

UTAH LEAGUE OF CITIES AND TOWNS

Legislative Policy Committee

February 26, 2018



Week 4-5 overview

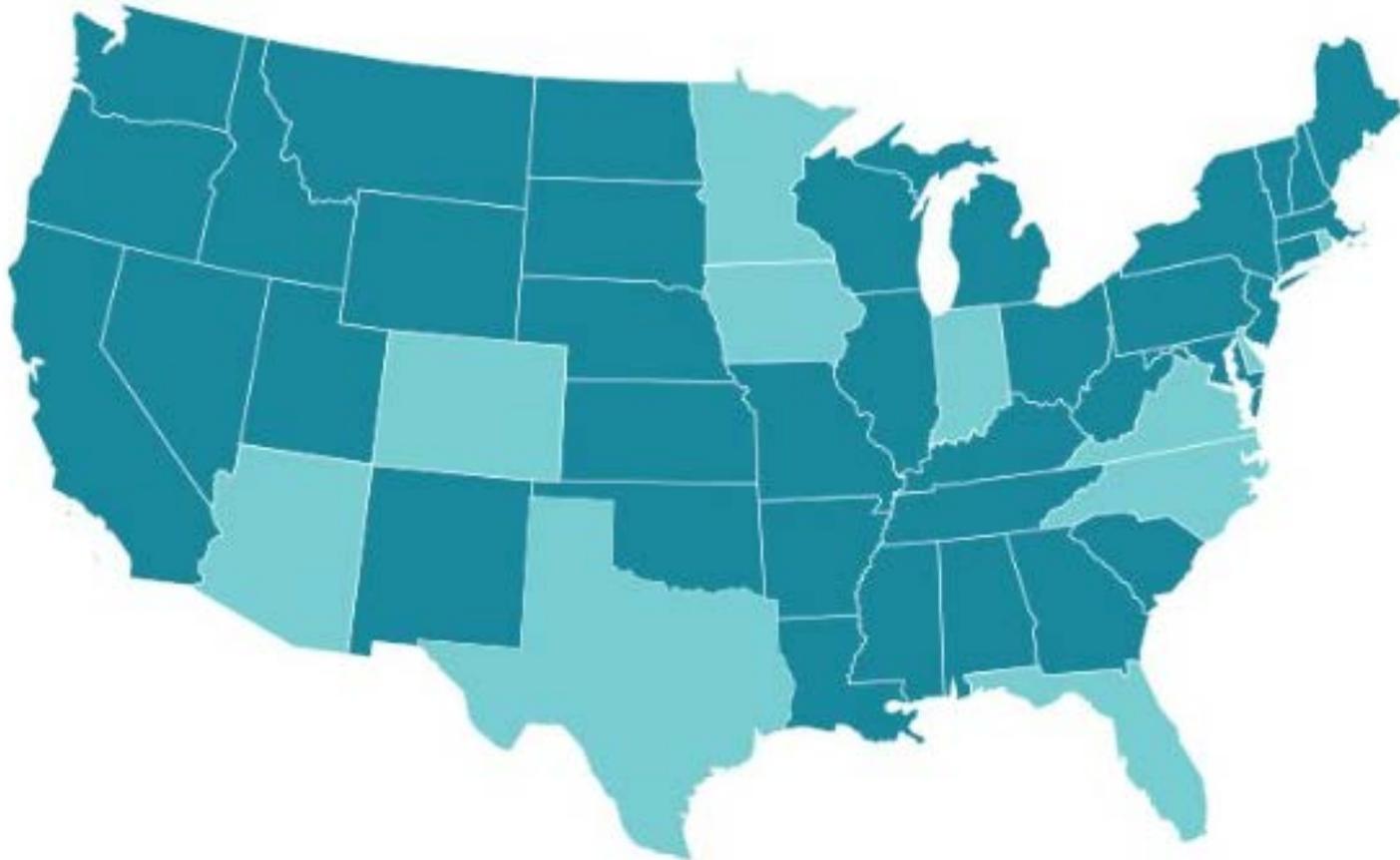
1400+ bills so far

277 tracked by ULCT

Actively worked on:

- S.B. 52 Sale of State Land Act
- S.B. 120 Local Government Fees and Taxes Amendments
- S.B. 136 Transportation Governance Amendments
- S.B. 154 Prohibition on Law Enforcement Quotas
- S.B. 155 Towing Amendments
- S.B. 158 Municipal Business Licensing
- S.B. 167 Food Truck Regulation Amendments
- S.B. 189 Small Wireless Facilities Deployment Act
- S.B. 192 Retail Bag Impact Reduction Program
- S.B. 204 Secondary Water Metering Requirements
- S.B. 206 Local Public Safety and Firefighter Surviving Spouse Trust Fund Amendments
- S.B. 218 Container Regulation Act
- H.B. 79 Private Attorney General Doctrine
- H.B. 124 Water Holdings Transparency and Accountability Amendments
- H.B. 135 Extraterritorial Jurisdiction Amendments
- H.B. 175 Oversight Committee Creation
- H.B. 203 Nighttime Highway Construction Noise Amendments
- H.B. 225 Initiatives, Referenda, and Other Political Activities Act
- H.B. 248 Compensatory Service in Lieu of Fines
- H.B. 250 Building permits and impact fees
- H.B. 256 Electric Service District
- H.B. 259 Moderate income housing
- H.B. 265 Body Cam Amendments
- H.B. 268 Off-duty Employment of Law Enforcement Officers
- H.B. 279 Design Professionals Liability Amendments
- H.B. 303 Drinking Water Source Sizing Requirements
- H.B. 336 Fine Amendments
- H.B. 346 Local Government Building Plan Review
- H.B. 361 Billboard Amendments
- H.B. 373 Waste Management Amendments
- H.B. 377 Land Use Amendments
- H.B. 430 Affordable Housing Amendments
- H.B. 462 Homeless Services Amendments

