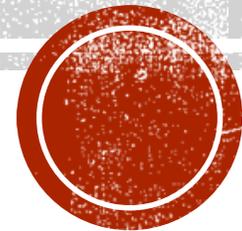


# 2016 LEGISLATURE: WHAT YOU NEED TO DO

Cameron Diehl, ULCT

Ryan Loose, Utah Municipal Attorneys Association  
President & South Jordan City Attorney

Roger Tew, ULCT



# BACKGROUND

Local government credibility during the session depends on our follow through after the session

Does your City Attorney know what happened during the session? City Manager? Police chief? Building inspector? Planner? Fire Chief? Building license supervisor? City Engineer? Recorder?

For example:

- 2005 SB 60 (Land Use Development and Management Act)
- 2012 SB 180 (ethics commission)
- 2014 SB 134 (referendum)
- 2015 SB 157 (local appeals boards/GRAMA)

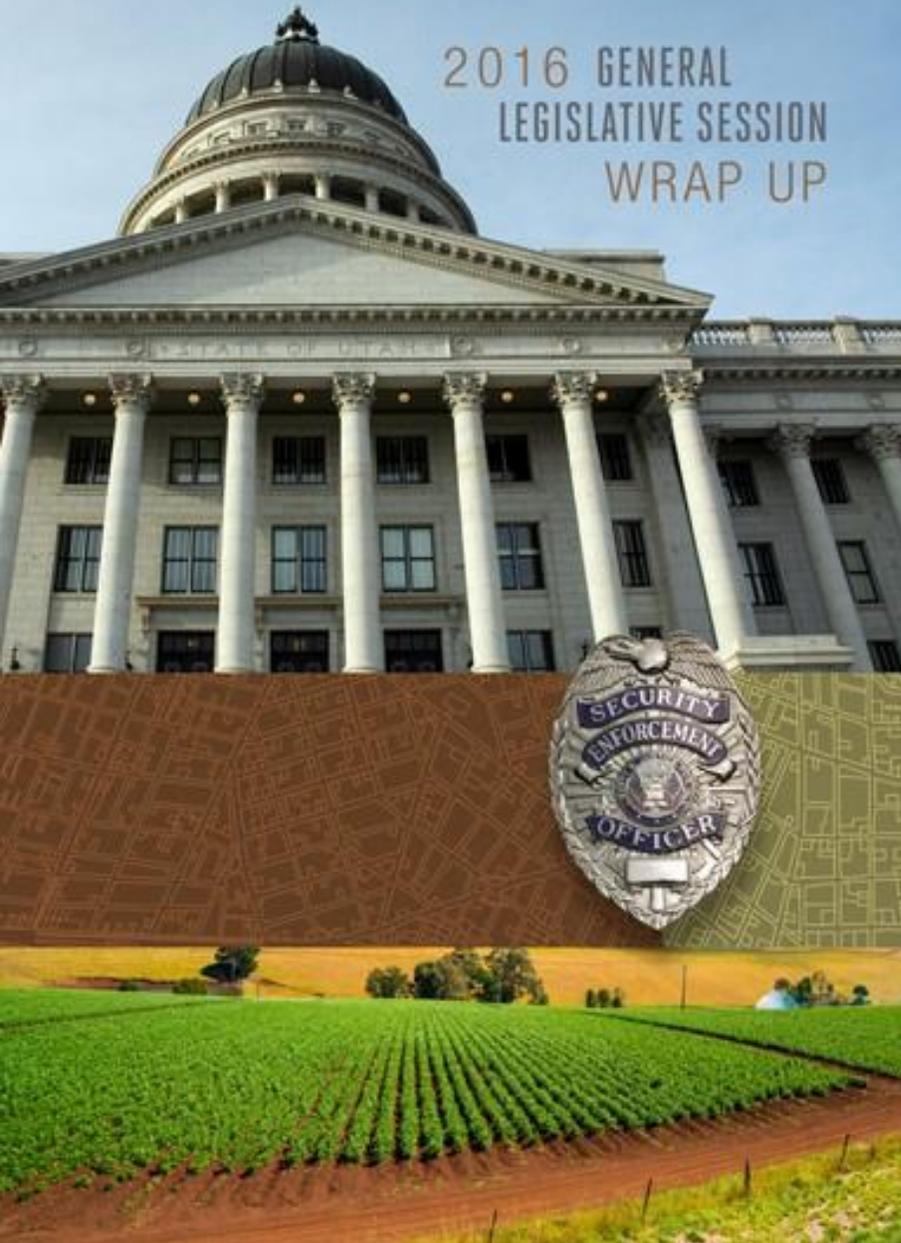


# HOW MANY OF YOU...

- Have an in house city attorney?
- Contract for a city attorney?
- Track legislation during the session internally in your city/town?
- Track compliance with legislation in your city/town after the session?



2016 GENERAL  
LEGISLATIVE SESSION  
WRAP UP



- [www.ulct.org](http://www.ulct.org)
- Available by end of April
- At-a-glance action bills
- May 11-13: Utah Municipal Attorneys Association conference



Bill Number	Bill Title Chief Sponsor/Co-Sponsor	Description	Example of Follow Up Action Needed
<b>Public Safety - Police</b>			
H.B. 300S1	Body-worn Cameras for Law Enforcement Officers Rep. McCay/Sen. Thatcher	A law enforcement agency using body-worn cameras worn by officers must have a written policy governing the use of body-worn cameras that meets or exceeds the minimum guidelines provided.	<ul style="list-style-type: none"> <li>•Ensure that City Policy is consistent with 77-7a-102.</li> <li>•Train officers regarding 77-7a-103-104 regarding activation and definition of "law enforcement encounter".</li> <li>•Train officers regarding notice and privacy requirements in 77-7a-105.</li> <li>• Department policy should be placed on City website when possible to comply with 7</li> </ul>
<b>Public Safety - Fire</b>			
S.B. 122S3	Wildland Fire Policy Updates Sen. Vickers / Rep. Briscoe	States that a city that enters into a cooperative agreement with the Division of Forestry, Fire, and State Lands may be eligible to have the costs of catastrophic wildland fire suppression paid by the state.	<ul style="list-style-type: none"> <li>•Fire Chief needs to enter into a cooperative agreement with the Division of Forestry, Fire, and State Lands</li> <li>•Fire Chief needs to become familiar with new municipal responsibilities enacted in UCA 6-1-201.5(2) to ensure compliance.</li> </ul>
