



# MINUTES

## INFRASTRUCTURE AND GENERAL GOVERNMENT

### APPROPRIATIONS SUBCOMMITTEE

LEGISLATURE

Tuesday, June 18, 2019 | 8:30 a.m. | 210 Senate Building

**Members Present:**

Rep. Douglas V. Sagers, House Chair  
Rep. Brady Brammer, House Vice Chair  
Sen. Jacob L. Anderegg  
Sen. David G. Buxton  
Sen. Wayne A. Harper  
Sen. David P. Hinkins  
Sen. Karen Mayne  
Sen. Daniel McCay  
Rep. Walt Brooks  
Rep. Ken Ivory  
Rep. A. Cory Maloy  
Rep. Calvin R. Musselman

Rep. Merrill F. Nelson  
Rep. Stephanie Pitcher  
Rep. Lawanna Shurtliff

**Members Absent:**

Sen. Kirk A. Cullimore, Senate Chair  
Sen. Deidre M. Henderson  
Rep. Mike Schultz  
Rep. Andrew Stoddard

**Staff Present:**

Mr. Chase Loftis, Financial Analyst  
Mr. Brian Wickle, Senior Economist  
Ms. Karen C. Allred, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

### 1 . Call to Order

House Chair Sagers called the meeting to order at 8:52 A.M.

### 2 . Approval of Minutes

**MOTION:** Sen. Buxton moved to approve the minutes of the February 14, 2019 meeting. The motion passed with a vote of 14 - 0 - 5.

Yeas-14

Sen. J. Anderegg  
Rep. B. Brammer  
Rep. W. Brooks  
Sen. D. Buxton  
Sen. W. Harper  
Sen. D. Hinkins  
Rep. K. Ivory  
Rep. A. Maloy  
Sen. K. Mayne  
Rep. C. Musselman  
Rep. M. Nelson  
Rep. S. Pitcher  
Rep. D. Sagers  
Rep. L. Shurtliff

Nays-0

Absent-5

Sen. K. Cullimore  
Sen. D. Henderson  
Sen. D. McCay  
Rep. M. Schultz  
Rep. A. Stoddard

### 3 . A Performance Audit of Tooele County's Sale of the Utah Motorsports Campus

Mr. Benn Buys, Audit Manager, Office of the Legislative Auditor General, introduced a performance audit of Tooele County's sale of the Utah Motorsports Campus and Mr. Jim Behunin, Audit Supervisor, Office of the Legislative Auditor General, explained the audit. Mr. Behunin identified six best practices for sale of properties, which were not used by Tooele County for the sale of the raceway, resulting in the sale of the motorsports campus being considerably less than an original offer. The recommendations from this audit were that Tooele County should adopt a policy regarding when to hold closed meetings and to adopt a records retention policy that guides the retention of emails related to county business. The conclusion of the audit was that Tooele County Commission did not fulfill its

responsibility to oversee the raceway's finances. Three recommendations were offered: 1. Adopt sufficient internal controls to ensure financial statements are adequate: 2. Adopt adequate internal controls for budget oversight: and 3. Undergo a comprehensive external audit of internal controls and management practices.

[3a-Audit Subcommittee to IGG](#)

[3b-OLAG - Tooele Final Report](#)

[3c-OLAG - Tooele Audit Presentation](#)

Sen. Mayne made the comment that what she noticed from the Executive Committee presentation was that Tooele County has not kept up with the growth of the county, and what has worked in the past, no longer works. Mr. Buys commented that the county has new leadership and is currently going in a good direction.

Rep. Brammer expressed concern about the lack of failure to follow the Open and Public Meetings Act and the Government Records Access and Management Act by the county and that the public finances were put at risk and the public was damaged. Mr. Behunin responded.

Chair Sagers asked about legal ramifications with a response from Mr. Buys.

Rep. Nelson asked who was responsible for missteps in the operation's pending sale, and if there were any legal ramifications concerning this sale. There was much discussion from Rep. Nelson, Mr. Buys, Chair Sagers, and Mr. Behunin.

