

UTAH LEAGUE OF CITIES AND TOWNS

2017 LEGISLATIVE SESSION RECAP

Where we've been, where we are, and where we're going

PS: 290 days until the 2018 session officially starts



ULCT Mantra as your advocates



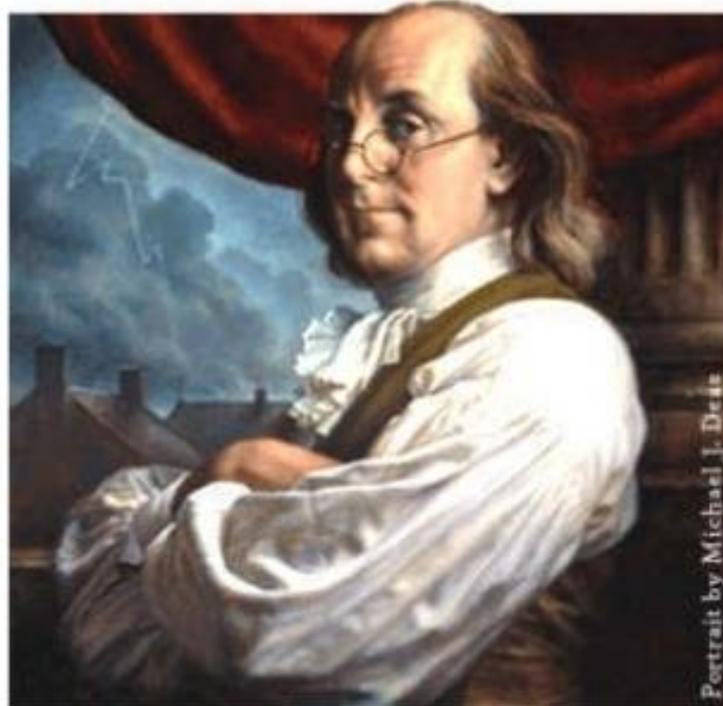
- Government closest to the people governs best
 - Promote and preserve local authority
- Informed membership
 - Friday Facts/daily email
 - Conferences/trainings
- Problem solvers/partners throughout the year
 - Congress, Utah State Legislature, Governor's office, agencies, counties, districts



The power of ULCT: #leaguearmy

“We must all hang together, or assuredly we shall all hang separately.”

*- Benjamin Franklin,
at the signing of the
Declaration of
Independence*



**UNITED WE STAND,
DIVIDED WE FALL.**

- AESOP



UTAH LEAGUE OF CITIES AND TOWNS Utah League of Cities and Towns

Search for:

MAKING LIFE BETTER

Legislative Advocacy | Research & Resources | Land Use | Training & Events | Multimedia | Job Bank | Directory

Municipal Officials Training 2015-2016

Geared towards newly elected officials, this half-day seminar is also great for any city or town official that wants to better understand the nuts & bolts of municipal government. Join us in Cedar City, Ephraim, Logan, Vernal, Moab, Provo, and Salt Lake

CONGRATULATIONS ON YOUR VICTORY, NED!
THANKS! SO WHAT DO I DO NOW?
VOTE NED
NED THE MAN WITH THE PLAN!
VOTE NED

Local Officials Day at the Legislature

Why I Like My Community

UTAH LEAGUE OF CITIES AND TOWNS

Capitol Conversation

State Issues with Local Impact

What's DC Thinkin'?

Conversations with Utah's Federal Delegation

City Solutions

How Cities and Towns Are Making Life Better

About Town

Highlighting the Character and Spirit of Utah's Communities

Connect with ULCT

ULCT @ULCTcitycafe

Join us for Local Officials Day at the Legislature January 27, 2016! Click here for more details: <http://www.ulct.org/land-use/regional-training-events/local-officials-day-at-the-legislature/> #utpol #utleg
Posted on 01 Dec

ULCT @ULCTcitycafe

November local option sales tax distribution up 5.4%
<https://thecitycafe.wordpress.com/2015/11/30/november-local-option-sales-tax-distribution-up-5-4/> #utpol #salestax
Posted on 30 Nov

ULCT @ULCTcitycafe

Join us in Cedar City, Ephraim, Logan, Vernal, Moab, Provo, & Salt Lake for our Municipal Officials Training <http://www.ulct.org/land-use/regional-training-events/newly-elected-training-series/> #utpol
Posted on 24 Nov

The City Café: ULCT Blog

November local option sales tax distribution up 5.1%



Bill tracking



[Home](#) [Legislation](#) [Officials](#) [Login](#)
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House Bill (98) [Print](#)

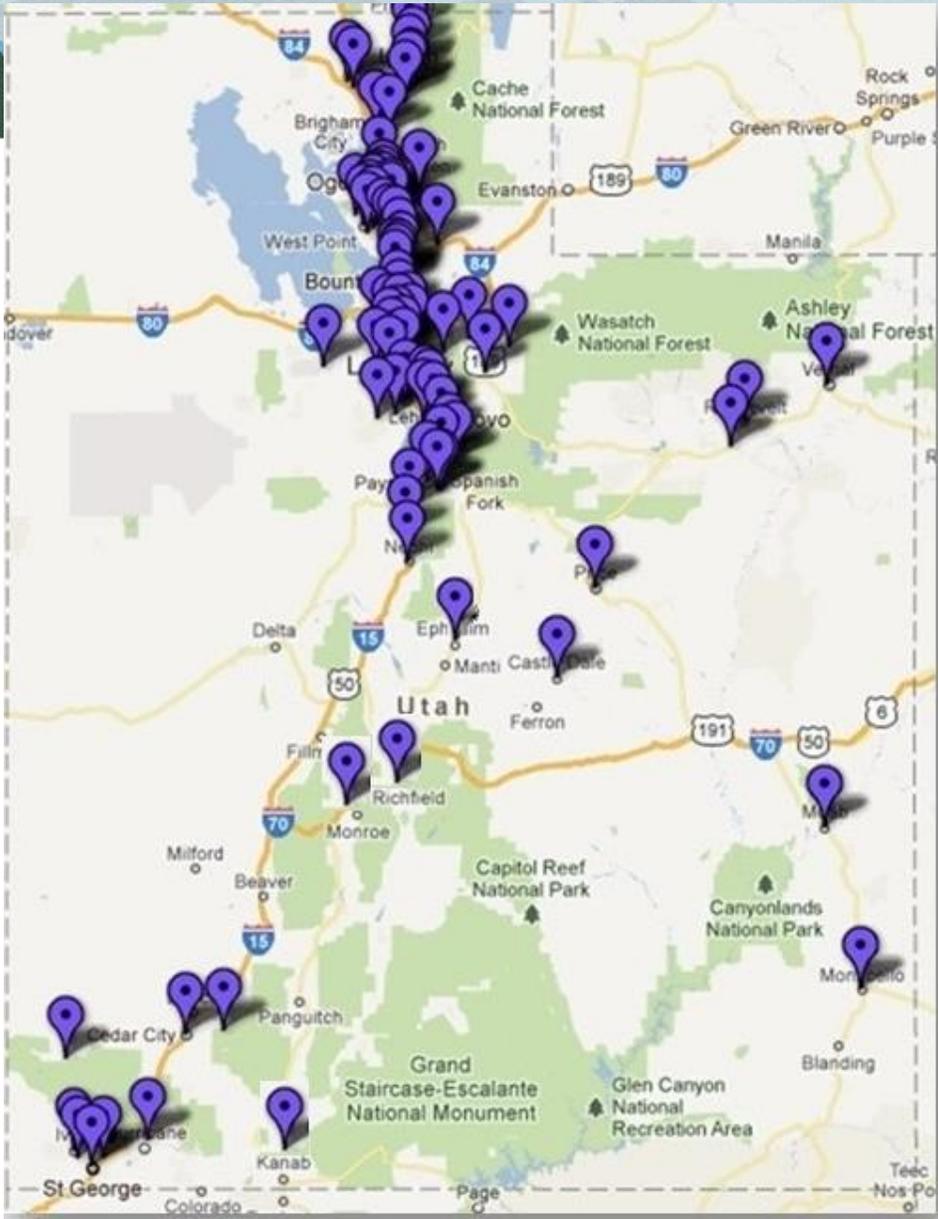
[HB 0017s01](#) Use the drop down to the left to select the next 25 bills to display.

