

**UTAH LEAGUE OF CITIES & TOWNS
BOARD OF DIRECTORS MEETING**

50 East 600 South Suite 150
Salt Lake City, UT 84102
Friday, June 13, 2014
10:30 a.m.

CONDUCTING: Caitlin Gochnour, ULCT President

EXECUTIVE BOARD

Council Member Caitlin Gochnour, Ogden	President
Mayor John Curtis, Provo	1 st Vice President
Council Member Lynn Pace, Holladay	2 nd Vice President
Council Member Steve Fairbanks, Sandy	Past President

EXCUSED

Mayor JoAnn Seghini, Midvale City	Treasurer
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BOARD OF DIRECTORS

Mayor Len Arave, North Salt Lake	Board Member
Council Member Margaret Black, Orem City	Board Member
Mayor Gary Gygi, Cedar Hills	Board Member
Mayor Steve Hiatt, Kaysville	Board Member
Council Member Kyle LaMalfa, Salt Lake City	Board Member
Mayor Sonja Norton, Vernal	Board Member
Council Member Jim Ortler, Brian Head	Board Member
Council Member Steve Pruden, Tooele	Board Member
Mayor Dave Sakrison, Moab	Board Member
Council Member Andy Beerman, Park City	Board Member
Council Member Jim Young, Farmington	Board Member

EX-OFFICIO MEMBERS

Nancy Dean, Clearfield City Recorder	UMCA, Past President
Seth Perrins, Asst. City Manager	UCMA President

ULCT STAFF

Kenneth Bullock	Executive Director
David Church	General Counsel
Cameron Diehl	Policy Analyst/Attorney
Jodi Hoffman	Land Use Analyst
Nick Jarvis	Research Analyst/New Media
Krysten Olson	Administrative Assistant
Michelle Reilly	Dir. of Administrative Services
Lincoln Shurtz	Dir. of Legislative Affairs
Roger Tew	Senior Policy Analyst
Susan Wood	Dir. of Communications and Training

EXCUSED

Chuck Gates	UTA Liaison
Meg Ryan	Planning Consultant

Review and Approval of Minutes from April 9, 2014

Len Arave moved to **approve** the minutes as written. Jim Ortler **seconded**. The motion **passed** unanimously.

Events and Training

Conference Attendance Report

Michelle Reilly provided the attendance reports for ULCT training over the past year. She asked the board members to review the attendance and encourage cities in their areas to attend. She also asked them to find out if there were other training topics that might be beneficial to the cities in their areas.

Land Use Training Report

Cameron Diehl reported League staff had held virtual training via Facetime in Brian Head and a couple of other locations and it had been quite successful. He indicated in-person training had been held in a few other places. He announced League staff would provide training throughout Utah during the summer. He reported the League would be trying to piggyback training opportunities with regional groups in an effort to reach out to its members. He stated Meg Ryan was working on updating three municipal codes. He encouraged the board members to let the League know if there were members who had concerns about their city codes so it could service its members. Mr. Diehl also reported League staff was working on providing video conferencing opportunities in conjunction with Utah State University. He stated the first few attempts had been successful and the League would try and provide a couple of more opportunities before the annual conference.

Conference Surveys

Cameron Diehl also discussed the results of the member survey. He stated the purpose of the survey was for League staff to assess if it was meeting its members' needs and to get feedback on training that members would like to have provided.

Annual Convention Update and Discussion

Keynote Speakers and Entertainment

Michelle Reilly updated the Board on speaker engagements for the annual conference in September. She reported Nicholas Epley had confirmed but Adam Grant had not yet confirmed. She announced that the entertainment for the banquet would be provided by Creedence Clearwater Revisited and the event would be held at the Gallivan Center.

Board Nominations and Nominations Committee

Lincoln Shurtz announced the League was seeking nominations for board members. He explained the recent municipal elections had created four vacancies and asked members of the Board to submit names. He stated the membership of the Board was distributed geographically to better serve the membership. He informed the board members with terms expiring that they were eligible to run again and any board member appointed to fill a vacancy until September would be eligible to run for the office also. He indicated the nomination committee would be chaired by Lynn Pace with the nomination review committee being traditionally comprised of current or prior board members.

