

**BOARD OF UTAH STATE PARKS AND RECREATION MEETING  
DEPARTMENT OF NATURAL RESOURCES  
SALT LAKE CITY, UTAH**

**February 3, 2011**

**Present:**

Karl Bentley, Chair	Marty Ott, Vice Chair	Eli Anderson
Glenn Greenhalgh	Irene Hansen	Lois Bulloch
Bill Bleak	Mary Tullius	Fred Hayes
Karen Krieger	Deena Loyola	Darin Bird
Mark Forbes	Stacy Stickler	Wendy Wack

**Excused:**

Jaren Davis	Joe Hull
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**Visitors:**

Jonathan Hunt	Michael Woodall	Bob Hanover
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Chair Karl Bentley welcomed board members, staff, and Department of Natural Resources Deputy Director Darin Bird.

Chair Bentley reviewed the agenda. There has been a request to adjust the agenda. We will discuss the Performance Audit prior to the Director's Report being presented. He asked board members for approval of the board agenda with the previously-mentioned change.

**MR. ELI ANDERSON MADE A MOTION THAT THE BOARD APPROVE THE STATE PARKS AND RECREATION BOARD AGENDA WITH THE REQUESTED CHANGES. MR. GLENN GREENHALGH SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

**Approval of Minutes**

Chair Bentley asked board members for review and approval of the December 9, 2010, board meeting minutes.

**MR. ELI ANDERSON MADE A MOTION THAT THE BOARD APPROVE THE MINUTES OF THE DECEMBER 9, 2010, BOARD MEETING AS PRESENTED. VICE-CHAIR MARTY OTT SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

**Performance Audit Discussion**

Director Mary Tullius said the audit was received just before the holidays and they worked diligently the following weeks to craft the response. A lot of time and effort was put into this to make sure the recommendations were addressed appropriately. She feels comfortable with most of the recommendations in the audit and that we can implement them over the next few years. The audit was presented to legislative leadership on January 18 and a brief presentation was made to them. It will be presented to the Natural Resources, Agriculture, and Environmental Quality Committee next week, either on February 8 or 10. Director Tullius suggests that we address any questions regarding the audit other than the \$3 million budget reduction. The budget impacts will be discussed following the rest of the audit discussion. She feels many recommendations are reasonable and we can meet those. There will be some challenges with the cost accounting system and getting that implemented. Hopefully the board members have had a chance to read the audit and our response.

Chair Bentley asked if there were any surprises with the audit or if there was anything they told us that we're doing well. Director Tullius replied she was really glad the auditors didn't find anything in the division operationally that was outside of policy or unethical, which is a real plus on our behalf. We did receive a couple of kudos in the audit. There were several meetings with the auditors, especially toward the end of the audit, to go over any issues. There were no big surprises; we knew they were looking at the accounting system, the tracking system, they don't understand what we do in the winter, they had concerns about law enforcement, and they were trying to steer away from privatization. They were asking what else we could do to become more efficient. The biggest surprise was the budget reduction. Deputy Director Fred Hayes said we really didn't get any surprises. He said we are already engaged in a lot of the recommendations they suggested, maybe not to the degree they think we should be doing it. Director Tullius said there will be a post-audit. They will probably come back toward the end of the year to see if we have implemented their recommendations. We take this audit seriously and will implement everything that we possibly can. It may take us a few years to get there, but we will get there.

Board Member Lois Bulloch asked if we have received any comments on our response to the audit. Director Tullius said that so far we haven't. It has only been presented to the legislative leadership, the audit sub-committee. She anticipates there will be more questions next week as it's presented to our committee. There has been a lot going on, especially in the law enforcement arena that will come together over the next few years. Chair Bentley said when the audit was first suggested by Senator Buttars, he thought it was suggested to look into privatization of all state parks. The audit was actually set out there to look at the feasibility to privatize. The audit shifted to look at how well we're doing everything, while still touching on privatization. Director Tullius said there was discussion at what we should be looking at—privatization or efficiencies. They felt we could satisfy everybody's interest by looking at efficiencies, but also checking into privatization. Chair Bentley asked if there are other audits being conducted in other state agencies. Director Tullius said confirmed there are similar audits being conducted.

