

School & Institutional Trust Lands Administration
675 E. 500 S. Salt Lake City, Utah 84102

Board of Trustees Meeting Agenda
October 17, 2018 9:00 a.m.

1. **Welcome**
2. **Approval of Board Meeting Minutes**
September 20, 2018
3. **Confirmation of Upcoming Meeting Dates**
November 15, 2018 Regular Meeting
December 2018 – If Needed
January 9, 2019 Regular Meeting
Tentative 2019 Calendar (2nd Wednesdays)
4. **County Advisory Committee, Utah Tribes, and Public Comment Period**
5. **Chair's Report**
 - a. Report on 1st Advocacy Committee Meeting
6. **EOG Resources Update**
 - a. Pending Motions
 - b. Scheduling
7. **Notification and Discussion Items**
 - a. Notification of Minor Development Transaction - Green Springs Open-Space Sale
 - b. Notification of Minor Development Transaction - Perry City Land Exchange
8. **Director's Report**
 - a. Director's Update
 - b. Kayenta Development Lease
 - c. ML 53840-OBA – Industrial Sands Exploration Agreement with Option to Lease on Lands in Emery County
9. **Break**

- d. OBA – Non-Competitive Lease of Potash and Mineral Salts Lease, Grand County, A1 Lithium, Inc.
- e. Request for Approval of Capital Contribution – Lionsback
- f. Beneficiary Report

10. Closed Session

Pursuant to §52-4-205(1)(c), Strategy Sessions to Discuss Pending or Reasonably Imminent Litigation and §52-4-205(1)(d), Strategy Sessions to Discuss the Purchase, Exchange, or Lease of Real Property, Including any Form of a Water Right or Water Shares.

Adjourn

The times listed on the agenda are guidelines. Items may be heard in any order, at any time, at the Board's discretion. Board Members may participate in the meeting via electronic means.

In accordance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should call Lisa Jones at 801-538-5110 or by email at lsjones@utah.gov. Please provide notice at least three days prior to the meeting.

Additional information, before and after the meeting, will be posted to the Utah Public Notice Website.

I, Lisa S. Jones, SITLA Board of Trustees' Executive Assistant, hereby certify the foregoing agenda was emailed to the Salt Lake Tribune, was posted on the Utah State Public Notice website, <http://pmn.utah.gov>, SITLA's website at <https://trustlands.utah.gov/>, the SITLA app, and at SITLA's Offices, 675 East 500 South, Suite 500, Salt Lake City, Utah 84102. *Posted and dated on the 10th day of October 2018.*

ADVOCACY OFFICE, DIRECTOR – APPOINTED

This is a career service exempt position. The candidate is appointed by the Utah State Treasurer, based upon recommendations from the Land Trusts Protection and Advocacy Committee, and serves at the will and pleasure of the Committee. The candidate appointed to this position is required to have professional qualifications and expertise and to act with undivided loyalty to trust beneficiaries, advocating in all cases for the management of land and investment assets which is consistent with the purposes of the trusts.

The Advocacy Office Director coordinates with educational institutions, state agencies, beneficiaries, the legislative and executive branches and community organizations to develop and implement joint trust land interests. The Director shall effectively advocate with expertise and conviction, even when encountering high-level political opposition.

The Director formulates, interprets, and implements sections of policy and programs aimed at improving trust advocacy and partnerships. The Director will ensure equitable balance of trust benefits to both current and future generations as well as fair and unbiased management of the assets of each trust beneficiary. The Director reports to the Advocacy Committee and the State Treasurer. The Director oversees Advocacy Office budgets; reviews legislation and gives recommendations regarding its impact on educational programs; prepares reports, statistics, and program analysis.

Primary Duties:

- Act with undivided loyalty to the trust beneficiaries.
- Provide oversight of the payment of SITFO trust distributions to current beneficiaries.
- Provide oversight and verify the maximization of SITLA land assets for the benefit of the beneficiaries.
- Maintain a direct relationship with all individuals key to fulfilling the state's trustee obligations and duties related to the trust.
- Facilitate open communication among key individuals, including the SITFO Director, SITLA Director and State Treasurer.
- Actively seek necessary and accurate information.

- Review and, if necessary, recommend the state auditor audit activities involved in generating trust revenue, protecting trust assets, or distributing funds for the exclusive use of trust beneficiaries.
- Promote accurate record keeping of all records relevant to the trust and distribution to trust beneficiaries.
- Report at least quarterly to the Advocacy Committee and the State Treasurer on the current activities of the Advocacy Office.
- Annually submit a proposed Advocacy Office budget to the State Treasurer.
- Report annually to the Advocacy Committee, the State Treasurer, the State Board of Education, and the Executive Appropriations Committee regarding the trust's compliance with law, and regarding the School and Institutional Trust Lands System as a whole.
- Annually send a financial report regarding the relevant individual trust, and, upon request, report in person to:
 1. Utah State University, on behalf of the agricultural college trust.
 2. The Utah State Hospital, on behalf of the mental hospital trust.
 3. The Utah Schools for the Deaf and the Blind, on behalf of the institution for the blind trust and the deaf and dumb asylum trust.
 4. The youth in custody program at the State Board of Education, on behalf of the reform school trust.
 5. The Division of Water Resources created in Utah Code Section [73-10-18](#), on behalf of the reservoir trust.
 6. The College of Mines and Earth Sciences created in Utah Code Section [53B-17-401](#).
 7. Each state teachers' college, based on the college's annual number of teacher graduates, on behalf of the normal school trust.
 8. The Miners' Hospital described in Utah Code Section [53B-17-201](#).
 9. The State Capitol Preservation Board, created in Utah Code Section [63C-9-201](#), on behalf the public buildings trust.
- As requested by the State Treasurer, draft proposed rules and submit the proposed rules to the Advocacy Committee for review.
- In accordance with state and federal law, respond to external requests for information about the School and Institutional Trust Lands System.
- In accordance with state and federal law, speak on behalf of trust beneficiaries at School and Institutional Trust Lands Administration meetings, at School and Institutional Trust Fund Office meetings and with the media.

- Review proposed legislation that affects the school and institutional trust and trust beneficiaries and advocate for legislative change that best serves the interests of the trust beneficiaries.
- The Director may have access to the financial reports and other data required for a review in order to complete necessary reviews.

Ideal Candidate:

Ideal candidates will have significant expertise and qualifications relating to generating revenue to the school and institutional trust and the duties of the Advocacy Office and the Director, which should include expertise in at least one of the following areas: business, finance, economics, natural resources, or advocacy. Additionally, the ideal candidate shall have an understanding of and experience with Utah real estate law and finance, especially in the areas of mining, mineral leases and natural resource extraction.

The ideal candidate will also have a good understanding of modern investment portfolio theory and a general understanding of portfolio accounting practices. The ideal candidate will have demonstrated past loyalty to the trust or be able to demonstrate that s/he will have the character, courage, and oral communication skills to be able to advocate effectively with top-level executive and legislative leaders.

Advocacy Office Budget Estimate

Title	Pay Rate	Annualized Salary (Rate x 2080)	Salary Driven Benefits (34.62%)	Annual Health Ins	Annual Dental Ins	Total State Compensation
Director	72.12	150,000.00	51,930.00	16,791.32	1,041.82	219,763.14
Support Staff	20.00	41,600.00	14,401.92	16,791.32	1,041.82	73,835.06
Total Personnel Services						293,598.20

	FY19	FY20
Personnel Services	146,799.10	293,598.20
Travel/In State	2,500.00	5,000.00
Travel/Out of State	10,000.00	20,000.00
Current Expense Detail		
HR	800.00	1,600.00
Mailing	2,000.00	4,000.00
Office Supplies	250.00	500.00
Printing	1,500.00	3,000.00
Office Rent	-	20,000.00
Phone Charges	450.00	900.00
Research Materials	2,500.00	5,000.00
Recruitment	45,000.00	-
Current Expense	52,500.00	35,000.00
Data Processing Detail		
DTS Charges	1,000.00	2,000.00
Computer Equip	5,000.00	
Data Processing	6,000.00	2,000.00
Total	217,799.10	355,598.20

Memorandum

TO: Board of Trustees, School and Institutional Trust Lands Administration
FROM: Aaron Langston, P&DG Utah South
DATE: August 20, 2018
BENEFICIARY: Schools
RE: *Notice of Minor Development Transaction—Sale of 0.29 Acre Parcel in the Green Springs Area of Washington County*

Introduction

Over the last 10 years, the property owners in the Last Sun subdivision (lots 20, 21, 23, 25, and 26) have purchased the small landlocked parcels behind their homes. The subject properties are situated between a deep ravine and their rear lots, making them completely landlocked and essentially undevelopable.

