleconference. Karl Hendrickson has drafted a proposed Electronic Meetings Policy that authorizes this.

A draft of the proposed Electronic Meetings Policy was included in the June 19, 2011 meeting packets, and is now before the Governing Board for possible adoption.

Motion – Ms. Jenny Wilson made a motion to approve the Electronic Meetings Policy.

Second – Councilman David Wilde

Vote – Unanimous in favor.

ITEM 6C – CONSIDER SUBMISSION OF A NPS RTCA GRANT APPLICATION

Board Chair Rushton asked Laura Hanson to introduce this agenda item. Ms. Hanson explained the Rivers, Trails and Conservation Assistance Program grants offered by the National Park Service. She noted that the Commission has been communicating with the RTCA program staff about the idea of creating a comprehensive trail map for the Jordan River Parkway (including the equestrian and water trails) and designing and installing interpretive signage along the parkway.

She noted that there is no local match required, and that no monetary grant is awarded, but the Commission would receive technical assistance that would be the equivalent of hiring a consultant to help develop the work product and coordinate with relevant stakeholders. Applications are due on August 1, 2011.

Impact on Commission Anticipated Staff Time to Prepare Application:

20 hours – drafting proposal, meeting with RTCA, and collecting letters of support

Anticipated Staff Time Needed if Awarded:

25-30% Time helping facilitate the project October 2011 - Spring 2012

Ms. Hanson showed some images of some sample maps and interpretive signage from other river corridors and trail systems around the country as examples of what could be produced. It is the Executive Director's recommendation to apply for the assistance grant since this is a high visibility, high benefit, and low cost project.

Councilman Chris McCandless expressed his support for the project proposal.

Motion – Mr. John Bennett made a motion to approve the Commission's application to the National Park Service's RTCA assistance grant process.

Second – Ms. Jenny Wilson

Vote – Unanimous in favor.

ITEM 6D – CONSIDER ADOPTION OF GUIDANCE OR A POLICY REGARDING EXECUTIVE COMMITTEE STRUCTURE AND APPOINTMENTS

Board Chair Rushton asked Laura Hanson to introduce this agenda item. Ms. Hanson noted that about four people have asked about the process for appointing additional Governing Board members to the Executive Committee. She noted that right now the Executive Committee is comprised of the Board Chair (Councilman Corey Rushton) and Vice Chair (Councilman Chris McCandless), and a representative of the State of Utah (Mr. John Whitehead, DWQ) as outlined in the Interlocal Agreement. The Committee also includes Commissioner Louenda Downs of Davis County. The Executive Committee meetings are open meetings, and can be attended by anyone on the Board, as long as attendance does not constitute a quorum of the entire Board. She noted that the Board is not required to take any action on this item, but may consider adopting an addendum to the Bylaws that clarifies Executive Committee appointments, and the Board may consider making additional appointments to this committee, as long as the size of the Executive Committee does not exceed seven people as outline in the Interlocal Agreement and Bylaws.

Ms. Jenny Wilson noted that she is comfortable with the existing structure for the Executive Committee and noted that she is grateful for those that have volunteered to make this additional time commitment. She noted that she felt the current size of the Executive Committee is appropriate for the size of the overall Governing Board and that as the Board grows that may be an appropriate time to consider additional appointments. She noted that right now that it makes sense for the Commission to try to create less administrative tasks and to instead focus on the river.

Mr. Mark Bedel expressed that he did not feel that any additional policy language is needed at this time, but that the Board could nominate an additional three people to bring the total to seven members.

Councilman Irvin Jones noted that he is more concerned with expanding the Technical Advisory Committee at this point than the Executive Committee and was worried about having too many cooks in the kitchen.

Councilman Corey Rushton expressed that right now the Executive Committee typically meets either before or after the Board meeting and assigns out tasks to various members to follow up on. He felt that the size of the Committee is appropriate for the number of tasks to be assigned out at this time. He felt that when the number of tasks to be assigned increases that would indicate an appropriate time to expand the Executive Committee.

Commissioner Louenda Downs noted that she felt that the Executive Committee as currently structure is working well and that there is no need to make a formal change to the Interlocal Agreement or Bylaws at this time.

Motion – Ms. Jenny Wilson made a motion to leave the language and membership of the Executive Committee as it is, but to reconsider that structure as needs arise.

Second – Councilman Chris McCandless.

Vote – Unanimous in favor.

ITEM 6E – CONSIDER A MEMORANDUM OF UNDERSTANDING BETWEEN THE JORDAN RIVER COMMISSION AND WEST VALLEY CITY REGARDING ADMINISTRATION OF COMMISSION PAYROLL AND BENEFITS.

Board Chair Rushton asked Laura Hanson to introduce this agenda item. Ms. Hanson reviewed the motion made at the May 19, 2011 meeting regarding pursuing having Commission employee payroll and benefits being administered by West Valley City. She noted that they have been successful in making these arrangements, and that Karl Hendrickson, Commission legal counsel, has drafted a proposed MOU between the two agencies to formalize the agreement. She noted that her commendation to the Board is to approve the MOU while allowing the Commission Chair discretion to make minor adjustments as needed based on negotiations with West Valley City.

It was noted that there is a spelling error in Item 3. COMPENSATION. That should be corrected in the final version.

Councilman Corey Rushton noted that he is comfortable with the draft agreement and that the City is happy to help support the Commission in this way.

Motion – Mr. Mark Bedel made a motion to approve the draft memorandum of understanding with authority granted to the Chair to make any final, non-substantive changes in consultation with West Valley City.

Second – Ms. Alene Bentley.

Vote – Unanimous in favor.

