

**CLASS CONFERENCE SUMMARY**  
**Ruby's Inn**  
**July 22-26-, 2001**

Those Attending:

Oliver Barlow, Arizona; Charles Lentz, Arizona; Kenneth Moloney, Arizona; Janice Palmer, Arizona; Barbara Robey, Arizona; Mike Smith, Arizona; Colleen Heinz, Colorado; Mark Townsend, Colorado; Jody Townsend, Colorado; Jennifer Ellis, Idaho; Julie VanOrden, Idaho; Michele Rispens, Montana; Renata Witte, New Mexico; Cathy Post, Oklahoma; Katy Gulya, North Dakota; Linnea Barney, Utah; JoAnn Neilson, Utah; John McAllister, Utah; Steven Peterson, Utah; Margaret Bird, Utah; Paula Plant, Utah; Karen Rupp, Utah; Barbara Smith, Utah; Lisa Bond, Washington; Greg Hacker, Wyoming; Marguerite Herman, Wyoming.

The Conference began with registration on Sunday, July 22, 2001. At 6:30 p.m., a dinner was held at Ruby's Inn with Lily Eskelsen, NEA, as guest speaker. Lily provided a PowerPoint presentation on trust lands issues with some specifics of how they have impacted Utah Schools. A conference notebook, specific to each state, was provided to the delegates. This notebook contained the agenda, list of delegates to the conference, list of land commissioners, list of terminology they would be exposed to, papers on trust law and fiduciary duty, their specific Enabling Act, State Constitution and applicable state statues, their state annual report and map, and papers regarding trust land management in Utah as well as information on the BLM and Forest Service.

On Monday, July 23, 2001, the CLASS delegates met with the Western States Land Commissioners Association Conference for their roll call session. Prior to roll call, Representative Marty Stephens, Speaker of Utah House of Representatives, gave a greeting and a speech of the impact the federal government and the wilderness issues were having on trust lands as well as local governments.

Each state reported on trust land activity in their respective states and what issues they are facing. The land commissioner from Colorado reported discussed two filed congressional bills that could impact Colorado's Enabling Act and Constitution. Congressman Udall sponsors one bill and Senator Allard sponsors the other. Both bills could have a profound effect on lands in Colorado. The bills, if successful, could also have a significant impact on trust lands in other western states with similar Enabling Acts.

The afternoon session was held at Bryce Valley High School in Tropic, Utah and began with Margaret Bird of the Utah State Office of Education, presenting the story of trust lands and showing the video "Using the Trust". A video was provided to each participant at the conference. Paula Plant also of the Utah State Office of Education went over the terminology that the delegates could expect to encounter as they learn about trust lands.

Kevin Carter, Acting Director of the Utah School and Institutional Trust Lands Administration, and Western States Land Commissioners Association Secretary, spoke to the delegates about how to work with the land commissioners. Areas where beneficiaries could assist were identified. He shared his perspective on each state, the land offices and respective challenges. Kevin has been involved with Utah trust lands and the commissioner's association for many years.

CLASS Conference participants spent the evening at a chuck wagon cookout with the participants of the Western States Land Commissioners Association Conference.

Tuesday morning's session was held at Ruby's Inn.

Ric McBrier, Director of Development of the Utah School and Institutional Trust Lands Administration (SITLA) discussed how Utah is working with communities and developers on surface development projects. Each piece of land has unique characteristics, assets and liabilities and should be developed piece-by-piece recognizing the unique potential of the piece. Working with local governments in the beginning of a project is important so that when issues like zoning arise; there is good working relationship in place. A few selected pieces are offered at biannual auctions advertised to the public. Properties are never sold below the appraised value. SITLA is also partnering with developers where the trust can benefit from ongoing development rather than selling the lands outright.

Ruland Gill, Chairman of the Utah Board of Trustees, explained the importance of oil, gas and minerals as a revenue source to the permanent trust fund. "One good well" could make as much money for the trust as all the surface development in a state trust portfolio.

Margaret Bird, Utah State Office of Education, briefly identified different investment strategies of the permanent trust fund being implemented in various states. Margaret suggested that a future conference might be specifically dedicated to addressing permanent funds and investment strategies.

John McAllister, Utah Assistant Attorney General, explained trust law and associated fiduciary duties as it relates to school trust lands. He distributed a packet that included back up and reference information, including legal definitions and quotes from case law involving school lands and associated funds. John trains each new Utah Board of Trustee member as well as key individuals new to the education community of Utah about trust law and fiduciary duty. His expertise on school law, trust law and school trust lands make him somewhat unique in the legal community of the west.

The afternoon session began with Melvin R. Brown, former Speaker of the Utah House of Representatives. Mel explained the political process as it relates to school trust land issues and identified important groups and political leaders to involve and be aware of. He reminded them that timing is everything. Wait for the right political moment to initiate necessary changes. Changes can occur in small increments and are sometimes more successful and effective than the "all at once approach". Choose your "battles" carefully and be certain the necessary players are "on board" before moving ahead.

