

LPC Minutes

Mar. 2, 2015

Welcome & Adoption of Minutes

Welcome given by Lynn Pace.

Mr. Pace called for the approval of minutes. He received a motion for the approval and a second. The minutes passed unanimously.

General Legislative Update

General Legislative update from the previous LPC minutes. Mr. Pace then turned the time over to Cameron Diehl to cover those issues.

Mr. Diehl said that HB 228 Appellate Bond Amendments was the product of a League resolution passed in September. Randy Sant has been shepherding the bill through both the house.

Another issue that came up in the September resolution committee, that came from Vernal city. It addresses fireworks, an issue that has been addressed in recent sessions. Though the league passed a resolution, there wasn't a legislator who was willing to sponsor a bill to address those issues.

Workplace harassment issues was addressed in HB 216 which came up last week in LPC, but has been substituted, and amended in a way that is agreeable to the League.

Senator Bramble's SB 157 GRAMA bill, that has been addressed many times in LPC, has been moving forward. It doesn't currently have the correct language, but Sen. Bramble has assured League staff that it will.

Townships (Salt Lake County Mayor Ben McAdams)

Mr. Pace then introduced Mayor Ben McAdams to have him address us on Townships, which is being addressed by SB 199 sponsored by Senator Mayne.

Mayor Ben McAdams then addressed the LPC and shared that shortly after he was elected, President Niederhauser told him that he needed to do something about bringing some resolution to the contentious issues to the unincorporated county areas. HB 199 is a product of Mayor McAdams to find the resolution to those problems. He addressed how Salt Lake County issues often flow out of that county where others also have to deal with them. Mayor McAdams feels that they have had a great response over the last year from stakeholders concerning the efforts to find a solution. HB 199 creates new municipalities, which will be called metro townships, and will have an elected council that would make zoning decisions, have ordinance power, and the ability to make other municipal decisions. It becomes state code and in Nov. we give them on the ballot the option to be a metro township or a city. The Mayor stated that there would be a representative from each of the townships who would sit on the municipal governing council that would decide how to allocate the funds. He suggested that he felt that they may choose to have Salt Lake County to provide services, but they aren't locked into that. They can have them do some, and contract others. They can choose to 1) opt in and 2) once the board has been created, decide which services to have, and from who. He explained that this approach isn't

new, and that they have the unified fire department and the unified fire authority. He said the model has worked in the past and he thinks it will provide a more stable budget and provide services in the future. He said he feels there is general support for the concepts in the bill, and that the bill will give residents a chance to choose for themselves on whether they want to be a city or a township.

He added that they have worked very closely with the unincorporated areas and also the cities in Salt Lake County, stating that they have the majority of the mayors in Salt Lake County that support the legislation. The Mayor thinks it is a great option to bring some finality to the log-jam we have in Salt Lake County.

Gary Hill said that there was appreciation for all of the mayor's work and that he knows this is a bill that has a lot of consensus support. The main question Gary had was, over the years, there has been a lot of bills that couch around certain municipal governments. This is a new type of government that is for one type of county, and it isn't needed or wanted in other counties. Gary asked for some assurance that when it comes to land use, annexation, and changing boundaries, that other areas are not adversely affected by it.

Ben said it is a proposal of the county of the 1st class and that the legislation is clear on that. He expressed that he didn't think the bill would have an impact outside Salt Lake County, other than taking the word township and appropriately changing it to "planning district," but said that isn't sacred ground either. He shared that he felt there could be a discussion about keeping the word township. He said to please let him know if it will affect other counties and they will amend it so that it doesn't. He shared that this isn't the first time there has been legislation specifically for Salt Lake County because it is different than other counties. This is a county of the 1st class proposal. He said a decision would be made in September that would take the metro townships and bring them under Title 10, stating he that he thinks this brings the most clarity. He felt it made sense to put them under Title 10, because it is a council manager form of government, and many residents feel strongly connected to this township identity, and it will still give them some legal structure.

Lynn Pace said that there would be questions and discussion to this topic now that the presentation was finished.

Gary Hill wanted clarification on metro townships and their ability to each have their own boards and participate on a county level board.

Mayor McAdams said it would be a service area board that they opted into.

Mr. Hill asked that if they don't opt in, how would they arrange services?

Mayor McAdams responded that they would have general taxing authorities. Metro municipalities would have property and sales tax authority.

