

UTAH LEAGUE OF CITIES & TOWNS
BOARD OF DIRECTORS MEETING
Dixie Center
St. George, Utah 84790
Wednesday, April 9, 2014
5:00 P.M.

CONDUCTING: Mayor John Curtis, Provo City until 5:45 PM. President Gochnour chaired the remainder of the meeting.

EXECUTIVE BOARD

Council Member Caitlin Gochnour, Salt Lake City	President
Mayor John Curtis, Provo City	1 st Vice President
Council Member Lynn Pace, City of Holladay	2 nd Vice President
Mayor JoAnn Seghini, Midvale City	Treasurer
Council Member Steve Fairbanks, Sandy	Past President

BOARD OF DIRECTORS

Council Member Margaret Black, Orem City	Board Member
Council Member Don Olson, Ephraim City	Board Member
Council Member Jim Ortler, Brian Head	Board Member
Mayor Len Arave, North Salt Lake	Board Member
Mayor Dave Sakrison, City of Moab	Board Member
Council Member Jim Young, City of Farmington	Board Member
Mayor Steve Hiatt, City of Kaysville	Board Member
Council Member Sonja Norton, Vernal	Board Member
Council Member Steve Pruden, Tooele City	Board Member

EX-OFFICIO MEMBERS

Fionnuala Kofoed, City Recorder	Vice President UMCA
Seth Perrins, Spanish Fork	UCMA President

ULCT STAFF

Kenneth Bullock	Executive Director
Krysten Olson	Executive Assistant
Cameron Diehl	Policy Analyst
Nick Jarvis	Research Analyst
Michelle Reilly	Director/Admin Services
Jodi Hoffman	Land Use Analyst
Lincoln Shurtz	Director/Legislative Affairs
Susan Wood	Director/Com & Training

Roger Tew
Meg Ryan
Chuck Gates

Senior Policy Analyst
Planning Consultant
UTA Liaison

1. Introduction of new Board Members & Staff

2. Review & Approval of Minutes of September 10, 2013

Lynn Pace moved to approve the minutes as amended. Jim Ortler seconded the motion. The motion passed unanimously.

3. ULCT Staff Reports

- Update on City Solutions/Adobe Project - Lincoln
 - Lincoln Shurtz discussed the status of the technology initiative that the League has been working on. He met with the Auditor's Office on a component of the initiative that addressed the use of a single portal for GRAMA requests. This was based on SB 70 that was passed this year. \$250,000 had been appropriated for the project and the portal would either be run by the League or the State. Constituents would be able to go online and make a GRAMA request and pay for any associated fees without having to go into the office. The software had already been developed and they had a preliminary meeting with Senator Henderson and Utah Interactive who would manage the State web site. They wanted to make sure that they would be able to manage the project and that there would be no additional burden to cities and towns in complying with this section of the law that was passed this year. The League was also successful in getting \$1.1 million for local governments for the digitization of forms for some of our small communities. Many forms were still being done by hand and this software would allow municipalities to use the online forms rather than having residents come in to the office and fill out hard copies. They would be meeting with DTS to see how they could move forward and make this licensing available to all communities. This would be administered through the Department of Administrative Services.
- Update on Municipal Code Online – Cameron
 - Cameron Diehl stated that the League was approached by Bill Morris and Justin Mayhew who, at the time, were working on creating a municipal, online codification program that would be more affordable to smaller cities rather than having to use Sterling to codify their municipal codes. Since implementing the software, North Ogden had already reduced their codification cost from \$15,000 to \$5,000. The League had entered into a contract with Bill and Justin to assist them with making arrangements with other cities and towns to help promote the software. The emphasis for this program was on smaller towns that don't have resources. Justin and Bill would provide the necessary training and they were also scheduled to teach a class at the League conference.
- Government 101 – Susan

