

Legislative Policy Committee

Zion's Bank - 11/16/2015

Welcome from Mayor Hiatt.

Rocky Mountain Power Presentation –

Jeff Larsen introduced himself and his colleagues Alene Bentley, James Campbell, Neil Ashdown, Jody Williams and Rob Jolly with Rocky Mountain Power to discussing their proposed legislation for the upcoming legislative session.

Passed out a two-page handout of what the legislation is about. He mentioned that utilities don't usually don't get into public affairs, but there are a number of issues coming together that have brought them forward with some legislation. Electric vehicles, air quality, and economic impacts being some of those issues. They welcome input on the bill as they refine it moving forward.

They are hoping to find a way to use the power they are already generating to be used in a more efficient manner and reduce the need for more power generating facilities, thus helping with air quality issues on the Wasatch Front. Part of the package would be funding that would allow Rocky Mountain Power to buy out an air permit, and allow the customer more competitive options. Another part of the proposal is shutting down smoke stacks by the fairgrounds on inversion days during the winter. They also are working to put in infrastructure up and down Wasatch front corridor in the next 10 years so those using electrical vehicles will have access to charging stations. Trying to get the pricing right on the utility side so they send the right price signals on when people should charge their vehicles. Trying not to increase costs, or go to more power generation. Looking at new technologies and efficiency measures. These items would be part of a ten-year pilot program.

Clean Power Plan that was implemented from the EPA this past year has the potential for big impacts on power plants, especially those that are coal based plants. It has the potential to impact the running and output of those plants. If they end up having to close those plants early, it could have an economic impact on the customers. Trying to extend efficiency in a number of ways and improve the life of the power plants to offset the impacts of the new regulations.

Economic development driver has been low power costs here in the state. Currently ranked 10th or 11th in the nation in power cost. Costs pressures are continuing to mount. Looking at ways to incentivize economic development, including creating economic development rates, discounted rates, and changes to in-line extension programs.

Energy policy – looking at a couple of changes. Impacted by operation of system, especially as renewables come, how much to deal with what is in place, variability of renewables and how to handle that. How to deal with independent operators as well. Looking at a change from the legislature to help with the variability issues they face.

Jeff Stenquist, Draper City Council – As you try to get incentives for electric vehicles, are you also supportive of legislation that would provide tax revenue for transportation and roads?

Hasn't gotten into that in terms of their package. Are supportive of the right tax policy, especially in regards to those vehicles that don't pay a gas tax to support the roads they use.

Ken Bullock shared that Rocky Mountain Power was supportive of Proposition 1, and we appreciate that.

Roger Tew then addressed the LPC saying that last year Rep. Francis Gibson introduced legislation that would have changed the methodology of how some companies are providing power, specifically addressing the third party providers. A company who sells power vs. someone who sells equipment would also pay that tax. A company owning the equipment, would be a power provider, and would need to pay the tax.

Cameron Diehl thanked Rocky Mountain Power for their long time partnership. Lowery Snow will likely be the bill sponsor on this energy bill.

Cameron then discussed wildland fire and thanked Brian Cottam from Forestry, Fire and State Lands (FFSL) for being present and for his leadership on the issue. Cameron wants to make sure everyone here is comfortable with the proposal and direction things are going. The purpose is working to reduce risk and cost, and incentivize initial attack and mitigation.

Local duties would be prevention, preparedness, and mitigation. The language on the bill is not yet ready. The participation match takes two points, risk assessment of area, plus historic fire cost. The risk assessment puts each acre in the state into three categories, Green (low risk), Yellow (medium risk), and Red (high risk). The cost of those colors was decided in the work group meetings. The historic cost is currently at zero due to a lack of accurate historic fire costs borne by municipalities. Cameron emphasized that the participation match can be cash or in-kind. Compacts between FFSL and counties and local governments will largely determine who is responsible for the participation match, and what actions will count toward meeting the match. The use of the compact is to avoid having details put in the legislation so there will be flexibility to make changes in the compact instead of needing to get further legislation.

Mayor Dave in Moab asked if the volunteer firefighting would count toward that participation match.

Cameron answered that it would, and that the details of that are still being worked out.

Dwayne from West Bountiful asked if we have thought through the implication of districts who have both city and county land.

It would be based on who is responsible for those acres.

Still working on how frequently the assessment is updated. Brian working with the contractor to make that update happen as frequently as possible. Brian says it will be coming down to individual data layers.

Jeff Starkey in Washington City asked about the October 5th Wildfire meeting and the cities have been recalculated, taking out federal and state lands?

Brian mentioned that they have masked out the federal lands. Cities will only have private or city owned land in those calculations, and the recalculation has been done to reflect that.

Would be helpful to have a statement of support of the concept (not the bill), for Wednesday's interim committee meetings.

John Hiskey motioned to support. Lynn Pace second. John amended the motion to allow for further debate. Second by Lynn. Passed.

Law enforcement was next covered. Law enforcement discussion is big in the nation. Politics, players, and policy.

