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The Utah Inland Port board's committees meeting in private despite criticism over lack of transparency



(Francisco Kjolseth | The Salt Lake Tribune) Derek Miller, President and CEO of World Trade Center Utah hosts an immigration roundtable with community leaders to discussion on how immigrants make essential contributions to the Utah economy. The event marked the launch of the iMarch for Immigration Campaign, a national day of action in all 50 states on Wed. Dec. 6, 2017, in an effort to push forward with a solution for Deferred Action for Childhood Arrivals (DACA), the so called "DREAMers" who came to the U.S. as children.



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Want to know the business plan of what state leaders describe as the biggest economic development project in Utah history?

How about the process behind hiring an executive director to oversee the new Utah Inland Port Authority?

Tough luck. You'll have to wait until the committees are done working and make recommendations to the directors of the new project.

Three committees created by the board of the controversial Utah Inland Port chose to meet this month out of the public eye after attorneys for the group said state law didn't require them to hold open committee meetings.

“I can understand the logic if someone says, ‘Why not just [meet in public] all the time even if you’re not required to?’” said Derek Miller, chairman of the port authority board. “My concern there is then it starts to become arbitrary.”

“If we follow the law we’re on firm ground,” Miller added. “If we don’t, we enter the realm of it being arbitrary.”

The private meetings follow controversy over the closed-door work that led to legislation guiding the planned international trading and manufacturing hub on thousands of acres of land in northwest Salt Lake City.

While attorneys advising the board say otherwise, Jeff Hunt, a Salt Lake City attorney and expert in media law, says the meetings may be in violation of the Open and Public Meetings Act. He says the law requires the committees, made up of members of the board, to meet in public.

“Under the Open and Public Meetings Act they should be open,” Hunt said. “Maybe the authority attorneys disagree on that. But I think it’s a serious issue.”

Even if attorneys for the board determined the committee meetings could be closed, there is no requirement to close them, Hunt added.

One committee is working on the process for hiring an executive director. Another is looking at the process the port will follow when handling the tax revenue that’s generated as the thousands of acres in northwest Salt Lake City are developed into an international logistics and manufacturing hub. A third is working on budgeting and a business plan.

Inland Port Authority board member, Ben Hart, who is deputy director of the Governor’s Office of Economic Development, agreed with Miller that the committees aren’t required to open their doors to the public.

“The only consensus the board came to was that the Open and Public Meetings Act was the right default standard,” Hart said. “As such, our meetings, our subcommittee meetings, right now don’t meet the OPMA standard to hold a public meeting.”

The issue of government committees shutting out the public flared up in 2016, when The Salt Lake Tribune discovered the Utah Transit Agency was holding committee meetings without telling the public. After widespread backlash, the agency reopened its meetings.

Watchdog groups resoundingly called on the Inland Port to go above and beyond the minimum requirements of the law.

"Given the tremendous public interest in the Inland Port, these committee members should actively be trying to make this process as transparent as possible," said Eric Peterson, president of the Utah Headliners chapter of the Society of Professional Journalists, "not using technicalities to shut the public out of the conversation."

"The Port Authority board had a rough start that was overshadowed with unethical conflicts of interest," said Chase Thomas, policy and advocacy counsel for the watchdog group Alliance for a Better Utah. "It should be obvious that increased transparency will go a long way to encouraging renewed faith in the leaders who are in charge of this project. The default for any such meeting should be keeping meetings open, even if the law allows them to be closed."

The inland port has been one of the most significant and controversial public policy issues this year, in part because lawmakers unveiled and passed the bill creating it late at night on the eve of the final day of the legislative session.

City officials, unhappy with the bill, spent the next several months working to compromise with the port's supporters at the Capitol, which they reached last month without support from Mayor Jackie Biskupski.

The board agreed it would hold its own meetings in public, following the law that requires transparency for most public business. It said it would talk with attorneys before deciding if its three committees would meet in public or private and decided on the latter.

The port authority is using Attorney General Sean Reyes' office until it can find an executive director and hire outside counsel. A spokeswoman said the board was acting on its own.

"The Open and Public Meetings act defines a meeting as a convening of a public body with a quorum present," Reyes spokeswoman Cindy Reinhard said in a written statement. "The port authority board made a judgment call that is theirs to make and within the bounds of the law. We are encouraged by their intent to bring all discussions back to the full board."



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