Vice-Chair Marty Ott asked if there was any law enforcement discussion that had to do with the effectiveness as it concerns the deterrents of misbehavior. Director Tullius said that every opportunity we had to discuss law enforcement, that point was stressed. The effectiveness cannot be measured by the number of citations written. We wanted to give the auditors the very best information. The auditors are very clear that Director Styler wants us to be professional, but has never been after us to write citations, rather he has asked our rangers to not write citations. Vice-Chair Ott mentioned that if we don't have law enforcement presence in the state parks, then the assumption is we turn to sheriffs and deputies to help us with that need because the need is there. The county sheriffs are not exactly plush as it concerns the number of deputies on the road. He asked if there has been any discussion on response time or maybe even the inclination of deputies when it comes to law enforcement tasks or duties in state parks. Director Tullius said there has been discussion with the auditors and she feels there will be an opportunity to talk more about that with legislators. She says the parks right now are safe and friendly. If we remove law enforcement from the parks, we will remove a lot of the safety component which is very concerning to us. There may be some parks that we can make some changes and we will propose some changes. Director Styler has asked us to reduce our law enforcement presence, but we don't want to take it away. We just want to be wiser with it, but still meet the intent to keep our parks safe and friendly. This will be a big discussion. People come to state parks because they are safe. Board Member Lois Bulloch said there is already a shortage of law enforcement in the counties and they are not going to want to take on the extra duty of patrolling the state parks. There is a great concern for vandalism in the state parks if the law enforcement presence is not there. Deputy Director Hayes mentioned that in some of the parks we already have more law enforcement in the parks than the counties do, such as Bear Lake. Chair Bentley mentioned that our rangers are involved in a lot of off-park duties and often they are the first responders. Board Member Glenn Greenhalgh raised the issue of our rangers at Yuba patrolling Little Sahara. There were major problems there. Chair Bentley asked how can you place a monetary value to the safety of the citizens of Utah? You really can't. Director Tullius said we need to do what we can to implement the recommendations, but we are still charged with running the state parks in a responsible manner and we have the best group to do that.

Vice-Chair Ott said the State Parks system receives almost a 1/3 of their budget from the general fund. There was not even a positive acknowledgement that 2/3 of our budget doesn't come from the general fund. If the entire amount of general fund is taken from State Parks, it wouldn't even make a rounding number difference on the state budget. The citizens of this state get a great deal for a small amount of their tax dollars that go to operate the state parks.

Board Member Eli Anderson said it looks like they are asking us to do a paradigm change. He thinks they are asking us to privatize state parks within the state parks system and making them a profit-based entity. Cutting off any support from the state has to change our paradigm thinking of where law enforcement agency falls within state parks. The Legislature funds public safety; they put money into it and they put money into State Parks and we are assisting in that area. Law enforcement is never self-sufficient, it is funded by the system. State Parks is more than state parks, it is all over the state. We need public safety assistance within state parks if they want us to follow the audit. Director Tullius said they want to require us to run state parks as a business unit and we don't have the tools necessary to do this. We are bound by motor pool, DTS, and state purchasing. Those are big obstacles for us to be able to be self-sufficient. We believe the public funding model is appropriate if we want the citizens to be able to enjoy state parks. There must be general fund in the budget, but we can do a better job at finding the balance. It should not be a quasi-governmental agency. We are here for the citizens and owned by the citizens. This fiscal year we are at 27% general fund in our budget, which equates to \$3 for each resident. Park staff has received many phone calls and letters from citizens asking how they can help. We were first asked to take a 10% budget cut, then, it was reduced to 7%. Director Styler felt the \$3 million was equal to what DNR's 7% was, so he didn't want any more cuts to be taken from State Parks or DNR. Our challenge is where we take that \$3 million cut for next fiscal year and can we legitimately request a backfill of some amount of money to help us implement some of those changes over the next year and a half. We are currently in negotiations with legislators to try and get their support. We have had several meetings with the co-chairs, as recently as last night, to present the cuts and show them where we're headed with this audit. We have asked them to backfill \$1.5 million this year so we can soften the impact to the parks and staff that will be affected by this.

Board Member Bulloch said one thing they are asking us to do to bring more revenue to the parks that will actually require us to have more law enforcement presence in the parks rather than less, such as bringing in vendors. It will also require more staff, not just law enforcement. Director Tullius said it is going to take time for us to implement this because we will have fewer employees. We have ideas to generate more revenue, but if we reduce staff that may impact that ability. It is going to take time to get business plans implemented and get things figured out.

