

**Utah League of Cities and Towns**  
**Legislative Policy Committee Minutes – March 5, 2018, 12:00 p.m.**  
**Utah State Capitol (and USU webcast)**

- 1. Welcome, introductions, logistics, and adoption of February 12, 2018 minutes**
  - ULCT Vice President Jon Pike welcomed the LPC and the group approved the minutes from February 26<sup>th</sup>, 2018.
- 2. Week 6 recap**
  - ULCT Director of Government Relations, Rachel Otto, briefed the committee on the previous week. The legislature had 1400 bills numbered and ULCT staff tracked 295 of those with 3 days remaining. She and ULCT Executive Director, Cameron Diehl, emphasized that many of the priority bills are in constant flux and ULCT staff will maintain contact with the ULCT Board of Directors and as many members are possible.
- 3. S.B. 189 Small Wireless Facilities Deployment**
  - ULCT Senior Policy Advisory, Roger Tew, updated the LPC on the status of the small cell wireless facility legislation. He explained the legislation's process and stated that there are still some changes to be made before the bill is finalized. The bill states that wireless providers have the right to install small wireless facilities and utility poles within the right of way (per federal law) and collocate small wireless facilities on non-electrical municipal power poles. Municipalities are required to recognize small wireless facilities in the right of way as a permitted use in all zones and districts (adhering to a strictly administrative process). The legislation defines a small wireless facility as consisting of an antenna of 6 ft<sup>3</sup> or less, ground of equipment of 28 ft<sup>3</sup> or less, and is collocated or installed on a utility pole no taller than 50 ft with a potential addition of 10ft for an antenna).
  - Tew further explained that municipalities gain several powers of regulation including heightened design standards in historic and underground districts, limiting new utility poles in the right of way, adopting reasonable nondiscriminatory design standards, denial of permits for articulable public safety reasons, and requiring indemnification/insurance/bonding agreements before right of way work. The legislation also codifies several fee rates:
    - i.* an annual right of way access rate of 3.5% of gross revenue (from the Municipal Telecommunications License Tax) or \$250 per small wireless facility, whichever is greater;

- ii.* an annual authority pole attachment rate of \$50 per collocated small wireless facility per authority pole;
  - iii.* application fees of \$100 per collocated small wireless facility, \$250 per utility pole with a small wireless facility, and \$1,000 per non-permitted use.
- Roger Tew also reviewed several other details of the legislation including application limits and shot clocks. The LPC voted to take a position of support on SB 189.

#### **4. H.B. 361 Billboard Amendments**

- Layton City Attorney Gary Crane briefed the LPC on the origins of HB 361. He expressed several concerns about the usage of the eminent domain process in the bill. As it's currently written, it would be very difficult for government entities to purchase billboard property. Crane stated that ULCT proposed a different process and it was rejected. He recommended that as long as Title 78 is used in the legislation, the ULCT should maintain opposition to the bill.

#### **5. S.B. 136 Transportation Governance Amendments**

- Cameron Diehl updated the committee on the transportation funding component of SB 136. In the new process, the state will increase all vehicle registration fees by \$10 (with dedicated funding going to the Transit Transportation Investment Fund (TTIF)). The State will also phase in a usage fee for electric vehicles. For local funding, counties will have another opportunity to impose the 3<sup>rd</sup> and 4<sup>th</sup> sales tax quarters. If counties impose the quarters before June 30<sup>st</sup> of 2019, the county receives 100% of the revenue until June 30, 2019 to fund debt service or regionally significant projects. If the county imposes it between July 1<sup>st</sup> of 2019 and June 30<sup>th</sup> of 2020, .10 goes to cities, .10 goes to transit, and .05 goes to counties per the previous HB 362 language. After July 1<sup>st</sup> of 2020, cities may impose the quarter with .125 going to cities and .125 going to transit.

#### **6. Homelessness Funding Bills**

- Cameron Diehl updated the committee on the status of the two homeless services bills. He prefaced the discussion by explaining that ULCT conducted a poll among LPC members to confirm the ULCT policy position on the legislation. He emphasized that in every meeting with leadership members and the governor's office, ULCT has been told that one of the bills will pass. He stated that the option to uncompromisingly oppose both bills remains but it will carry political consequences. Mayor Pike reiterated that leadership had told him a bill will pass.

- Diehl explained that SB 235 aims to generate \$2.5 million in FY 2019 and \$5 million in FY 2020 with the purpose to have cities help contribute to the impact of public safety in the five cities that have homeless shelters. The formula diverts 1.7% (or \$200,000, whichever is less) of the 50/50 sales tax distribution. Cities would have the option to impose a .0135 local sales tax or divert RDA/CRA set aside costs. The money would go towards a fund where cities with shelters could apply to reimburse demonstrated public safety costs.
- Diehl also explained the changes to HB 462 Homeless Services Amendments. HB 462 seeks to supplement operations and maintenance costs for the Road Home shelter. The formula would be based on inventory of low income and affordable housing in each city. Cities with more affordable housing would pay a smaller fee. Cities with less affordable housing would pay a greater fee. Cities may use the 10% set asides from RDA/CRA funds.

## **7. Our Schools Now**

- Spenser Heaps from The Our Schools Now initiative spoke to the LPC about a potential compromise. He explained that legislative leadership did not want an income tax increase per the ballot initiative. Instead, they were willing to put a non-binding question on the ballot to increase the gas tax, raising approximately \$24 million in new B&C road funds. The increase in road funding would offset a state portion of general funds used to pay for roads and restore it to local schools and higher education.

## **8. S.B. 234 Utah Inland Port Authority**

- Cameron Diehl briefed the LPC on the ongoing discussions with SB 234 Inland Port Authority. He explained that the bill would create a new political subdivision – the Inland Port Authority Board that would act as the governing body for the northwest quadrant of Salt Lake City. It would also create a new land use review standard, a significant change for land use appeals. The board would have nine members, three of which are from Salt Lake City. The authority would also capture a portion (5%) of the tax increment. Diehl stated that the bill has been the genesis of a wide variety of bills this session. Salt Lake City has not yet endorsed the bill and negotiations are ongoing. He emphasized that ULCT stands by Salt Lake City and longstanding ULCT policy to oppose any land use/ tax authority preemption that occurs without the consent of the city. Diehl also reiterated that ULCT has not ‘sounded the alarm’ because staff is

providing space for Salt Lake City and the private property owners to find consensus.

**9. Ratify staff positions**

- The LPC ratified recommended staff positions.

**10. Adjourn**

- The LPC adjourned.