

ULCT Legislative Policy Committee Meeting
Minutes
November 17, 2014
Zion's Bank Founders Room (18th Floor)

1: Welcome

Welcome by First Vice President Lynn Pace of Holladay.

2: Transportation Coalition

Cameron Diehl gave a background of the Transportation Coalition.

Abby Albrecht thanked all of those who were able to attend the press event in Farmington prior to LPC that morning. Ms. Albrecht then announced the St. George press event that is going to take place tomorrow in St. George (Nov. 18) and that the event will be attended by both St. George and Ivin's Mayors. Following the event in St. George there will be a legislative roll out of the Transportation Coalition up on Utah's Capitol Hill the following day on Nov. 19. Then, following the event on the 19th up at the Capitol, Chip Dawson would lead the roll out event in Vernal, UT on Nov. 20.

Ms. Albrecht made it clear that Transportation Coalition dues paid by the cities and towns fund the media campaign and that the media effort is separate from the lobbying piece. Participating in the coalition, she stressed, helps to show a unified front.

As part of the Transportation Coalition's media efforts, there is a uniform brand being used across the state, including on videos, utility inserts, and the fact sheet that will be used up at the legislature on Wednesday the 19th. That insert will include information on investment, and ROI if unified plan is used. Facebook, Twitter, and the hash tag #don'tdelayut are part of the social media piece of the campaign.

A comment by Mayor Tom Dolan, from Sandy, was that something seemed to be missing. He suggested that there needed to be a greater effort in the media campaign to air quality issues. Ms. Albrecht responded that they would make an effort to emphasize that more.

Ms. Albrecht also discussed efforts by way of op-eds, editorials, and mayor's messages to build support.

A question from Mayor Carmen Freeman, from Herriman, was about the media campaign for education vs. the Coalitions campaign for transportation. Ms. Albrecht responded that the two campaigns will not be pitted against one another, but will begin to blend their messaging in the near future.

It was explained that to have access to the tool kit required paying dues and participating in the Coalition.

Lynn Pace of Holladay asked about congestion being part of the Coalition's messaging. Ms. Albrecht said that congestion will be addressed in upcoming YouTube video.

Andrew Gruber from the Wasatch Front Regional Council shared that there are three major components to the Coalition's proposal, Economic, Congestion, and Air Quality.

Mayor JoAnn Seghini, mentioned highlighting best practices. The Air Quality Committee is looking actively at solutions with other groups, and is getting their information out to other government groups to use for their employees and citizens about air quality issues as it relates to transportation and other contributing factors.

Mr. Pace asked for the adoption of the minutes of the last LPC minutes. Chuck Newton motioned to adopt and Jan Wells of Murray gave the second. Motion passed unanimously.

3: Policy Issues-

Mr. Diehl gave an update on the travels of ULCT to different areas talking ¼ cent increase. He shared that those they talked to recognize the need for increased transportation funding, though for different reasons. All of them want to hear from the citizens and city officials.

Mr. Diehl then shared that it was hoped that the sample resolutions sent out would be passed and enacted before the start of the legislative session so we can present a large majority passed resolutions during Local Officials Day at the beginning of the legislative session.

It was announced that the Transportation Interim Committee would be held during interims coming up this month and that the committee will be in Vernal in December with special permission from leadership.

The 1000 points of data will show what the ¼ cent increase would mean to each city. Nick Jarvis, with ULCT, said the final version of 1000 Points of Data will be completed by the end of this week.

A question was asked about cities receiving pushback on the Coalition's proposal? Ms. Albrecht responded that there will be less direct opposition, just a discussion about finite resources.

A question was asked about the direction we're going on funding? Wanted to make sure cities have the flexibility they need to spend as they see fit.

Mr. Pace was curious where the Utah Association of Counties (UAC) is on the transportation issue and the funding being proposed? The answer was that UAC had conference in St George where they decided they would support new revenue, as long as it is county imposed; we want it to be city imposed to give us control over it.

SP Mark Christensen with Saratoga Springs asked if we should just "Take a bullet?" on this, and let the counties impose the tax while we [the cities] decide on how to use it? Ken Bullock of ULCT said this was not likely since the counties would want to control the funds if they imposed

the tax. Mr. Bullock said that we want to give cities the best use of funds. Mr. Bullock also shared a conversation with Speaker Becky Lockheart where she said we need to step up and fund services like the Legislature. Roger Tew with ULCT says the role of the Legislature is to authorize that tax, but it is up to the municipalities to impose it.

Mr. Bullock shared that Mayor Ben McAdams of Salt Lake County wants 50% of the funds. He also told us that the cities will impose the tax, and cities will collect the tax, but that there remain questions about the distribution of the tax.

Chuck Newton from South Jordan gave a hearty “Go, Go, Go!” in support of the Transportation Coalition.

Mr. Gruber said that UAC sees transportation needs, and that we need to be aggressive.

Craig Smith discussed the Traverse Ridge Special Service District and how the citizens that live in that district are not happy about paying extra for services (snow removal mainly) to live up top. This led to a referendum on being charged more. Mr. Smith laid out reason why he felt the referendum was not legitimate, including the service district not being legislative in nature, there was no new law to refer, and that the budget is administrative and not referable. He also shared that he felt it was unfair and unconstitutional to let sub-jurisdictions make a change that affects everyone else. He expressed that these types of powers are delegated to municipalities and counties, not-sub jurisdictions. He also recognized that the court didn't agree with these arguments. Mr. Gruber also pointed out that Carter v. Lehi City overruled lots of precedence.