**VICE-CHAIR MARTY OTT MADE A MOTION THAT THE BOARD ADJOURN TO AN EXECUTIVE SESSION TO DISCUSS PERSONNEL ISSUES THAT MAY BE ASSOCIATED WITH THESE BUDGET CUTS. MS. IRENE HANSEN SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

#### **Director's Report**

Director Tullius referred board members to Page 14 in the board packet to see what is going on in the Facilities and Construction section. Mr. Leon Tate has accepted a career mobility to take over the Planner position. This is a critically important position because of the emphasis in the audit on the business plans. Our new goal is to have business plans done for every park and program by July 1, 2011. We are putting all of our effort into getting these business plans done and we will then pick up our efforts in the resource management plans.

Deputy Director Karen Krieger, referred the board members to the board packet, beginning on Page 11. One of the new programs involves a Get Going Guide, which is a blog our staff will be doing on our website. We have Twitter and Facebook accounts, but they are very time intensive to maintain. If we set this up on our website, it will update our Twitter and Facebook accounts. Staff will blog about current events and very cool things to do in state parks. We will be holding Super Staff on March 8 and 9, 2011. On March 8 we will have a very good leadership training session with an awards banquet that evening. We will be talking about our new direction on March 9. All board members are

invited to this event. Reservations have been taken for Easter already so this office is gearing up for a busy season. Emily DeBois is working on getting parks on the new system. This will be very helpful to the individual parks. Robin Watson has been working a lot with the Friends groups. They have been incredible advocates over the last couple of months. They really love our state parks. Our volunteer numbers are very rewarding for the past year. The new Heritage Resources coordinator, Justina Parsons-Bernstein, will focus a lot on grant writing and helping the heritage parks fulfill some of their efforts in getting outside money for their programs.

Deputy Director Hayes said there are great things going on statewide. We are right in the high part of the snowmobile grooming season. Groomers are almost making nightly runs. Snowmobilers are having one of the best years in a long time. There have been a few issues. Cedar Mountain and Monroe Mountain have had issues where a lot of timber has fallen on the groomed area which has caused a lot of problems. As the snow starts to melt, we are going to have additional problems because there are some trees that are buried and we can't get to them. As of this morning, the Dixie National Forest is providing four sawyers and the Division of Forestry, Fire, and State Lands are providing another six to help clear the area. Boating has experienced some problems in the fuel tanks of the boats due to the addition of ethanol to the motor fuel and the condensation that occurs in the gas tank. The alcohol/water mix settles into the bottom of the tank which means when you fire up the boat, you can get an alcohol/water mix which is not healthy for the boat. This also affects vehicles. We are working to get additives into the fuel to avoid this problem. Staff is busy completing their business plans. The parks are still hosting visitors despite everything else going on. We will be holding Managers' Academy, Ranger Round-Up, and Super Staff.

Deputy Director Hayes talked with Brody yesterday. He showed up at the office in Moab yesterday looking for work. He is ready to get back to work. Workers Compensation is going to work with us in the near future to bring him back to work on a part-time basis. He asked Mr. Hayes to express his appreciation to board members and staff for their outpouring of love and prayers. Director Tullius said Brody was mentioned in the Governor's State of the State address. She called Brody and told him he was going to be getting a call from the Governor and he was so excited. He is a very humble person and very grateful to be alive. He is a tremendous individual. Representative Lee Perry said Brody is a man among men because most police officers would have just rolled over and died. He had the ability to fight and survive. Brody has done an interview with Fox news that will be aired Sunday after the Super Bowl. Chair Bentley said Brody is representative of the employees of State Parks.

#### **Land and Water Conservation Fund Grant Approval**

Susan Zarekarizi, Lands/Environmental Coordinator, reviewed the LWCF grants. She said the grants were very impressive and very well written. She said it is apparent that there are capital needs for recreation. She reviewed the top six projects for which we are asking the board's approval. They include State Parks, Santa Clara Gubler Park Phase III, Hyrum Salt Hollow Park Phase I, Hurricane Sky View Park; Harrisville Park, and St. George Millcreek Park. This totals a request of \$1,575,707; the total cost is \$3,539,741.

**MS. LOIS BULLOCH MADE A MOTION THAT THE BOARD APPROVE THE TOP SIX LAND AND WATER CONSERVATION FUND GRANT PROJECTS IN THE PRIORITY LISTED AND IN THE AMOUNTS RECOMMENDED. MR. BILL BLEAK SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

#### **Special Use Permit and Special Events Rule Change**

Deputy Director Hayes said the face of recreation is changing a little bit at a time and our ability to host the events needs to change to keep up. We have seen a huge increase in events in the parks that we never anticipated. We need to make changes in order to make sure we are covered legally and that our resources are protected, as well as our visitors being protected. For these events, we issue Special Use Permits. What we have had requests for lately are for not necessarily a single event, but use of the park that may cover an entire season. One example is

at Snow Canyon where we have rock climbing guides that want to offer their services at that park. He reviewed the specific rule changes that we are asking approval for.

