

# Minutes for the Legislative Policy Committee Meeting January 12, 2015

## Welcome

Welcome by Lynn Pace. Welcomed those who were participating over the internet, noting this was a first-time experiment.

Said there was much to get to before the Session, and started with time for league staff to cover housekeeping items.

Mr. Pace asked for a motion to adopt minutes from the prior meeting. Got a motion and second to approve minutes and turn up volume. Passed unanimously. Turned time to Cameron Diehl.

## Housekeeping

Cameron informed us that we currently had 22 cities participating online, with about 130 in attendance in person. Mr. Diehl reminded those in attendance to identify themselves and use the roving microphone to make it easier for those online and for minutes taking minutes.

Before the policy discussion Mr. Diehl wanted to cover some housekeeping items.

LPC allows each city to have 3 voting members, unless you have a board member. Cities with a board member can have up to 4 voting members. Though those are the restrictions on number of voting members, cities and towns can have as many people receiving emails as they would like. The most recent edition of the LPC roster is online. It is found on ULCT's website under the Legislative Advocacy tab. Some contacted the League this morning with corrections and those corrections have been made. The League wants to have the most up to date list that they can before the legislative session begins, so please let them know of any updates you have. Having this taken care of will help eliminate any confusion when LPC starts casting votes.

Mr. Diehl then shared that a Senate and House contact list has been compiled by League Staff member Brandon Smith. The list includes all of the new legislative members. The list was created so we will know who the LPC membership has relationships with in the legislature, which will help us know who we can contact to help reach out to certain legislators when that is needed. *Lists were passed around to let LPC members indicate which legislators they had a good relationship with.* Time was turned over to Brandon Smith to discuss fiscal notes and working groups.

Brandon Smith gave a history of the fiscal note process. Let us know that in the past fiscal notes didn't include cities and towns, but that a few years back the league made a push to make it possible for us to look at each bill that might impact us. With that the League can go through each bill that might impact cities and towns, and assign it a note if needed. As part of the process, there is 24 hours to do this. Last year the legislature introduced 786 bills. That was the 3<sup>rd</sup> highest in state history. Last year League staff looked at 400 for potential fiscal notes. This is a process that the cities and towns can help the League with. League staff, especially Mr. Smith, will take the first look at the bills for fiscal notes, but would like the cities and towns to be a second set of eyes on it to make sure the League isn't missing anything. In the past, the League has asked specific cities for a how a bill might impact them, and from those cities responses the League has been able to build a methodology that allows them to put a fiscal note on the bill for the legislative fiscal analysts.

Question from John Hiskey – Are you (Brandon) going to be the central contact for those fiscal notes at the League?

Brandon - We will be tracking the bill as a League. So, as you have information let me know and I can get that information put in our bill tracking software. But in terms of Fiscal Notes, I will be the one turning in the Fiscal Notes to the legislative fiscal analysts, so that information needs to make it to me.

Mr. Smith then shared an example of a bill that has a fiscal note, stating that this year there is a bill on business licensing. The League has put a \$4.5 million fiscal note on that bill. That money is a cost to cities and towns because they won't be able to recoup that cost of dealing with home based businesses. That is on the bigger end. But on the lower end fiscal notes could be as simple as printing more notices, causing a cost in printing and in time. Simple impacts like that are why the League wants to make sure that they are getting the input from cities and towns so they are getting the correct fiscal notes put on bills. Sometimes there are bills that we know are going to have a fiscal impact, but don't have a way to quantify it, in those instances we note that to the analysts. The League is really looking for the help of cities and towns to have a second pair of eyes. The League doesn't want a situation where they say there isn't going to be any fiscal impact, only later to find out that it is really going to impact a handful of cities.

The second Mr. Smith covered is working groups and issue areas. Each session has issues that arise. Within LPC there is a lot of knowledge. Papers were sent around for LPC members to indicate which areas they have knowledge and experience in. This will help the League to know who they can contact when different issues start to come up in the session. The working groups in those issue areas aren't only for the session. Groups like the Law Enforcement group headed up by Cam and Nick, the Good Landlord issues being worked on by Cameron and Brandon, Marketplace Fairness with Lynn Pace, and the Land Use Task Force with Jodi Hoffman have been operating between sessions to deal with those issues. Mr. Smith informed everyone that the League will keep in touch with everyone about the fiscal notes as well as the session moves forward. Give us your input as needed.

Ken Basset from Vernal asked through the webcast if those participating over the web be able to sign-up for those issue areas?

Mr. Diehl answered that, yes, they would be able to, and that the League will send out an email to those who are participating over the internet so they will have a chance to sign up for the areas they can help us in.

