

UTAH LEAGUE OF CITIES & TOWNS
BOARD OF DIRECTORS MEETING
50 SOUTH 600 EAST, SUITE 150, SALT LAKE CITY, UT 84102 & VIA ZOOM
MONDAY, JANUARY 7, 2019 @ 9:00 AM
(TIMES ARE APPROXIMATE)

- 1. Welcome and Introductions – Mayor Jon Pike, ULCT President** **9:00 AM**
- 2. Conflict of Interest Disclosure – Mayor Jon Pike, ULCT President** **9:05 AM**
ACTION: Disclosure of any potential conflict of interest with agenda items
HANDOUT: None
- 3. ULCT Board & Commission Reports & Appointments – Mayor Jon Pike, ULCT President** **9:08 AM**
ACTION: Receive reports from ULCT representatives to Boards & Commissions
HANDOUT: None
- 4. Review & Approval of Check Registers – Nick Jarvis, Chief Operating Officer** **9:10 AM**
ACTION: Review & Approval of November Check Register
HANDOUTS: [November 2018 Check Register](#)
- 5. Annual Convention Recommendation – Cameron Diehl, Executive Director** **9:20 AM**
ACTION: Review and approval of Annual Convention location and date
HANDOUT: [Memo on Annual Convention](#)
- 6. Local Officials’ Day at the Legislature – Susan Wood, Director of Communications** **9:35 AM**
ACTION: For information only
HANDOUT: [Local Officials’ Day Tentative Agenda](#)
- 7. ULCT Communication Plan & Update – Cameron Diehl, Executive Director
& Susan Wood, Director of Communications** **9:50 AM**
 - Board to Members
 - ULCT Advocacy & OutreachACTION: For information & feedback
HANDOUT: [Myth Busters Video](#)
[Mayor Jenney Rees Video](#)
- 8. Amicus Brief Subgroup – Cameron Diehl, Executive Director** **10:15 AM**
ACTION: Review and approval of subgroup process
HANDOUT: [Memo on Amicus Brief Subgroup Process](#)
- 9. Key Legislative Issues – Rachel Otto, Director of Government Relations
& Cameron Diehl, Executive Director** **10:25 AM**
 - Referendum
 - Sales Tax
 - OthersACTION: For information & feedback
HANDOUT: [Memo on Referendum](#)
- 10. Closed Session (if needed) As per Utah Code 52-4-205** **11:00 AM**
ACTION: Vote required to enter closed session (as per Utah Code 52-4-204)
HANDOUT: None
- 11. Other Business**
ACTION: For Information Only
HANDOUT: None
- 12. Adjourn**

10:50 pm

Utah League of Cities & Towns

Check Register (Checks and EFTs of All Types)