Dave Sakrison pointed out the constitution and bylaws stated that a board member shall not serve more than one consecutive term. Mr. Shurtz explained the League did not always have enough nomination to serve on the Board of Directors. David Church indicated the constitution and bylaws could be changed to address the matter by a 2/3 vote of the membership. He explained the amendment would first be reviewed by the board and then presented to the membership at the annual meeting but the difficulty would be

1 getting 2/3 of the membership to participate. Lynn Pace asked for clarification on whether it was 2/3 of
2 the membership or 2/3 of those attending that could vote on an amendment. Mr. Church indicated it
3 required a vote by 2/3 of the membership. Mr. Pace expressed concern that the one consecutive term
4 clause was violated more than it was observed. Mr. Church stated it had not been violated often. Mr.
5 Shurtz indicated the violations appeared to occur more often in the positions representing the more rural
6 parts of the State because nominations were not often received from that area. He continued the question
7 remained if there were no nominations, should the League leave the position vacant or find someone to
8 serve who might have served consecutively. Ken Bullock emphasized the importance of nominating
9 qualified individuals. Mr. Pace commented it was difficult for League staff to have turnover every two
10 years and no longevity of the board members. He asked to have an amendment to the constitution
11 explored even if the process was cumbersome if that was also the will of the board.
12

13 *Jim Ortler moved to have staff prepare an amendment to the ULCT Constitution and Bylaws limiting*
14 *members of the board to three consecutive terms. Kyle LaMalfa seconded but asked that the motion be*
15 *amended to include direction to find a less cumbersome way to change the constitution and bylaws.*
16 Margaret Black stated it was important to have a cumbersome process to change the constitution. Mr.
17 Church indicated the constitution and bylaws were last amended in 1984. He suggested there might be
18 more that needed to be updated than just the items currently being discussed. Sonja Norton suggested the
19 board members see the proposed amendments before they were asked to vote on them in September. Mr.
20 Church stated he could provide the amendments however the board members desired. He reviewed the
21 various methods allowed by the constitution. Steve Fairbanks asked the motion include a broader review
22 of the constitution for any other amendments that might be necessary. *Jim Ortler amended the motion to*
23 *include direction to find a less cumbersome way to change the constitution and bylaws as well as a*
24 *thorough review and update of the documents. The second concurred with the amendment. The motion*
25 *passed unanimously.*
26

27 *Video Stories and ULCT Essay Contest*

28 Susan Wood reported League staff was in the process of shooting and making a series of Making Life
29 Better videos. She explained the videos were a unique way to communicate successes with residents, staff
30 members and counterparts in other cities. She reported there had been 37,000 views of the video stories
31 through YouTube. She explained the video series offered a way to bring high-quality stories,
32 documentaries, informational pieces, training and etc. to municipal websites. She asked members to let
33 her know if there were stories about cities that needed to be highlighted.
34

35 *ULCT Essay contest*

36 Susan Wood reported the fourth and seventh grades in 300 schools were invited to participate in the Why
37 I Like My Community essay contest. She stated League staff had captured the essay winner awards on
38 video and shared the video with the Board. Ms. Wood indicated there were 80 entries from 15 cities this
39 year. She hoped to boost participation dramatically with the board's help in spreading the word. Lynn
40 Pace asked if there was a list of which schools that had been participating in the contest. Ms. Wood stated
41 she did have a list which was comprised of mostly small towns. She indicated the League notified all 300
42 schools with fourth and seventh grades about the contest but staff was not certain the message was getting
43 to the teachers.
44

45 **Legislative Policy Process**

46 *Policy Principles & Process Overviews*

47 Mr. Shurtz stated there had been a lengthy discussion at the previous board meeting about how the
48 League came up with its legislative policy. He continued staff prepared an articulation of its policy
49 process and was presenting it to the board for review and discussion. He reviewed the mission statement,
50 principles and policies used to determine the positions taken by the League. He stated positions were
51

1 categorized as 1) proactively support, 2) support, 3) neutral, 4) oppose, and, 5) no position. The position
2 piece is what the Legislative Policy Committee (LPC) did when it voted on a position for a particular
3 piece of legislation. He acknowledged that sometimes the LPC didn't have all the information and that
4 responsibility was incumbent upon the League staff.

5
6 Lynn Pace suggested the possibility of adding a separate category that identified positions of oppose
7 and/or proactively oppose. Mr. Shurtz stated staff had considered that possibility but determined that
8 when it chose to oppose legislation it generally actively opposed it.