- Susan Wood explained that the League had a 6 month outline plan for the stories that they intend to work on. She gave several examples of the stories and asked that people give her feedback or suggestions. One story that she believed would be of interest would be to see how Provo prepares to keep the area safe where they ignite fireworks for the Freedom Festival in July. They had a total of 18 stories in 6 months with a tag line for every story. Ken Bullock explained that one of the problems that they noticed over the years was that people had lost perspective on who provides services in communities. This project provided members a way of telling those stories such as, what does it take to build and maintain a road or how much does snow removal cost. This proposal was just a list of ideas for members to look at and decide whether they wanted to participate. Mayor Curtis said that Provo produced a video last year about their roads that went viral. He wondered whether a similar video could be made regarding the legislature. Mr. Bullock said that Ms. Wood had done something similar with trails in Moab. It could be done in a series but they needed to be careful and not make them too long, as they didn't want the target audience to get bored with them. They needed to figure out how to get the information out there. The other component was public education and providing a way to teach about how a municipality worked. Mayor Curtis believed that these types of video clips would be extremely beneficial for career day activities.
- Directory App/Social Media – Nick
 - Nick Jarvis noted that the League continued to grow with social media and online registrations. They had over 800 followers on Twitter and 600 likes on Facebook. They've also had over 37,000 views of videos on YouTube that Susan Wood had produced. More people were using the online registration rather than filling out the paperwork and faxing or mailing it in. Some directories had already been printed and full orders would be available next week. The days of printing directories were numbered but they wanted to print some to help with the transition to the online version. The online, full web version of the directory was operational and 2 free mobile apps were available. The Android version was working really well; however, the IOS had several bugs and because of this, they hadn't been promoting its use just yet. Version 2 of the app would come out after Ken Bullock had an opportunity to test it. Any updates to the directory were instant on the web version but the mobile apps were experiencing some problems. There is a \$15/per user, annual fee for members and \$20 for non-members and you can only be logged on to one device at a time. Each city page has a fully functional Google map and they have the potential to do advertising but for now they are just advertising the League using Facebook, Twitter and YouTube. The link to the directory is ULCTdirectory.com. Discussion ensued regarding what email address should be available on the directory. The consensus was that most official email addresses were already public so adding them to the directory wasn't an issue. The directory should be consistent to include official's email addresses so as not to frustrate the users. Going this route was more cost effective as it cost approximately \$25,000 to print the directories. Some of those costs were recouped but the majority of the directories were provided free of charge to cities and towns.

4. Training & Conference Reports

- Susan Wood gave an update on the conference stating that they had 20 workshops scheduled; 32 presenters; and approximately 430 attendees, excluding auxiliary members. Entertainment would be provided by the Bar J Wranglers. Road school was scheduled in two weeks along with two additional cycling tours, 36 workshops, 67 presenters, 1 keynote speaker, and a mechanical bull. Ms. Wood recommended that those who were doing introductions for the workshop presenters should meet with them briefly to get a feeling for who they were and welcome them to the event.
- Meg Ryan discussed the 2014 training schedule that was kicked off in Francis. Fillmore had been completed the previous night and Toquerville was scheduled for Thursday. She had also done a FaceTime training with the Brian Head Planning Commission. They had discussed the conversion of books to E-book Fashion at the December meeting, which they were currently working on. They were also working on some PowerPoint presentations for the Open and Public Meetings Act, which would be available incrementally. Draper was online and more training was scheduled over the summer. They intended to revamp the Land Use page. Things were progressing and they were available to assist any cities or towns who needed training.

5. Federal Legislative Update

- Marketplace Fairness
 - Cameron Diehl noted that 2014 was the best chance for sales tax on remote sales to pass. Last summer the Senate passed a version of Marketplace Fairness with 69 votes and the bill was currently in the House, no action had been taken. They addressed a number of concerns and they anticipated that the bill had a 50/50 chance of passing the House of Representatives. Staff was optimistic that it would pass this time. The League reached out to different tax players around the state to reconvene their “tax team” to come up with some discussion items and solutions so that if Marketplace passed they would have some options on the table. They had reached out to all 4 members of the House who were supportive and it was just a matter of nailing down the details. They would continue to keep the Board informed as they figured out what tax issues developed. Rodger Tew explained that 2 years ago, in anticipation of Marketplace passing, the Legislature put into place that the added revenue from the State tax and 1% local option would be placed in a trust fund revenue, with one of 4 possible options:
 1. Keep the same allocation and pass it through
 2. Cut sales tax rate so it’s a revenue neutral issue
 3. Potential contribution
 4. RedistributionKen Bullock added that it was a very explosive and exceptionally fragile issue; cities had played by the rules and now the rules had the potential to be changed.

