



WASATCH TAXPAYERS ASSOCIATION

www.WasatchTaxpayersAssociation.com

Heber City Council work meeting - April 3, 2014

"Consider the people who constitute a society or a nation as the source of all authority in that nation." Thomas Jefferson

Wasatch Taxpayers Association

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Mission

The Wasatch Taxpayers Association exists to promote fair, transparent and impartial economic policies for all taxing units of the Heber Valley.

WTPA will defend the rights of all citizens to participate in local decisions, to know the impacts of taxing and fees upon their quality of life, and to provide an avenue for citizens to be involved in the solutions that will protect their quality of life, liberty, and economic independence.

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Our WTPA members, as well as other Heber City and Wasatch County citizens who have asked us questions, are concerned with a few issues concerning the Heber Airport Board.

- Following current airport board bylaws.
- Possible amendments to current bylaws.
- Conflicts of Interest
- Heber Airport Board's and City Council's fiduciary duty to Heber City citizens and taxpayers.

Heber Airport Board



- [Heber City Airport, Rules and Regulations](#) – Adopted by the City Council November 17, 2011
- **EXCERPTS:**
- Article 3:
- 15 **Appointment and Terms of Members**
- 16 A. The Airport Advisory Board shall consist of (7) members;
- 17 B. Membership shall be as follows:
- 18 1. . **Membership will include persons of diverse interests from throughout the cities and suburbs in Wasatch County**
- 20 2. A Technical Assistance Committee will be formed as needed to help
- 21 understand technical and other issues associated with the Airport or other
- 22 entities that might be affected by it.
- 23 C. **The Airport Advisory Board will interface with and be supported by the City**
- 24 **Manager, his designee, and/or the Airport Manager.** Heber City will also
- 25 provide a secretary and staff support as needed.



- Two members of the current board are not Wasatch County residents.
- 1- Summit County
- 1- Salt Lake County

- UTAH Code- definition of residency.
- (2) A person filing a declaration of candidacy for a municipal office shall meet the requirements of Section [20A-9-203](#).
- (3) Any person elected to municipal office shall be a registered voter in the municipality in which the person was elected.
- (4) (a) Each elected officer of a municipality shall maintain residency within the boundaries of the municipality during the officer's term of office.

ALL Wasatch County residents feel this is of major concern since the interests and preferences of Wasatch County residents should be the only priority for the Airport Advisory Board.



- If the current Airport Advisory Board was not properly constituted, and has not enforced their own bylaws, then they may not be legitimately authorized to make ANY changes to the CURRENT AAB BYLAWS.
- and may have not made any binding recommendations to the Heber City Council in at least the last year.

Possible Conflicts of Interest

- [Heber City Airport, Rules and Regulations](#) – Adopted by the City Council November 17, 2011
- EXCERPTS:
 - 185 C. An Airport Advisory Board member with a conflict of interest in a matter before
 - 186 the Board must state that such a conflict of interest exists and withdraw from
 - 187 participation in the public hearing, work session, or regular meeting on such
 - 188 matters. Participation of a member of the Airport Advisory Board with a conflict
 - 189 of interest may be cause for removal. The interests of that Airport Advisory
 - 190 Board member may be represented before the Board by agenda or legal
 - 191 representative at the public hearing, regular meeting, or work session and
 - 192 entered into the public record. The prohibition from “participation” does not
 - 193 exclude an Article 7.B.2 presentation or a response solicited from one of the
 - 194 other Board members.

Possible Conflicts of Interest-1

- [Title 76](#) Utah Criminal Code
 - [Chapter 8](#) Offenses Against the Administration of Government Section
 - 109 Failure to disclose conflict of interest.
 - 76-8-109. Failure to disclose conflict of interest.
 - (1) As used in this section: (a) "Conflict of interest" means an action that is taken by a regulated officeholder that the **officeholder reasonably believes may cause direct financial benefit or detriment to the officeholder**, a member of the officeholder's immediate family, or an entity that the officeholder is required to disclose under the provisions of this section, and that benefit or detriment is distinguishable from the effects of that action on the public or on the officeholder's profession, occupation, or association generally.
 - (2) (a) Before or during the execution of any order, settlement, declaration, contract, or any other official act of office in which a state constitutional officer has actual knowledge that the officer has a conflict of interest which is not stated on the financial disclosure form required under Subsection (4), the officer shall publicly declare that the officer may have a conflict of interest and what that conflict of interest is.
 - **advisory capacity:**
 - (A) the name of the entity or organization;
 - (B) a brief description of the type of business or activity conducted by the entity; and
 - (C) the type of advisory position held by the filer;
 - (viii) at the option of the filer, any real property in which the filer holds an ownership or other financial interest that the filer believes may constitute a conflict of interest, including:
 - (A) a description of the real property; and
 - (B) a description of the type of interest held by the filer in the property;
- (5) A regulated officeholder who violates the requirements of Subsection (2) is guilty of a class B misdemeanor.