States with small cell legislation since summer 2017



14 states have passed laws to preempt local government over rights of way with more to come in 2018

Sen. Bramble wants to find consensus between small cell industry and local gov't

Homeless resource centers in Utah, 2019

- Half of Utah's population lives in counties without homeless resource centers
- Midvale: one center, 300 beds (state mandated to open year round)
 - Midvale: 34,000 residents; Salt Lake County: 1.12 million people
- Ogden: one center, 105 beds
 - Ogden: 85,000 residents; Weber County: 250,000 people
- Salt Lake City: two centers of 200ish beds (state mandated change to current situation of one large center)
 - Salt Lake City: 190,000 residents; Salt Lake County: 1.12 million people
- South Salt Lake: one center, 200ish beds (state mandated)
 - South Salt Lake: 25,000 residents; Salt Lake County: 1.12 million people
- St. George: one center, 64 beds
 - St. George: 81,000 residents; Washington County: 160,000 people

Show the 5

- Survey questions:
- Willing to send \$ to O&M?
- Willing to send \$ to 5 cities?

- No revenue offset

- Inside/outside building

HB 175 update... since we last chatted

United with the Utah Association of Counties, Utah School Boards Association, and Utah Association of Special Districts to create joint talking points that we distributed to House

Created an anti-175 video with local elected officials that we spread through social media

Appeared on Inside Utah Politics, County Seat, and in Deseret News

Full court press with House members

Utah House shoots down bill to create legislative oversight committee

By Katie McKellar, KSL | Posted Feb 22nd, 2018 @ 9:13am

How many of you contacted your Representatives?

Did you share the talking points?

Did you see/share the video?

Did you follow the live tweeting?



From one legislator's blog and the Deseret News:

Our Oversight Committee proposal was panned by the Utah League of Cities and Towns who effectively lobbied a majority of representatives to stick a knife in the bill. The bill has since had the knife pulled out of its heart and is being resuscitated after the city provisions are amputated from the bill language.

But most lawmakers sided with the bill's opponents, including the Utah League of Cities and Towns and Gov. Gary Herbert's office, with both of whom worrying it would create an unnecessary layer of government to oversee local jurisdictions.



20-54 vote on Wednesday, uncircled on Thursday

20 aye votes

[Christofferson, K.](#) [Coleman, K.](#) [Daw, B.](#) [Fawson, J.](#) [Gibson, F.](#)
[Greene, B.](#) [Grover, K.](#) [Hughes, G.](#) [Ivory, K.](#) [Knotwell, J.](#)
[Last, B.](#) [McCay, D.](#) [Noel, M.](#) [Peterson, J.](#) [Peterson, V.](#)
[Roberts, M.](#) [Schultz, M.](#) [Spendlove, R.](#) [Stratton, K.](#) [Wilson, B.](#)

[Acton, C.K.](#) [Albrecht, C.](#) [Arent, P.](#) [Barlow, S.](#) [Briscoe, J.](#)
[Brooks, W.](#) [Chavez-Houck, R.](#) [Chew, S.](#) [Christensen, L.](#) [Cutler, B. R.](#)
[Duckworth, S.](#) [Dunnigan, J.](#) [Edwards, R.](#) [Eliason, S.](#) [Froerer, G.](#)
[Hall, C.](#) [Handy, S.](#) [Hawkes, T.](#) [Hollins, S.](#) [Hutchings, E.](#)
[Kennedy, M.](#) [King, Brian S.](#) [Kwan, K.](#) [Lisonbee, K.](#) [Maloy, A.C.](#)
[McKell, M.](#) [Miles, K.](#) [Moss, C.](#) [Moss, J.](#) [Nelson, M.](#)
[Owens, D.](#) [Perry, L.](#) [Pitcher, D.](#) [Potter, V.](#) [Poulson, M.](#)
[Pulsipher, S.](#) [Quinn, T.](#) [Ray, P.](#) [Redd, E.](#) [Robertson, A.](#)
[Romero, A.](#) [Sagers, D.](#) [Sandall, S.](#) [Seegmiller, T.](#) [Snow, V. L.](#)
[Thurston, N.](#) [Ward, R.](#) [Watkins, C.](#) [Webb, R. C.](#) [Weight, E.](#)
[Westwood, J.](#) [Wheatley, M.](#) [Wilde, L.](#) [Winder, M.](#)