Last Legislative Day: 3/11/2014

[Tracking Level Sort](#) [Overview Page](#)

HB 0017s01	Watch	Interlocal Act Amendments	Anderson, Johnny
	3/29/2014	Governor Signed in LTGOV	-
	Amend	General Government ULCT	
HB 0019	Monitor	Electric Vehicle Battery Charging Service Amendments	Arent, P.
	3/20/2014	Governor Signed in LTGOV	-
	Support	ULCT Utilities	
HB 0044s01	Monitor	Interstate Electric Transmission Lines	Handy, S.
	2/21/2014	House - House/ substituted in HSUB	-
	Land Use	ULCT Utilities	
HB 0049s01	Hot	Water Rights - Change Application Amendments	McIff, K.
	3/3/2014	House - House/ substituted in HSUB	-

Legislative Policy Committee



Body that gives ULCT staff legislative direction

- **235** voting members
 - Average attendance: 130+
- **107** cities and towns
 - Every city/town entitled to 3 voting members
- ULCT-USU partnership for webcasts
 - **202** people, **53** cities & towns
 - Hatch to Vernal and Nibley to Ephraim
- CHECK THE ROSTER on www.ulct.org



Team ULCT: staff and “extended family”

- Thanks to the cities who contribute managers, recorders, police chiefs, attorneys, & experts during the session and year to ULCT
- Thanks to the elected officials and city leaders for “loaning” those experts to ***all of us***
 - 10:00 am daily briefing
 - Information and advocacy
 - Muni. Clerks Assoc. on live streaming; Chiefs of Police Assoc. on body cameras; City Managers Assoc. on HB 164
- In recent years, many experienced & active city managers, attorneys, & clerks have retired
 - 2017: municipal election year
- **We need your involvement and expertise!**



In 45 (ahem, 46) days, here's what happened



1,272 bill requests: RECORD

815 bills considered & 535 bills passed (66%)

ULCT tracked **283**/815 (35% of all bills; ULCT record)

- Of those 283, 187 passed (66%)
- Red bills: 16
- Orange bills: 32
- Yellow bills: 79
- Gray bills: 156

Support good bills, improve “fixable” bills, stop bad bills

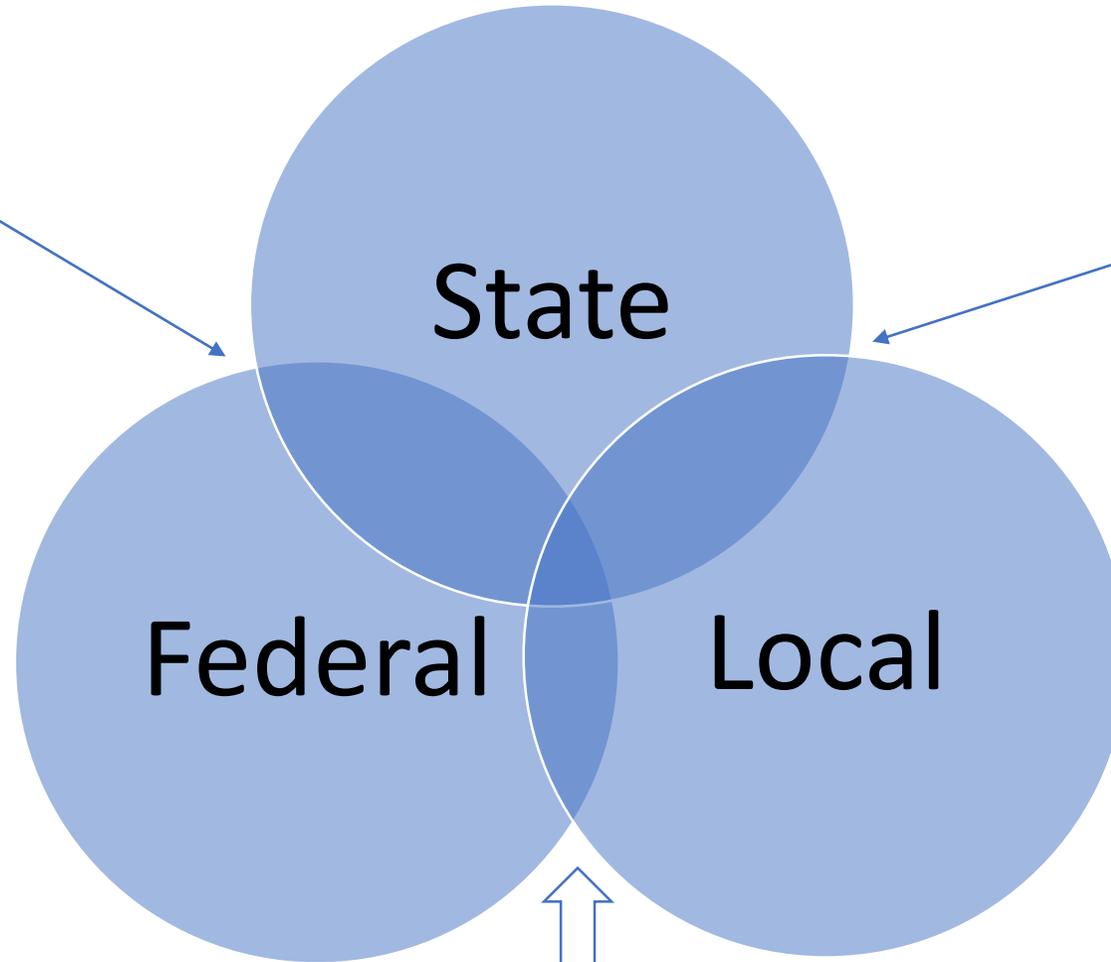
- Meet w/sponsors, amendments, testimony in committee, research, fiscal notes)



Where we are: tension from yesterday to tomorrow

Federalism conflicts,
dating to pre-1787

What are these
pressure points?
Why are they
increasing?



Federal-local conflicts
continue to grow
(group homes, water)



What are the cannon balls coming at us?