**MR. GLENN GREENHALGH MADE A MOTION THAT THE BOARD APPROVE THE SPECIAL USE PERMIT AND SPECIAL EVENTS RULE CHANGE AS PRESENTED. VICE-CHAIR MARTY OTT SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY, WITH ELI ANDERSON NOT PRESENT.**

### **Boating Rule Change**

Boating Coordinator Dave Harris reviewed the reasons for the requested changes in the boating rule for vessels over 65 feet. There was a committee developed with several different community members that reviewed and developed the requirements. Ms. Irene Hansen asked if there is an education time before boaters are ticketed for violations with the new rules. Mr. Harris said they will give these vessel owners the chance to come into compliance.

**MR. ELI ANDERSON MADE A MOTION THAT THE BOARD APPROVE THE BOATING RULE CHANGE AS PRESENTED. MR. GLENN GREENHALGH SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

Mr. Harris then reviewed the Livery Agreement Carriage on Rented Vessels rule and the changes being requested for approval.

**MR. GLENN GREENHALGH MADE A MOTION THAT THE BOARD APPROVE THE LIVERY AGREEMENT CARRIAGE BOATING RULE CHANGE AS PRESENTED. MR. BILL BLEAK SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

### **Boating Advisory Council Member Approval**

There is a vacant position on the Boating Advisory Council, which is the paddlesports representative. We were going to ask that Steve Christensen be approved to serve a second four-year term; however, Mr. Christensen has resigned from his position and no longer wishes to serve the second term. We will recruit for this vacant position and come back to the board when we have a recommendation.

### **Off-Highway Vehicle Advisory Council Member Approval**

Off-Highway Vehicle Program Coordinator Chris Haller said there is a vacant position on the Off-Highway Vehicle Advisory Council, the dealer representative. This position has never been filled. We are requesting that Tommy George be approved to fill that position. There is still one vacant position, which is the youth position.

**MS. IRENE HANSEN MADE A MOTION THAT THE BOARD APPROVE TOMMY GEORGE AS THE OHV DEALER REPRESENTATIVE ON THE OFF-HIGHWAY VEHICLE ADVISORY COUNCIL. MR. ELI ANDERSON SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

### **Next Meeting**

The next meeting is scheduled for Thursday, May 19, 2011. As the meeting date gets closer, we will determine the location.

Director Tullius asked Mr. Bill Bleak to discuss what has been going on at This Is the Place Heritage Park. The board there was concerned that these events took place with audits taking place. During a previous audit, the auditors did question the fraudulent expenditures and asked

that new procedures be put in place. With the implementation of those procedures, the fraudulent events came to light. One of the biggest concerns is that there was that much available to steal. The individual involved has agreed to repay the funds, and then hired a very expensive attorney. He agreed to repay it even before he was criminally charged. The hope is that the majority of that money, or at least most of it, will be recovered. Mr. Ellis Ivory is one of the most ethical individuals you will ever meet and took this very personally. He will be operating the park as the executive director. He wants to get the situation resolved and get the park back on its feet. Chair Bentley asked about how the donors and contributors felt and Mr. Bleak said that was one of the first things taken care of when this came up. He said their response was to ask how they can help. Director Tullius said it was a very sad phone call that she received from Mr. Ellis Ivory when this situation arose. She said the case has been turned over to the FBI. Charges have not been filed against Mr. Matt Dahl at this point. Mr. Bleak said both the FBI and the IRS called Mr. Ellis Ivory, thinking there may be federal charges involved. This is a very unfortunate situation.

**VICE-CHAIR MARTY OTT MADE A MOTION THAT THE STATE PARKS BOARD CONVENE INTO A CLOSED SESSION TO START THE NEXT BOARD MEETING FOR THE PURPOSE OF DISCUSSING REAL ESTATE AND CONTRACT STRATEGY AND LITIGATION ISSUES, PURSUANT TO THE CONTRACT EXEMPTION AT UTAH CODE ANNOTATED 52-4-5 (1A). MS. LOIS BULLOCH SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

**MR. ELI ANDERSON MADE A MOTION THAT THE STATE PARKS BOARD MEETING BE ADJOURNED.**