<b>Economic Development</b>			
S.B. 151S1	Community Development and Renewal Agencies Act Revisions Sen. Harper / Rep. Handy	Provides a process for a community to create a community reinvestment agency (CRA) while discontinuing EDAs CDAs, and URPA's.	<ul style="list-style-type: none"> <li>•Ensure that future CRAs meet these requirements.</li> <li>•Ensure that 10% floor for housing contributions for future CRA's is completed.</li> </ul>
<b>City Recorder/Elections</b>			
H.B. 83S1	Campaign Finance Disclosures in Municipal Elections Rep. Hall / Sen. Henderson	In municipal primary year, each candidate in the municipal primary must file a campaign finance statement with the City Recorder no later than seven days before the day described in Subsection 20A-1-201.5(2). The City Recorder must remove candidates for noncompliance.	•City Recorder should update materials for City Council and Mayoral candidates to include financial reporting requirement.
<b>Revenue and Taxation</b>			
S.B. 164S2	Local Government Modifications Sen. Henderson / Rep. Webb	Amends UCA 10-5-114 so that if there is a deficit fund balance in a fund at the close of the last completed fiscal year, the City Council must include an item of appropriation for the deficit in the current budget of the fund equal to at least 5% of the total revenue of the fund in the last completed fiscal year or if the deficit is equal to less than 5% of the total revenue of the fund in the last completed fiscal year, the entire amount of the deficit.	<ul style="list-style-type: none"> <li>•Review the changes in UCA 10-5-114 to ensure that future City fund balances reflect should there be a deficit.</li> <li>•Changes 10-5-129 to require a quarterly financial report to the or more frequently as required by City Council.</li> </ul>
<b>Legal</b>			
S.B. 155S5	Indigent Defense Sen. Weiler/Rep. McCay	Creates the Indigent Defense Commission which has authority to collect data from local indigent criminal defense authorities, study the indigent defense system statewide, assist local jurisdictions to meet minimum standards on representation (including caseload and contracts), and provide grant money.	City will need to review current indigent defense contracts