Structural: cities are political subdivisions of the state

- 1) One bad city = “need” for state law
- 2) State policy trumps local practice
- 3) ***State priority: investment of state \$ and resources***

Other pressure points:

- 1) Local gov’t infringes on fundamental rights (i.e. property)
- 2) What is the “proper role of government?” (libertarian)
- 3) Desire for uniformity & efficiency in local government
- 4) Perceived lack of justification for local gov’t fees
- 5) Disruptive innovation v. bureaucracy
- 6) Turnover of elected officials
- 7) Influence of special interest groups



ULCT: local authority is enshrined in law

- **State Constitution**, Art. XI Sec 5:

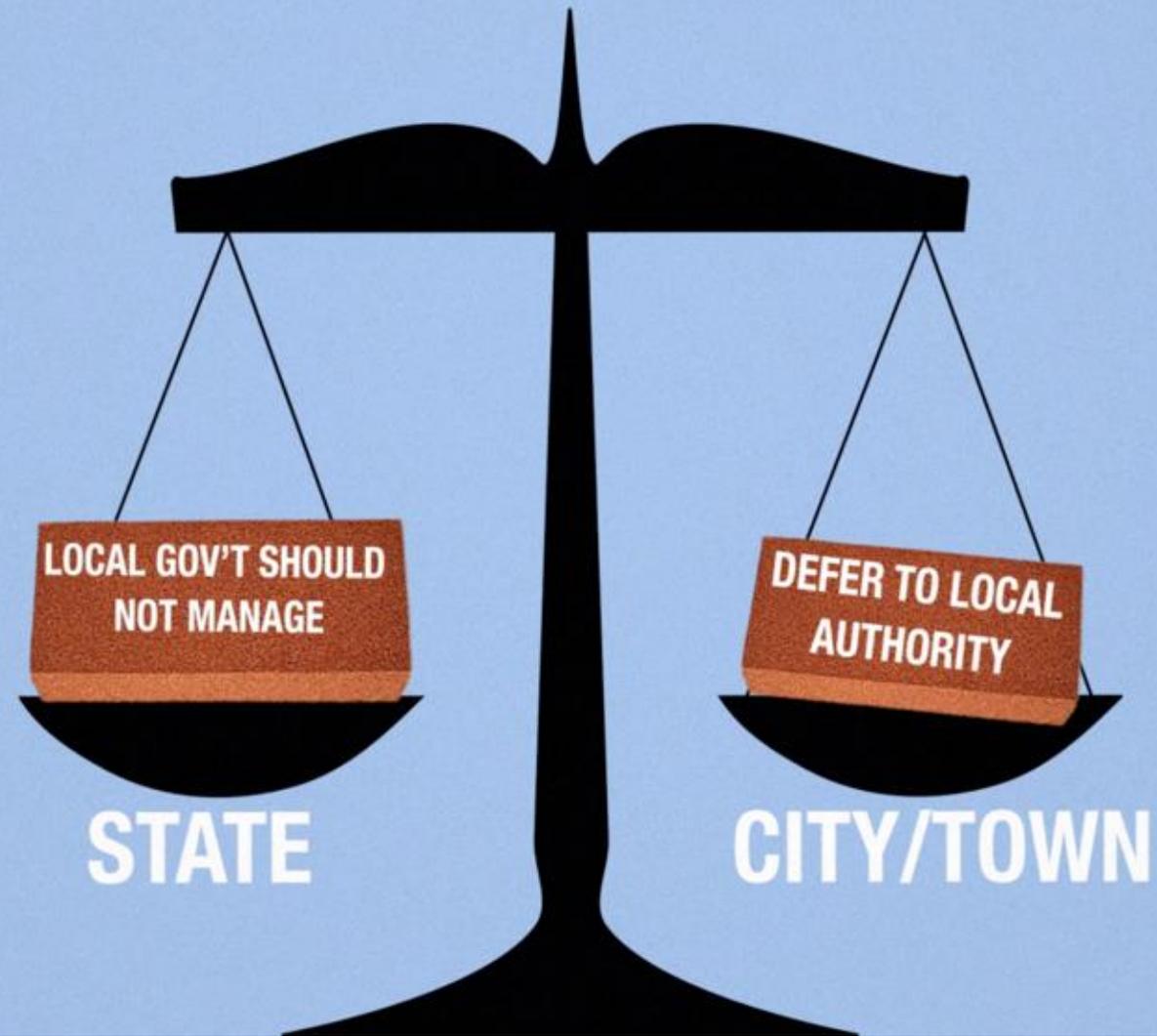
- Levy, assess, & collect taxes/assessments; borrow money
- Furnish all local public services
- Make local public improvement

Utah Code 10-8-84: “city may pass all ordinances necessary and proper to ...”

- provide for safety and health
 - promote prosperity
 - improve the morals, peace, and good order, and comfort of the city and its inhabitants
 - protect property in the city
- **UT Sup. Court:** “general welfare power = independent (city) authority to pass ordinances”
 - Information, research, #leaguearmy



PRESSURE POINT: ROLE OF GOVERNMENT





Who's the boss? Utah Legislature, Salt Lake City battling over local issues

Herbert says cities are 'subservient' to the state

By [Dennis Romboy](#)  [@dennisromboy](#)

Published: Feb. 1, 2012 6:00 p.m.



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Comments

"I don't like the Legislature being a super board of regents, or a super school board or super local government control."

But, he said, the "subtle" difference is that cities are political subdivisions of the state.

Still, the governor said legislators would be wise to listen to cities and counties to avoid unintended consequences of the bills they pass.

When a political subdivision of the state tries to circumvent fundamental rights, the Legislature should get involved, Niederhauser said.

Example of structure & “role of government:” drones

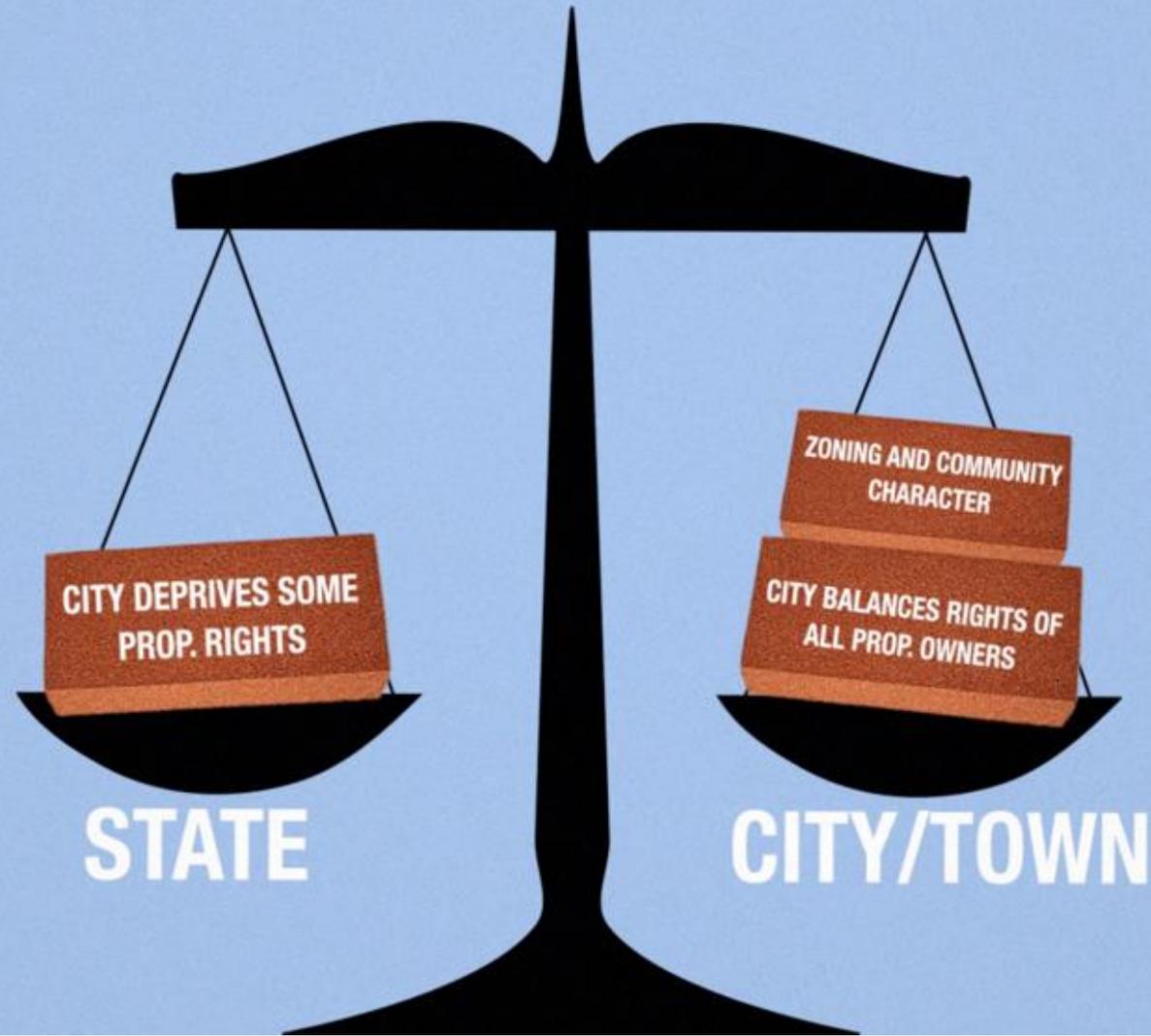
- **Federal interest:** jurisdiction over airspace
- **State interest:** uniformity of rules, emergency situations, protect public infrastructure
- **Local gov’t interest:** nuisance, law enforcement (public safety and police usage), local airports
- **Should government even regulate drones?**