He also addressed the school district issue, and mentioned the potential of pursuing a legislative fix. However, it was bodies like LPC decide to pursue these things.

Finn Kofoed, President of the Utah Municipal Clerks Association (UMCA) gave an update on UMCA's recent activity and concerns. They met in September and discussed the following issues.

- Changing Brown re-certification from a yearly process to a 3-4 year process.
- UMCA recommended that municipal clerks be part of the board
- Adding a link from state to city website, allowing clerks and recorders to only post information in one place instead of two.

Cities of 3rd, 4th, 5th class must have recorders are appointed after municipal elections, and this is sometimes held over their heads. That is why they are looking to lengthen recertification to every 4 years. A discussion revealed that with bigger cities this is not the same issue because of the duties given to the bigger city clerks and recorders.

Jodi Hoffman with ULCT discussed the Land Use Task Force, and shared that their last meeting was lively, and covered the Property Rights coalition and some impropriety they feel is taking place and asked for input on this issue for the next meeting. Ms. Hoffman also encouraged support for ULCT's water bill in the upcoming legislative session.

Mr. Pace asked the body for any other legislative issues. Jan Wells addressed the sales tax distribution (Jim Nielson's bill), and informed us that the formula would be adjusted to 50% population, 25% point of sale, and 25% assessed. It was also noted that Rep. Jim Nielson just wants to keep the discussion alive, but is not looking for a committee bill.

The body was informed of greater misdemeanor caseloads that would affect all of the municipalities. There was also a heads up on a CCJJ bill that might affect municipalities.

4: Legislative leadership/Legislative outreach/Legislative breakfasts/Bill tracking-

Cameron and Greg Buxton shared insights on how to talk to legislators. Points shared were:

- Talk to them so they know your needs.
- Interact with them because it is important.
- If you aren't talking to them about the Transportation, you are making a mistake.
- Talk to them regularly to keep them informed.
- Talking one on one with them.
- Communication imperative if you want to be successful in your efforts.

It was shared that there would be some information on bill tracking in December.

Were informed of the new Speaker of the House is now Greg Hughes, and that he is open to transportation improvements. Rep. Jim Dunnigan, Rep. Brad Wilson, and Rep. Francis Gibson are also supportive of transportation. The Senate leadership remains the same as last session.

5: ULCT Resolution passed in September-

- Transportation
- Water
- Marketplace Fairness
- Appeal
- Fireworks
- New growth

6. Municipal Energy Tax-

Note: The Association requested an audience with LPC to raise their issue. ULCT staff disagreed with their issue but agreed to provide a few minutes at LPC.

Steve Hunter with the Utah Association of Energy Users addressed how Municipal Energy Tax (MET) is calculated, and shared how they have met with many people about this issue. Executive Director Kelly shared the following information about Utah Association of Energy Users and how they represent 38 of the largest energy users in the state (many different types are part of the group), and do so whenever groups have an energy related issue. The group has met with ULCT to find a way to deal with the fluctuation energy costs. ULCT does not support them in any particular solution. Utah Association of Energy Users wants to engage in dialogue, and doesn't

want municipalities to lose anything in revenue, and expressed that it has been great to meet with Mr. Bullock, Mr. Diehl, and Roger Tew of ULCT. Feel free to contact them with any questions.

A question was asked about what the Association of Energy Users wants, to which they answered, "To make sure the tax is more predictable to businesses."

It was next asked on proposed routes to make this happen. They suggested that there were lots of available routes such as tying to inflation and others solutions, but not committed to any at this point. A comment from an LPC member was that this is a scary discussion to have. The Association of Energy Users acknowledged that, and explained that that is why they want the dialogue.

7: Constitutionality of local government land use regulation-

Former Lt. Governor, Greg Belle addressed LPC on this issue. He wrote a column about cities encroaching on property rights. He said America was established because of property rights, and that we need to remember our roots. He said how developers are rich and opportunistic, and that they want things and ask for things in discretionary settings. Being opportunistic, developers don't want to draw things out. On the other side, cities only get to develop the land once. He reminded everyone that no person shall be deprived of property without due process or due compensation. He said that zoning ordinances are based in the police power. Nobody else can own the property you own (with few exceptions). He talked about public clamor, and how it is people who don't want things changed. He then said that public clamor can't be considered in making decisions. He described the problems that come from councils punting to the people and the developers, and said that councils need to be the ones to address the hard issues. Shared how lots of discretion opens up to political influence. He pointed out how lawyers are very conscious to avoid conflicts of interest, and suggested that cities should also be conscious of this. He explained that it is irrelevant what neighbors say about color, type, look, etc., and that it is not legal to take those things into consideration when making decisions, nor can burden be considered. When it comes to property value issues, he suggested that only the requirements of the area need to be met, no extra requirements should be added. It was suggested that cases should not be resolved politically, and that a judge is simpler and more appropriate. Conditioning a property to death is something that was deemed inappropriate, and shared how every zone has standards, and if those standards are met then it can be built. He said he understands it is a two-way street, and that there can't be an ordinance that deals with all potential issues. In closing he said "I'm a pretty good reader of trends" And that "Pigs get fat, hogs get slaughtered." He then closed his remarks by saying that prosecutors and city councils must pursue justice, not just battle with developers.