Ken brought up the Dave Millheim and his op ed piece in the Ogden Examiner.

Dave said that he is tired of the Ferguson Effect, and tired of waiting for people to defend the officers. Said we should stop criminalizing cops, but criminalize criminal behavior. In the article he chastised public for presuming cops are guilty until proven innocent.

Cameron thanked Chief Ross from the Chiefs association for his work on these law enforcement issues.

Legislators feel pressure to do something. Use of body cams is about 50/50 around the state. If state policy is to encourage their use, local governments needs some stability in what that will look like, as well as addressing cost for those who can't afford them.

Law enforcement, local government (home team), other stakeholders, and the Utah State Legislature are among the stakeholders interested in this issue. Each of these stakeholders have different approaches and interests in these issues. Issues with the competing policies from different stakeholders is the reason for the discussion and negotiation. There are two bills at the current time being drafted to address the issue of body cams. One by Sen. Thatcher, the other by Rep. McCay. Home team has a two-fold policy proposal. One is to work on getting policy put into POST standards. That idea is in Sen. Thatcher's bill. The idea is to say that if you have body cams, then you should have a policy, and that the policy will be in POST standards where it is not set in legislation and allows for more fluid change as needed. The GRAMA issue is the other piece of this that is represented in Rep. McCay's bill. It is important to Sen. Bramble and many groups that there be access to the data from the cameras. The discussion is what should be private and what should be public. Chief Ross has said that nobody wants their worst moment on the 5 or 6 o'clock news, but there are conflicting considerations. Rep. McCay ran HB386 last year, which we were able to defeat in committee. This year's bill largely mirrors what HB386 did last year. Rep. McCay has shared that his concerns are privacy, transparency, accountability, technology, and storage issues. Cameron shared that there is a two-fold approach being taken by the home team, feeling that you can't have the policy and privacy questions separate, but need to have both.

Dave Millheim asked if Rep. McCay's bill still had the presumption of guilt in the bill like last year.

Cameron answered that we know there was that language last year. We aren't sure if McCay is leaving that language in or not doing the same again, but we would fight it if it shows up.

Chief Ross gave thanks for all who have been working on this. Some jurisdictions want cams, others do not, having clean language will help those decisions to be made within those agencies and jurisdictions.

Cameron shared that we w

Mayor Freeman asked about cross jurisdictional issues.

Cameron answered that this is being worked through and recognize that is an issue.

Expectation would be that you wear them everywhere you go, even if you cross over to another jurisdiction.

Nick Jarvis addressed the LPC to discuss the law enforcement survey that the League has put out. It is a large survey that addresses many aspects of law enforcement, including a section that addresses body cams.

Jodi Hoffman then addressed LPC to discuss land use issues. Feels that the Land Use Task Force has had success in its history has had success in bringing on the stakeholders together to have the discussion. The task force is able to hear issues before the legislative session, and help create good legislation. This interim time the task force has had a number of legislators come and participate. It has been successful recently in preventing bad legislation from being moved forward. The task force is dealing with issues from beekeeping and park impact fees, to state subdivision standards and zoning authority.

In response to a question Jodi shared that this year they have asked the development communities to come up with solutions and some proposed language that the task force could work off of. The idea being that we wouldn't draft our own shackles. It has resulted in not many proposals being heard. There has been a significant discussion on fire codes as well, and it appears that there isn't much to be gained by being part of that discussion.

John Hiskey with Sandy City, talking about the process, the mayor appoints the fire marshal?

Jodi responded that the city appoints who the fire official is, and clarifying that wouldn't likely change the feelings, and highlights why maybe the task force shouldn't be involved.

Mayor Steve Hiatt excused Abby Albrecht who wasn't able to attend to present, and said Cameron Diehl will cover Prop 1.

There doesn't seem to be a need to hold an LPC meeting in December, so it has been proposed that we not meet in December. Dave Millhiem of Farmington motioned to not meet in December with a second by Mayor Freeman of Herriman.

Mayor Hiatt also noted that since elections took place that not everyone would be back. He asked those who would not be returning stand up to be recognized. Margaret Black from the Orem City Council, who was not running for election again, was the only one present who would not be returning.

Cameron conveyed Abby Albrecht's gratitude to all those who participated and helped Prop 1. Cameron briefly shared that Prop 1, as of today, has passed in 10 of the 17 counties that put it on the ballot, but noted that the final canvas had not yet taken place, and that things were still close in a number of counties, most notably Salt Lake. Uintah was a very close call at this point as well. We will keep the LPC appraised of where the next steps of transportation go.

Cameron Diehl wanted to shift from policy discussions to offering to attend and/or provide materials for any legislative meetings that cities and towns might have with their legislators before the upcoming session. Last year it was imperative that legislators understood that we stood shoulder to shoulder on issues.

John Hiskey asked if we could have a moment of silence in remembrance for those in Paris.

Mayor Steve Hiatt said that would be appropriate and a moment of silence was observed.

Mayor Freeman motioned to adjourn, Mayor Seghini gave a second to that motion. Adjourned.