Mr. Hill expressed concern with it being in title 10. In 10 years down the road, there is will likely be a problem that arises that affects everyone. He would like to know if there is a chance of putting this into Title 11, if it achieves all of the same goals.

Mayor McAdams asked what would you change about the metro townships that would give you a highly comfort level?

Mr. Hill said he felt a lengthier conversation than they could have at the meeting, but he's happy to sit down and talk about it.

Mayor McAdams said they won't have franchise tax authorization, but they have elected representatives and be governed by same code. Cities can join, just as cities can join fire type districts. He said he's not sure he understands the risk or fear from having a municipality called a metro township.

Mr. Hill stated that it's a 250-page bill and is afraid of unintended consequences. He said he would like to take the time to make sure there aren't unintended consequences, and after that he could support the bill.

Mayor McAdams stated that over the last year, he has engaged with League staff, municipalities, and cities to create the bill. A 200+ page bill is not uncommon, and shared that 70 of those pages have no changes. He said it is really only about a 50-page bill with a paragraph or more at a time for changes. He said the approach they took is still pretty simple. He shared that they will put in the time to address concerns over the next few days. He explained that they had a three-hour meeting with the League on Friday and will make many of the changes the League suggested before it is voted on the Senate floor. He said that they don't think there are any unintended consequences.

Mark Christensen City Manager Saratoga Springs said that we appreciate what you are trying to do, but shared a big concern of his is that we are dealing with a very fast growing area and are very concerned and watching what other cities are doing to deal with problems that we will face. He believes that Utah County will be dealing with similar problems in the future. Generally speaking, Utah County often sees what Salt Lake County does for a problem and then does the same thing. You said that 40 years ago, you might have done something differently. If we apply the bandage now, are we creating a pattern for counties that are a decade or two behind? Are we pushing this too fast? Mr. Christensen agrees with other's concerns that this is a part of Title 10. His question to the mayor is whether this is something that has to be done today? He said that the mayor was asking them to make a broad decision. He asked if there was an interim approach to be taken so they don't trigger a new form of government? How does a township go to a city in the future? Has this been thought out?

Mayor McAdams said the time is right for Salt Lake County to move forward. He shared that from around the country they have found in their research that what we think of as a city is not the same. So, a metro township is a municipality. That's why it needs to be in Title 10. These areas could join a special district like a city could. He asked that we not get caught up in the name metro township.

Steve Fairbanks Council Member from Sandy said that he has been approached by constituents that are wondering what we are getting from the tax dollars they send to the county which is so much more than what we send to the city. Given that the townships don't have the commercial base. How are they solvent? The other cities in

the county are subsidizing the townships.

Mayor McAdams said that Salt Lake County divides the funds from other counties so that the money doesn't subsidize the townships. As mayor, I furthered that divide. There is no mingling of funds. There will be a debate. We are not forcing anyone into a metro township. I predict the debate will be over if they are getting the funding they need. It will be decided over the ballot boxes and we will live with whatever they decide.

Randy Sant with South Salt Lake said that Title 10 does give concern. In 10-15 years, if something goes wrong, he can see them going to a city and saying they want to be a part and need funds. We have court cases of these. If we don't have time to forward this this session, could we have your assurance that you would look into title 11?

Mayor McAdams stated that the crux of the legislation is that they are municipalities. They aren't PUDs. These are residents that will make the decisions. I guess there is always the chance of a city going bankrupt. This is an incorporated government we are giving the name metro township.

Lynn Pace said a year ago, he told the Mayor he was very brave and still thinks that. Mr. Pace said he would like to highlight the issues that have been raised, and hastened to add that the list wasn't put together by staff. Mr. Pace shared four problems.

1. Concern about how the bill will affect areas outside of Salt Lake County. There is no intent to affect outside, but there might be a future impact.
2. Section 4-18 issues. Under title 10, it allows for a limited range of city annexation. There is a concern that this will take this away, even with no intention.
3. As metro townships are created, where are they being placed in the code? First, counties are in title 17. Cities are title 10. Townships are currently in title 17. When residents go to ballots, they will be given the option to be a metro township or a city. Having read through the bill, metro townships are in title 10, and it states that a city can mean a metro township. This means even if you vote to be a metro township, you are becoming a city. That needs to be fixed. Second, if metro townships become sister cities. This is a bold experiment. If something goes wrong, the metro townships will look to the League for help. Their manager is the county mayor, not us. If they vote to not be a city, they will need to have an option that doesn't default them to a city.
4. If the residents vote to be a city, we know what to do. If they choose to not be a city, we don't really know why they would vote to not be a city. We don't know if annexations to neighboring cities shouldn't be allowed. The bill fixes the boundaries even if they opt to not be a city.