Mr. Diehl wanted to cover one more piece of housekeeping, dealing with the League's bill tracking software. Last year was the League's first time using the software and found it to be useful. Mr. Diehl then showed where on the ULCT's website the link was for the bill tracking software, and showed how to sort and search the bills that are in the system. Mr. Diehl informed everyone that the League is receiving bills at a rate of about 5 to 10 a day. Site is updated multiple times a day. The link for the bill tracking will be emailed out each day during the session as part of the Friday Facts email.

Mr. Diehl then brought up January 28<sup>th</sup>, reminding everyone that is Local Officials Day, and asked everyone to please register. Informed everyone that activities will start at 8:30 a.m. with the Youth debating a bill that requires a civics test before kids can graduate high school. Local Officials will meet at the Marriot hotel for a legislative briefing, while kids are doing a workshop sponsored by Envision Utah, followed by Terry Bradshaw, and lunch, followed by a video. We are planning on about a 1000 people in total attendance.

Mr. Pace made a quick comment that there are 5 items listed on the agenda, one of them being listed as "other issues," and wanted everyone to keep in mind that we would like to end at about 1:20. It was also pointed out that LPC isn't looking for decisions today, and that today is largely informational to let everyone know what the issues are.

## Policy

### **Transportation**

Mr. Diehl then started into the policy portion of the agenda, stating that the core function of the transportation part of the agenda is to find out what LPC members are hearing from legislators and others, and to have a two-way dialogue with the LPC from those around the state.

Mr. Diehl then gave some background information on the transportation issue. Cities fund transportation needs partly through B and C funds. Currently 24.5 cents per a gallon is the money put into the B and C road funds. That has been raised only 6 times since 1932, with the last increase in 1997. Cities and counties get 30% of that gas tax for B and C funds. Mr. Diehl stated that that only covers about 36% of what cities and towns are spending on their roads. The rest of the funds used by cities and towns for transportation come from property tax, sales tax, general fund, and the local option sales tax which is 1 cent, which was last increased in 1982 and 1983. Counties also use the tax, and experience a similar shortfall. Additionally, urban counties (pointed out as Weber, Davis, Salt Lake, and Utah counties) have additional funds for transit authority. Mr. Diehl wanted to point out that this is only the 1st quarter of a 4-quarter game, and we can't predict where this will end up. There is valuable information and valuable dialogue that needs to happen among the members. Mr. Diehl then shared he was going to touch on 6 points.

Those 6 points are: The League's proposal, the proposal from house leadership and Johnny Anderson, where house membership is on the issue, senate leadership's concept, where senate membership is on the issue, and where the counties, UTA, and UDOT are at based on our conversations with them.

The League proposal, approved in the September convention was a 1/4 cent imposed by cities, distributed the 50/50 formula, and broadening the definition of transportation. The new definition includes functions of government provided by cities and towns, and that is why it is important we go town by town to get support for the proposal. Cities and towns make up a regional approach by partnering with counties and transit districts.

The house is beginning to draft their proposal. Mr. Diehl referenced the article he had sent in the most recent edition of Friday Facts. Mr. Diehl noted how the local option sales tax last year wasn't an option, but because of the efforts of LPC and the League it now is. The difference between 1/4 cent plan of the house Rep. Anderson's proposal (which he says is a starting point) and the League's is that the house plan would start at the county level and need to be approved by voters. Representative Anderson has asked us to sit down with UTA and the counties to figure out an allocation formula for the 1/4 local option. The League let him know that LPC would be part of that discussion. The next part of Rep. Anderson's proposal is the motor fuel tax and to modify it. This portion is similar to SB60 from last year, cutting the 24.5 cent tax in half, keeping 12.25 cents as a gas tax, and converting the other 12.25 cents to a sales tax (which would be revenue neutral this year). That revenue neutral part would of course change with gas prices. The last piece of Rep. Anderson's proposal is to increase fees for registration, especially for alternative fuel vehicles. The reason for that is because they don't pay the motor fuel tax. That is what the League is hearing, if LPC members are hearing something else please let the League know.

Jeff Stengquist with Draper City Council asked for clarification if Rep. Anderson's proposal is revenue neutral for this year. Mr. Diehl responded that that was the case.

Heather Pehrson with Bluffdale asked why the county and not the city would impose the tax in Rep. Anderson's plan. Mr. Diehl answered saying that one argument is the house would like to see

uniformity between sales tax rates. The League's response to that is twofold. One, the cities have a good track record of doing it. The second is that a checkerboard of tax rates already exists throughout the state. Their third argument is that counties better address regional needs. The League's response is that cities don't operate in a vacuum and naturally address regional needs.