Sorted by Check Number
November 2018 Checks/EFTs

Check Number	Date	EFT #/ Vendor	Name	Discounts	Net Amount
Cash Account #1 [Zions Bank - Checking]					
EFT	11/15/18	2018 11 LEGAL FEES CHU 100	David Church	0.00	3000.00
EFT	11/30/18	NAT FEES NAT 102	National Payroll Systems	0.00	114.65
EFT	11/30/18	2018 11 30 DIRECT DEP NAT 102	National Payroll Systems	0.00	24864.96
EFT	11/30/18	2018 11 30 TAXES NAT 102	National Payroll Systems	0.00	8612.89
EFT	11/02/18	2018 11 UTA 102	Utah State Retirement Fund	0.00	17411.92
EFT	11/15/18	2018 11 15 TAX WITHOLD NAT 102	National Payroll Systems	0.00	8026.14
EFT	11/15/18	2018 11 15 DIRECT DEP NAT 102	National Payroll Systems	0.00	23273.84
EFT	11/15/18	2018 11 15 NAT FEES NAT 102	National Payroll Systems	0.00	114.65
37317	11/15/18	ABB 100	Abby Bolic	0.00	1871.13
37318	11/15/18	ALL 104	Allotech	0.00	4979.00
37319	11/15/18	CAP 103	Capitol Dining Services	0.00	206.64
37320	11/15/18	CAR 100	Carr Printing	0.00	140.00
37321	11/15/18	DOU 100	600 East Partnership	0.00	3000.00
37322	11/15/18	DS 100	DS Accounting Services LLC	0.00	2000.00
37323	11/15/18	EXE 100	Executech		Voided
37324	11/15/18	FIL 100	Access	0.00	220.37
37325	11/15/18	INT 103	Interior Solutions		Voided
37326	11/15/18	JOH 107	John Hiskey		Voided
37327	11/15/18	LEX 100	RELX Inc. DBA LexisNexis	0.00	116.00
37328	11/15/18	MEG 100	Meg Ryan		Voided
37329	11/15/18	PAR 102	Park City Blind & Design		Voided
37330	11/15/18	PEN 100	Penna Powers		Voided
37331	11/15/18	QUE 100	Dominion Energy	0.00	105.93
37332	11/15/18	SPA 100	Spatafore Design	0.00	522.00
37333	11/15/18	SUS 100	Susan Wood	0.00	1983.18
37334	11/15/18	VAN 100	Vanguard Cleaning Systems		Voided
37335	11/15/18	CAM 101	Cameron Diehl		Voided
37336	11/15/18	NIC 100	Nick Jarvis	0.00	2056.34
37337	11/28/18	6TH 100	Sixth East Condo Assoc.	0.00	900.00
37338	11/28/18	CAM 101	Cameron Diehl	0.00	1420.99
37339	11/28/18	COM 100	Comcast	0.00	738.02
37340	11/28/18	EXE 100	Executech	0.00	7616.34
37341	11/28/18	INT 103	Interior Solutions	0.00	40602.82
37342	11/28/18	JOH 107	John Hiskey		Voided
37343	11/28/18	JOH106	John Michael Oliver	0.00	2625.00
37344	11/28/18	MAI 100	MAILFINANCE	0.00	722.72
37345	11/28/18	MEG 100	Meg Ryan	0.00	447.64

10:50 pm

Utah League of Cities & Towns

Check Register (Checks and EFTs of All Types)

Sorted by Check Number
November 2018 Checks/EFTs

Check Number	Date	EFT #/ Vendor	Name	Discounts	Net Amount
37346	11/28/18	PAR 102	Park City Blind & Design	0.00	5581.00
37347	11/28/18	PEH 100	Public Employees Health Program	0.00	300.96
37348	11/28/18	PEN 100	Penna Powers	0.00	1500.00
37349	11/28/18	UTA 104	Utah Taxpayers Associations	0.00	50.00
37350	11/28/18	UTAH 104	Utah Foundation	0.00	2500.00
37351	11/15/18	ZIO 100	Zions Bank	0.00	5188.40
Cash account Total				0.00	172813.53
Report Total				0.00	172813.53



TO: ULCT Board of Directors
FROM: Cameron Diehl, Executive Director
DATE: January 3, 2019
SUBJECT: The future of the ULCT Annual Convention

Back in October, league staff explained to the Board of Directors that we needed to make a decision about the 2020 Annual Convention and beyond. We are under contract for 2019 only at the Salt Lake Sheraton for the Annual Convention in September.

By way of background, the ULCT constitution requires the Board of Directors to fix the date and place of the Annual Convention. For as long as we can recall, the Annual Convention has occurred in September in Salt Lake City. We requested volunteers from the board to work with ULCT staff (me, Director of Communications and Training Susan Wood, ULCT Event Coordinators Aimee McConkie and Nicole Handy) to consider different options. The following board members volunteered: Cedar City Mayor Maile Wilson-Edwards, Salt Lake City Council Member Erin Mendenhall, South Jordan Mayor Dawn Ramsey, and West Valley Council Member Don Christensen. The subgroup met on December 4, 2018.