Other drone related issues:

- Commercial industry (aerospace, farming, inspection)
- Hobbyists
- Privacy
- Property rights v. airspace
- Recordings of gov’t operated drones



PRESSURE POINT: PROPERTY RIGHTS



Example of conflict over property rights: HB 253

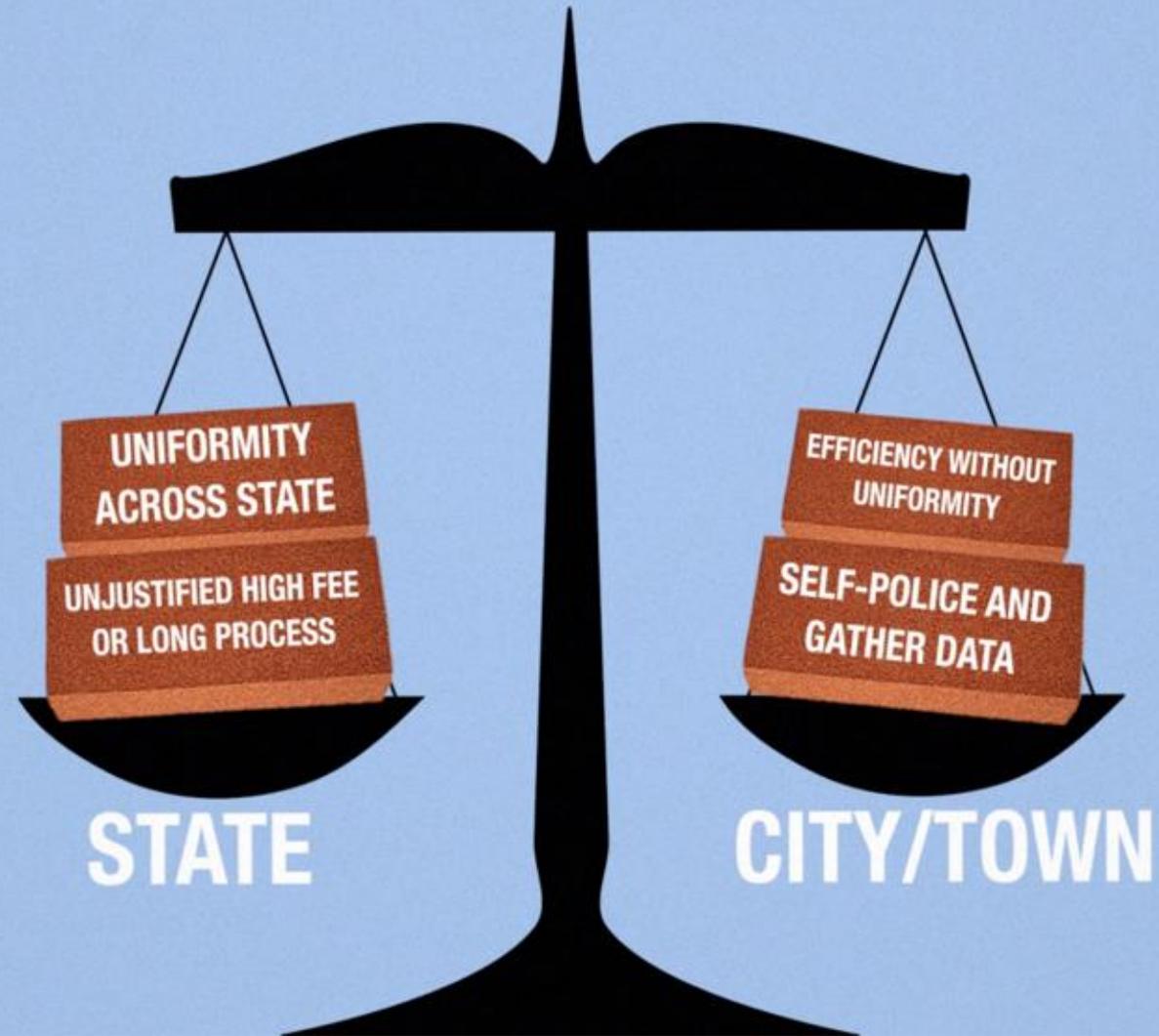
Supporter arguments:

- Protect property rights
 - City preventing the exercise of property rights
 - City prohibitions are excessive
- Promote tourism
 - City preventing economic development
- Financial benefit to communities
- Impact of STRs will be minimal on neighborhoods

ULCT arguments:

- Is the state a planning commission?
- Is the state responsible for local code enforcement?
- City balances property rights of all property owners in the neighborhood
- City is the most responsive level of government for neighborhoods and communities