Chuck Newton with South Jordan asked if the League has reached out to UAC to see what accommodations they would make to getting this to work out. He also shared that the Governor's office has already let out some objections to moving forward this year with a change in transportation funding, and asked if they understand how dedicated we (cities, towns, LPC, and the League) are about moving forward with something this year? Mr. Diehl responded that ULCT has met with UAC to discuss concepts, but didn't want to formalize anything yet. He also noted that the governor's staff is aware of this effort. Pointing out that the Governor feels he has been the one to tee up the conversation about transportation funding this year, and is deferring to the transportation committees in the legislature to come up with a plan.

House membership as a whole does not have a proposal. Mr. Diehl stated that there is still a learning curve there, helping them to understand local government needs in the area of transportation. He also noted that conservatives and republicans are coming along and working on that discussion within the party which Mr. Diehl stated was encouraging.

Senate leadership a couple of weeks ago, did not have the local option on the table. That has changed since then. There have been numerous ideas coming from senate leadership, with ideas ranging anywhere from 1/10th of a cent, 1/4 cent, and others, plus some discussion on the allocation formula. The senate's idea on the motor fuel tax would be a straight increase, ranging from 5 cents to 10 cents. They also have a registration fee increase component.

Lynn Pace commented that at the Tax Payers Association the speaker of the house gave his proposal with the local option, and that the senate president favored user fees. The senate president also brought up local option distribution, and for the first time mentioned a breakdown of 50/50, split between population and jobs. The information is changing as things go.

The senate membership is in much the same position as the house membership is.

UTA, UDOT, UAC, have all 3 stated that they don't have a preference for any particular plan, and are deferring to the legislature. They also expressed their willingness to work with the League on an allocation formula.

It was noted by Mr. Diehl that the League plan has really propelled the issue of transportation forward. He then showed a matrix on where things are at, at the moment with the different concepts being discussed. Two key questions were shown on the slides by Mr. Diehl that need to be answered. The questions were: "Who should impose the sales tax?", and "How should the local option be allocated, if at all, between cities, counties, and transit authorities?"

With that as a background, what have Mr. Diehl asked what LPC members have been hearing? He also asked what the LPC membership's feedback was with where things are at in the house and senate. He then asked for a dialogue with LPC.

Melinda Greenwood with Pleasant View stated that she had concerns with the voter approved tax. Stating that creates another hurdle for getting the funding that they need taken care of. Mr. Diehl asked, without taking a vote, if there was a consensus that the voter approved piece be avoided, instead supporting the idea that the tax should be imposed by elected officials. Some responded with nods of yes and thumbs up, with a few shaking their heads no.

Margret Black with Orem asked if it was done by the elected officials, would the action be subject to referendum. Roger Tew answered that it would be subject to referendum unless it was voter approved.

Chuck Newton raised the issue of bonding levels, noting the Governor's desire to postpone bonding until next year when the bonding level is down. He also mentioned that the State will want something to offset their funds. Mr. Diehl stated that the state gets 70% of the increase in the gas tax, and that would cover the state's needs. He also noted that the bonding issue is a separate issue. It was also pointed out that UDOT is watching the gas tax and local option discussions.

Mayor Carmen Freeman of Herriman - Appreciated the report on what cities are getting based on the ¼ cent increase, but would like that report on the state's proposal, and in what are the dollars that the cities will be getting. Cam, wanted to wait until ideas and proposals became more concrete before we started using staff resources.

Gary - Talking about the sales tax allocation, and between now and the end of the session, if we don't make the determination with the counties and transit then legislators will make it for us. How do we work with the counties in such a short period of time? Mr. Diehl, your right that it could be a long discussion, but the legislature has put on cities, counties, and transit authorities to come up with a solution, and if we don't the legislature will.

Ken - Will be meeting with Rob Jolley with WFRC will be meeting with Stuart Adams to discuss this very issue, and show the complexity of changing distribution formulas.

Shawn Guzman with St. George made a statement that. St. George feels that any funds for transit should also go to cities that also own their own transit systems as well. Don't just focus on UTA. Mr. Diehl thanked him for bringing that up, noting that other cities and areas operate transit systems. Mr. Guzman said they are at a point where they need to expand their operation, and want the League to understand this and bring it up in their discussions moving forward.

Mr. Diehl then moved on to Council Resolutions, and reminded everyone that a sample resolution is up on ULCT's website. Mr. Diehl reminded the LPC members that the League wants cities and towns to pass a resolution, noting that 45 cities and towns have done so to this point, and more are planning on it. Local Officials Day is the day those resolutions will be delivered to legislators, and having as many resolutions as possible to pass along to legislators is important. Even if you can't do it until February, please do it.

Mr. Diehl wanted to put in a plug for the Transportation Coalition. The Transportation Coalition, made up of the Chamber, UAC, UTA, the League, WFRC, and others, are pushing the need for transportation funding. The coalition has the tools to help you tell your story to your residents through air time and other campaign ads.

### **Law Enforcement**

Mr. Diehl then said that Nick Jarvis will now be covering law enforcement issues, including body cams, and officer involved shooting investigations.