They wanted the members to be aware that this could happen; however, they didn't want to get too far ahead of it. They were moving forward at a methodical pace. Mr. Tew stated that the only way to keep the money unfettered was to do something like this. Council Member Pace noted that because of a prior bill run by Senator Harper, the law in place today says that if we get internet sales tax, all of that sales tax is parked. It does not get distributed. His fear was that if the bill passed and the money started to pile up, the State would see how much is there. The perception may be that we have more money than we need and we don't need transportation or we have to share it with the State. He wanted to have a solution in place so that if the bill passed the money would come, flows and get distributed. Mr. Bullock believed that these were all legitimate concerns. The League needed to present a solution, other than population and point of sale. There was a lot of internal discussion going on all to do with distribution issues. The game plan was to have a proposal ready for September. Council Member Pace noted that the outcome would ultimately be driven by what happened in Washington. If it was on the table with the task force in September, people would be asking why it was being addressed. He didn't think they had a choice other than to address it. They needed to be looking into solutions now. Mayor Norton believed it was necessary to get all the members on the same page regarding the issue. Mr. Bullock asked the Board for some general direction. Councilmember Black responded that the League needed to do what they could to protect the members "turf". Mayor Norton hoped that all types would be involved in the steering committee. Mayor Seghini asked if there was any support on the Hill. Mr. Bullock explained that the Legislature would do what they asked if they brought a good solution. Councilmember Ortler stated that regardless of the result, there would be winners and losers and the last time around, Brian Head was the loser. Council Member Pace believed that whatever changes they advocated would only kick in when the new internet sales tax money came in. The new revenue coming in would make it easier to make adjustments and he didn't think there would be any losers. It would affect growth moving forward. Council Member Ortler added that there were no assurances, that was just one proposal and that there could be a loss if the distribution percentages were changed. He felt that the League had done a good job explaining the complexity and importance of the issue.

- ULCT Broadband Resolutions
 - Lincoln Shurtz explained the Broadband Resolution that had been brought forward by many of the Utopia communities. The resolution outlined the responsibility and value of why communities were getting involved in the telecommunication issue. Mr. Shurtz asked for a motion to support it.

Councilmember Black moved to support a Resolution of the Board of Directors in Support of the Federal Communications Commission's Efforts to Remove State and Local

Barriers from Community Broadband and In Support of Local Decision-making Authority. Mayor Seghini seconded the motion.

Council Member Pace asked if there was a drafting error in the title and suggested that “and Local” be removed from the title. There was nothing in the body of the text that referenced local restrictions. Seth Perrins stated that Spanish Fork supported the resolution. They saw value in it but they wondered if there was any political potential to hurt the members if the State Legislatures saw them saying that the FCC could remove some of these restrictions, essentially going around the State and dealing directly with the FCC. They believed it would be great for Utopia and other cities but Spanish Fork wanted to raise that concern. Mr. Shurtz responded that they had been successful in defeating the 4 issues for broadband legislation. They had done a lot of the leg work already to make sure there would be no issues moving forward.

Councilmember Black amended the motion to strike “and Local” from the title of the resolution. Mayor Seghini seconded the motion. The motion passed unanimously.