PRESSURE POINT: ECONOMIC DEVELOPMENT

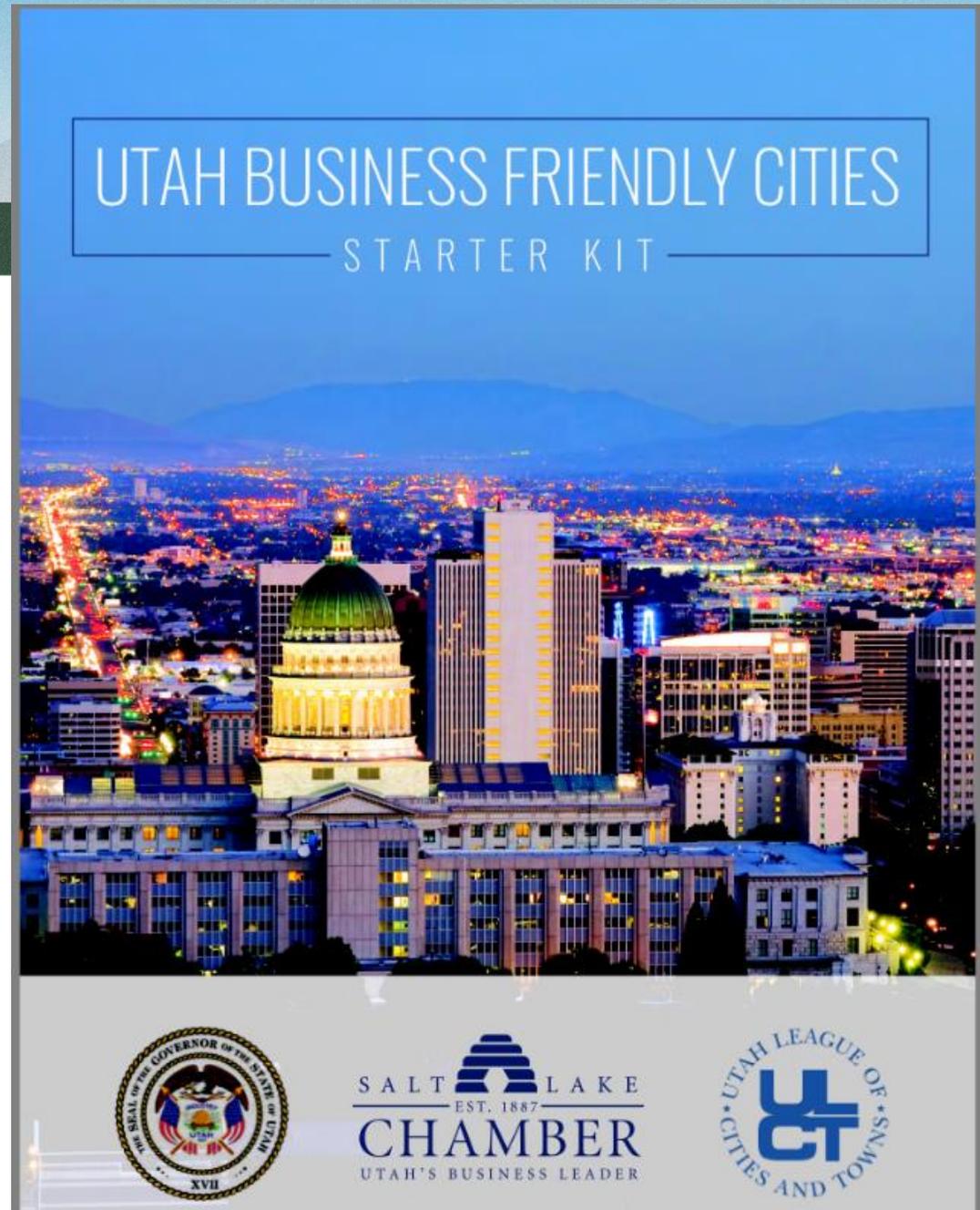


Bills reflecting this point

- SB 81: Local Gov't Licensing
- SB 241: Local Gov't Plan Review
- SB 250: Food Truck Licensing & Regulation

Let's be proactive, introspective, and collaborative with the business community:

<http://slchamber.com/businessfriendlycities/>



PRESSURE POINT: STATE PRIORITY

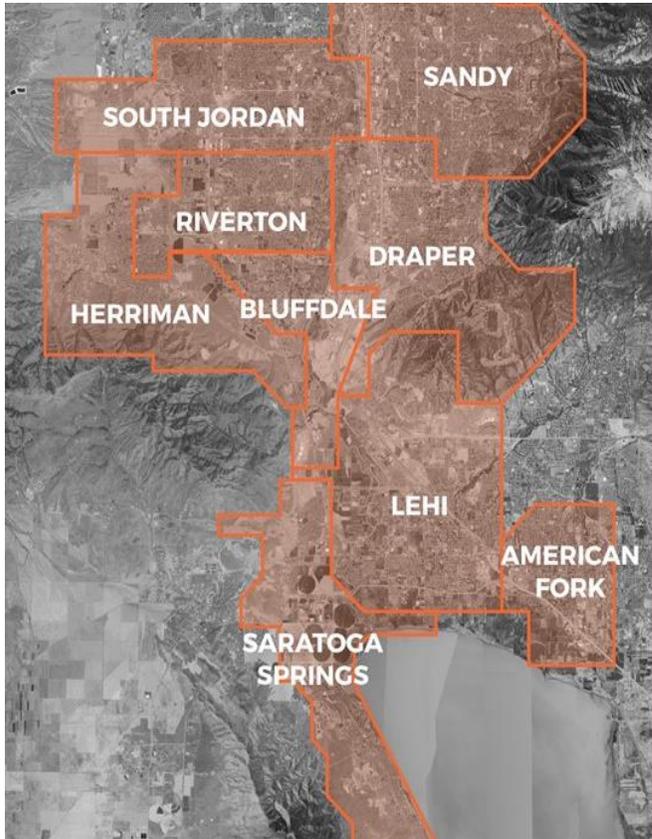


State interest, money, & priority: prison relocation



Next steps?

Utah office construction: Top 5 cities (2010-15)



Many Jurisdictions

- Bluffdale
- South Jordan
- Riverton
- Herriman
- Draper
- Lehi
- Saratoga Springs
- Eagle Mountain
- Sandy
- Salt Lake County
- Utah County
- State