Nick Jarvis shared that the League has been working with sheriffs and police departments on these issues. He shared that Dan MacCay will be running a bill to create a uniform policy baseline for body cams, but does not mandate the use of them. The bill is trying to get some definitions and basic ground rules for the use of body cams. There are currently prohibitions on filming a lawful protest. The officers are the only ones not being allowed to film those protests. One of the biggest sticking points is if an officer is accused and the camera wasn't on, there would be a rebuttable presumption

that alleged misconduct occurred.

Chuck Newton stated that he was glad to know we aren't letting innocent until proven guilty getting in the way of a body cam ordinance. Some issues have arisen recently. During a medical assist the situation escalated quickly, but the officer didn't have his camera on. During another recent event an officer was trying to calm someone down, but got hit and the cam was broken. While well intentioned, these issues need to be looked at more, and if you go to a full-time camera, that brings more issues into play.

Mr. Jarvis noted that one of the issues being dealt with is that making it a statute allows the issues to be addressed only once a year, but if you leave it to local issues it can be more easily adapted.

Mayor Dolan shared that he was having second thoughts about the cams if they are putting officers at risk. He stated that it is a tool for the officer and the public, but there is still a lot to consider, and that we are still too far away from being able to set policies locally, let alone state wide policy.

Mr. Jarvis noted that this bill would apply to those who currently use body cams, and that sheriffs and police officers don't want these types of legislation to prevent people from using them because they wouldn't be able to control the policy. One of the companies that manufacture the cameras has some policies that many agencies base their policies off of.

Mark Christensen from Saratoga Springs said that this issue has been of great interest to Saratoga Springs. He stated that they have experimented with many types of cameras, but that they all have limitations, not that the best of the ones they have used still has a 20% failure rate. He suggested that if the state wants to do this, they should put them on their UHP troopers and work out the kinks first.

Mr. Jarvis shared that the chiefs and sheriffs have come up with their own set of best practices in other areas.

Heather Pehrson from Bluffdale asked if there was a bill that everyone could look at. Mr. Jarvis responded that right now the bill is protected, but Representative McCay wants the ideas being shared. Ms. Pehrson asked if Representative McCay is committed to moving forward with the legislation. Mr. Jarvis said he is committed to moving forward with something.

Rob Wall from South Jordan said they have been working with Rep. McCay, and thought the best strategy is to go to all of our legislators and tell them that if this continues on, we would not use body cams at all, suggesting that Rep. McCay wouldn't want that to occur. He suggested that UHP was there and also shared concerns.

Mr. Jarvis said that he will continue to meet with McCay on the bill and keep you informed. He also shared briefly other issues relating to notice of privacy, and retention and access to recordings.

Mr. Jarvis then moved on to speak about investigations of officer involved shootings. He informed everyone that Senator Henderson and Representative Roberts have a bill that is looking at putting in law that outside agencies need to be part of the investigation. There is also legislation that discusses the grand jury piece as well as setting up best practices from sheriffs and chiefs.

Mayor JoAnn Seghini from Murray was worried that she hasn't heard anyone talking about HIPA laws when it came to the body cams. Mr. Jarvis responded that HIPA laws have been noted as an issue, but have not been addressed.

### **Other Issues**

Gary Hill from Bountiful then took the floor to discuss a proposal regarding the statewide radio

communications program. He shared that there are infrastructure needs that have been identified, and that a task force has looked at what needs to be done to bring the infrastructure up to speed in a comprehensive fashion. The task force, composed of local officials and law enforcement, shared that the cost would be \$240 million. They suggested breaking that into an 8-year time frame of \$29 million a year. The plan includes everything from radio towers to consoles. 76 cents per month per phone is what is being paid currently for the system in place. It was suggested by the task force to bring it to 83 cents. Some suggested utilizing local user fees, but it was noted that this was a statewide problem. Mr. Hill noted, as Mr. Diehl did, that this is only the 1st quarter of this issue. Mr. Hill shared that if there isn't legislation this year there will at least be some serious discussion on increasing the fees.

Mr. Diehl came back to the microphone to give some quick updates on other various issues. He stated that Good Landlord was moving forward with discussions between Ogden and the Utah Apartment Association. He brought up the water bill that Representative Snow is running, and that it is looking good. He mentioned the business licensing bill that was discussed earlier by Mr. Smith, noting that the bill would eliminate a city's or town's ability to regulate home based businesses. He then brought up an inspections bill that would eliminate a city's or town's ability to inspect residential rental units, but noted that this was a bigger issue than just that. Mr. Diehl asked if there were any other issues to bring forward. He finished by asking everyone to please reach out to the League if they have any questions or issues arise.

There was a quick reminder that the League will be holding this meeting weekly during the session, and hope to be able to do it over the internet as well for those meetings.