6. 2014 Legislative Update & Pending 2014-2015 Issues

- Legislative Decision Making Process
 - President Gochmour explained that there had been a lot of discussion with the result of one of the LPC votes during the Legislative Session. The vote had caused some frustration and there hadn’t been enough communication. It was her opinion that things could be worked out but it was going to take some time. Ken Bullock elaborated further, explaining that during the last Legislation Session, a motion was made regarding HB 388, a bill that promoted sales tax for transit. The intent of the motion was misunderstood by staff. They were in a position where they had to make quick decisions and they were constrained by time. Moving forward, staff needed to make sure that they were carrying out the Board’s intentions and that they understood the decisions that were being made. Council Member Pace concurred and stated that the issue was not how people voted but that the vote was a different position than in previous years. If that point had been understood, there probably would have been more discussion about the vote and whether they really intended to change their position. He believed that more weight should be given to a resolution passed by the Board in September than an LPC vote given on the fly during the Legislative Session. The result of the vote could risk the future involvement of Salt Lake City with the League if the process was not addressed. Council Member Ortler added that he occasionally attended the LPC meetings and wondered if items were moved forward by outspoken individuals. He didn’t think it was a very functional process, it was more like mob rule and anything could happen. A more deliberate process was needed. The LPC was well attended and maybe those attending needed more guidance from staff. Mr. Bullock said that staff had some ideas about how to make it a more deliberate process. More than half of those who attended the meetings were newly elected officials. They want to make sure that, in the future, they were providing the necessary tools for the Board to make decisions. Mayor

Curtis added that they understood that in situations like this, the elected officials were blamed regardless of guilt. The Board needed to better define their expectations for staff. This needed to be further analyzed in June. The members needed to be able to trust staff making decisions and not place them in difficult situations. Councilmember Black pointed out that it was uncomfortable when they were presented bills, by Legislatures, which went against their principles. She cited the dog issue as an example. She wanted staff to look into the positions ahead of time, and give further analysis and background information so the committee would not be placed in an awkward position. Lincoln Shurtz referenced the memo provided in the Board's packet that contained some suggestions that staff had proposed to address the problem. The difficulty was they don't set the agenda at Capitol Hill. The process moved fast and furious and they needed to look at how to work with that dynamic. He asked the Board to think about the situation and be prepared to discuss it again in June and get their feedback.

7. Board of Directors Vacancies

- **Appointment of new Board Members to fill vacancies**

- Mayor Curtis addressed the Board Member vacancies stating that 4 seats had been vacated because of the recent elections. Those who had left the Board were Council Member Alex Butwinski, Mayor Heather Jackson, Council Member Don Olson, and Mayor Scott Osbourne. Mayor Gary Gygi, Mayor Kelvyn Cullimore, Council Member Tyler Adler, and Council Member Andy Beerman had called and requested consideration for the 4 vacancies. 6 others had applied during the nomination process but were not considered. President Gochnour had conducted the interviews. The new appointments would only be until September and these individuals would have to reapply for their seat, which would only be a 1 year term, completing the term that the original office held. Mayor Curtis nominated Mayor Gygi, Mayor Cullimore, and Council Member Adler and asked for a 4th nomination.

Council Member Young moved to appoint Gary Gygi; Kelvyn Cullimore; Tyler Alder and Andy Beerman to the ULCT Board of Directors. Mayor Seghini seconded the motion.

Discussion ensued. President Gochnour asked how many positions would be vacant in September. Lincoln Shurtz replied that there would be 8 or 9. Council Member Pace stated that he worked for Salt Lake City and represented Holliday and given the situation, it would be helpful to have someone to represent Salt Lake City. Ken Bullock agreed and explained that Council Member Pace was occasionally placed in difficult situations because he worked for Salt Lake City. Council Member Pace recommended Kyle Lamalfa to represent Salt Lake City.

Council Member Young withdrew his original motion.

Council Member Young moved to appoint Gary Gygi; Tyler Alder; and Kyle Lamalfa to the ULCT Board of Directors. Mayor Seghini seconded the motion.

Discussion ensued regarding the final appointment to fill the vacancy. President Gochnour explained that it was a matter of balancing the districts. Mr. Bullock noted that there were 8 districts with 1 representative from each district. Mayor Curtis recommended they vote on the 3 nominations and then have another motion for the 4th appointment.

The motion passed unanimously.