9
10 John Curtis asked if individual cities came to the League and asked for its support on specific bills. Mr.
11 Shurtz responded staff generally received such requests from the larger cities about legislation that didn't
12 affect a majority of League members but the League tried to be responsible to its members on an
13 individual basis as well. Mr. Pace stated there were also times when there was a bill introduced that did
14 affect municipalities but the LPC could not find a majority consensus on the issue. Mr. Shurtz responded
15 the clean air bill from last year was a good example of no majority consensus. Mr. Pace suggested
16 something be added to the policy that reflected that when there were strong differences on both sides of
17 the issues that could not be reconciled; the LPC would take no position. Ken Bullock explained that the
18 business session was the appropriate place to assess a position on a polarizing bill or issue. Mr. Shurtz
19 referred back to the mission statement which addressed balancing the needs of all municipalities and
20 acting as the "spokesperson" for the majority position. Mr. Curtis suggested a sub-category might be
21 necessary when there was a split on a particular issue. Mr. Bullock indicated a majority vote represented a
22 direction on support. Len Arave recommended a super majority, 4/5ths membership support, should
23 warrant a position of strong support. Mr. Bullock recommended the Board determine the makeup of the
24 LPC specifically how many members, who voted, attendance requirement, alternate membership, etc. He
25 continued achieving balance was difficult but necessary to the process. He assured the board that the
26 League staff worked very hard to educate and provide balance in an effort to assist the LPC in taking
27 positions on legislation based on the principles outlined by Mr. Shurtz. Mr. Arave remarked he still felt
28 uncomfortable representing strong support for an issue when it was supported by a smaller majority. He
29 recognized positions were generally reached by a high majority of members.

30
31 Mr. Shurtz explained it was not uncommon for a vote to be taken at LPC and then individual members
32 approach League staff following the meeting and ask the position not be strongly pursued. He recognized
33 some of the reason for that was there were a lot of new members of the League with less than two years of
34 municipal service which created a learning curve for the process. Roger Tew also commented on the
35 dynamic experienced when legislators came to LPC meetings and asked for votes to be taken while they
36 were in attendance. He stated part of the education process needed to be helping members understand that
37 their vote should not be different based upon whether the legislator is present at the meeting.

38
39 Jim Ortler expressed concern that the LPC was not representative but rather heavily weighted to northern
40 Utah cities. He added it was difficult for members in southern communities to participate in LPC
41 decisions because some of them had to happen quickly and it was unlikely those members could get to
42 Salt Lake quick enough for a vote. Cameron Diehl responded the League staff had tried to provide
43 opportunities for all communities to participate whether by phone or some other medium and weighted
44 votes from those communities even if they came in after the meeting. Mr. Bullock added the League's
45 history provided it with a good sense of what was important to which communities. Jim Ortler reiterated
46 that from time to time things came up at LPC quickly and were voted on before all the members could
47 weigh in. Mr. Bullock commented that staff heard regularly it was driving LPC agendas but what some
48 members didn't understand was how much effort was put into getting the right information out in the
49 right timeframe. He added if it were done carelessly it could potentially cripple the organization. Mr.
50 Shurtz added staff tried to bring the entire context on issues to LPC meetings from the perspective of all
51 of its members. Mr. Shurtz explained that items move very quickly towards the end of the session and the

1 League staff needed to better anticipate that and apply its principles. He stated it was important to
2 recognize the political process and that often legislators tie issues together, for example, this year
3 transportation would be tied to how education was funded. He expressed his hope that League staff would
4 have some flexibility to deal with those issues. Mr. Curtis applauded the staff's efforts to prepare a
5 guiding document and acknowledged there was tremendous trust in the staff. He stated it would be
6 helpful to include a communication mechanism so that as issues shift there was a general sense of what
7 was coming. Mr. Bullock said that was an easy thing for staff to work on. Steve Fairbanks observed
8 communication with constituents was always an issue because no matter what was done, the public was
9 never satisfied. He added that was just the nature of communication. Mr. Shurtz acknowledged that
10 League staff was trying to utilize the website and other tools to get information out to its members.

11
12 Mr. Shurtz stated the goal was to formalize the policy at the next LPC meeting. Margaret Black also
13 suggested having a copy of the policy available for members at LPC meetings in the future. Mr. Curtis
14 encouraged staff to refer to the policy during meetings and point out how support for various issues was
15 being applied based on the policy. Len Arave asked how legislators knew what issues were supported by
16 the League. Mr. Bullock explained the process. Mr. Shurtz asked the board members to get further
17 comments and recommendation to him by June 20th.

18 19 *Transportation*

20 Lincoln Shurtz informed the board that the League had surveyed its members about important issues and
21 the top two issues mentioned by the members were transportation funding and general budget issues. He
22 explained staff was working with various groups to identify a comprehensive transportation solution that
23 addressed all three modes: transit, state roads and local roads. He presented some charts that showed how
24 revenues were being used for transportation in a variety of communities as well as a chart on what
25 different sources of revenue might look like. Mr. Shurtz reported the League believed a quarter cent sales
26 tax was a viable revenue source for transportation funding and showed projected revenues that might be
27 recognized in Salt Lake County alone under that method. He stated the sales tax would be applied
28 statewide and generate revenue for all local governments, if approved. He added there appeared to be no
29 support for a local option gas tax. Mr. Pace commented there might be opposing opinions among the
30 membership on how the revenue for transportation funding should be generated. Mr. Bullock explained
31 the discussion would take place at LPC meetings where a vote would be taken. Mr. Shurtz added that the
32 League membership had a vested interest in how the money was raised. He continued the League staff
33 was committed to helping its members articulate the key points of the discussion.