We discussed the following convention considerations:

- Location
- Venue
- Dates
- Attendee experience
- ULCT revenues and expenditures

ULCT staff prepared information about holding the convention at the Sheraton Hotel in Salt Lake City (per the status quo) or moving the convention to the other two facilities in Salt Lake City that could accommodate our size: the Salt Palace or the Grand America. ULCT is not big enough to use the entire Salt Palace so we would only use a portion of the facility. ULCT staff also researched convention options including the venues in Ogden, Layton, West Valley, Sandy, and Provo and presented them to the subgroup.

We discussed whether our historic dates of the second week in September was critical to keep. September is the busiest time of year for conventions along the Wasatch Front and ULCT is now competing with global conventions for space and hotel rooms. Several venues (including the Salt Palace) cannot confirm a specific date for ULCT indefinitely into the future. Instead, the Salt Palace would work with league staff to find a date each year in late September or October. We also chatted about transportation access, parking, hotel rooms for attendees outside of the Wasatch Front, and the appeal of having the convention in the capital city with access to the Capitol Theater and other amenities.

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Finally, we discussed the different costs of each venue and location and whether a particular venue or location would encourage or discourage attendance because of convenience or access. We discussed how to maximize other revenue opportunities at a larger facility, such as sponsorships and exhibitors. For example, we have more exhibitors at our Midyear Conference at the Dixie Center in St. George than we do for our Annual Convention at the Sheraton Hotel in Salt Lake City. As such, we have more opportunities to enhance revenue from Midyear than we do currently at Annual. The Salt Palace would provide tremendous space for more exhibitors, workshops, and other valuable amenities for attendees.

Subgroup recommendation:

The subgroup unanimously endorsed moving the convention from the Sheraton Hotel to the Salt Palace in 2020 which would keep the convention in Salt Lake City. The subgroup also endorsed the date flexibility and uncertainty that would come with the Salt Palace. ULCT staff would work annually with the Salt Palace months in advance to confirm the convention dates in late September or October.



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ULCT Annual Meeting 2020?



Annual Convention Options for 2020

Venue	Sheraton, Salt Lake City	Salt Palace Convention Center, Salt Lake City	Davis Conference Center, Layton OR Ogden Eccles Conference Center	Utah Valley Convention Center, Provo
Date Availability	Second week of September	Sept. 23-25, 2020 (Wed - Fri) **Will vary each year within the months of September-October	Dedicated date in September or October for upcoming years	Dedicated date in September or October for upcoming years
Exhibit Space	Lobby and halls of hotel	Dedicated exhibit space Capacity: unlimited	Dedicated exhibit space Capacity: 100+	Option to put all exhibitors on 3rd floor in dedicated exhibit space or spread throughout hallways. Capacity: 80
Hotel Availability	Room block at Sheraton and Crystal Inn	Rooms blocks available at the Raddisson and Plaza Hotel	Room blocks available at close hotels	Room blocks available within walking distance at Provo Marriott and brand-new Hyatt
Food Options	In-house (F&B minimum \$180,000)	Utah Food Services (F&B Minimum \$130,000)	In-house	In-house
Audio-Visual	PSAV (in-house)	Option to use various contractors	In-house	In-house
Cost of Facility	Facility free with \$180,000 F& B minimum)	Facility rental free or minimal with food and beverage minimum of \$130,000.	Discounted facility rental with food and beverage and AV minimum	Discounted facility rental with food and beverage and AV minimum

Salt Palace Convention Center: September 23-25, 2020



Radisson & Plaza Hotel



Aerial of Salt Palace



**DAY
PARKING**

**PLAZA
HOTEL**

RADDISON

**ENTRANCE/
Mezzanine
with
registration
(Level 2)**

**EXPO
HALL
Level 1**

**General
Sessions/
Breakouts
(Levels 2/3)**

Salt Lake Te

Salt Palace Convention Center

PROS

- More space for exhibitors, general, and breakout sessions.
- Lower Food & Beverage Minimum, which allows for flexibility with dinner venues.
- Better Food and Beverage.
- Save money by contracting with competing audio visual companies.