The homeowner of lot 22 similarly wished to acquire the property behind her home at the same time the owners of lot numbers 21 and 26 acquired the parcels behind their homes, but she ended up not pursuing it. In August 2018, she re-approached the Trust to complete that transaction.

Intended Action

Recent appraisals in the Washington County area have put open space values in the \$3,000 - \$6,000 per acre range. The subject property is being sold for \$24,761.19 per acre, which is based on the sales prices of the landlocked parcels of the other sales mentioned in this memo, plus a 3% annual increase. This proposed sale, totaling \$2,426.60 for 0.098 acres, also includes an administration fee of \$2,500 similar to the admin fees charged to the neighbors.

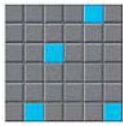
The sales price of this proposed 0.098-acre transaction is significantly higher than normal open space transactions and is consistent with the sales prices her neighbors received. Also consistent with the other transactions, there will be deed restrictions added to the patent prohibiting the Buyer from erecting any permanent vertical structures on the subject property, thereby assuring compliance with the original intent of the purchase for gardening, orchards or private recreational use.

Real Estate Committee Approval

The Real Estate Sub Committee reviewed this transaction in their meeting September 25, 2018 and recommends approval to the full Board of Trustees.

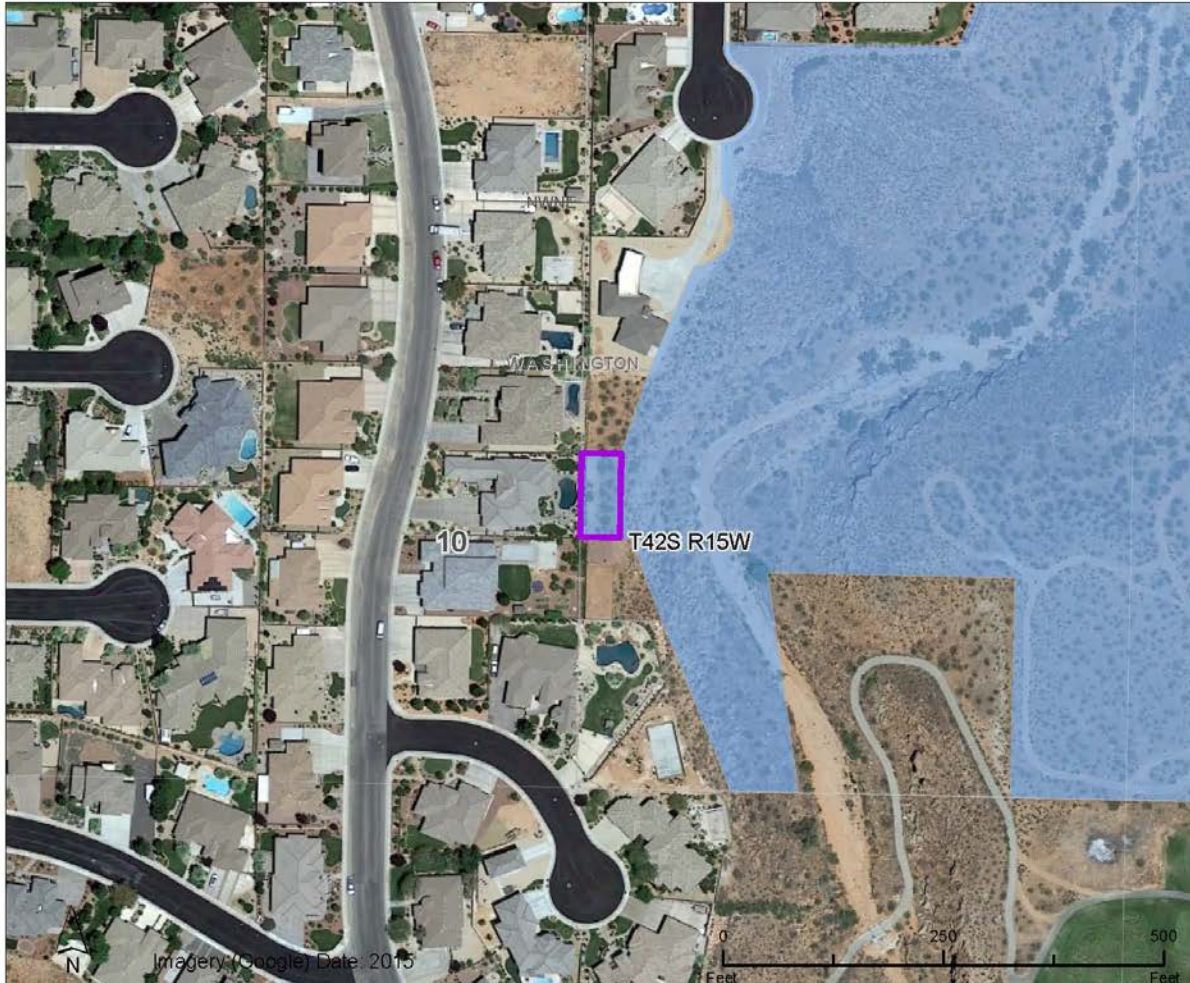
Exhibit A

Depiction of parcel B



C 26677 Green Springs Last Sun Yard Extension No. 5

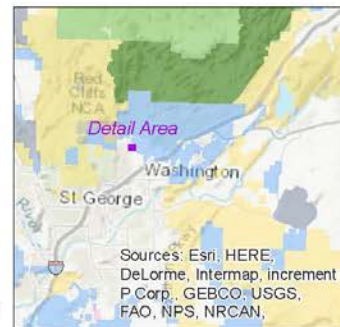
Washington County



C 26677 (0.10 acres)

Land Ownership and Administration

- Private
- State Trust Lands



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN,

Data represented on this map is for REFERENCE USE ONLY and is not suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. SITLA provides this data in good faith and shall in no event be liable for any incorrect results, or any special, indirect or consequential damages to any party, arising out of or in connection with the use or the inability to use the data hereon. Land parcels, lease boundaries and associated SITLA data layers may have been adjusted to allow for visual "best fit". The Surface Ownership Land Status data (if present) are maintained by SITLA to reflect current trust land status and surface ownership. Lakes, rivers, streams, highways, roads, county and state boundaries are distributed by the Utah Automated Geographic Reference Center and/or other sources as specified. Contour lines (if present) were generated from USGS 10 meter DEM. Please Note: While SITLA seeks to verify data for accuracy and content, discrepancies may exist within the data. Acquiring the most updated SITLA ownership GIS data may require contacting the GIS staff directly 801-538-5100 or TLA-GIS@utah.gov. The SITLA GIS department welcomes your comments and concerns regarding the data and will attempt to resolve issues as they are brought to our attention. Document Path: V:\GIS\GIS_Group\Steffie\Working\MO\Ds\Exhibit_Template_NEW.mxd

Coordinate System: NAD 83 UTM Zone 12N

MEMORANDUM

TO: SITLA Board of Trustees Fund: Schools

FROM: Troy Herold, Project Manager
Planning & Development Group

RE: **Notification of EXCH#370 – Perry City Commercial-Willard North parcels**

Date: September 26, 2018

The Real Estate Committee reviewed this proposed exchange at their September 25, 2018 meeting, offered some suggestions that have been incorporated, and recommended moving forward with the transaction.

Notification

As this is a Board Notification, no action is required by the Board.

Summary

Notification of an equal-value exchange of 180 acres of Trust lands (Exhibit 1) for 2.4+/- acres of commercial pad sites (Exhibit 2) owned by Perry City.

