

AUGUST 7, 2013

Letters to the Editor Continued from A2

Editor: For all the citizens who showed up to numerous Heber Light and Power meetings, signed a petition, or expressed your dis-appointment after the Board took the increased pay in lieu of insurance, your efforts were not in vain. There has been a dedicated group of citizens diligently pursuing some accountability for the past year and a half. The Wasatch Taxpayers Association was conceived because of the total lack of respect the public received at these HL&P meetings, and has been supporting these concerned citizens since. WTPA also strongly supports the Attorney General's recent findings and the hard working, ethical employees of Heber Light and Power.

The State Auditor's office received a complaint from this citizen group last year after the Board ignored the public outcries, then the auditor requested the Attorney General weigh in on their findings. The full letter just released from the Attorney General is on the www.wasatchtaxpayersassociation.com website, but some details can be shared here.

The Civil Review Committee (CRC) of the Attorney General's office sent HL&P an 11 page assessment of the greedy debacle that occurred in December 2011. The board of HL&P was cited as not following the Open Public Meetings Act (OPMA) numerous times when they did not properly notify the public of the pay increase with transparent and detailed agendas and minutes. HL&P argued that they did not have to follow the same laws as other public entities since it did not expend, nor was supported by, tax revenues. The CRC disagreed.

The issues of retroactive insurance payment, and cash benefits instead of coverage are very rare stories, indeed. The CRC had not heard of any other public entities having had done this, and the insurance company (PEHP) was just as perplexed. In fact, it was noted that if the board would have taken the insurance coverage instead, they would have never qualified for it. PEHP does not like to do "fee in lieu" of coverage because it lowers the pool of insurers and makes it cost prohibitive. Special criticism was handed out to the employee compensation "subcommittee", comprised of the three mayors-Dave Phillips, John Whiting, and Connie Tatton who brought this plan to the HL&P Board originally. The CRC mentioned, "the lack of any detailed record kept on how they came to their conclusions/recommendation." "Because of the lack of transparency in the planning, preparation, institution and acceptance of compensation in lieu of a health benefit, it is difficult to determine how and why the subcommittee and the Board approved a six month retroactive disbursement as part of the change to the compensation schedule."

The summary from the Attorney General's office Civil Review Committee was clear, "The CRC strongly recommends that all Board members reimburse HL&P the monies received as a result of the flawed action taken by the Board to increase their own compensation 262%. (It is important to note that the increased amount was actually 362% with a raise of \$1687 per month for insurance.) The CRC's primary goal is compliance with Utah law, public ethics and trans-

parency in government. However, should any Board member fail to remit the funds received, or should HL&P continue to violate its own By-laws and State law with regard to notice, agenda and/or minutes, the CRC will contemplate formal enforcement action, including enforcement of possible ethical violations of Utah law."

Now we have some local tasks to accomplish to make the corrections needed and to take control of the accountability ourselves. It is not in the power company's best interest, nor does it follow the AG's direction to pay at once, to allow those still owing to pay back HL&P monthly. Some board members have been doing that very sporadically this past year, with the HL&P ratepayers virtually giving them an interest free loan for that period. These Board members need to get a loan from a reputable bank and pay interest on the loan. Also, we suggest the municipalities involved; Heber, Midway and Charleston City Councils should pass a formal resolution promoting ethics and transparency by confirming and supporting the AG's letter and immediately re-moving and replacing their HL&P Board members who did not pay back the money in

full when they first learned of the board pay increase, or at least when they were confronted by many upset constituents in January 2012. The public has lost all trust in their ability to manage HL&P with integrity, and this AG letter only touches on the tip of an iceberg of mismanagement with the recent scandal and removal of Tony Furness as CFO. The current board members who owe money should step down and allow others to come in to right the ship.

There are some local concerns worth correcting in the aftermath of this accountability process. It should be noted that none of the legal representatives of each of the involved public entities responded to the initial written complaints, and verbal outcries, from the public. Why do we pay city and county attorneys to protect our interests? Or do they actually protect the public officials FROM their constituents? Also, there are other public entities in Wasatch County who should take note of this AG letter and ensure that they are following OPMA by having properly detailed agendas and transparent minutes for all their public meetings. Some even deny the public information without a formally filed

GRAMA request, and put up roadblocks for the public trying to collect any and all information that citizens deserve.

It took awhile, but we were able to get the powers that be to correct a situation that honestly should have been corrected by the HL&P Board themselves, or their counsel, who were elected or hired to protect and defend the community they supposedly love. Let's all sincerely work together to correct this unfortunate situation and start with a newfound dedication to transparency, accountability, and ethics.

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