CONS

- Variable date in either September or October from year to year.
- West area of Salt Palace is on several levels; exhibitors will not be as close to breakouts and general sessions (similar to mid-year).
- Hotels detached, although within close walking distance.



Registration Open

January 30, 2019

Utah State Capitol
Salt Palace Convention Center

Tentative Agenda

7:15 - 8:30 am Hall of Governors, Utah State Capitol Pick up Credentials / Continental Breakfast

8:00 - 9:00 am Session 1

- A - Mock Committee Hearing - Banning Cell Phones While Driving
- B - Taking the "Dis" out of Civil Discourse / How to disagree without being disagreeable
- C - Your Voice for Change / How to maximize your message through the media
- D - Round Table Discussions
- E - Capitol Quest Competition

9:15 - 10:15 am Session 2

- A - Mock Committee Hearing - Banning Cell Phones While Driving
- B - Taking the "Dis" out of Civil Discourse / How to disagree without being disagreeable
- C - Your Voice for Change / How to maximize your message through the media
- D - Round Table Discussions
- E - Capitol Quest Competition

10:30 - 11:30 am Session 3

- A - Mock Committee Hearing - Banning Cell Phones While Driving
- B - Taking the "Dis" out of Civil Discourse / How to disagree without being disagreeable
- C - Social Media and Data Collection
- D - Capitol Quest Competition

10:45 - 12:00pm Salt Palace Ballroom AC
ULCT Delegates Legislative Preview

10:45 - 12:00pm Lunch
Remarks from Governor Gary Herbert, ULCT President / St. George Mayor Jon Pike
ULCT Exec. Dir Cameron Diehl, Silicon Slopes Clint Betts

Registered youth council attendees will receive free admission to the 2019 Tech Summit at the Salt Palace beginning January 31st



TO: ULCT Board of Directors
FROM: Cameron Diehl, Executive Director
DATE: January 3, 2019
SUBJECT: ULCT proposal to engage in amicus briefs

As I've examined the services that other leagues provide to their membership, some leagues offer amicus briefs to provide advocacy at the judicial level. The League has not engaged in amicus briefs on behalf of our cities for decades.

During my time at the League, I have seen more and more court cases result in legislation. I also have seen court decisions that seem to lack understanding of municipal law and principles. I believe that amicus briefs could help address both problems to a degree.

Since I became the Executive Director, ULCT has actively participated as a dues-paying member in the State and Local Legal Center (SLLC). SLLC files amicus briefs on behalf of local government at the United States Supreme Court. The Executive Director of the National League of Cities is a SLLC steering committee member. I have seen the value of the SLLC. For example, last summer the United States Supreme Court issued the *Wayfair* decision which cleared the path for the collection and remittance of online sales tax to state and local governments. SLLC made arguments years ago in an amicus brief that the court referenced in the *Wayfair* decision.

While there are benefits to providing amicus briefs on key cases that affect municipalities, there is a limit to our bandwidth within our current budget to create an amicus program overnight. Likewise, I'm still gathering information from other similarly sized leagues about the extent of their amicus programs. Because of the tight timelines in the Utah rules of appellate procedure for amicus filings, we need a nimble selection and drafting process.

I propose the following preliminary amicus approach for the board to consider.

I) ULCT Amicus Brief Subgroup Membership:

ULCT staff: Cam Diehl, Dave Church (potentially Rachel Otto and/or Roger Tew?)

- Note: Cam, Dave, Rachel, and Roger are all attorneys.

ULCT Board: current volunteers are Millcreek Mayor Jeff Silvestrini, Cedar City Mayor Maile Wilson-Edwards, Mayfield Mayor John Christensen.

- Note: Mayor Silvestrini and Mayor Wilson-Edwards are both attorneys.