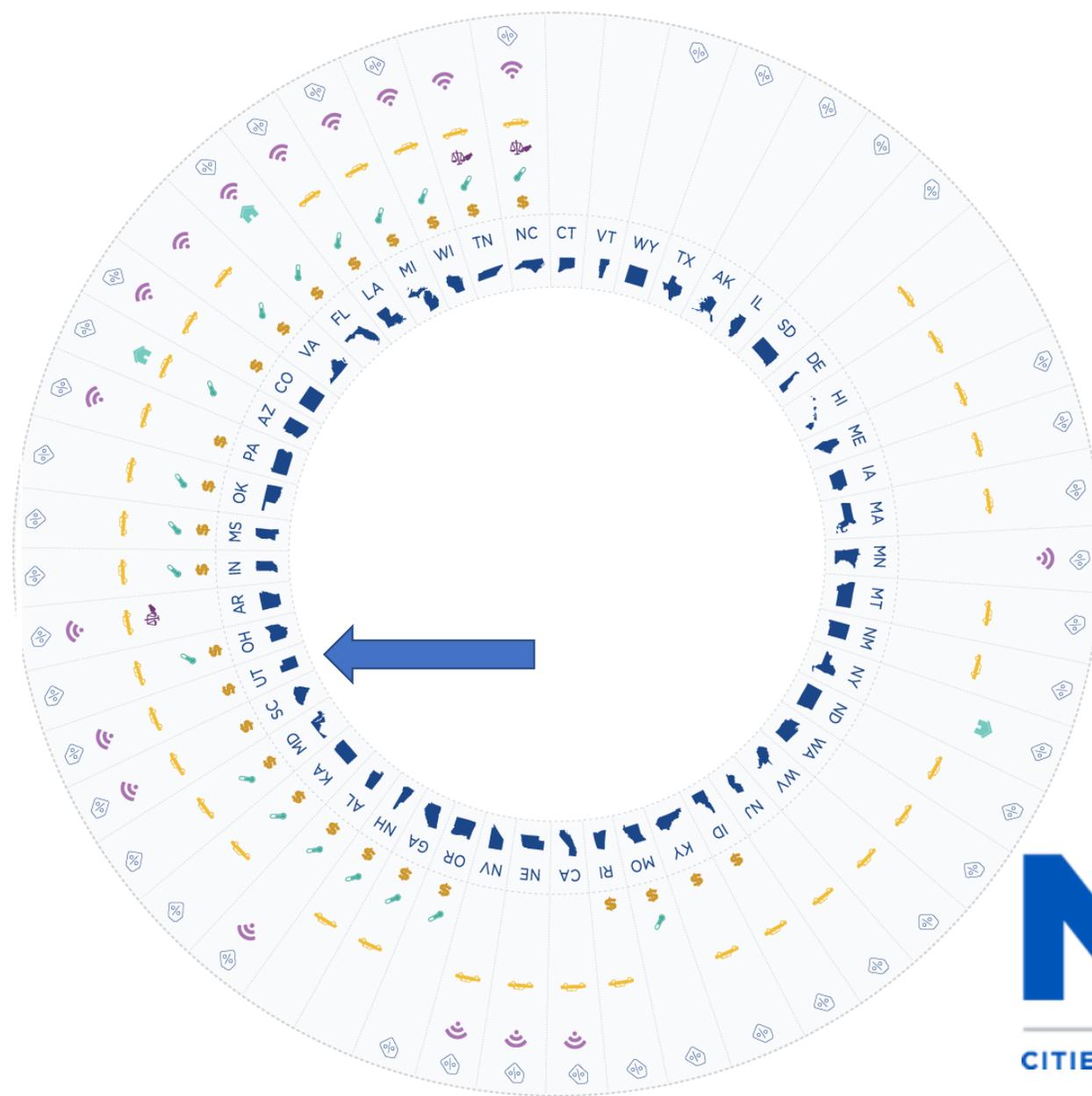
POLITICS

The End of Local Laws? War on Cities Intensifies in Texas

Gov. Greg Abbott, an outspoken critic of federal overreach, recently suggested that his state should adopt a "ban across the board" on local regulations.

BY DANIEL C. VOCK | APRIL 5, 2017





UTAH:
 Minimum wage
 Ride sharing
 Broadband
 Tax/expenditure limits

- \$ Minimum wage
- 🗣️ Anti-discrimination
- 🚗 Ride sharing
- 🌿 Paid leave
- 🏠 Home sharing
- 📶 Municipal broadband
- 📊 Tax and Expenditure Limitations (TELEs)

NLC NATIONAL LEAGUE OF CITIES
 CITIES STRONG TOGETHER



What our special interest opponents are doing



A screenshot of a web form for "AMERICANS FOR PROSPERITY UTAH". The form is titled "Tell Lawmakers NO on Internet Sales Tax!" and includes a "Send an email to your officials with one click!" button. The form fields include a dropdown for "Mr.", a "Full Name*" field, an "Email*" field (example: jsmith@mail.com), a "Mobile Phone*" field, a "Home Address*" field (example: 123 Any St), and a "Zip Code*" field. Below the form is a "Dear Official," section with a pre-filled message: "I'm writing to you today to voice my opposition to legislative efforts to enforce an internet sales tax. It is my hope you oppose Senate Bill110 related to an internet sales tax." and "Utah families make difficult decisions every day to live". At the bottom, there are two checked checkboxes: "Send me emails about this campaign" and "Send me text messages about this campaign".



Tactics of our special interest opponents: mailers, social media, delegates, attacks



Because your property rights **DON'T EXIST**

All around the state, many cities heavily **restrict** or altogether **prohibit** home owners from sharing a room or basement with those visiting our city. It's called a short-term rental, and services like **airbnb** and **VRBO** help connect home owners with those needing a place to stay.

When cities prevent property owners from sharing their homes, that's less competition for the hotels, which can charge higher rates as a result.

UTAH'S CONSTITUTION:

"It is the policy of the state of Utah that a **free market system** shall govern trade and commerce in this state..."

Want your aunt to stay with you for a week? Nobody argues against that. Want a traveler to stay with you for a week? Suddenly it's a problem—even though the impact (or lack thereof) to neighbors is the same.

This isn't a free market. It's protectionism.

We say it's time to fix the law. *Do you agree?* SIGN THE **30-SECOND** PETITION AT **FreeMarketUtah.com**

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Sal
|||



#leaguearmy: urgency, unity, trust

- HB 362, 2015 = #leaguearmy generated more than 1,000 contacts
- HB 164, 2017 = #leaguearmy delivered
- How do we build relationships of trust between city leaders and legislators?
- How do we improve our partnerships with allies?
- What can you do?
 - Meetings w/legislators, council meetings, ride-alongs, legislative previews, city tours
 - Utilize ULCT materials
 - White papers
 - Social media
 - Meetings with cities and legislators



What we said at Midyear last year: 2016 interim

Disruptive

- *Online sales tax*
- *Short term rentals*
- *Drone regulation*

Law Enforcement/Judiciary

- *Body camera policies*
- *Indigent defense contracts*
- *Justice Reinvestment Initiative*
- *Government immunity*

Accountability

- *Financial compliance (coming to a town near you)*
- *Districts (SB 235)*
- *Fees (business licenses, impacts, road cuts, etc.)*

Land Use

- *Administrative/legislative*
- *Impact fees*
- *Conditional use permits*
- *Subdivision/LUDMA*
- *Water metering*

Other

- *Homelessness facilities*
- *Affordable housing*
- *Elections w/UAC*
- *Wildland fire*
- *And much more...*



Where we've been: the 2017 legislative categories

• Infrastructure

- HB 152 (corridor \$), SB 174 (task force), SB 264 (TRT), SB 276 (gas tax), SB 277 (bonds)

• Tax Reform

- SB 110 (online), education \$, Our Schools Now initiative

• Justice Reinvestment Initiative

- \$\$\$, HB 178 (good LL), HB 441 & HB 452 (homelessness), SB 251 (code enf)

• Transparency/governance

- HB 164 (enterprise funds), HB 324 (notices), SB 69 (notices) SB 198 (UCA)

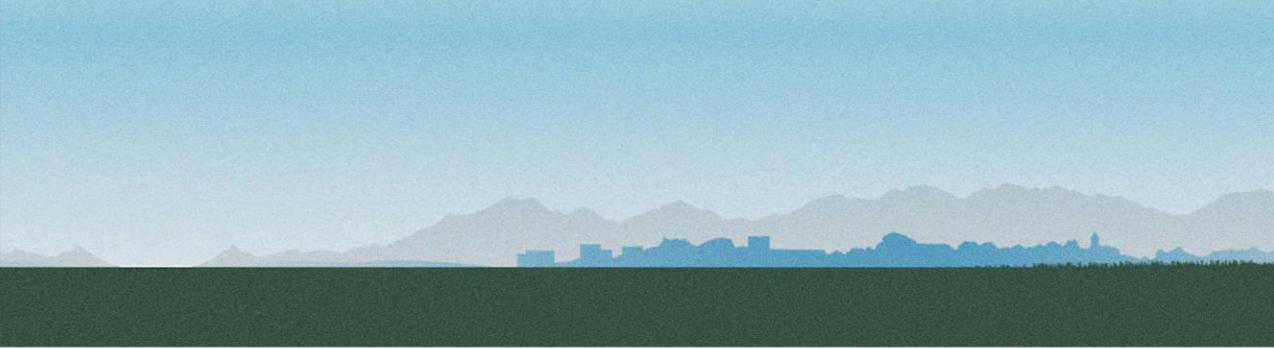
• Land use

- HB 232 (LUTF), HB 355 (signs), HB 442 & SB 279 (alcohol), SB 241 (plan check)

• Consistency/uniformity/efficiency

- HB 115 (waste), SB 81 (home based business), SB 250 (food trucks)