Background

SITLA manages a 180-acre parcel of land near Willard Bay (Willard North). The property was offered at auction in the fall of 2016. The property was appraised with a value of \$215,000 which was the minimum price set for the auction. The property did not sell at auction. *(This appraisal is being updated to confirm value has not changed.)*

Perry City approached staff and expressed interest in the Willard North parcel as a potential exchange opportunity. Perry City leases the Three Mile Creek Gun Range on State Sovereign Lands. Perry City wants to own the gun range but State Sovereign Lands does not want any commercial lots that Perry City owns. The parties approached SITLA and all agreed to a conceptual three-way exchange that will be accomplished as two separate two-party exchanges. SITLA would exchange the Willard North parcel to Perry City for equal value in commercial pad sites that Perry City owns at the intersection of I-15 and Highway 91/89. Then, State Sovereign Lands would exchange its gun range property for the 180-acre Willard North Parcel that Perry City will own following its exchange with SITLA. After the exchanges are complete, each party will own land that it wants: SITLA has commercial pads, Perry City has the gun range, and State Sovereign Lands has the Willard North property.

SITLA completed an appraisal for the commercial pad sites in the fall of 2017 noting that an equal value exchange would result in 2.5 acres of commercial pad site land (\$2.00/sf). Perry City felt that SITLA's appraisal did not include more recent and relevant comparables and therefore engaged a second appraisal in August of 2018. The second appraisal noted new comparables that established the pad sites value at \$2.50/sf (2.0 acres of pad site). With these appraisals, staff and Perry City representatives agreed to exchange 2 existing pads within Perry City's commercial development, totaling approximately 2.4 acres, for SITLA's Willard North property.

Conclusion

Staff supports this exchange with Perry City. Access to, and development of, the Willard North parcel would be difficult at best. Commercial development is growing in Perry City and the selected pad sites will continue to rise in value. A potential sale of the pad sites in the next 5-7 years is very likely.

EXHIBIT 1

SITLA's 180-Acre Willard North Parcel

(within section 16)

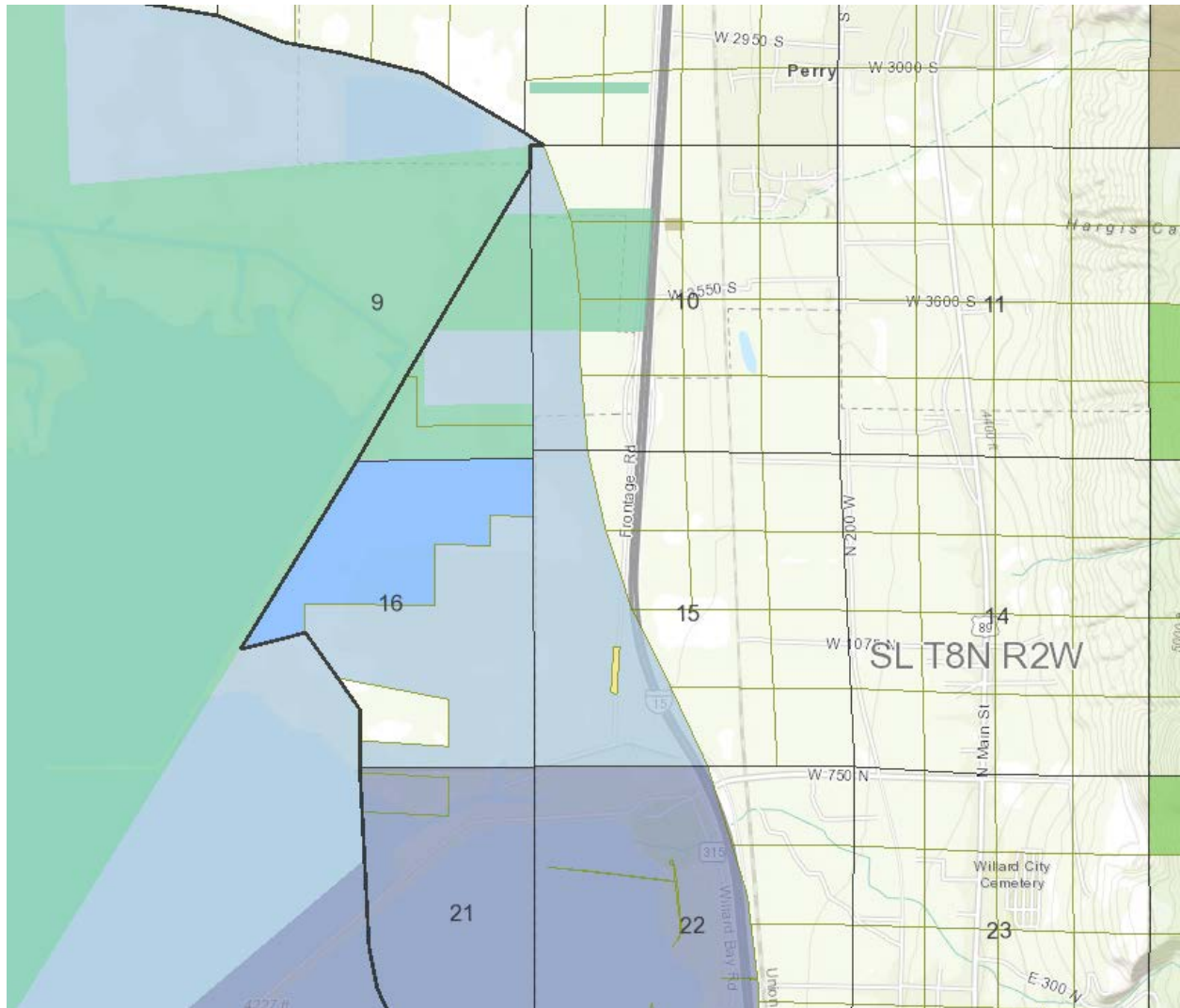


EXHIBIT 2

Perry City Commercial Lots

(Target lots outlined in yellow)



Memorandum

TO: Board of Trustees, School and Institutional Trust Lands Administration

FROM: Kyle Pasley, Deputy Assistant Director, P&DG Utah South

DATE: September 27, 2018

RE: *Request for Approval, Major Development Transaction – Kayenta Development Lease and Option*

BENEFICIARY: Schools

History

The Trust owns in excess of 400 acres within or adjacent to the Kayenta community west of Ivins, Utah. The Trust holdings consist of three parcels as depicted in Exhibit A. In October of 2000, the Trust entered into a development lease transaction with Kayenta Homesites and its principal, Terry Marten, on the northernmost Trust parcel. This transaction ran from its inception until 2016 with one modification in 2013. During that time, which included the market downturn of 2008-2011, Kayenta executed on approximately $\frac{3}{4}$ of the land held in the original lease.

Kayenta let the original lease expire in 2016 as it reset its planning efforts based on differing market conditions and regulations from local planning authorities. Chief among those concerns was the requirement for sewer in the community that had up until that point been built on a septic system.

Kayenta Homesites is now prepared to move forward with growing their community and is seeking a new development lease structure with the Trust.

The Offer

Kayenta would like to re-enter a development lease on the remainder of their previous lease parcel (Exhibit B). Additionally, Kayenta is seeking to purchase parcels on the Trust parcel directly to the south and east of their community art-village core (Exhibit C). The parcels south and east of the community core are essential to Kayenta for sewer infrastructure, access and as continuation of uses that abut their community. Additionally, the majority of this parcel is burdened with expansive clay soils, rock and extensive jurisdictional washes and flood plains making development and monetization of these parcels an expensive proposition for the Trust.

Deal Structure

Upon Board approval, Kayenta and the Trust will enter into a development lease agreement with the following parameters:

- On the remainder lease parcel (Exhibit B) Kayenta will pay the Trust 33% of the gross selling price of all lot sales. Lots will be restricted to a minimum of \$60,000. Current market values of

lots of similar size in the community are \$120,000-\$200,000 depending on factors such as views, etc.