# TRANSPORTATION

## HB 183 County Option Sales & Use Tax for Highways & Public Transit Amendments

- HB 362 allocation: .10 to cities/towns, .10 to transit, .05 to counties
- Would ONLY apply to Cache, Duchesne, Iron, Summit, & Uintah Counties
- HB 183: .10 to cities/towns, .05 to counties, & at least .025 to transit
- HB 183: County in consultation with cities/towns/transit determines the other .075
  - Whatever does not go to transit is divided 50/50 between county & cities/towns
- Voters must approve the tax AND the new allocation formula

HB 52 Outdoor Recreation Amendments (rulemaking coming soon)

\$1 million in grant funding for outdoor recreation infrastructure (available this summer)



# PUBLIC SAFETY, HB 300

- **Presumption of privacy within a home**
- **Presumption does not apply when recording:**
  - Depicts commission of a crime
  - An encounter between an officer and person that results in death or bodily injury (including when officer fires a weapon)
  - An encounter that is the subject of a complaint against an officer
  - Contains an officer involved critical incident (defined in state law)
  - Has been requested to be reclassified
- **Compromise between ULCT, Utah Association of Counties, Chiefs of Police Association, Sheriffs Association, ACLU, Media Coalition**



# PUBLIC SAFETY, HB 300

- Officer should not jeopardize his/her safety or safety of others in order to activate/de-activate body-worn camera
- Agency must post policy on website
- Officer shall activate the camera prior to any law enforcement encounter (or as soon as reasonably possible):
  - enforcement stops
  - dispatched calls
  - field interviews
  - use of force
  - warrants
  - traffic stops
  - other contact that becomes adversarial
- Officer must verify camera is functioning properly



# PUBLIC SAFETY, HB 300

- Officer shall wear camera so that it is “clearly visible”
- Officer shall record his/her name on footage
- Officer shall document that camera was present during encounter
- Officer shall record in an uninterrupted manner except
  - To consult with another officer
  - During period of inactivity
  - During conversation w/a sensitive crime victim, witness, or informant if the individual requests de-activation & the officer believes the value of the potential information outweighs the value of the recording
- Officer shall document the reason for de-activating
- Officer shall give notice (if reasonable) upon entering a home
  - “clearly visible” camera qualifies as notice
- Officer may not use cameras for personal use



# OTHER PUBLIC SAFETY

## HB 369 Electronic Device Location Data Amendments

- Cities and towns may collect and utilize data from a non-government entity
  - Travel habits, trail usage, other usage of municipal services
- Local gov't may not use data for investigative/law enforcement purposes

## HB 460 School Resource Officers & School Administrators Training & Agreement

- Statewide guidelines for training, contracting, & curriculum for school resource officers (SRO)
  - SRO confers w/law enf for minor violation of the law and a violation that would not violate the law if the offense was committed by an adult
  - Student offenses that are administrative issues that school administrator should resolve
  - Student rights (questioning, searches, privacy)



# HUMAN RESOURCES

## SB 59, Antidiscrimination & Workplace Accommodations Revisions

- City must provide reasonable accommodations for an employee related to pregnancy, childbirth, breastfeeding, or related conditions
- City may require an employee to provide a certification from a health care provider about the medical advisability of the reasonable accommodation
  - No certification is required for more frequent restroom, food, or water breaks
- City may avoid the reasonable accommodation requirement if the accommodation would create an undue hardship on the operations of the employer