34
35 John Curtis temporarily left the meeting at 12:10 p.m.

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37 *LUTF Update and Summary - postponed*

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39 **Legislative Issues - postponed**

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41 **Board Training and Responsibilities**

42
43 David Church explained the Board of Directors governed the League. He added the League's constitution
44 provided for an executive position and an executive committee and laid out the duties of each. He stated
45 the Board of Directors was primarily responsible for setting policy, budget and developing overall policy
46 for the League. He explained the board consisted of twelve members, who were duly elected officials,
47 that had then been elected by the membership from various regions. He noted one member of the board
48 must be from a town. He continued the executive committee consisted of the president, 1st vice president,
49 2nd vice president and immediate past president. He stated the duties of the executive committee were to
50 act for and in place of the board on issues between board meetings, subject to ratification of the board. He
51 continued the board's duties were to ratify or nullify the decisions of the executive committee and the

1 LPC. He also stated the constitution provided a process where the membership, as a whole, could take
2 positions and establish policies and that process was a resolution process. He informed the members of
3 the board of their duties which included the right to vote, budget and choose an executive director. He
4 also stated there was a voting process established for amending the constitution. He reviewed that process
5 with the board. He also mentioned there was a minimum number of meetings that must be held each year
6 by the Board of Directors, but no maximum.

7 ULCT Year End Financial Report

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9
10 Michelle Reilly proposed a change to the constitution that would address when the budget was required to
11 be amended. She stated the budget currently had to be amended whenever a line item went over budget.
12 She proposed having seven categories (funds) and requiring amendments be brought to the board
13 whenever one of the categories was over budget as opposed to each line item.

14
15 Ms. Reilly reviewed the amendments to the budget with the board. She noted that five cities had not paid
16 dues and Highland City had informed the League it would not be paying dues to ULCT although it was
17 paying member rates when its members attended training. She also mentioned attendance had been good
18 at League events increasing that particular revenue line item.

19
20 Kyle LaMalfa commented Salt Lake City Mayor Becker had been elected to serve as Chair of the
21 National League of Cities (NLC). He mentioned ULCT was not a member of the NLC. Ms. Reilly
22 reported the membership fee had been paid and was in the budget for next year. Mr. Bullock confirmed
23 ULCT paid its dues to the organization and was an active participant. He reviewed the background on the
24 League's participation in the NLC.

25
26 Steve Fairbanks commented that Sandy City was finding that less and less applied to it when participating
27 with the NLC. He stated the focus appeared to be on issues that were not issues for Sandy, such as inner
28 city issues. He expressed his opinion there was not value for Sandy City to be involved.

29
30 Steve Hiatt expressed his opinion that member rates for training were for dues paying members of ULCT.
31 He suggested nonmember cities attending training should pay nonmember rates. David Church suggested
32 it was important to have well trained officials and encouraged participation in Newly Elected Officials
33 training. He commented there was a benefit to keep them involved and to bring them back. Mr. Bullock
34 reported the League worked with struggling cities for the first year and then if it continued the cities were
35 told they needed to be members to participate at the member rate.

36
37 Steve Hiatt moved to **approve** the amendments as presented in the staff report. Steve Pruden **seconded**.
38 The motion **passed** unanimously.

39 2014-2015 Final Budget

40
41
42 Michelle Reilly presented the proposed final budget to the board. Ken Bullock mentioned the Legislature
43 appropriated grant funding for building a web based curriculum for planning and zoning commissioners
44 to participate in online certification. He stated the development of the program was in its very beginning
45 and would take several years to develop. He continued there was a lot of work to be done and it would be
46 different for different areas of the State so there were a lot of questions still to be answered. Ms. Reilly
47 indicated the revenue and expenditure was projected in the proposed budget. Nick Jarvis explained the
48 expenses associated with creating databases and maintaining them. Mr. Bullock added a database was
49 used for all transportation data and it helped show legislators the realities of the funding issues.