Possible Conflicts of Interest- 2

- The Heber airport fixed based operator, or any of his representatives, should not be an Airport Advisory Board member. Every recommendation made by advisory board has a direct benefit or liability to the FBO.
- Hangar owners on Airport Advisory Board have voted on hangar lease recommendations, that would directly affect the value of their leases, in the last year.

- <http://youtu.be/qswWq712Ctik?t=7m35s>

Possible Conflicts of Interest- 3

- Airport Board chair for 2013, and a Heber City councilman for the last 4 years, has received campaign donations in 2013 from FBO and did not deliver the final campaign disclosure to Heber City within the mandatory 30 days after election, per Heber City Code.

Heber Code-Section 7.04.010 Reporting of Campaign Contribution.

Candidates for municipal office who receive more than \$750 in campaign contributions or spend more than \$750 on their campaign for office shall report their itemized and total campaign contributions and expenditures seven days before the date of the municipal general election and again no later than 30 days after the date of the municipal general election. The City Recorder shall notify all candidates of this requirement. (Ord. 2001-11, 2001)(2004-19, Amended, 06/17/2004, [Prior Text](#); 2001-11, Adopted, 07/19/2001)

Section 7.04.070 Non-Compliance. Any candidate who fails to comply with this ordinance is guilty of an infraction and is subject to a fine not to exceed \$750. (Ord. 2001-11, 2001) (2001-11, Adopted, 07/19/2001)

- **UTAH Code- [Title 10 Utah Municipal Code Chapter 3](#)**
- **Municipal Government Section 208 Campaign finance disclosure in municipal election.**
- (A) no later than seven days before the date of the municipal general election; and
- (B) no later than 30 days after the date of the municipal general election.
- (iii) Each candidate for municipal office who is eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement no later than 30 days after the date of the municipal primary election.

Possible Conflicts of Interest- 4

CAMPAIGN FINANCIAL REPORT

CAMPAIGN FINANCIAL REPORT

To Wade Keller of Heber City (Municipality)
 (City Recorder / Town Clerk)
 For _____
 Full name of candidate Erik Kim Rowland
 Street Address 1891 N. Valley Hills Blvd
 City Heber City Utah 84 032
 Name of office Mayor _____ (District _____)

1. Total contributions of donors who gave more than \$50.00 \$ 2,550.00
 (Form "A" total from other side of this sheet)
 2. Aggregate total of contributions of \$50.00 or less \$ 40.00

3. Total campaign expenses \$ 5,460.35
 (Form "B" total from other side of this sheet)

4. Balance at the end of the reporting period \$ -2,870.35
 Date 10/28/2013 Signed Erik K. Rowland
 (Candidate)

Digitally signed by Erik K. Rowland
 DN: cn=Erik K. Rowland, o=Heber City, ou=City Recorder, email=erowland@hebercity.com, c=UT

ITEMIZED CONTRIBUTION REPORT (Form "A")

Date Received	Name of Contributor	Mailing Address & Zip Code	Amount of Contribution
06/18/2013	D. Scott Phillips	1134 S. 650 W., Heber City, UT 84032	\$200
06/18/2013	Mike Johnston	1442 Lakewood Dr., Heber City, UT 84032	\$100
06/25/2013	Dave Phillips	390 W., 600 S. Heber City, UT 84032	\$250
07/08/2013	Nadim Abuhaidar	1980 Airport Rd, Heber City, UT 84032	\$1,500
09/15/2013	Broad Pocket, LLC	215 N. 400 E. Heber City, UT 84032	\$500

ITEMIZED EXPENDITURE REPORT (Form "B")