- On the more troubled parcel south of the community core, Kayenta and the Trust have identified 8 separate parcels (Exhibit C) of developable land. Each parcel has been valued by appraisal based on anticipated use, access, utilities and soil condition. The proposed values are as follows:

• Parcel 1A (residential) = 13.7 acres	\$480,000	\$35,036/acre
• Parcel 1B (residential) = 24 acres	\$410,000	\$17,083/acre
• Parcel 2 (resort) = 6.947 acres	\$560,000	\$80,610/acre
• Parcel 3 (residential) = 2.689 acres	\$110,000	\$40,907/acre
• Parcel 4A (residential)= 19.031 acres	\$1,240,000	\$65,156/acre
• Parcel 4B (residential) = 8.956 acres	\$540,000	\$60,294/acre
• Parcel 5 (residential) = 3.820 acres	\$150,000	\$39,267/acre
• Parcel 6 (ROW) = 8.334 acres	\$260,000	\$31,197/acre
- Kayenta will purchase these parcels in phases over the term of the development lease. Purchase will set at the base prices shown above plus a 3% per annum escalation effective at each anniversary of the signed date of the agreement. Additionally Kayenta will pay \$5,000 per year as an option fee.
- It is proposed that the length of the development lease be 7 years with one 3 year option at either party's discretion.

Recommendation

This transaction was reviewed and approved for recommendation to the full Board of Trustees by the Real Estate Subcommittee on September 25, 2018