1 Margaret Black asked about how the League was adjusting to the loss of revenue associated with the loss
2 of the donation from the Utah Local Governments Trust. Ms. Reilly explained that staff had
3 conservatively projected revenues and received a few additional donations. She stated staff was preparing
4 a counterproposal to resolve the issues with the Trust. She added that the Trust was providing the
5 League's liability insurance so there was still a business relationship just not a partnership. Mr. Bullock
6 explained the Trust had severed its relationship with the League by choosing not to pay its sponsorship
7 fee because it wanted to go a different direction. He stated the League had established the Trust almost 40
8 years ago. He further explained the League's history with the Trust and the current concerns.
9

10 Len Arave moved to **approve** the 2014-2015 final budget. Margaret Black **seconded**. The motion **passed**
11 **unanimously**.

12
13 The board thanked staff for its work on the preparing the budget.

14 Discussion on Outside Work for ULCT Lobbyists

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16
17 Lynn Pace stated from time to time there had been questions about outside work being taken on by staff
18 members. He continued there were staff members who were extremely qualified and it would be
19 impossible to pay them their worth to work for the League exclusively. He explained that the League
20 allowed staff members to contract services to outside clients in order to keep their talents at the League as
21 long as there was not a conflict of interest with League priorities. He indicated there was a disclosure
22 form used by staff members to identify potential conflicts. Ken Bullock reviewed how the disclosure form
23 worked to help balance interests for outside clients. He said he met regularly with staff members to
24 review the disclosures and none of the current outside clients had an impact on local government. He also
25 indicated the number of clients was limited and manageable and discussions were held about how much
26 time would be spent on work for other clients during the legislative sessions.
27

28 Kyle LaMalfa expressed concern about staff members using personal relationships with members of the
29 League to influence municipal policy on behalf of their clients. He suggested tightening up the policy to
30 explicitly say that League staff not lobby membership on behalf of personal clients. Mr. Bullock stated
31 that was an easy thing to do and would not be a problem. Mr. LaMalfa also suggested a policy be
32 considered on how League staff dealt with special service districts that might span multiple cities and
33 might put one city against another on behalf of a client, such as with water issues. Mr. Bullock stated
34 there was no staff member with a relationship with a special service district. Mr. LaMalfa expanded the
35 suggestion to include on behalf of a client that might have a relationship with a special service district.
36 Mr. Bullock stated he would be happy to prepare a policy for the board's review on the issue.
37

38 Lynn Pace stated when he had questions about what a staff member was doing he approached Mr.
39 Bullock for information. He explained the particular incident that occurred in Salt Lake City and how he
40 addressed the matter with Mr. Bullock and the problem was resolved. Mr. Pace indicated a policy could
41 be drafted but it may not address every issue and asked each board member to make sure and visit with
42 the executive officer or Mr. Bullock if there were a problem. Jim Ortler asked where the language would
43 be changed. Mr. Pace indicated it would likely be changed on the disclosure statement signed by the staff
44 member. Mr. Ortler expressed complete confidence in Mr. Bullock's ability to manage conflicts of
45 interests.
46

47 Roger Tew stated for the record that he and Jodi Hoffman were not employees of the League and never
48 had been.
49

1 Len Arave mentioned he also had been approached about a lobbying issue but he believed it had been
2 addressed. Mr. Bullock added he did not have any outside clients and when he lobbied it was specifically
3 in the League's interests.
4

5 Mr. LaMalfa asked the board how it felt about providing services for special service districts not being
6 allowed. He described an example of a possible conflict associated with a special service district. Steve
7 Pruden suggested it wouldn't be possible to put every scenario into the policy. He recommended
8 delegating the responsibility to the executive director and trusting him to enforce the policy. Len Arave
9 asked if the lobbying responsibilities were public information. Mr. Bullock said it was public and was
10 reported on the Lieutenant Governor's website. Mr. LaMalfa confirmed the disclosure statement would be
11 modified. Mr. Bullock responded he would take care of amending the disclosure statement.
12

13 John Curtis returned to the meeting at 12:45 p.m.
14

15 Gary Gygi left the meeting.
16

17 **Closed Session**
18

19 Kyle LaMalfa moved to **adjourn to a Closed Session** at 1:08 p.m. for the purpose of a strategy session to
20 discuss the character, professional competence, or physical or mental health of an individual in
21 accordance with Utah Code Ann. § 52-4-204 and §52-4-205(1)(a). Lynn Pace **seconded**. The motion
22 **passed** upon the following vote: Voting AYE – Board Members Len Arave, Andy Beerman, Margaret
23 Black, John Curtis, Steve Fairbanks, Caitlin Gochnour, Steve Hiatt, Kyle LaMalfa, Sonja Norton, Jim
24 Ortler, Lynn Pace, Steve Pruden, Dave Sakrison, Jim Young. Voting NO – None. *Board Member Gary
25 Gygi was not present for the vote.*
26