Date of Expenditure	Person or Organization To Whom Expenditure was made	Mailing Address & Zip Code	Amount of Expenditure
06/01/2013	Envato	PO Box 2177 Little Lonsdale St. VIC 8011, Australia	\$62.00
06/11/2013	Speedy Signs USA	162 SW Spencer Court suite 101, Lake City, FL 32024	\$412.75
06/29/2013	Speedy Signs USA	162 SW Spencer Court suite 101, Lake City, FL 32024	\$322.56
06/29/2013	Speedy Signs USA	162 SW Spencer Court suite 101, Lake City, FL 32024	\$562.40
10/01/2013	Speedy Signs USA	162 SW Spencer Court suite 101, Lake City, FL 32024	\$512.20
09/27/2013	GoDaddy.com	14455 N. Hayden Rd suite 219, Scottsdale, AZ 85260	\$13.17
10/18/2013	Facebook, Inc.	1601 Willow Rd, Menlo Park, CA 94025	\$35.00
10/25/2013	Wave Publishing	165 S. 100 W., Heber City, UT 84032	\$1,000.00
10/25/2013	Wave Publishing	165 S. 100 W., Heber City, UT 84032	\$2,200.00
10/24/2013	Wave Publishing	165 S. 100 W., Heber City, UT 84032	\$78.63
09/23/2013	ProBuild	1690 S. Hwy 40, Heber City, UT 84032	\$35.45
09/20/2013	ProBuild	1690 S. Hwy 40, Heber City, UT 84032	\$77.15
10/10/2013	ProBuild	1690 S. Hwy 40, Heber City, UT 84032	\$4.98
10/10/2013	ProBuild	1690 S. Hwy 40, Heber City, UT 84032	\$60.92
09/28/2013	Kings	600 N. Main, Heber City, UT 84032	\$14.08
09/28/2013	The UPS Store	520 N. Main suite C, Heber City, UT 84032	\$26.96
10/14/2013	The UPS Store	520 N. Main suite C, Heber City, UT 84032	\$42.50

(If additional space is needed, use blank paper and list information like the above format and then attach to report)

Possible Conflicts of Interest- 5

- Nadim Abuhaidar- FBO appointed to AAB 10/20/11 approved by council.
- April 5, 2012 Council approved FBO contract extension even though contract did not expire until 2025. Contract now runs to 2032. Motion made by Rowland and seconded by Bradshaw. Nadim was not present though his proxy Alan Robertson of OK3Air made the presentation to the Council. Vote For: Rowland, Bradshaw, Patterson. Nay: McDonald and Mergist

Why did Heber City Council extend? How is this in the City's (citizen's) best interest?

- July 2012. Abuhaidar revealed that he had worked behind the scenes to get a better airport approach, remove night landing limitations, and wanted to expand the airport to CII.
- August 16, 2012, Rowland moved to extend Daniel Hangar #1 lease to Abuhaidar (making it a 30 yr. non-reversionary lease). Rowland made the motion and Bradshaw seconded. Unanimous vote. McDonald asked if other hangar owners would get same consideration. Rowland said it should be on a case-by-case consideration.

Why did Heber City Council extend? How is this in the City's (citizen's) best interest?

Heber City Oath of Office

- “I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of this state, and that I will discharge the duties of my office with fidelity.”
- We are concerned that the recent conduct of the airport board may cause undue vulnerability to the citizens and taxpayers of Heber City in any actions that may be taken in the future because of recent recommendations by the airport board.

WTPA Suggestions

Advisory boards are a great training to involve more people in government.

Volunteer citizen advisory boards are an integral part of American local government. The creation of advisory boards is a way for local governments to engage citizens in the democratic process. Their primary purpose is to provide judicious advice from a citizen perspective. Citizen participation is considered a right and a responsibility by many civic-minded leaders throughout the country.

WTPA Suggestions

Ideally, advisory boards bring together citizen views that might not otherwise be heard. They are made up of persons of wide-ranging interests and expertise who want to participate in public service, but who may not wish to hold a public office.

Participation on advisory boards may serve as a training ground or stepping stone for qualified persons who are interested in seeking public office.

- *More specifically advisory bodies can:*
 - *provide assistance to the legislative body when formulating public policy and help transform policy decisions into action*
 - *address issues of interest or conduct background work on technical or politically sensitive issues*
 - *serve as a way to build public consensus on controversial issues before elected officials make a decision*
 - *give the community a forum for discussion...*

WTPA Suggestions

- Heber City Council should postpone any decisions concerning the airport until a proper review of all these issues has been completed. This will help protect Heber City's interests going forward.
- There is no need to alter the current airport advisory board bylaws just amended in 2011.
- Instead of altering the bylaws to legitimize the current board members and their conflicts of interest, have your newly appointed advisory board members align with your CURRENT bylaws.
- Start over and conduct a new process for all interested citizens of WASATCH COUNTY to apply for all seats of the airport advisory board.
- No Heber City Council members should be on airport advisory board. Make it a true CITIZEN board that brings new ideas, expertise, and recommendations to the council for deliberation and decisions. Bylaws already state the City Manager will be the liaison to the city council.
- If it becomes a citizen board, then it will easily comply with state code and NOT pay the board members.
- Encourage the NEW airport board chair to follow the CURRENT bylaws and state code, and enforce the conflict of interest section.
- Review Heber City's checks and balances system. City Council and all other boards should be following their bylaws, city code and state code.

Thank you for your time!



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"The honest man can feel no pleasure in the exercise of power over his fellow citizens..." Thomas Jefferson