Mayor Cullimore of Cottonwood Heights said his city understands this problem. He thinks this is a good step to finding an answer, but doesn't think we have had enough time to think this through. He feels the League has shown us that this Salt Lake County solution for a Salt Lake County problem might affect other counties. He also feels that this is big decision for the residents to make and how do we give them enough information to make this decision. We would like to see some way that

someone who doesn't have a dog in the fight distributes the information.

Gary Crane, the City Attorney for Layton said in 2008 we struggled to decide the forms of government. Strong mayor (Provo, Ogden, SLC) the rest of 6-member council forms of government. This gave flexibility. Today there was introduced a "new" form of government. We have gotten rid of the city management form of government in 2008. Some have been grandfathered in. The other concern is that if we create another form of government, it throws the current forms of government out on its ear. It throws what we did in 2008 upside down. This is a 3 or 5 member form of government. I like the idea but think it needs to be thoroughly vented.

Brent Taylor, Mayor North Ogden asked if counties become 1st class counties later, would they be subjected to this? Also, great ideas, but it seems really fast to do this at the end of the session.

Lynn Pace stated that a county of the 1st class is by population. Currently, yes if they grew, they would be subjected to this law.

Ken Basset City Manager for Vernal commented online that if the agenda is full, we should move on.

SB 119 Prescription Database Revision (Senator Weiler)

Senator Weiler then addressed the LPC. He stated that he is a Woods Cross resident, and that as a city council member he had been part of the League. He shared information about his bill SB 119 Prescription Database Revisions. He said that if you go your doctor and get a controlled prescription, you are entered into a controlled substance database. A previous bill allowed this, and it has been abused as the governor was concerned it might be. A bottle of morphine went missing in Salt Lake County and about 500 firefighters had their private medical records searched by law enforcement. Two of the firefighters were convicted of felonies for things that were unrelated to the missing morphine. He stated that the chiefs don't like his bill, but if the law enforcement was to come to your home and ask to look into your medicine cabinet, you could say no and they would have to get a search warrant. His bill does the same thing with our online medicine cabinet. There would have to be probable cause for law enforcement to access your information on the database. It doesn't stop the pharmacist from stopping fraudulent prescriptions or stopping doctor prescription shopping. All it does is make law enforcement have probable cause for a search warrant. It passed committee and in the House, there will be those that try to water it down.

Law Enforcement and Public Safety

Nick Jarvis with the League addressed the LPC and started with a discussion on HB 348. He stated that a substitute bill for the bill passed unanimously on Friday. The substitute changes the bill so that there is sentencing reduction from 4 convictions to have a felony, to 2 convictions to have a felony. The League and others still have concerns with the funding being tied to Healthy Utah.

Cameron Diehl mentioned that there was a motion to support Healthy Utah last week that did not pass. There has been discussion that the alternate House bill has some funding but not all of it is for HB 348. They are searching for other ways to fund the

bill. Healthy Utah continues to suck all of the oxygen out of the room and still waiting to see if it will go forward to the floor. The League is still opposed to HB 348, even with amendments. Mr. Diehl shared that the LPC can change that to “hold” position, or continue to oppose it.

Mayor Seghini of Midvale, proposed a motion that they change to a “hold” on HB 348. She said that it seems that there are a lot of people who are felons who need not be. She stated that she didn’t want to support it right now, but thinks they should be neutral.

Lynn Pace said there is a motion and a second to change position from opposition to neutral of HB 348. Any discussion? None. Rule the motion fails. Position remains opposed to 348.

Cameron Diehl then brought up HB 343 and asked Gary Crane from Layton to speak to the bill.

Gary said that HB 343 is the 911 bill that increases the user fee to cellphones and wireless communications. The equipment is at least 10 years old and they are now buying parts on the Internet to fix problems. A 71-cent increase was first proposed, but the telcos did not like the idea of that. They indicated they wouldn’t let it get out of committee as it is. Gary shared that we are looking for \$1.5 million one-time money that would create a 911 system. He stated that transpiration is first priority this session, but this it is a bill that requires us to come back next year. It would be \$7 million of ongoing money for the state, and increase of revenue for us. Please support it as amended. It will set us up for next year to find the ongoing funding.