Rep. Maloy asked about the Miller Group's announcement of their involvement with the park, and the recommendations and plan for the county to implement the recommendations, and if there are any recommendations for the committee and legislature as a whole. Mr. Buys responded.

Rep. Ivory asked about the two bids on the property, and why the county went with the lower bid, and if there is concern about the decision. Mr. Buys, Chair Sagers, and Mr. Behunin responded. Rep. Ivory asked where the property stands today with a response from Mr. Buys and Mr. Behunin.

Chair Sagers outlined the time-line of the sale that he got from newspaper articles and other sources.

Mr. Tom Tripp, Tooele County Commissioner, introduced Ms. Alison McCoy, Tooele County Auditor, and discussed how the recommendations of the audit have been put in place. Ms. McCoy made comments that positive steps are being made in the right direction.

Rep. Brammer commented that there should be an audio recording in the meetings with a response from Commissioner Tripp.

Rep. Nelson mentioned that the other two commissioners asked to be excused, and Rep. Nelson commended Commissioner Tripp in how he has handled the problems created before he became commissioner.

Rep. Brammer asked if the use of personal email has been cut off with a response from Commissioner Tripp.

Rep. Brammer opened discussion concerning whether appropriate action is being taken to address the audit findings and reserved the right to make a motion after discussion on the audit findings.

Sen. Anderegg commented that he feels the county is taking good steps and heading in the right direction.

Rep. Shurtliff commented about the commission form of government and doesn't want to tell them what to do.

Chair Sagers commented that there needs to be follow up as they make progress to manage the audit portion of the progress.

**MOTION:** House Vice Chair Brammer moved to authorize the chairs of this subcommittee to respond by letter to Legislative Audit Subcommittee that IGG finds that Tooele County is taking appropriate action to address the audit findings and to summarize our subcommittee's reasons for reaching these conclusions. The motion passed with a vote of 13 - 0 - 6.

Yeas-13

Sen. J. Anderegg  
Rep. B. Brammer  
Rep. W. Brooks  
Sen. D. Buxton  
Sen. W. Harper  
Rep. K. Ivory  
Rep. A. Maloy  
Sen. K. Mayne  
Rep. C. Musselman  
Rep. M. Nelson  
Rep. S. Pitcher  
Rep. D. Sagers  
Rep. L. Shurtliff

Nays-0

Absent-6

Sen. K. Cullimore  
Sen. D. Henderson  
Sen. D. Hinkins  
Sen. D. McCay  
Rep. M. Schultz  
Rep. A. Stoddard

**MOTION:** House Vice Chair Brammer moved to transmit the performance audit to the state attorney general's office and request a legal review of any state law violations and prosecutions if that office deems appropriate with particular emphasis on Utah Code 63G2-2-801 and Utah Code 52-4-303 and 305.

Sen. Anderegg explained his resistance to that motion.

Rep. Ivory asked that the motion be restated and explained his resistance to the motion.

Sen. Harper and Rep. Maloy explained their resistance to the motion.

Rep. Brammer explained his motion.

House Vice Chair Brammer's motion to transmit the performance audit to the state attorney general's office and request a legal review of any state law violations and prosecutions if that office deems appropriate with particular emphasis on Utah Code 63G2-2-801 and Utah Code 52-4-303 and 305. failed with a vote of 4 - 11 - 4.

Yeas-4

Rep. B. Brammer  
Rep. C. Musselman  
Rep. M. Nelson  
Rep. S. Pitcher

Nays-11

Sen. J. Anderegg  
Rep. W. Brooks  
Sen. D. Buxton  
Sen. W. Harper  
Sen. D. Hinkins  
Rep. K. Ivory  
Rep. A. Maloy  
Sen. K. Mayne  
Sen. D. McCay  
Rep. D. Sagers  
Rep. L. Shurtliff

Absent-4

Sen. K. Cullimore  
Sen. D. Henderson  
Rep. M. Schultz  
Rep. A. Stoddard

**4 . 2019 General Session Review**

This agenda item was not discussed.