The next presentation was a round table discussion. Participating on the panel were Curt Johnson, Commissioner of School and Public Lands of South Dakota, Keith Kuhlman of the Oklahoma Land Office, and John Brejcha of the Colorado Land Office. Curt, Keith, and John addressed the challenges that land offices, commissioners and land boards face in dealing with governmental entities, private landowners, developers, users of the land, and education groups. Politics and staffing is always an issue. It is important for education leaders to understand that even though the funds from the lands may not be substantial in terms of the overall education budget, it is important and will enhance education if the lands are properly managed and the fund is wisely invested.

Increased involvement from beneficiary groups that are educated on trust land issues and processes could have an important impact on the ability land offices have to generate increasing revenues for schools.

The Wednesday, July 25<sup>th</sup> session was held at Bryce Valley High School. Dave Hebertson of Public Relations from Utah's School and Institutional Trust Lands Administration presented information on how the media can assist with educating the public about trust lands and associated issues. Beneficiaries need to "assume ownership of their lands." Put together a plan of action for public relations, especially prior to making statute changes. Help the public have a clear perception of how and why the changes will affect schools. A coordinated effort will be critical. The measurement and message must always clearly address "how is this action prudent and profitable for the trust".

Karen Rupp of the Utah PTA and Paula Plant of the Utah State Office of Education discussed how beneficiaries can be an effective voice and influence on school trust land issues and processes. Always be honest. Be firm. Get the attention of the public, agency and policy makers. Beneficiary groups can protect prudent actions of land managers from political pressure by being constant in requiring fiduciary accountability to the trust ahead of all other interests. Make sure all affected parties understand "you are in this for the long-haul".

Conference attendees participated in a discussion session moderated by Barbara Smith of the Utah School Boards Association. The discussion gave the group the opportunity to identify issues of concern after processing the information they had received in the prior two days. Areas of interest for additional discussion, future trainings and research were identified that could assist beneficiary groups with involvement in school trust lands issues.

The afternoon of Wednesday, July 25<sup>th</sup> was spent with the Western States Land Commissioners Association on a bus tour of some Utah school trust lands. Activity and proposed activity as well as the associated challenges were identified and discussed for participants. Between points of interest on the tour, CLASS conference participants spent time with commissioners and land office staff from their respective states introducing themselves and learning about trust land activity in their home states.

The final banquet was held at the Kiva Koffeehouse. The guest speaker was Utah Attorney General, Mark Shurtleff. Mark comes from a family of educators and spoke of how important education is to him individually and society as a whole. He offered to introduce conference participants and the topic of school trust lands to their respective attorneys general by way of letter, to assist them in beginning their advocacy for school trust lands. Mark also offered the services of his office towards correcting past injustices to the Utah trust and beneficiaries.

Thursday morning's breakfast was with invited land commissioners. This was an opportunity to share information the participants had learned from the CLASS conference with their commissioners. They were able to offer assistance in supporting commissioners as they manage the lands for the benefit of schools.

The remainder of the morning was spent in a business meeting where potential location and dates of a 2002 CLASS conference was discussed along with potential workshops

and discussions for upcoming conferences. Topics identified and areas where CLASS could assist state activity were:

To provide state models of funding flow for discussion and comparison

How to balance rural/urban influences – where the money is made and where the revenue goes.

Impact of land development on communities – building support for development.

Coalition building within states and between states – some groups to consider

- Attorney Generals

- Woolgrowers/Cattlemen

- Mineral developers – state associations and lobbyists

- State and local chamber of commerce

- Farm Bureau

- School boards

- State land offices

- State education groups

  - Washington has both a 3(c) “Education Coalition” and a lobby group that supports PACs

Post on the website for each state – legislative access information

- How to access the state code, constitution, and enabling act

- Of special interest in the code is language about how the land board is selected, the membership, tenure and duties.

Post on the website information on Colorado Changes

- Bills and sponsors

- Updates of contacts

- Back-up information

A sample letter for state education groups and national affiliates to be sent to Senator Specter and Harkin supporting the appropriation for CLASS in the Education Appropriations Bill was distributed.

The group discussed how they felt future conferences would be most helpful and allow for participation by as many education groups as possible. Conclusions included:

The conference should consist of an orientation day for new participants perhaps on a Thursday.

A two-day conference should follow that includes a half-day business meeting, perhaps on a Friday and Saturday.

Suggested dates, trying to stay away from summer conferences of national education groups and state groups.

- June 6-11

- August 5-9

Colorado will check into a location.

Interest was expressed in holding a conference in January in connection with the WSLCA in Arizona.

#### Organizations and States to Involve in the 2002 CLASS Conference

##### Organizations

- PTAs
- Education Associations
- State Superintendents
- School Boards Associations
- State School Boards
- Superintendents
- Elementary and Secondary Principals

##### States

- Arizona
- Wyoming
- Utah
- Colorado
- New Mexico
- North Dakota
- South Dakota
- Idaho
- Oklahoma
- Montana
- Washington
- Nebraska
- Oregon

An advisory committee for CLASS was elected to participate in regular conference calls to plan the 2002 conference and relay information to participants over the coming year.

##### Election of Advisory Committee

- Barbara Smith – Utah School Boards Association
- Mike Smith – Arizona School Administrators Association
- Jody Townsend – Colorado PTA
- Colleen Heinz – Colorado Education Association
- Margaret Bird – Utah State Office of Education
- Paula Plant – Utah State Office of Education
- Karen Rupp – Utah PTA