54 nay votes





Utah's Operation Rio Grande costs \$300,000 a month in overtime pay for cops

Officials are still pondering a \$21 million shortfall



HB 462: inside the building; Davis: outside the building

Rep. Eliason:

- **\$3.3 million total city assessment**
 - \$12 million estimated O&M need for 4 SL County shelters; cities = 25%
- **Purpose:** supplement Road Home O&M
- **Formula:** based on inventory of very low income or affordable housing in city
 - More low income housing = smaller fee
 - Less low income housing = greater fee
 - Use 10% set aside, other funds
- **Mechanism:** divert local option 1%
- **Adjustments:** Cities w/qualifying shelters pay \$0; CDBG credit; cap on each contribution of \$200,000

Sen. Davis:

- **\$3.6 million in ongoing approp. request**
 - Law enforcement, fire, paramedics
- **Purpose:** Public safety mitigation in South Salt Lake & Midvale due to state mandated shelters
 - SLC and Ogden (St. G?) could qualify later
- **Formula:** divert 1.75% (\$5.3 mill)
 - Every city would contribute toward mitigation by a portion of 50% pop.
- **Mechanism:** Divert local option 1%
- **Adjustments:** none



ULCT questions on Eliason and Davis bills: SURVEY

- Should the state mandate that cities and towns contribute financially to addressing homelessness?
 - Should the state exact money from cities and towns, particularly in a year with a \$581 million surplus of state revenue?
- If so, should all cities and towns contribute?
 - If not all cities and towns, then who decides who should pay and who should not pay?
 - Formula/adjustments?
- If so, what is the **objective** for the city and town financial contribution?
 - Should cities and towns contribute to cities who the state mandated to house homeless resource centers? What about other cities with HRCs?
 - Should cities and towns contribute to the O&M of the facilities?
- If so, what is the **mechanism** for the city and town financial contribution?
 - Both bills use local option 1% sales tax

SB 136 since we last chatted

.15% state sales tax dedicated to TTIF: Transit Transportation Investment Fund

5th county imposed local option quarter cent for transportation

- *Must impose all quarters by 2022 or authority disappears*
 - *Previous version of the bill would have reverted outstanding quarters to the state*
- *Within the UTA counties, up to .45 for roads and up to .85 for transit (.7 for transit debt service)*

Registration fees for electric and hybrid vehicles are increased

- .15 will likely stay in the bill for now
- 5th quarter will likely come out
 - 2018 interim: on four quarters, bond obligations, & transit equalization (plus rules)
- Likely return to “use them or lose them” on existing 4 quarters (1.05)
 - **Box Elder: 1st quarter, 2nd quarter**
 - **Davis: 1st quarter, 2nd quarter, 4th quarter**
 - **Salt Lake: 1st quarter, 2nd quarter, 3rd quarter**
 - **Tooele: 1st quarter, 4th quarter**
 - **Utah: 1st quarter, 2nd quarter, 3rd quarter**
 - **Weber: only UTA county to impose all 4 qtrs**
- Reg. fees for Evs/hybrids likely to increase



HB 225: Initiative, Referenda, & other political activities

- ULCT work group, started in Dec 2016
 - Elected officials, administrators, clerks, attorneys, counties, Lt. Governor's staff
- Clarified timeline
 - Fiscal/legal impact, for/against arguments, signature gathering, clerks, pamphlets, dates
- Clarified when the communication restrictions on the public entity begin
- Adjudication of referability at beginning of process with codified standards
- Signature requirements based on “active voters” rather than turnout
- Codified policy objective of “equal access”
- Clarified ability of city to respond to questions about referendum without violating state law
- Many hostile amendments avoided



S.B. 120 Local Government Fees and Taxes Amendments

83 **11-26-301. Definitions -- Limitation on imposition of transportation utility fee.**

84 (1) As used in this section:

85 (a) (i) "Legal subdivision" means a local government that is recognized by Utah
86 Constitution, Article XI.

87 (ii) "Legal subdivision" does not include a local government that Utah Constitution,
88 Article XI, only authorizes the Legislature to create.

89 (b) "Municipality" means the same as that term is defined in Section [10-1-104](#).

90 (c) "Transportation utility fee" means an ongoing, regular fee or tax imposed:

91 (i) by a municipality for the purpose of maintaining public roads; and

92 (ii) on utility customers within the municipality.

93 (2) A municipality may not impose a transportation utility fee on a legal subdivision.

94 (3) This section does not grant to a municipality any authority not otherwise provided
95 for by law to impose a transportation utility fee.



HB 361: Billboard Amendments ... since we last chatted

- If billboard owner wants to rebuild, repair, relocate, or modify billboard, then make request of city
- To deny, a city has 90 days to use the eminent domain process
 - Compensation, due process
- Response to Salt Lake City litigation
- Opens door to “modifying” billboards
- Salt Lake City created a ULCT counter proposal for a process to acquire a billboard without using eminent domain
- Billboard industry considering the counter proposal