Finances

HB 135 Deposit of Public Funds

- Action Required

HB 164 Municipal Enterprise Fund Amendments

- Action Required

HB 255 Initiative Amendments

- Action Required

HB 429 County Fund Amendments

- Financial Impact

HB 448 Community Reinvestment Amendments

- Action Optional

SB 016 Sales and Use Tax Exemption Changes

- Financial Impact

SB 197 Refinery Sales and Use Tax Exemption Amendments

- Financial Impact

SB 264 Outdoor Recreation Grant Program

- Action Optional

- Cheat sheet: bills that require municipal action
- Bills take effect on May 9 or July 1
- SB 215: Utah Sentencing Commission, May 1
- Book will also identify bills that did not pass but will return (i.e. HB 298, HB 304, HB 372) and bills that require interim work (i.e. SB 198, HB 408)



Thursday's workshops & ULCT spring outreach

TODAY

- 1:30: Land use today and tomorrow
 - Jodi Hoffman, Gary Crane, Bruce Baird
 - Sunbrook AB
- 2:30: Appetizing legislative update: food trucks and alcohol
 - Taylor Harris and Steve Barth
 - Entrada A
- 3:40: Legislative update deep dive
 - Brandon Smith, your correspondent, Roger Tew, Jodi Hoffman
 - Sunbrook AB

THIS SPRING

- Utah Municipal Clerks Assoc.
 - Regional meetings
- Utah City Management Assoc.
- Utah Assoc. of Counties
- Utah Gov't Finance Officers Assoc.
- American Planning Assoc., Utah
- Utah Municipal Attorneys Assoc.
- Land Use Academy of Utah
- Willing to come to your city



Top 10 (11) bills to know: transportation

SB 276 Transportation Funding

Reason: inflationary piece; implement intent of HB 362 (2015)

- 12% gas tax will be 16%
- Floor moves from \$2.45 to \$1.78
- Ceiling moves from \$3.33 to \$2.43
 - State will reduce the amount of sales tax into the Transportation Investment Fund (TIF) by an amount equal to 35% of the gas tax increase

Local impact:

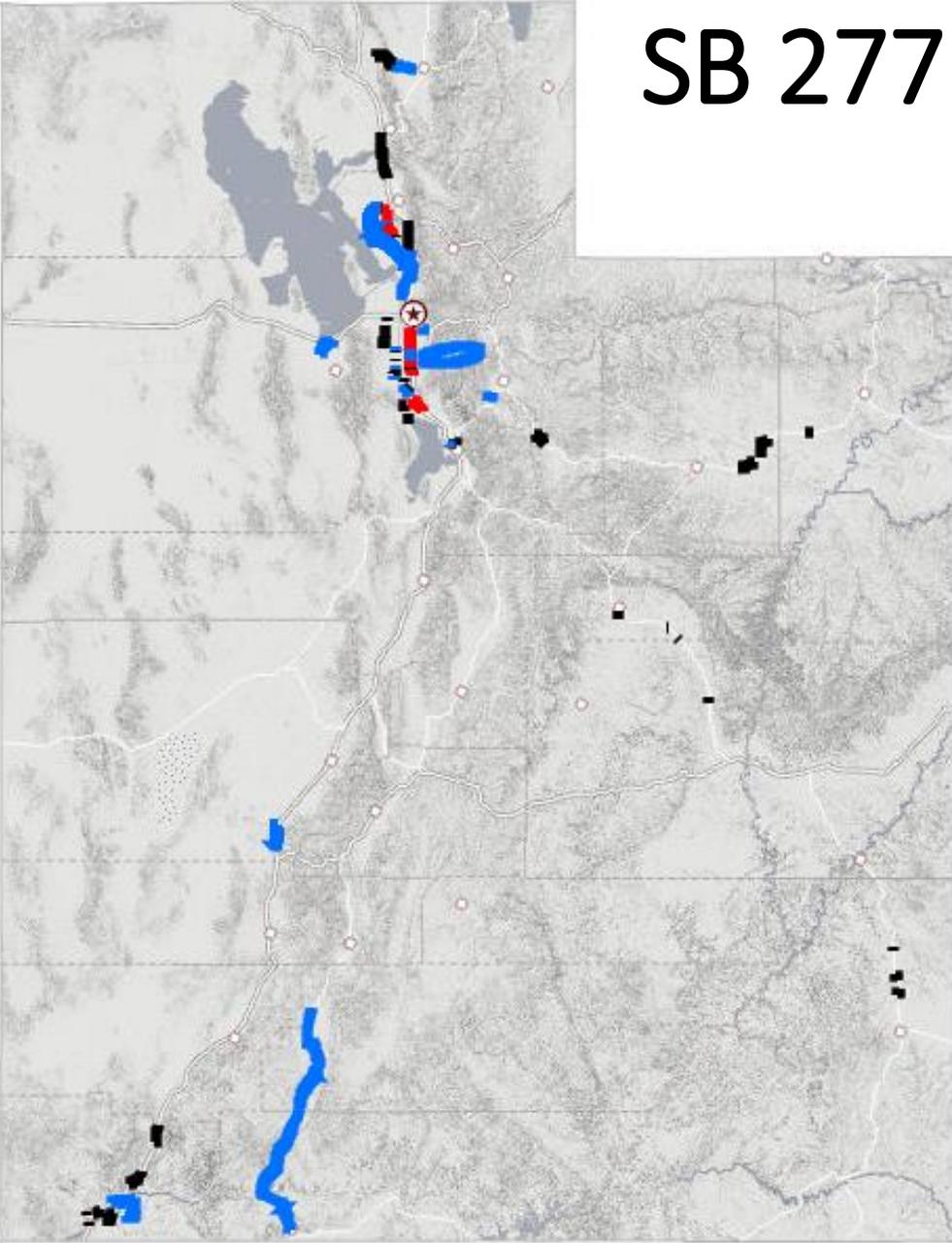
- No B&C formula change
- Result: expected increase in B&C revenue

SB 174 Transportation Governance

- Task Force, recommendations by Dec 1
 - 2 Senators, 1 private sector
 - 2 Reps, 1 private sector
 - 1 Transportation Commission
 - 1 from UTA
 - **1 from ULCT**
 - 2 from UAC (1 rural)
 - 1 from MAG
 - 1 from WFRC (Chair)
- Evaluate all forms of transportation
- Consider governance, funding, land use, economic development, population growth, best practices



SB 277: \$1 billion in bonds over 4 yrs



- www.udot.Utah.gov
 - Project list and public comment link
- Last week: UDOT recommended 58 projects in 19 counties
- April 12: Transportation Commission will issue draft recommendation
- May: final list
- June: report to legislature
- July: bonding begins



Top 10 (11) bills to know: people are watching

HB 253: Short term rentals

- Focus on online ads, not land use
- Leg. body may not enact an ordinance that prohibits an individual from **listing or offering a STR on a STR website**
- Leg. body may not fine, charge, prosecute, or **punish an individual solely for the act of listing or offering** a STR on a STR website
- Thanks **#leaguearmy**

HB 164 Enterprise Funds

- Bill does NOT limit the transfer of funds from enterprise fund to general fund
- Focus on transparency of fund transfers
- Step 1:** Enhanced notice with specific info
- Step 2:** Independent hearing
- Step 3:** Submit specific info to auditor
- Step 4:** Follow up notice
- Thanks **#leaguearmy**



Step 1: Enhanced notice and specific information

7 days before hearing: specific info and multiple communication channels

Specific information:

- \$ of transfer from enterprise fund to general fund
- % of total enterprise fund expenditures represented by each transfer
- Date, time, place, and purpose of hearing

Communication:

- Post, on Utah Public Notice Website
- Post, on website prominently if you have a website
- Post, on social media if you have social media
- Mail, if you mail a periodic billing
- Email, if you email



HB 164 Steps 2, 3 and 4

Step 2: independent enterprise fund transfer hearing

- Public comment, accounting data
- May be same day as budget hearing

Step 3: Auditor

- Within 30 days of adopted budget, submit specific information to the Auditor's office with a copy of the notice

Step 4: Follow up notice

- Within 7 days after adopted budget, post enterprise fund accounting data on city website and social media (if applicable)
- Within 60 days after the budget, mail/email to users about the transfer



Top 10 (11) bills: SB 198 Utah Communications Auth.