President Gochnour moved to appoint Andy Beerman to fill the 4th vacancy on the ULCT Board of Directors. Mayor Seghini seconded the motion. The motion passed unanimously.

Mayor Curtis stated that they needed to encourage those that had applied to do so again.

8. ULCT March Financial Report

- Mayor Seghini reviewed the financial report. The general revenues were down but staff was doing a good job to make the budget balance at the end of the year.

Mayor Arave moved to approve the financials report. Mayor Seghini seconded the motion. The motion passed unanimously.

9. 2014-2015 Tentative Budget

- Discussion on 2014-2015 ULCT Dues
 - Michelle Reilly explained that they were still in the process of finalizing the 2014-2015 budget. Things were still up in the air with donations. They anticipated a \$30,000 shortfall at the end of the year because of an issue with the Utah Local Governments Trust. The Trust would not be paying \$30,000 because of the League's benefit program. It was a complex issue and staff was looking into a resolution. More information would be provided in June. Council Member Ostler asked if had to do with the proposal from Tom Hardy. Ms. Reilly responded that it was. Council Member Pace said that it was his understanding that the Trust had made a \$60,000 contribution over the last number of years and, if they parted ways, it would create a \$60,000 deficit. There was a long standing, informal relationship between the League and the Trust by which the League would contribute \$60,000 a year. There had been a falling out because they thought the League is competing with them. The Board needed to determine whether they needed to preserve the relationship or part ways. He wasn't sure how important it was for the membership to have that relationship mended. Ms. Reilly stated that staff was trying to work things out. Mayor Norton wanted additional information so she could better understand the situation. Ken Bullock believed that he had done a poor job explaining things to the members. This wasn't Tom Hardy's project or initiative. Mr. Bullock had requested his assistance with benefits because of his knowledge and that he had represented

cities for over 16 years on the State Retirement Board. Mr. Hardy was not being paid for his expertise. Mr. Bullock stated that he was premature with coming to the members and discussing it with them. They were not trying to put anyone out of business; it was strictly a financial decision. Staff would discuss things further in June. President Gochnour stated that they needed a motion on the dues portion of the Tentative Budget. Mayor Arave asked if the rates were all the same and if it was the growth that had caused the 5% increase. Mr. Bullock responded that there was about \$30,000 in natural growth and \$40,000 to work on the various programs that they had discussed. Mayor Curtis wondered how they could vote on the dues if they didn't know the outcome of the donation from the League. Mr. Bullock stated that it didn't have anything to do with the dues; it was a matter of looking where they could cut the budget. Council Member Pace wanted to know what the urgency of voting on the dues was. Could it wait until June? Mr. Bullock explained that the members needed to know what the dues were so they could include them in their own budgets that would be adopted in June.

Mayor Hiatt moved to approve the 2014-2015 Dues Report. Mayor Seghini seconded the motion.

Discussion ensued. Council Member Pace expressed his concern over adopting the dues. It was his opinion that the Board had dropped the ball and wasn't doing their job. Whether it was giving staff direction, working on issues with the Trust or the budget, it was the Board that needed to exercise leadership. The Board needed to step up and be accounted for. There were several significant issues that needed to be resolved and he didn't think they would be any more ready to make decisions in June if they didn't step things up.

Substitute Motion

Council Member Pace moved to defer the approval of the 2014-2015 Dues Report and hold another meeting before the meeting until June so they could be better prepared and give staff more direction.

Council Member Black asked if the question that they were dealing with was the 5% increase in dues. Mr. Bullock responded that it was. He also disagreed with Council Member Pace's comments regarding the Board. Council Member Black didn't think that the 5% increase would make a negative impact on membership.

Council Member Pace withdrew his motion. It was his opinion that the Board needed to be more hands on. He was concerned with the amount of time they had to review the items that were being presented for approval.

Council Member Ortler called the question.

The original motion passed unanimously.

Mayor Curtis moved to adjourn the meeting at 7:16 PM. Council Member Pace seconded the motion. The motion passed unanimously.

Chairman

Secretary