Exhibit A

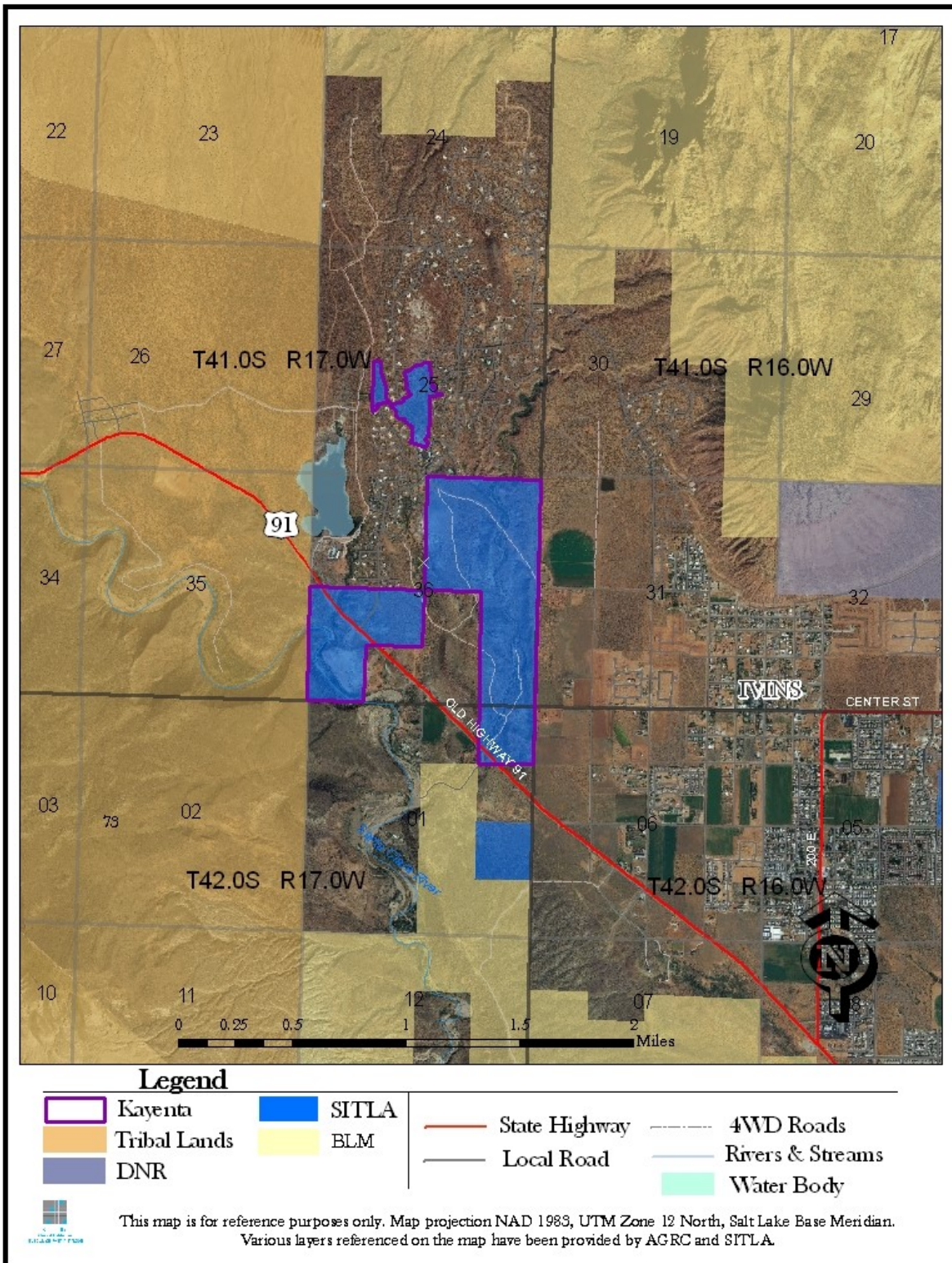


Exhibit B

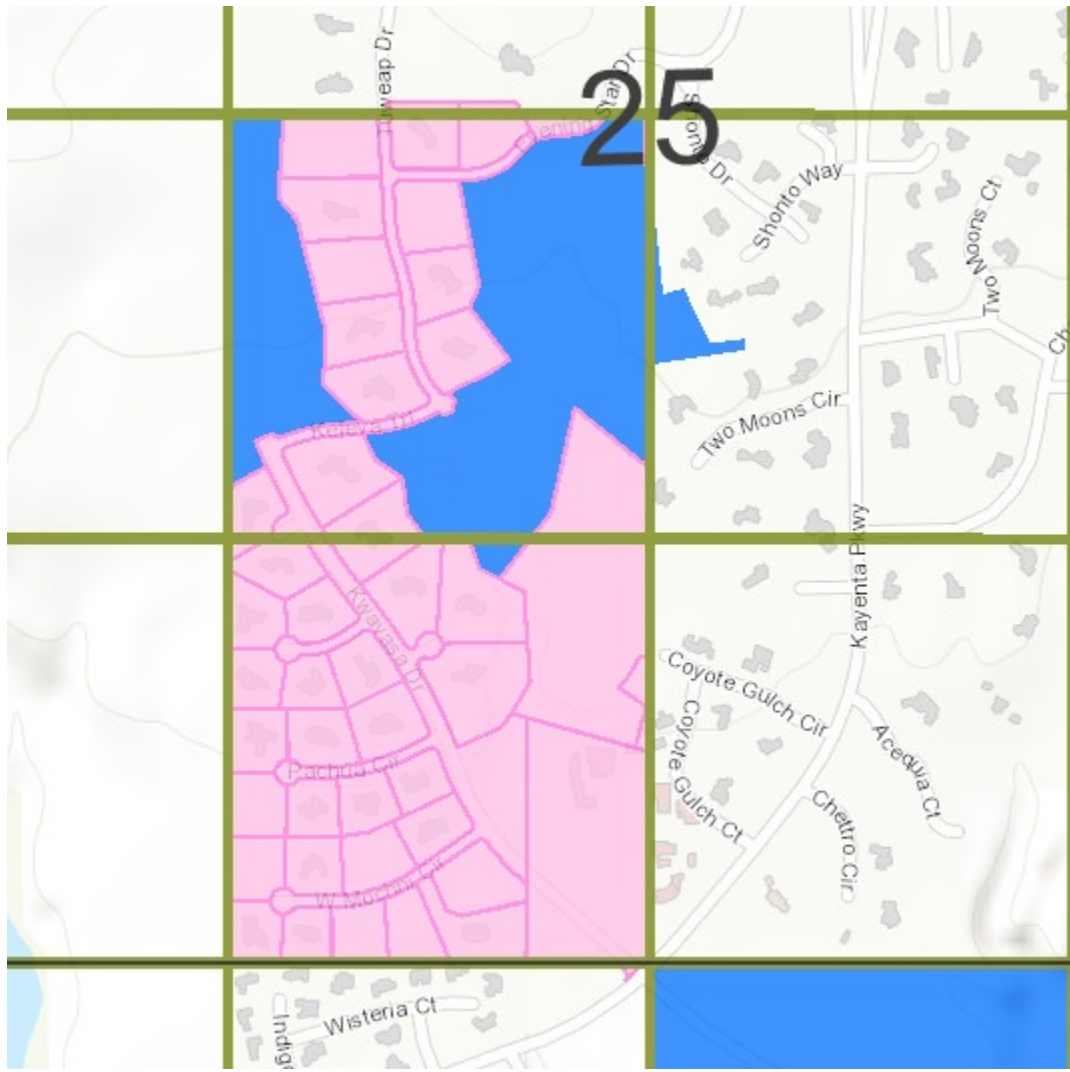
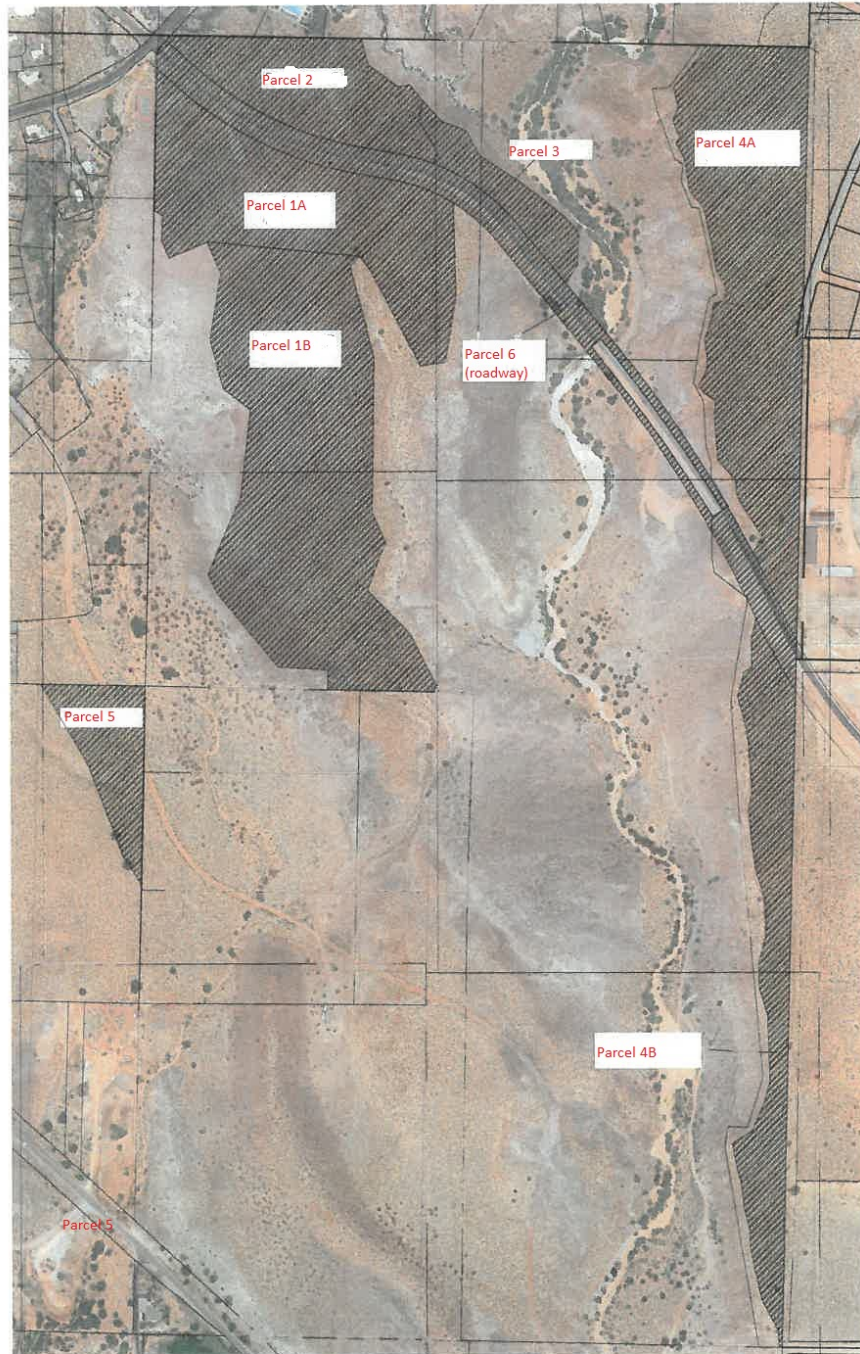


Exhibit C



BOARD MEMORANDUM

DATED: September 26, 2018

TO: Board of Trustees, Utah School and Institutional Trust Lands Administration

FROM: Thomas B. Faddies, Assistant Director/Minerals
Andy Bedingfield, Minerals Resource Specialist

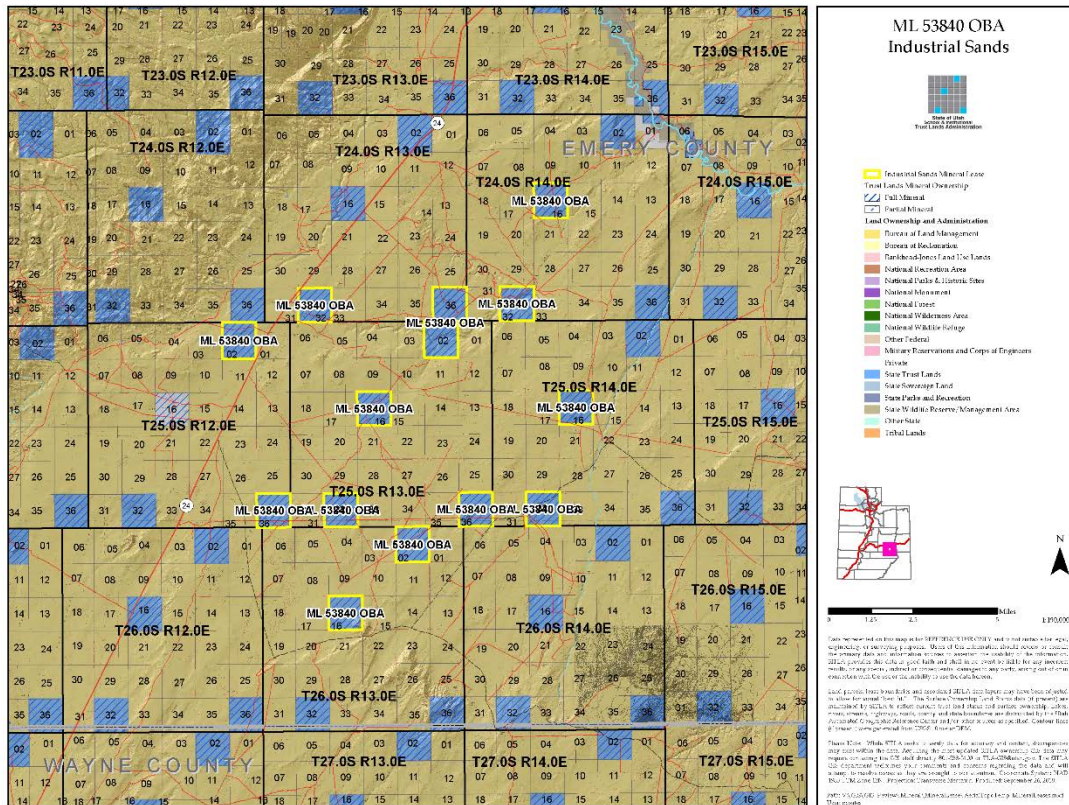
RE: Other Business Arrangement (“OBA”), Industrial Sands Exploration-Lease Option Agreement for Unleased Potential Frac Sand deposits in Emery County

LANDS: T24S, R13E, Section 32, 36
T24S, R14E, Section 16, 32
T25S, R12E, Section 36
T25S, R13E, Section 2, 16, 32, 36
T25S, R14E, Section 16, 32
T26S, R12E, Section 2
T26S, R13E, Section 2
T13S, R6W, Section 36

Containing in all 9,074.20 (School Fund)

APPLICANT: Red Leaf Resources, Inc.
32 West 200 South #552
Salt Lake City, UT 84101

This is a request for Board approval of an Other Business Arrangement (“OBA”) under Utah Code Ann. 53C-2-401(1)(d)(ii). The proposed action includes entering into an exploration-lease option agreement which will enable the applicant to: 1) Perform exploration and geologic studies on the subject lands; and, 2) if mineable and merchantable industrial sand is discovered, to exercise an option to non-competitively lease the lands or portions of the lands for industrial sands mining upon payment of a bonus bid.



