

**Utah League of Cities and Towns
Legislative Committee Meeting Minutes
Zion's Bank Founders Room, Monday October 17, 2016**

Beth Holbrook, Bountiful Council Member opened the meeting. No minutes to review yet and we will adopt those at the next meeting in November. Ken Bullock introduced Senator Orrin Hatch.

Senator Hatch: December marks 1 year for the Fast Act. It will give Utah 1.8 billion dollars. That coupled with Utah's own funds it will continue to make Utah a great transportation state. You work within your means and together on transportation. We have to continue to work together to fund the next highway bill. Let us know what works and doesn't work. Thank you for working with me and my staff on the Fast Act. Being Chairman of the Finance Committee is very important to me; we have passed close to 60 bipartisan bills from a committee who hasn't passed a lot in the last 15 years.

Beth Holbrook: thanks to Senator Hatch for coming and speaking today.

Ken Bullock with the League: State Auditor Dougall will be starting his audit on the League tomorrow and there will be a resolution shortly.

Ken wants to start implementing "here is what we want from you" from here on out. 261 bills last year we engaged and 125 Brandon has categorized these and the trend of where the legislature is going. In Administrative Rules Committee last week, I had the privilege of being there and here are 3 quotes where legislators got it wrong about local government (See slideshow on ulct.org for quotes). It's a growing problem, there is a growing amount of scrutiny.

Cameron Diehl League staff: I met with a state representative and his concern is when a police officer pulls someone over for speeding the radar detector could be flawed. There needs to be additional evidence, we need to make sure local government is as efficient and effective as possible. Licensing Bill: at least 2 this upcoming session. 249 bill files open and half of which effected local government. Home occupation business license, this bill is coming back from last year with tweaks that we helped make. Local authority piece still there, if city determines home occupation impact low enough the fee can be waived. We have cities charging different costs for business licenses. The 2nd bill is new this year: food trucks. There is libertarian organization about the excessive regulatory burden to food trucks. The food trucks move city to city and how does that work with licensing. The Senator running the bill will bring together the counties, cities, food trucks owners and others and to come to some consensus. She also wants to know where sales tax goes to and the last item is background checks. Food trucks create parking problems in some cities and they should have the authority to monitor that. Thoughts?

Rodger Worthen City Administrator from Riverdale: we don't allow food trucks in our community. Cameron: 9 cities that don't allow food trucks and is violating state constitution. Where food trucks are allowed, they have barriers where they can operate.

Shellie Baertsch Council Member Saratoga Springs: Concern that if we don't allow licensing or criminal background of food trucks then that could spread to solicitors and safety within our city. Cameron: 1 other thought that came up is that not all trucks are created equally. Ice cream truck selling to children versus another food truck at a food truck roundup with a lot of people there.

Lorene Kamalu Planning Commission Kaysville: We deal with these items. I'm a fan of cities being able to waive non-impact home occupation businesses and I'm a fan of criminal background checks. Cameron: There is a halfway house who purchased a food truck for those people released from prison to get back on their feet where they otherwise couldn't get a job with their background.

Jewel Allen Council Member Grantsville: We had an event where we brought in food trucks from Tooele County but I suggest they still get a license for the city where they are serving food. It didn't hurt food trucks or local

business in our community. Criminal background checks seem excessive. Cameron: most city ordinances say you can set up here for x amount of time and not wherever they want to.

John Hiskey Sandy: health department requirements? Cameron: if you get your permit from county A is it valid in county B? We will be discussing this next week.

Lynn Pace Council Member Holladay: don't lose sight of right away.

Janet Towers Murray: Fire Marshalls are worried because the propane tanks they use to cook the food can move while they travel city to city and cause a fire hazard. Cameron: send us your ordinances so we can advocate appropriately.

Political Activities and Public Entities Act aka Referendum: we spoke with a representative last week that has a bill to modify provisions; he is bringing it forward on Wednesday at interims. This is the Act that governed what a public entity/official could or could not do to engage in the Proposition 1 campaign. There is also an additional act in the code, transparency of ballot propositions act, and there were conflicting provisions in those 2 acts. The bill coming up on Wednesday arose out of the BRT referendum in Provo. This representative would like a process to appeal fines and the 2nd piece of the bill is the interpretation of when referendum begins. Under current law a city can say that a referendum begins when the signatures are certified. The legislative intent has always been when a petition is signed to begin collecting signatures through the rest of that campaign. There is an obvious disconnect between the legislator and the cities. He is willing to work with us on everything with this bill but not the signature portion.

Robert Rand Assistant City Administrator Lehi: waiting for the signatures to be gathered and certified makes the most sense.

Gary Crane Layton: the land use referendums and our property rights are challenged here. It hurts us.

Cameron: the legislator's response would be the people have the right to speak up and the city can advocate while they are collecting signatures.

Jason Walker City Administrator Lehi: the opposing side is pushing their view through social media and other sites/ways while the cities have to sit back then play catch up. They beat us up for doing the exact same thing.

Cameron: Senator Lincoln Fillmore came a couple months ago to LPC and brought his bill about removing authority from special districts to raise property tax unless members of the board are elected officials; they have to take it back to their city to be ratified. We have been meeting with special districts and other stakeholders. Ken Bullock- it's a fluid bill and we will notify you as better language becomes available. We will bring it to the committee when it's ready.

Brandon Smith League staff: wildland fire policy changes: we are at the rules process now and we are waiting on forestry fire and state lands to put it through the process of adopting those rules. We will let you know when you can weigh in on these rules.