Utah Municipal Attorneys Association (UMAA) representative: TBD

- Note: I've spoken with the current UMAA President who is interested but hesitant until she can discuss the concept in detail with her board.
- Future consideration: retired attorneys with municipal expertise.

A ULCT board member would serve as chair of the amicus subgroup.

The ULCT subgroup could meet electronically to consider the amicus request.

The ULCT subgroup would need 66% or more of subgroup members in order to approve the request.

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The ULCT Executive Board and the Board of Directors would be kept apprised of the subgroup's deliberations and recommendations. The Executive Board and the Board of Directors retain the authority to overrule the amicus subgroup's recommendations.

II) Process:

A city or town must make the request (not trade organization/lobbyist) to the ULCT amicus subgroup via the city attorney with written consent of the majority of the city's elected officials.

In the request, a city or town must provide relevant information, including but not limited to timeline, existing briefs, and case history.

A city or town may provide a draft amicus brief for the ULCT subgroup to consider, edit, and submit.

ULCT may charge a fee to the requesting city or town for the service of preparing the amicus brief.

ULCT may provide the amicus brief in-house or may contract with an attorney in private practice or an attorney in municipal practice.

Regardless of who drafts the brief, ULCT retains the quality control responsibility over the brief.

III) Eligibility:

A request must come from a city who is a member in good standing of ULCT.

The ULCT subgroup will give preference to cases before the Utah Supreme Court. The subgroup may consider federal cases.

IV) Criteria for the subgroup to consider (combination thereof):

- 1) What is the general applicability to cities (i.e. local legislative authority)?
- 2) What is the revenue impact on cities?
- 3) What are the facts of the case?
- 4) What is the potential precedent on cities generally?
- 5) What is ULCT's staff bandwidth to provide the brief?
- 6) What other entities are engaged in the litigation?

The subgroup may consider other legal, policy, and political factors in their deliberation.



TO: ULCT Board of Directors
FROM: Cameron Diehl, Executive Director
DATE: January 3, 2019
SUBJECT: Discussion about direct democracy (initiatives and referendums)

ULCT has been directly asked by legislators and stakeholders to engage on direct democracy legislation. This memo articulates the current political situation surrounding potential legislation about direct democracy and provides background about ULCT policy positions. **Sections I-III outlines the politics and the seven urgent questions that the ULCT Board must consider.** Please read Sections I-III in preparation for the January 7 board meeting. Sections IV-VI go into detail about the status quo of direct democracy statutes, ULCT policy positions, and other ideas up for discussion.

There are three different general approaches on direct democracy. First, there are those who want to make direct democracy easier to do. Second, there are those who want to make direct democracy harder to do. Third, there are those who want to clarify the rules of the game so that all stakeholders understand the process and their responsibilities. ULCT has historically favored the third approach.

I) Current political situation

Initiatives and referendums are both exercises of the people’s right to legislate, which is enshrined in Article VI, Section 1(2) of the Utah State Constitution. 2018 became the year of the state initiative. On a state level, voters considered a record number of initiatives (four) in one election cycle and voters approved three of them. All three of the approved initiatives—medical marijuana, Medicaid expansion, redistricting—passed despite previous legislative hesitation. Prior to the election, legislative leadership announced a compromise. Within weeks of the medical marijuana initiative passage, the Legislature convened in special session to change the initiative and implement the compromise. There are some in the public who believe the legislature undermined the will of the voters with the compromise.

On a local level, voters in Holladay rejected a plan to redevelop the former Cottonwood Mall site while voters in Orem supported a city council action to approve a housing development adjacent to Utah Valley University. Meanwhile, proposed referendums occurred or are occurring in Virgin, Tooele County, and in southwest Salt Lake County (Olympia Hills).

Keep in mind that initiatives are more common at the state level and referendums are more common at the local level. A referendum is a direct challenge to an enacted legislative act by elected officials.