Land Status

These lands lie in southeastern Emery County largely to the east of State Road 24 and west of the Green River in the San Rafael Desert. These lands are not within the San Rafael Swell or the proposed Emery County Lands Bill. The sand potential in this area is from the fine grained eolian dune sands from the Holocene to the middle Pleistocene. The eolian sands overlie the Middle Jurassic Entrada Sandstone. The subject parcels contain a number of grazing permits, easements and oil & gas leases (lessee being Tacitus, LLC). The lands within this proposed lease were acquired by the State of Utah through the Enabling Act, upon Statehood of January 4, 1896, or upon survey from the United States.

Frac Sand Potential

These lands were identified by the Utah Geological Survey as having potential for use as sands used in downhole hydraulic fracturing of oil and gas wells (frac sands). The applicant has proposed to test the various sections within the exploration option area to determine the suitability for use as frac sands.

Trust Lands Industrial Sands Opportunity

Red Leaf Resources (RLR) is interested in testing the unconsolidated sands from the subject lands to gain information to determine if the sand grains will be suitable for use as frac sands. Should any of the sands from the various parcels meet the specification, RLR has requested the option to lease all or portions of the subject lands. The Exploration-Lease Option Agreement negotiated with RLR by the Minerals Group is summarized as follows.

- 1) RLR will commit to exploration on the leased lands and producing a resource report. This data would be submitted to SITLA.
- 2) RLR has a period of 2 years to perform the exploration and testing to determine suitability.
- 3) RLR will pay an annual rental of \$1 per acre during the option period
- 4) Upon payment of a one-time bonus in the amount of \$3 per acre RLR may obtain a non-competitive trust lands industrial sand lease covering the all or a portion of the subject lands by making said bonus payment to the Trust.
- 5) The industrial sand lease, if issued, will contain standard Trust lands mineral leasing terms and conditions lands. The lease will have a primary term of ten years and require annual rentals of \$3.00 per acre. The production royalty rate will be 10% of gross value, f.o.b. the mine, or \$3.00 per short ton, whichever is greater for all produced industrial sand.

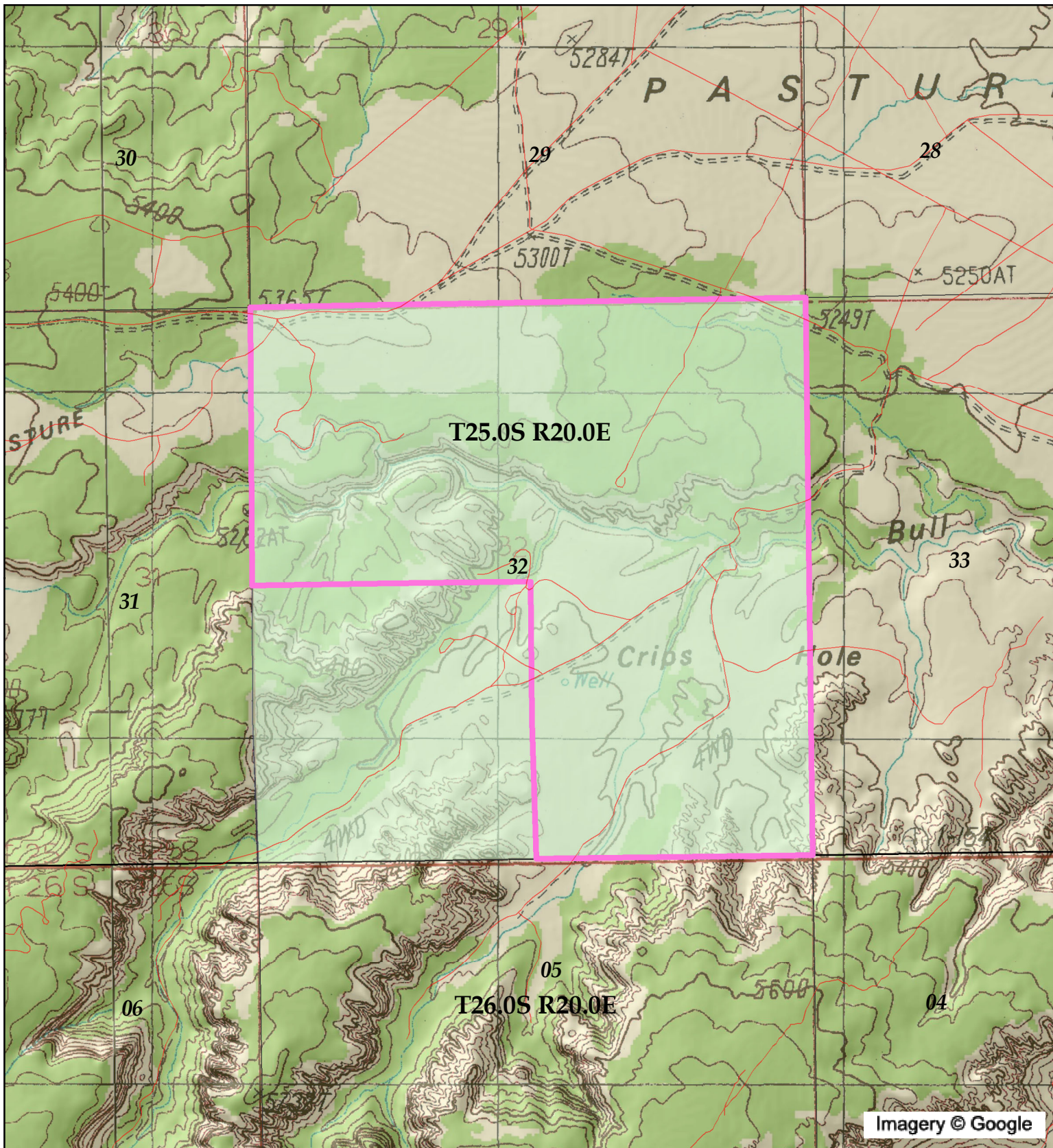
Potential Problems

The specification for frac sands are ever changing as technology advances, and most sand/sandstones do not meet the strength and gradation qualities that are required by the drilling industry. It is not yet known if any of the sands on the subject lands meet the stringent strength testing requirement. Frac sands prices have escalated as oil and gas drilling as increased, and the volume used in each drill hole has increased. However, markets would need to be established by the lessee, as historically the frac sand market has been from the Upper Midwest. New mines have been established in Oklahoma and Texas in recent years, and the lessee would need to break into an increasingly competitive market.

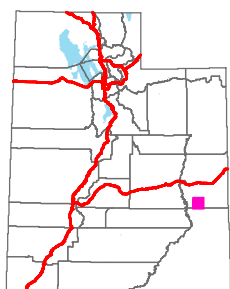
Discussion and Recommendation

It is anticipated that the market for frac sands will continue to grow in the Uintah Basin and elsewhere. Currently frac sand within the Uintah Basin is coming from the Upper Midwest at a premium price to drilling companies. A source of frac sand closer to markets would be advantageous to both producers and the end consumers. The opportunity to lease the lands to a company which has a strong desire to develop the frac sand market is positive for the Trust. If RLR elects to move forward and exercise the lease option enabled by the proposed OBA then the Trust will receive the above listed bonus payment, which is comparable to what would be expected if the lands were able to be competitively offered for an industrial sand lease.

The Minerals Group recommends Board Approval of the proposed OBA.