New Board Composition (9 members)

- 3 appointed by Governor
- 1 by Speaker of the House
- 1 by President of the Senate
- **2 by Utah League of Cities and Towns**
- 2 by Utah Association of Counties
- Board member cannot be vendor or person involved now in entity that will directly benefit from UCA contracts
- Board appointed by Governor with Senate advice & consent

Operations Advisory Committee created

- Reports directly to the board
- Comprised of system users and vendors
- Reps from: Fire Chiefs, Police Chiefs, Sheriffs, EMS, PSAP, UDOT, DPS, DTS, Tribes, chair of each of the 7 regional advisory committees, and 3 vendors



Top 10 (11) bills to know: SB 198 continued

EMERGENCY SERVICE FUND FEES: \$1.18

- **Local PSAP (public safety answering point): \$0.71 (up from \$0.61)**
 - Increase of \$3.5M in money distributed to PSAPs throughout the State
 - Distribution changed to be based on call volume
 - 2 year hold harmless
- **Statewide 911 Fund: \$0.09 – remains the same**
- **UCA O&M: \$0.18 (new)**
 - Current radio user fees will be repealed July 1, 2017 (if bill passed with funding)
 - Savings of \$4M for local government and \$3M for State users
- **800 MHz System Upgrade: \$0.20 (new)**
 - Money will be used for debt service on a bond to upgrade the current 800 MHz system



	Board membership	Physical consolidation	911 Fees	911 Money Distribution	Radio Money
Current	27 members; 16 local/law enforcement	Not required	\$0.76 \$0.61 Local \$0.09 Statewide fund \$0.06 CAD fund	Billing Address	\$0.00
SB 198	9 members; 5 State selected, 4 local selected	Language removed	\$0.80 \$0.71 Local - increase of 10 cents - \$0.04 new, \$0.06 reallocated - \$3.5 M new money to local PSAPS \$0.09 Statewide fund	Call Volume	\$0.38 \$0.18 O&M (eff. 7/1/17) Current Radio User Fees repealed 7/1/17 - Savings of \$4M/local \$0.20 Upgrade to 800 MHz (eff. 1/1/18) - Use for debt services for \$140 M bond to replace old infrastructure



Top 10 (11) bills: licensing (workshop & aid to come)

SB 250: Food trucks

- Food trucks
 - not food carts or ice cream trucks
- No mandatory background checks
- Licensing fee = cost of regulation
- No extra fee per truck location
- Reciprocity
 - Business license reciprocity (city)
 - Health department reciprocity (county)
 - Fire safety reciprocity (all)
- May not prohibit operation of food truck within a *given distance* of a restaurant

SB 81: Home occup. business licenses

All business licenses: city may license for regulation ... “and may impose fees to recover the city’s costs of regulation”

Exceptions:

“City may not require a license for an occasional business operated by a minor”

“City may not charge a license fee unless the combined offsite impact of the home based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone”

NOTE: CITY DEFINES IMPACT



Top 10 (11) bills: workshops this afternoon

HB 232: Land Use

- Courts shall *defer to local legislative authority* to enact land use regulations
 - Engineering standards must be adopted by ordinance to earn deference
 - Local gov'ts must update ordinances
- Courts shall enforce “plain meaning” of *legislative* land use regulations
 - Tie goes to the runner
- Courts shall review local decisions that *administer* local land use laws to determine if they were “correct”

HB 442 and SB 279: Alcohol

- Reduced proximity of restaurant to community location from 600 feet to 300 feet (pedestrian)
 - Church, park, playground, school
- Removed DABC authority to issue variance
- Grandfathers all current licensees and locations, regardless of whether a community location later appears

Honorable mention: failed but coming back

SB 110 Online Sales Tax

- Utah has lost \$80-\$350 million in sales tax revenue currently owed and not collected
- 28 states have acted
- Economic nexus: transact \$100,000+
- Affiliate nexus: affiliate is company's agent
- Bill passed Senate but failed 5-5 in House committee

HB 452 Homeless Services

- Statewide operation & maintenance revenue
- Mechanism: started as sales tax, became property tax
- Credit of \$900 per bed to city to cover costs
- Qualifying homeless shelters:
 - Initial intent: new shelters in SL County, but sponsor willing to ensure all shelters would qualify
- Bill failed 4-4 in House committee

Plus the concepts of 96 local gov't related bills in 2017 that did not pass



ULCT commitments so far this interim

- Fill spots on task forces/boards and participate as staff
 - 2017: Transient Room Tax, Transportation, towing, Utah Communications Authority
 - ULCT Board appoints more than 50 people to task forces/boards (process in process)
- Justice Reinvestment Initiative/criminal justice/public safety
 - Code enforcement, homelessness \$, indigent defense, JRI next steps and financing
- Land use
 - Group homes, SB 241 (plan review), HB 232 (plain meaning, codify engineering standards), HB 253, HB 408 (SITLA), impact fees
 - Land Use Task Force
- Referendum/direct democracy re-codification
- Tax reform
 - Online sales, property
- DEQ: waste fees (June 30), waste water



Where we're going: interim 2017 in D.C.

- Federal budget deliberations (blueprint in April, more in May)
 - Community Development Block Grants (CDBG)
 - HOME Investment Partnerships Program for Affordable Housing
 - Economic Development Administration Grants (EDA)
 - TIGER Grants for public transportation projects
 - USDA discretionary spending
- Tax reform
 - Tax-exempt status of municipal bonds
 - Online sales tax
- Congressional and agency dialogue on broadband deployment
- Federal infrastructure funding
- Federal environmental mandates



Policy questions to consider in 2017:

the more things change, the more they stay the same

- What is the proper **balance** of state authority/action?
 - ULCT strongly opposes the “one size fits all” approach to legislation
 - ULCT realizes that “just because you can, does not mean you should” ... self-evaluate
 - ULCT intends to be a partner with the state on their priorities
 - ULCT is cautious about “government by task force”
- How can local governments become **more transparent, efficient, and “business-friendly”** without becoming uniform?
- How can the state and local governments collaborate and invest in necessary **infrastructure** and prepare for Utah’s ongoing **population growth**?
- What are the benefits, costs, & consequences of the **Justice Reinvestment Initiative (JRI)** and other state priorities on local government?



Get involved in ULCT!

Have a policy interest or expertise?

Want your city to engage on a particular issue or bill?

Wish to increase your political outreach?

#leaguearmy: trust, urgency, unity

Roger Tew: rtew@ulct.org

Cameron Diehl: cdiehl@ulct.org

Jodi Hoffman: jhoffman@ulct.org

Brandon Smith: bsmith@ulct.org

Legislative Policy Committee (tentative)

- Mon., Jun 19
- Mon., Aug 21
 - ULCT Board of Directors nominations
- Tue., Sep. 12 (resolutions)
- Fri., Sep 14 (Annual Convention)
- Mon., Oct 16
- Mon., Nov 13
- Mon., Dec 11
- Mon., Jan 8

2018 session: Mon., Jan 22 (290 days)

Local Officials Day: Wed. Jan 24

- Municipal official trainings (post Nov)