Cameron: List of local issues expected in 2017. You can see 911 under public safety; we met with Chief Ross last week with other stakeholders about the reduction in 911 revenues. We are trying to figure out system wide. Some recommendations are to redistribute revenue so the formula would be based on where the call originated from.

Mayor JoAnn Seghini Midvale: what's the secondary employment under public safety? Cameron: who is responsible for benefits and liability when a police officer is working a second job, contracted with the city or private.

Rob Wall Sandy: Finds this troubling, and feels that the law on this issue of police secondary employment is pretty well settled, and suggests that there is a need to track what historically has been the common law here in Utah. He said that in the past the cloak of responsibility as a police officer is in effect whether the officer is on duty for a municipality, or in a secondary employment role, and unless there is a clear contractual transfer of that responsibility, the city is responsible. He shared that if there is going to be a change, it needs to track case law that is already in place.

Jewel Allen Grantsville: Justice courts and sentencing are issues for them. With recent changes, there seems to be a problem with work load and procedures, and they are asking for help. Cameron: What Jewel is referencing is the changes from JRI (Justice Reinvestment Initiative), and how they have anecdotally increased workload with more misdemeanors for justice courts, and fewer felonies for the district courts. JRI has only been in place for a year, but ULCT is working UAC to gather and look at data to understand what is taking place.

Mayor Freeman Herriman: Wanted to look at water funding in context of a bill last year that is taking transportation money to help fund research for water, and wants to know where that money is coming from and what impact it has on transportation and other civic issues. Cameron: We will look into that and bring that back to the committee.

A question was asked if there was any news on online sales tax that could be shared? Cameron: The major obstacle in the House of Representatives in D.C. has been Chairman Goodlatte of the Judiciary Committee. The chairman just released a bill, making that three bills in Congress right now. There is a chance that one of those bills could get through the house before January, though it doesn't look promising. There were bills run in the legislative session last year, but both failed. We expect that both of those will likely make an appearance in some form again in the upcoming session. Ken Bullock added that he met with Congressman Chaffetz in the past week, and that the Congressman indicated that this is a high priority for him.

Brandon Smith shared a statement by Mayor Dave, who was online, that he would like to see charges incurred to facilitate GRAMA requests. Cameron responded that this has come up before, but that there is a bill each session to accomplish just the opposite. Rep. Brian King has brought up a bill the past few sessions that would take away the ability to charge for the GRAMA request if it is in the public interest. We are happy to look into it, but the direction we see the Legislature going is eliminating or reducing our ability to charge for the requests as opposed to being able to recoup the costs of processing the request.

Beth Hollbrook shared that there are many issues that can be impacting your communities and we want to make sure that we are doing what we can to address those issues, so please keep us informed of what is going on.

Jeff Studenka, Section Manager for the Division of Water Quality addressed the LPC on the Storm Water Permitting process. He started with some quick background that there are three types of permits. They include construction sites, industrial facilities, municipalities (MS4s). MS4 is Municipal Separate Storm Sewer System. These systems are separate from the sanitary sewer systems. In Utah, all storm drainage and sanitary sewer systems are separate. The MS4 permit will generally affect more of the populated cities. MS4: Phase I is for bigger entities, MS4: Phase II is what is considered a "Small MS4," or an MS4 for smaller entities. This covers that majority of those with an MS4 permit. Mostly for urban areas, but can also be for areas outside of urban areas. There are six minimum control measures for the permits. The last of the six is the one that will be touched on today, which is long-term storm water management in new development and redevelopment (post-construction). Really want to emphasize long-term storm water management and low impact development (LID). Jeff quickly discussed the water cycle, and that the purpose of the permits is to help mimic what occurs naturally. The previous approach was to drain water away from homes and buildings and streets as efficiently as possible by collecting it and conveying it into the drainage system. This was okay, but have found that there are significant downstream water quality issues. One solution is to use down spouts from homes to water surrounding landscape. Development significantly increases the amount of run-off. This increases nutrient loads, bacteria contamination, sediment load, and trash in water ways. The purpose of these permits is to mimic predevelopment as much as possible. Some examples include bio retention, which is using plants and landscaping to utilize the onsite water. Rainwater harvesting is another way, but

remember there are water rights that come into play. Parking lot options include cutting notches in the curb allowing it to drain the water and absorb it. Grass swells are a good way to retain onsite water as well. Reuse is an option, like a golf course pond. Wetlands, and pervious concrete other examples of what can be done. LID is great, but there is more that is needed, so a standard for storm water is being created. 33 states out of 50 have standards. Utah standards essentially say that you need to keep the first ½ inch of water whenever feasible. The deadline to comply with these standards has been delayed, and will give until 2019 for this to be implemented, though some cities have already begun to move forward with this. Delaying the implementation is DWQ's way to help everyone get up to speed. A technical advisory committee is being put together, made up of developers, city officials, engineers, homebuilders, and ULCT. The committee will work together over the next few years to help address concerns as implementation moves forward.

Cameron Diehl then stepped up to give a gas tax update. He mentioned they are meeting later today with the Governor's office. He shared that the 6th distribution numbers were given to ULCT this past Friday, and that the League was going through the data and cleaning it up before we released it to everyone. They will be meeting with both house caucuses for both parties on Wednesday, and will hope to have the data to everyone by tomorrow so you can finalize your FY 2016 budgets. The special session is on course for November.

Next meeting will Monday, November 21st. Meeting is adjourned.

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