Lynn Pace stated that he thinks we have a position of support for the bill.

Eric Isom with Century Link said it is not that we are opposed to this effort, the concern we have over this is that we have not sat down over the last two years to discuss the money options. We want to make sure that there is a commitment that a public-private partnership will be in place to make sure the best equipment is being used. We don’t want it to overbill or duplicate existing private provider services.

Dave Spatafore said that, with due respect, every meeting requested, we had, and that Eric had every opportunity to discuss the options. Dave said we have done everything we could to work with the telcos. He stated that we will keep things going with bungee cords and duct tape, and asked for support of this bill with no additional funding.

Mr. Pace declined a response by Mr. Isom, stating things would move on in the interest of time.

Nick Jarvis then brought up HB 386. He informed everyone that HB 386 is Rep. McCay’s body camera bill. This bill had been discussed early on and worked with the sponsor to get it so we could support it. As it is now, we cannot support it.

Lynn Pace had a motion that the League oppose the bill. Asked for any discussion to the motion.

Nick Jarvis added that the rebuttal presumption is still in the bill. If an officer does fail to record, there would be a rebuttal presumption that misconduct did occur. There are also some issues of retention and accessing private records. We were working with them, but this is not where we were hoping to arrive with it.

Matt Dias with Park City asked where the police chief association is on this?

Dave Spatafore said that the Police chiefs are opposed to HB 386. Rep McCay wants the bill to go to a hearing, but then wants to put it in interim study. We appreciate your help. We think we will be ok in the long run. We think the League should oppose.

Nick Jarvis thanked Gary Williams and Ryan Loose who have worked very hard on this bill.

Chuck Newton with South Jordan said he was prepared to make a motion, and moved that we oppose the bill in its current form and continue to work with sponsor.

Lynn Pace accepted the motion and had a second. Motion passed.

Cameron Diehl then brought up HB 288, stating that there was an agreement with the sponsor two weeks ago, now that they were going to change the funding mechanism and make it broader in scope. If a police officer tragically died in the line of duty, the city under the current bill would have to provide health benefits for that family going forward. The solution we propose it to increase the death benefit in the beginning and broaden the pool of those who would be responsible to pay for it. It would be a statewide system. The sponsor went back and forth on us. In committee, we said we were working with them. On the house floor, we decided to not oppose it, due to media and widows present. That said, we are meeting with the sponsor after this meeting. We are happy that Bountiful, Pleasant View, and Layton have joined the League to meet with the Senator. Pleasant View has prepared a letter to explain the repercussions on a small city, as well as repercussions in general. We are cautiously optimistic we will have a positive meeting today. Then we will halt or modify the bill so we don't have to be opposed to it.

Melinda Greenwood, Pleasant View City Administrator said that a portion of this bill would be retroactive, and asked if they have determined how far back that would go?

Gary Crane with Layton said he didn't put that in because there wasn't a funding source, but he might work on that later.

Lynn Pace said we are not opposed to the idea of the bill, but we are concerned with the financial hardship it puts on cities.

Val Shupe Washington with the Terrace City Council asked if the bill includes fire, and if it does, does it include fulltime, volunteer, or part time as well?

Gary Hill explained that it applies to fire, but only to full time employees that are currently enrolled in the state retirement system.

Transportation

Cameron Diehl discussed the three bills relating to transportation funding: SB160 increase gas tax, SB 231 increase registrations fees for alternative fuel vehicles, and HB 362 Representative Anderson's transportation funding bill. We have prepared a second memo to update you based on the comments in this meeting last week, as well calls and emails that we received.

The first change is the sequence of items on the memo. First is Voter approval piece. The reason is because of the results of the conversations with the stakeholders. What we heard was that the top priority was the ability to control and impose a municipal quarter cent. As we chatted, it became clear that the priority was that all of the entities were moving forward together. "We are all in this together" pursuing funding at the same time. The staff didn't want you to be in a position that a local funding was dependent on county approval or state approval. The second piece is allocation. We are still looking at what it would be in the rural areas. We have been looking at language to incorporate those not under the Public Transit District Act, such as St. George, Park City, Vernal, and Cache Valley. We will present that language to stake holders this afternoon. The third piece is the authority to oppose. The fourth piece is the sales tax distribution.