A1 Lithium Proposed Potash-Mineral Salts OBA



- ML 49667
- Proposed OBA
- Land Ownership and Administration**
 - Bureau of Land Management
 - State Trust Lands

User: gcoates
 Produced: September 25, 2018 SITLA
 Coordinate System: NAD 1983 UTM Zone 12N - Projection: Transverse Mercator
 Google Imagery (6-Inch High Resolution)



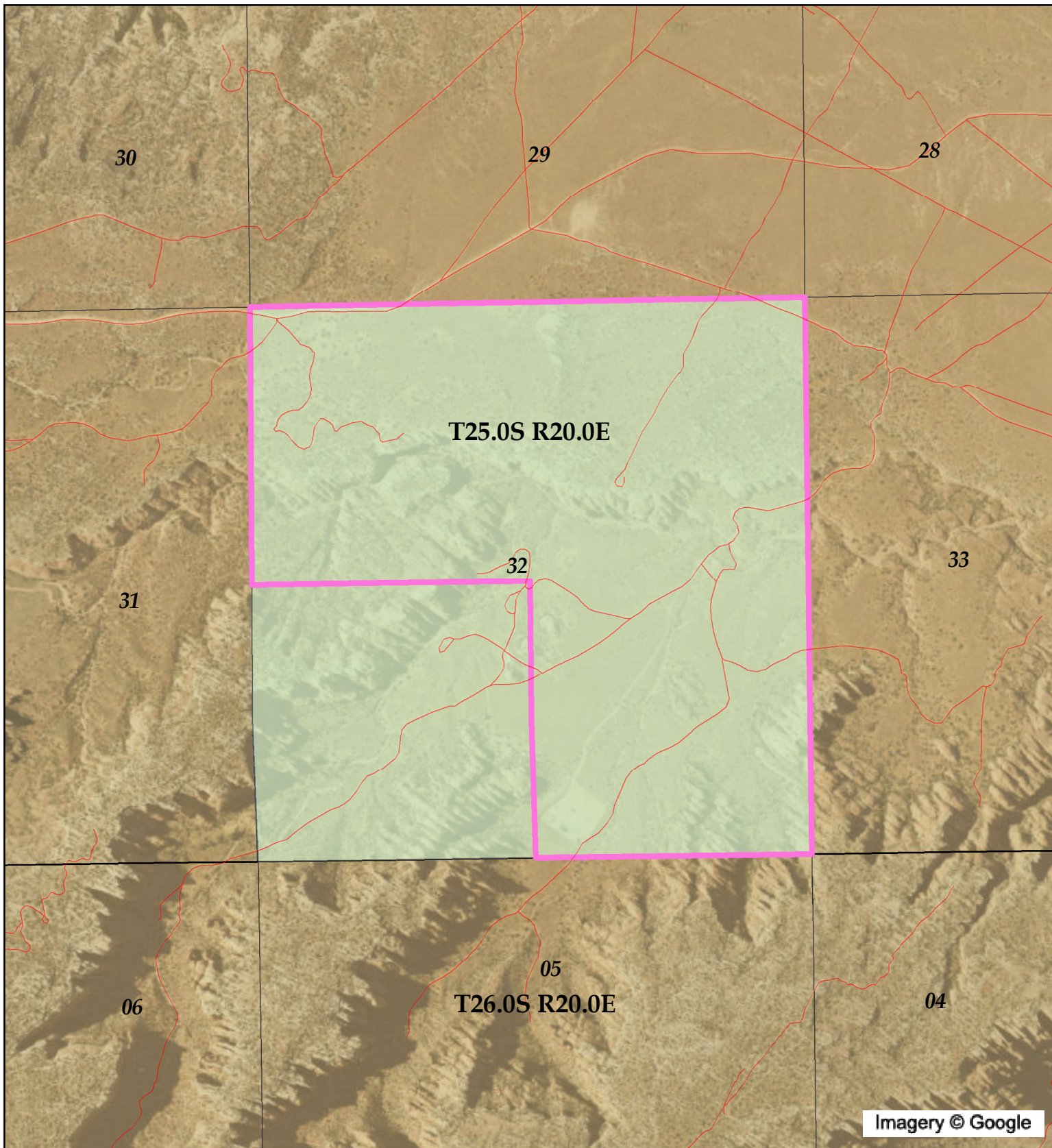
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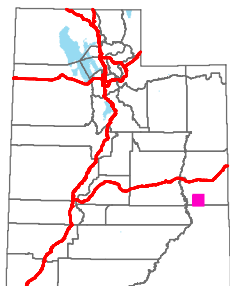
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A1 Lithium Proposed Potash-Mineral Salts OBA



- ML 49667
- Proposed OBA
- Land Ownership and Administration**
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User: gcoates
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 Coordinate System: NAD 1983 UTM Zone 12N - Projection: Transverse Mercator
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MEMORANDUM

TO: SITLA Board of Trustees Fund: Schools

FROM: Troy Herold, Project Manager
Planning & Development Group

RE: **Request for Approval of Capital Expenditure - Lionsback**

Date: September 27, 2018

This request was reviewed by the Real Estate Committee on September 25, 2017; with a recommendation to move forward on the request.

Summary

Off-site Infrastructure needs to be installed in order to provide services for the Lionsback Development Property. Preliminary design and estimates have been completed. The capital expenditure request is for \$4M and is roughly broken down as follows:

Roadway Widening	\$ 650,000
Water	\$ 750,000
Sewer	\$ 500,000
Combined Trenching	\$ 1,300,000
Storm Water & Landscaping	\$ 350,000
<u>General Conditions, etc</u>	<u>\$ 450,000</u>
Total	\$ 4,000,000

Background

The Lionsback Project includes 188 Casitas (single family and townhome units). SITLA has the opportunity to participate in the off-site infrastructure funding in order to advance the project forward. Staff has reviewed the request and agrees that timing is right to bring infrastructure to the site. The Trust investment will be reimbursed from the sale and development of the Casitas (approximately \$25,000 per unit).