**5 . Capitol Hill and Other State Facilities Plan**

Mr. Brian Wikle, Senior Economist, Office of Legislative Fiscal Analyst, introduced the \$110 million appropriation and intent language for Capitol Hill and other state facilities.

[7a-IGG - Issue Brief - 2019 Interim - Capitol Hill and Other Facilities](#)

Mr. Jim Russell, Director, Division of Facilities, Construction, and Management (DFCM), introduced Ms. Whitney Ward, Architect, VCBO Architecture, and explained the plan for Capitol Hill and other state facilities. He explained the need for the replacement of the State Office Building. The purchase of the American Express Building was the best option for the replacement of the State Office Building. A state government center will be created and existing leases will be retired with this purchase.

[7b-DFCM - Presentation - re: Capitol Hill and Other Facilities](#)

Sen. Buxton asked about the funding of the building, with a response from Mr. Russell.

Ms. Ward gave a presentation on the Capitol Hill Complex replacement considerations. The plan is for a heritage and arts museum on Capitol Hill which makes sense because of the many visitors at the Capitol, and will improve the parking situation as well. Ms. Ward discussed the plans for the heritage and arts museum.

[7c-VCBO - Presentation - re: Capitol Hill](#)

Rep. Nelson asked for more detail about the space for Heritage and Arts with a response from Ms. Ward.

Chair Sagers asked how much additional parking will be provided, with a response from Ms. Ward.

## **6 . Department of Alcoholic Beverage Control Capital Projects Update**

Mr. Sal Petilo, Director, Department of Alcoholic Beverage Control (DABC), introduced Mr. Cade Meier, Deputy Director, DABC, and discussed the Herriman and Farmington projects.

Sen. McCay asked about zoning issues with a response from Mr. Petilo and Mr. Meier.

Rep. Musselman asked about the master plan for Farmington city, with a response from Mr. Petilo.

Chair Sagers asked if the committee wanted to address agenda items 5 and 6. The decision was made that Mr. Wikle would give a brief overview of agenda items 5 and 6 combined.

## **7 . Department of Transportation Construction Management Line Item Overview**

### **8 . Accountable Budget Process Overview**

Mr. Wikle briefly explained both the Accountable Budget Process and the Department of Transportation Construction Management line item. He would appreciate emails on the transportation construction line items, and phone calls concerning these line items, as he analyzes policy of the transportation construction line items.

[5-IGG - Issue Brief - 2019 Interim - Accountability Budget Process Overview](#)

Rep. Brammer commented that he doesn't have enough information to give input on the construction management line items. Mr. Wikle responded that he would appreciate any direction.

Rep. Ivory said that it would be helpful to have a number of options and objective criteria on those options, with a response from Mr. Wikle.

Sen. Buxton asked if there is an agency that explains transportation construction management, with a response from Chair Sagers and Mr. Wikle.

Rep. Ivory commented about zero base budgeting.

Sen. Harper commented about General Fund money, specifically as appropriated to the department, with a response from Mr. Wikle.

## **9 . Other Business**

There was no other business.

## **10 . Adjourn**

**MOTION:** Sen. Hinkins moved to adjourn. The motion passed with a vote of 12 - 0 - 7.

### Yeas-12

Sen. J. Anderegg  
Rep. B. Brammer  
Rep. W. Brooks  
Sen. D. Buxton  
Sen. W. Harper  
Sen. D. Hinkins  
Rep. A. Maloy  
Sen. K. Mayne  
Rep. C. Musselman  
Rep. S. Pitcher  
Rep. D. Sagers  
Rep. L. Shurtliff

### Nays-0

### Absent-7

Sen. K. Cullimore  
Sen. D. Henderson  
Rep. K. Ivory  
Sen. D. McCay  
Rep. M. Nelson  
Rep. M. Schultz  
Rep. A. Stoddard

House Chair Sagers adjourned the meeting at 11:15 A.M.