# ECONOMIC DEVELOPMENT/TAXES

## HB 25

- New growth

## SB 151 Community Development and Renewal Agencies Act Revisions

- Recodification of the existing RDA, EDA, and CDA development tracks

URA

UTAH REDEVELOPMENT ASSOCIATION



# JUDICIAL

## HB 160 Justice Court Judge Qualifications Amendments

- Future justice court judges must be law school graduates (current judges are grandfathered)
- Only applies to counties of 1<sup>st</sup>/2<sup>nd</sup> class

## SB 155 Indigent Defense

- State funding (\$2 million)
- Best practices, 6<sup>th</sup> Amendment
- Public defender flat fee contracts



# TRANSPARENCY

## SB 164 Local Government Modifications

- Town clerk shall prepare and present to the council:
  - Quarterly financial report; or
  - Upon request by the council, a more frequent financial report
- If there is a deficit fund at the close of the last fiscal year, the governing body shall include an item of appropriation for the deficit in the current fund budget equal to at least 5% of total revenue of fund or entire amount (if less than 5% of total fund revenue)

▪ **TOWN TOOL KIT COMING!!!**



# WILDLAND FIRE

## SB 122 Wildland Fire Policy Updates

- State covers fire suppression cost so long as locals do our part
- Locals responsible for preparedness, prevention, & mitigation
- Participation match = historic fire cost + risk assessment
- Locals may enter cooperative agreement w/state

## HB 126 Unmanned Aircraft Revisions

- City may not enact law/rule governing the private use of an unmanned aircraft w/wildfire



# WILDLAND FIRE, SB 122

- Rule forthcoming from Division based on last year's dialogue (early May)
  - When state assumes duty
  - Local general responsibilities
- ULCT will review it prior to the 30 day public review
- Next step, cooperative agreement
  - Participation match specifics/details
  - Consistent tracking form statewide
- Bill effective January 1, 2017



# INTER-GOVERNMENT COORDINATION

## SB 177 Nighttime Highway Construction Noise Amendments

- UDOT may be exempt from local noise ordinances, so long as:
  - Provide 48 hour notice to contiguous residential property
  - Show a net community benefit (public health, project completion, air quality, economics, safety, local issues)
  - Mitigate noise
- Local appeal procedure (rulemaking forthcoming)

## HB 369 Electronic Device Location Data Amendments

- Use non-gov't entity data w/location info (but not for law enf)

## HB 431 Affordable Housing Provisions

- Public transit dist must collaboratively seek aff housing w/MPO, cities



# ELECTIONS

## HB 21 Election Revisions

- Clerk/recorder may disclose absentee ballot results until the canvass

## HB 83, municipal candidate disclosure

- If you have a city primary election, the candidates must file financial disclosures 7 days before

## SB 25, Ballot Amendments

- How to design ballots, order candidates, & ensure space for write-in candidates

## SB 26, Election Notice Amendments

- Clerk/recorder may use a newspaper or mail to provide the election notice to residents.

## SB 27, absentee ballot date change

- Clerk/recorder must mail absentee ballots 21 days before Election Day (instead of 28)



# WATER

## HB 305 Water Rights & Resources

- Water Rights to develop administrative rules about how DWR will collect & VERIFY water use data

## SCR 001 Concurrent Resolution Encouraging Universal Metering of Water Systems

- Resolution encourages but does not require cities/towns to implement metering on water systems

## SB 34 Sewer Lateral Disclosures

- Public owner must annually notify resident who owns & is responsible for the sewer lateral

## SB 110 Water Quality Amendments

- Optional independent peer review to challenge DWQ proposed water quality req'ts for technology based nutrient effluent limit proposal (merits of technical or scientific data)



**QUESTIONS? JUST ASK.**

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