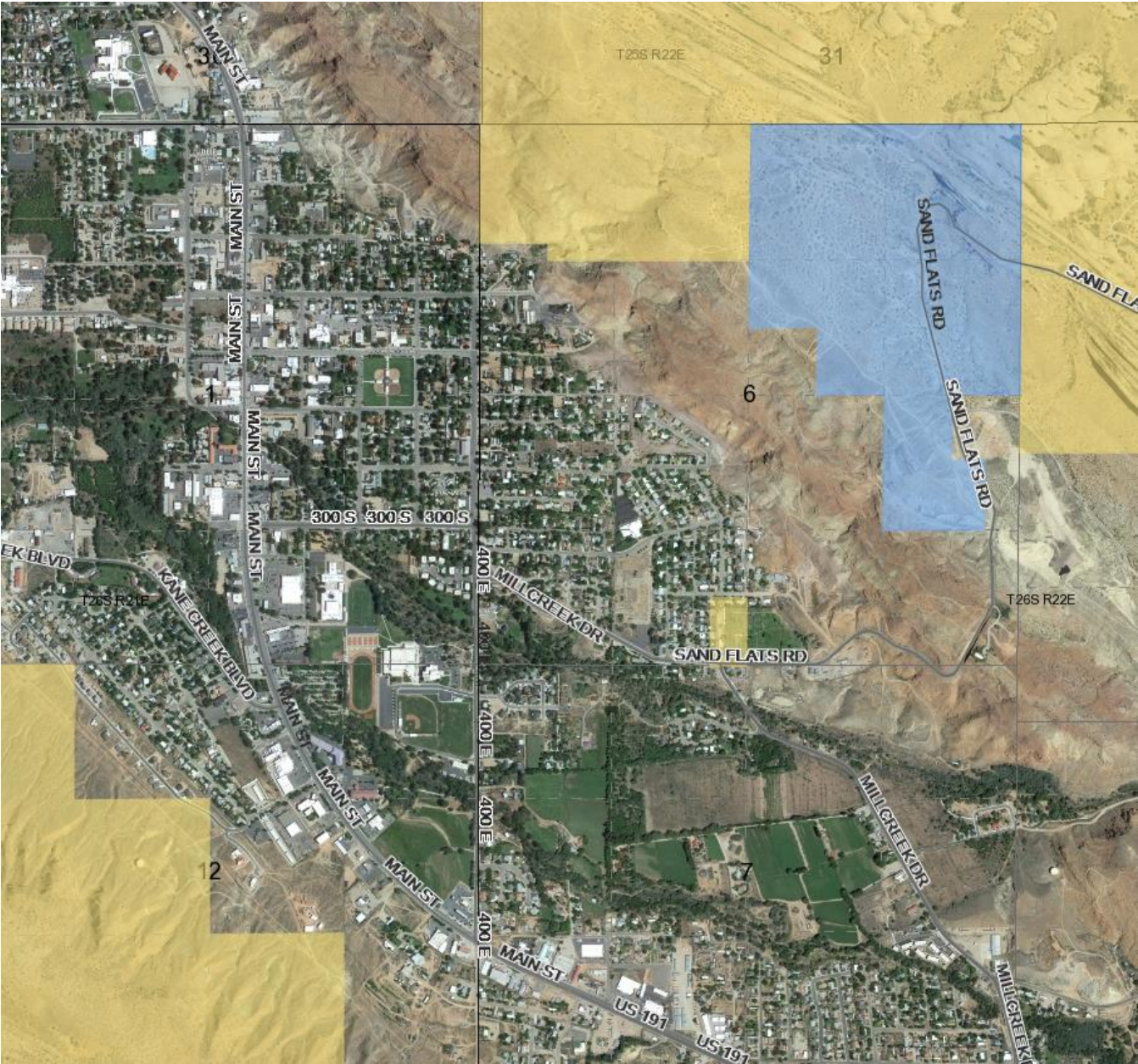
Staff Recommendation

Staff recommends the Board approve the capital expenditure of \$4M for off-site infrastructure for the Lionsback Project.

Proposed Motion

"I move that the Board approve a capital contribution of \$4M for the Lionsback project off-site infrastructure, pursuant to Board Policy No. 2013-03."

Location Map



LEGEND

- PROPOSED CL 33' SEWER LINE EASEMENT (SS)
- PROPOSED CL 33' WATER LINE EASEMENT (W)
- PROPOSED CL 33' UTILITY EASEMENT (UT)

Map Labels:

- Richard O Cozzens Mary Jane Cozzens 02-006-0005
- Cozzens Family Living Trust 02-006-0051
- Cozzens Family Living Trust 02-006-0010
- Cozzens R Caris S Cozzens 02-006-0014
- Richard O Cozzens Mary Jane Cozzens 08-006-0013
- Moab City Check Dam Easement
- Brian Hurst 03-006-0139
- Jean D Carson Trust 03-006-0103
- Kenji J & Niranse Harrison 03-006-0125
- Kenji J & Niranse Harrison 03-006-0148
- Grand Valley Cemetery 03-006-0117
- Grand County 03-006-0111
- 30 ft. Access Easement BR 779 Pg 667
- SW COR SE1/4 SE1/4 S6
- SAND FLATS ROAD
- 33 ft. County Road Easement
- Granite Development LLC 02-006-0046
- 56 ft. Access Easement
- Day & Walsion Parcel B Exemption
- Granite Development LLC 02-006-0047
- Parcel A
- SE COR W1/2 NE1/4 SE1/4 S6
- NE COR W1/2 NE1/4 SE1/4 S6
- Moab City 03-006-0101
- S-S 1/64 S6
- Lions Back Minor Subd B 544 P-168
- SE COR S6
- Ingress & Egress Easement Book 431 Page 329 Moab to Cozzens



RECORDS MANAGEMENT

September 2018

Objective

Employees have asked for information relative to *"How to better manage our records that will help ease the process associated with GRAMA requests"*; or more specifically, what to keep and what can be deleted. The intent is to review those questions as well as go over records in general and share helpful tips.

What IS & IS NOT considered a Record?

Records can be books, letters, documents, papers, maps, plans, photographs, films, cards, tape, recording, electronic data or other documentary materials (regardless of physical form or characteristics) that is prepared, owned, received, or retained by a state or governmental entity.

Records are not typically temporary drafts prepared for personal use, privately-owned information, copyright or patented material (unless the material is owned by a governmental entity), junk mail, commercial publications, personal daily calendars, and personal notes prepared for personal use or unrelated to the conduct of the public's business.

Records are classified into four different areas

Public—the majority of government records fall within this category. Includes: Utah Code, contracts, minutes and reports from open meetings, most judicial records, drafts circulated outside of State government/agency, or summary data.

Private—contain information about individuals: Includes: data on individual medical history, diagnosis, condition, treatment, evaluation, or similar medical data; employment records that would disclose an individual's home address, home phone number, Social Security Number, insurance coverage, marital status, or payroll deductions; records describing a person's personal finances; some personnel records; and other records containing data on individuals when disclosure would constitute a clearly unwarranted invasion of personal privacy.

Controlled—contain personal information (limited to records which contain medical, psychiatric, or psychological data). If released, would be detrimental to the subject's mental health or to the safety of any individual.

Protected—contain information that is restricted in the public interest. Includes: commercial or non-individual financial information if disclosure could result in unfair competitive injury, or impair obtaining information in the future; test questions and answers to be used in license certification, registration, employment, or academic exams; records subject to attorney-client privilege; some drafts; records, the disclosure of which, could jeopardize the life or safety of a person or the security of government property.

The Legislature & GRAMA

Recognizes two constitutional rights:

- (1) the public's right of access to information concerning the conduct of the public's business; and*
- (2) the right of privacy in relation to personal data gathered by governmental entities.*

SITLA has the duty to ensure that documents are retained and destroyed in a legal and responsible manner.

With the increase in technology, the ability to create, disseminate, and receive information has become decentralized.

The result is that Records Management is also decentralized and every employee today has been forced to become a Records Manager.

How do Records impact you?

- Records management has evolved from the concept of “save everything” to “save smart”.
- Storage space is cheap but there is need to reconsider the save everything process due to the pain associated in searching through all of the saved information and actually locating responsive records in response to GRAMA and Discovery.
- Employees are responsible for classifying and storing electronic documents according to the agency’s document retention policy.
- In response to subpoena, discovery request, or court order, employees are responsible to locate and comply with legal holds placed on the scheduled destruction of records.

Housekeeping Tips

- Do not save every Email any more than you would save all of your regular postal mail.
- Separate out junk mail and delete immediately.
- Sort through your business-related Email and create a filing system within your own individual in-box for items that retention applies to or that you need.
- Email records include work-function related messages that have administrative, legal, fiscal or historical value.
- Non-record Email consists of correspondence that has no government business-related content. This includes such messages as personal messages, listserv messages, and spam.
- Both sent and received Emails can be records.
- Primarily, for Email between government and non-government, the governmental entity is the custodian of the record copy.
- For Email between governmental entities, the sent copy is the record copy.
- Additionally, the governmental entity whose function is the topic of discussion is the custodian of the record-copy.
- An employee shall maintain the record copy. In the instance of an Email thread, the last Email in the thread—the one containing the entirety of the correspondence between two or more persons—becomes the record copy and thus the copy with the longest retention period.
- Emails that combine both a personal message and record-content are kept as a record.
- An employee generating Email should give each Email message a meaningful subject line that clearly reflects the content of the Email. *This makes it easier to sort, file, and retrieve.*
- Utilize Rules to divert inbound Emails into appropriate holding folders (such as transitory, administrative and executive correspondence).
- Email is configurable and options exist to establish retention by folder structure.
- Quick steps can be set up in Google by users to archive selected Emails as *read* and move them to a filing folder.
- Cleanup rules could be implemented to minimize the size of a user’s mailbox.

Records Retention

A retention schedule is a listing of the types of records kept by the Agency and the period of time the records are kept.

Schedules are based on these values:

- * **ADMINISTRATIVE**
- * **FISCAL**
- * **LEGAL**
- * **HISTORICAL**

What does success look like?

- ♦ Making Records & Information awareness an Agency priority.
- ♦ Frequent/ongoing education & communication to employees.
- ♦ Maintaining up-to-date & business-applicable retention schedules.
- ♦ Collaboration to understand concerns about records management.
- ♦ Realize cost savings & efficiency opportunities.
- ♦ Improved searching & sharing with constituents.