CONDUCTING: Caitlin Gochnour, ULCT President

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

EXCUSED
Mayor JoAnn Seghini, Midvale City Treasurer

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

Jim Ortler moved to have staff prepare an amendment to the ULCT Constitution and Bylaws limiting members of the board to three consecutive terms. Kyle LaMalfa seconded but asked that the motion be amended to include direction to find a less cumbersome way to change the constitution and bylaws.

Margaret Black stated it was important to have a cumbersome process to change the constitution. Mr. Church indicated the constitution and bylaws were last amended in 1984. He suggested there might be more that needed to be updated than just the items currently being discussed. Sonja Norton suggested the board members see the proposed amendments before they were asked to vote on them in September. Mr. Church stated he could provide the amendments however the board members desired. He reviewed the various methods allowed by the constitution. Steve Fairbanks asked the motion include a broader review of the constitution for any other amendments that might be necessary. Jim Ortler amended the motion to include direction to find a less cumbersome way to change the constitution and bylaws as well as a thorough review and update of the documents. The second concurred with the amendment. The motion passed unanimously.

Video Stories and ULCT Essay Contest

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

ULCT Essay contest

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

Legislative Policy Process

Policy Principles & Process Overviews

Mr. Shurtz stated there had been a lengthy discussion at the previous board meeting about how the League came up with its legislative policy. He continued staff prepared an articulation of its policy process and was presenting it to the board for review and discussion. He reviewed the mission statement, principles and policies used to determine the positions taken by the League. He stated positions were
categorized as 1) proactively support, 2) support, 3) neutral, 4) oppose, and, 5) no position. The position piece is what the Legislative Policy Committee (LPC) did when it voted on a position for a particular piece of legislation. He acknowledged that sometimes the LPC didn’t have all the information and that responsibility was incumbent upon the League staff.

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

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

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

Jim Ortler expressed concern that the LPC was not representative but rather heavily weighted to northern Utah cities. He added it was difficult for members in southern communities to participate in LPC decisions because some of them had to happen quickly and it was unlikely those members could get to Salt Lake quick enough for a vote. Cameron Diehl responded the League staff had tried to provide opportunities for all communities to participate whether by phone or some other medium and weighted votes from those communities even if they came in after the meeting. Mr. Bullock added the League’s history provided it with a good sense of what was important to which communities. Jim Ortler reiterated that from time to time things came up at LPC quickly and were voted on before all the members could weigh in. Mr. Bullock commented that staff heard regularly it was driving LPC agendas but what some members didn’t understand was how much effort was put into getting the right information out in the right timeframe. He added if it were done carelessly it could potentially cripple the organization. Mr. Shurtz added staff tried to bring the entire context on issues to LPC meetings from the perspective of all of its members. Mr. Shurtz explained that items move very quickly towards the end of the session and the
League staff needed to better anticipate that and apply its principles. He stated it was important to recognize the political process and that often legislators tie issues together, for example, this year transportation would be tied to how education was funded. He expressed his hope that League staff would have some flexibility to deal with those issues. Mr. Curtis applauded the staff’s efforts to prepare a guiding document and acknowledged there was tremendous trust in the staff. He stated it would be helpful to include a communication mechanism so that as issues shift there was a general sense of what was coming. Mr. Bullock said that was an easy thing for staff to work on. Steve Fairbanks observed communication with constituents was always an issue because no matter what was done, the public was never satisfied. He added that was just the nature of communication. Mr. Shurtz acknowledged that League staff was trying to utilize the website and other tools to get information out to its members.

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

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

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

LUTF Update and Summary - postponed

Legislative Issues - postponed

Board Training and Responsibilities
David Church explained the Board of Directors governed the League. He added the League’s constitution provided for an executive position and an executive committee and laid out the duties of each. He stated the Board of Directors was primarily responsible for setting policy, budget and developing overall policy for the League. He explained the board consisted of twelve members, who were duly elected officials, that had then been elected by the membership from various regions. He noted one member of the board must be from a town. He continued the executive committee consisted of the president, 1st vice president, 2nd vice president and immediate past president. He stated the duties of the executive committee were to act for and in place of the board on issues between board meetings, subject to ratification of the board. He continued the board’s duties were to ratify or nullify the decisions of the executive committee and the
LPC. He also stated the constitution provided a process where the membership, as a whole, could take
positions and establish policies and that process was a resolution process. He informed the members of
the board of their duties which included the right to vote, budget and choose an executive director. He
also stated there was a voting process established for amending the constitution. He reviewed that process
with the board. He also mentioned there was a minimum number of meetings that must be held each year
by the Board of Directors, but no maximum.

**ULCT Year End Financial Report**

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

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

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

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

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

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

**2014-2015 Final Budget**

Michelle Reilly presented the proposed final budget to the board. Ken Bullock mentioned the Legislature
appropriated grant funding for building a web based curriculum for planning and zoning commissioners
to participate in online certification. He stated the development of the program was in its very beginning
and would take several years to develop. He continued there was a lot of work to be done and it would be
different for different areas of the State so there were a lot of questions still to be answered. Ms. Reilly
indicated the revenue and expenditure was projected in the proposed budget. Nick Jarvis explained the
expenses associated with creating databases and maintaining them. Mr. Bullock added a database was
used for all transportation data and it helped show legislators the realities of the funding issues.
Margaret Black asked about how the League was adjusting to the loss of revenue associated with the loss of the donation from the Utah Local Governments Trust. Ms. Reilly explained that staff had conservatively projected revenues and received a few additional donations. She stated staff was preparing a counterproposal to resolve the issues with the Trust. She added that the Trust was providing the League’s liability insurance so there was still a business relationship just not a partnership. Mr. Bullock explained the Trust had severed its relationship with the League by choosing not to pay its sponsorship fee because it wanted to go a different direction. He stated the League had established the Trust almost 40 years ago. He further explained the League’s history with the Trust and the current concerns.

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

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

**Discussion on Outside Work for ULCT Lobbyists**

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

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

Mr. Bullock stated he would be happy to prepare a policy for the board’s review on the issue.

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

Roger Tew stated for the record that he and Jodi Hoffman were not employees of the League and never had been.
Len Arave mentioned he also had been approached about a lobbying issue but he believed it had been
addressed. Mr. Bullock added he did not have any outside clients and when he lobbied it was specifically
in the League’s interests.

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

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

Gary Gygi left the meeting.

**Closed Session**

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