ITEM 6F – REVIEW AGENDA FOR COMMISSION STRATEGIC PLANNING RETREAT

Board Chair Rushton asked Laura Hanson to introduce this agenda item. Ms. Hanson reviewed a proposed agenda for the Commission's first strategic planning retreat, and noted that she would send out an email poll to find a day that works for the majority of the Commission Board members. The proposed agenda is for one full day from 8:30 am – 5:30 pm.

Ms. Jenny Wilson suggested that perhaps two half days might be easier to schedule and interfere less with people's regular schedules. She also noted that it would be good to try to avoid days in the

University of Utah football game schedule as well. It was decided that the Executive Director will look for two half days in September or October for the retreat.

Mr. Mark Bedel suggested that a third party facilitator be brought in for the retreat.

Ms. Laura Hanson noted that was her initial reaction as well, but that she's happy to play any role that the Board would like her to and that the latest discussions have been for her and Councilman Corey Rushton to take the lead facilitation roles. She did note that thinking about the Commission all day every day, has resulted in several ideas that she would like to be able to share and ensure that she can fully participate in the discussion, but she felt that she could probably do that in either the facilitator or participant role.

Ms. Julie Peck Dabling and Councilman Chris McCandless both agree that part of the reason that Ms. Hanson was hired was because of her facilitation skills and that they felt it would be appropriate for her to take that role at the retreat.

Mr. Richard Bay suggested discussing the idea of creating a 501(c)(3) at the upcoming retreat.

No action taken.

ITEM 6G – DISCUSS CREATING A SEPARATE 501(C)3, E.G. FRIENDS OF THE JORDAN RIVER COMMISSION

Board Chair Rushton asked Laura Hanson to introduce this agenda item. Ms. Hanson explained that it was suggested that the Commission look into creating a separate non-profit organization for purposes of collecting donations from those that are supportive of the work of the Commission, but uncomfortable donating to a governmental agency. She reviewed the pros and cons of forming such an organization, which include:

Pros:

- More desirable to many potential donors, public perception
- New non-profit would have same governing board and maintain control of any funds collected
- Could create a "Friend of the Jordan River" membership base and start collecting dues
- Could have unlimited number of community partners
- Could grow to help facilitate and organize community river clean-ups, weed pulls, plantings and festivals and events.

Cons:

- Creates a separate entity to administer
- Would need separate set of bylaws and articles of incorporation
- Would require at least annual meetings of the Board of Trustees
- Fair amount of paperwork involved in creating this and would divert time away from other projects
- Process can take between six months to a year to complete

She noted that while this is a great idea, and one that the Commission may want to consider in the future, that she felt the time commitment in setting up and administering another organization would take away from work focused on the Commission's goals, and that this should be set aside for future consideration. She also noted that many of the pros could likely be accomplished under the existing Jordan River Commission Structure.

Ms. Hanson did recommend that the Board consider expanding Commission membership to include a "Community Partner" category that is unlimited in number and could be a way of including other agencies and cities that are unlikely to sign the Interlocal Agreement, as well as other supportive community businesses and non-profits.

Mr. John Bennett noted that he would be interested in a better understanding of how this new proposed entity might affect other existing non-profits working along the Jordan River and that it would be good to explore that in more detail before a decision is made.

Councilman Corey Rushton explained that this idea stemmed from his upcoming election campaign and thought it might be nice to create a separate non-profit for the Commission so that his constituents could donate to a non-profit if they were uncomfortable donating to a campaign or to a governmental entity.

Councilman Chris McCandless noted that this sounded like a good discussion for the retreat.

Motion – Councilman Chris McCandless made a motion that the Board put creation of a non-profit on the agenda for the upcoming retreat and that the Executive Director further research the creation of a 501(c)3.

Second – Councilman Stan Porter.

Discussion –

Mr. Mark Bedel expressed his concern that the motion suggests that the Board is ready to make a decision on this agenda item, after a discussion that raised several questions about whether this is the appropriate time to consider this. He noted that he is opposed to the motion and that we should discuss this at the retreat.

Ms. Julie Peck-Dabling explained that her understanding of the motion to put a discussion about the possibility of creating a 501(c)3 organization on the agenda for the retreat as part of an overall discussion about the future of the Commission, not necessarily to revisit it and make a decision.

Mr. Mark Bedel expressed that he felt the wording of the motion indicated making a more final decision, and that he would vote against it or any motion regarding creating a nonprofit at this time.

Councilman Chris McCandless withdrew the motion.

OTHER BUSINESS

ITEM 7 – OTHER BUSINESS

Board Chair Rushton noted that this agenda item has been added to give Board members an opportunity to mention any additional items they may wish to discuss with the Board.

Mr. Mark Bedel noted that he feels that it is important for the Commission to adopt some fiscal management policies to clarify procedures and practices for the expenditure of funds. He also noted that the Commission should adopt an employee manual that specifies procedures and policies for accrual of paid time off, to ensure the Commission will not be obligated to pay back a large sum of money at some point in the future if the Executive Director leaves her position by her own initiation or the Commission's.

Ms. Laura Hanson noted that the memorandum of understanding just approved by the Board includes the adoption and adherence to the West Valley City employee manual, which outlines these policies. It is her understanding that she will for all human resource items, be an employee of the City and required to follow those policies in addition to a drug and alcohol policy. She also noted that the Commission will be paying the City a single, lump sum payment for the entire year of benefit and payroll expenses, and that should paid time off accrue, there should always be funds in the account managed by West Valley City to cover the amount of time accrued.

ITEM 8 – CONFIRM NEXT MEETING AUGUST 18, 2011 AT 9:00 AM AND ADJOURN

Confirmed.

Motion - Councilman Chris McCandless made a motion to adjourn the meeting

Second – _____

Vote – Unanimous in favor.

Meeting was adjourned.