Roger Tew with the League said that a lot of the issues we have raised disappear somewhat in the imposing entity of cities taxes. We have over 40 cities that have a different rate. The counties are imposing the tax, and cities are dependent on the county for the use of funds. He stated that he is not saying there would be a prohibition that the cities would not be able to bond that money, but it is very clear, based on whom he has talked to, that the entity that imposes the tax has to have some involvement in the issuance of money. They own it. Our goal is that "we want our money" in exactly in the same format that it would be if we had imposed the tax. Does the county impose it statutorily for our benefit? He stated that the issue goes away if it is a city-imposed tax. There is also the issue of distribution that arises. This is what divides the ½ of one percent. It uses the B and C formula. This is not the current state B and C formula. This is a special county B and C formula. In his opinion, it is a fairly significant change. He doesn't think that anyone tried to hide this, but there needs to be understanding that taxes will be moved from cities to unincorporated areas. The cities have always taken the stand that sales tax needs to have some linkage to the seller and the community. B and C didn't care where it was sold at all. The factors dividing it up have nothing to do with location. What is represented in HB 362 is a paradigm shift? He thinks the primary idea is to drop off the cliff together. It is a clear departure from "where you sell the stuff matters."

John Brems of Herriman asked that if his city doesn't impose the tax, would they still get money?

The response was that only the county imposes it. So, Salt Lake County imposes it and Herriman gets some. Roger said that we don't really know yet how that will all work. We are still working on it.

Cameron said there are discussions about a sunset provision for maintenance of effort. The local option will be discussed in the morning in the House Republican Caucus. The House is still up in the air, and we are working with our partners so the Senate is still hearing the need.

Roger Tew said that HB 362 is not, and was not, our proposal. The League's proposal was a city tax that was divided up from the pool of revenue.

Ken Bullock said that we have heard from the beginning that we all have to do this together.

Brian Allen from Cottonwood Heights asked if we have city approval and county approval, do the voters have two proposals?

Mr. Diehl answered that we are still working on that.

Brian said his caution is that if one gets voted on, and not the other, then someone is not going to get what they want.

Cameron said that goes back to the underlying idea that we are all in this together.

Dama Barbour with Taylorsville said that she is more confused than ever, and that she is trying to decide as city, are we better off with SB 160 because there will be more money, or does the League have a bill. Where are we as a League?

Lynn Pace said that the League put forth the idea to have a city sales tax, and they said great idea, but let's add the county as the imposer and change distribution.

Cameron, the motor vehicle tax and sales tax are tied. We are seeing the Senators and Representatives work together. It is likely that what will be passed the last night of the session will have an increase of the motor fuel tax with some local sales tax component. Not sure what that will exactly be yet. Within minutes of our motion to support last week, the mood changed and the door opened for more negotiations. It's very possible that they take all of the things that are outlined on the memo and say no. At that time, we will have to decide if we can further support the bill.

Tom Hansen with Washington Terrace asked if about the cities that have very little sales tax capacity. Are they protected?

Roger explained that the 50-50 says yes, but with the B and C we are not sure yet.

Mayor Bigelow with West Valley City said it is interesting to hear this discussion in light of the discussion to last week. The concept is to have the staff keep working, but understand that they can only push so far. The Legislators have their own agenda. He then asked the LPC if they are you willing to accept some modifications or no revenue at all? The League has taken the position to take the bills, work with them, and try to do the best for the cities. We are likely going to have a proposal with things we may not like. The League staff is doing exactly what we asked them to do.

Lynn Pace said that we endorsed a position of support, but are still working with them on points. That gives the staff more ability to make changes.

Brent Taylor of North Ogden said that the distribution is something to put efforts towards, because it is something we are going to live with for years. The smaller the community, the worse off you will be. We need a better statewide solution.

Steve Thacker with Centerville City asked if the legislators understand that cities have less than .10?

Cameron Diehl pointed out that the B and C would double or triple what the 50-50 would be for unincorporated areas.

Brent Bybee with Orem asked what the best guesstimate is for acceptance of the issues in the memo?

Cameron Diehl said it varies with whom we speak, stating that the House speaker and leadership has been receptive.

Transportation committee will be hearing the bill today and information will be emailed out and posted online.