II) Four political audiences to consider

- Audience 1: the general public
- Audience 2: the Property Rights Coalition
- Audience 3: the Utah State Legislature
- Audience 4: ULCT membership as a whole

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Audience 1: The general public

Per our Y2 Analytics data from 2018, residents trust local government to prepare for the future and communicate with them by a margin of more than 10-1 over legislators, developers, and the Governor. Local government has the highest credibility with the general public of any government in Utah.

Currently, there is a heightened awareness among the public and the media about direct democracy. Regardless of the legitimate policy and process concerns that ULCT would like to address, the public perception of any modifications to direct democracy could be that ULCT is supporting an effort to diminish the public's constitutional legislative power.

Audience 2: The Property Rights Coalition

The Property Rights Coalition has asked for ULCT support to modify the direct democracy statutes (see section VI below). They are concerned that referendums will increase in frequency and prevent future development, particularly development that includes high-density housing or "undesirable land uses." We have urged both the PRC and legislative leadership to not overreact to the Holladay outcome.

Audience 3: The Utah State Legislature

Legislative leadership has indicated that they want to address both local and state direct democracy statutes. Our sources tell us that they are concerned about the potential trend of state initiatives and local referendums, particularly because of the potential impact on voter turnout and other races on the ballot (i.e. 4th Congressional District race in Salt Lake County).

Audience 4: ULCT membership

ULCT is on record at LPC and in legislative committee in 2018 supporting HB 225. The ULCT membership endorsed Resolution 2018-004 at the Annual Convention. Per our research during the 2018 interim, 24% of cities have faced an actual referendum or a threat of referendum. We will need to communicate those positions to our membership, especially if the portrayal of any direct democracy bill is negative.

III) Seven political and policy questions to consider:

- 1) *How should ULCT engage in 2019 in light of our previous policy positions?*
 - o *Note: the previous policy positions have emphasized modernizing and cleaning up the referendum process to make it clear for city officials and residents alike what the rules of engagement are. The previous ULCT policy positions did not intend to impede referendums from ever occurring (see Section V below).*
- 2) *Would the modernization of the direct democracy statutes be enough of a long-term improvement for cities and residents to warrant a short-term impact on our credibility with the general public?*
- 3) *Would the political capital that ULCT garners from other stakeholders and/or legislative leadership by supporting changes be worth the potential impact on our credibility with the general public?*
- 4) *Would the legislature enact changes to direct democracy without ULCT involvement?*
- 5) *If so, what would the consequences be on cities (i.e. the potential precedent of "undesirable land uses" having a separate process and/or land use authority) and would we lose our ability to influence the legislation in a way that would benefit cities and the general public?*



- 6) *ULCT has pushed back on the legislature about the need for them to give us “political cover” on tough land use decisions about growth in our communities. Do we undermine our statement by not engaging during the 2019 session about direct democracy?*
- 7) *We originally asked for more than what ultimately made it into HB 225 4th Substitute. If we engage on the 2019 version of HB 225 plus, what is the policy/process line that we won't cross?*

IV) Status quo on direct democracy and ULCT process/policy concerns

ULCT has shared with the legislature our concerns about the overall local direct democracy process, including timelines, signature thresholds, and communication limitations.

State law already provides for three different local direct democracy processes: budget (truth-in-taxation), land use and bonds, and other legislative acts. They each have slightly different timelines and different signature thresholds for accessing the ballot.

a) Timeline:

- *Truth-in-taxation:* tightened time frame for preparing packets, verifying signatures, and preparing the ballot title and the requirements for the local voter information pamphlet are waived
 - Rationale: ensure that residents vote in the November election about the proposed budget that the city adopted that summer
- *Other types of local referendums:* no assurance of the November election; the full timelines for preparing packets, verifying signatures, and the voter information pamphlet (along with the federal Help America Vote Act) all apply

b) Signature threshold (petitioners must gather signatures equating to a percentage of the most recent presidential vote turnout and there currently is no geographic diversity requirement):

- *All referendums except for land use and bonds:*
 - 10% for cities of the first class, 12.5% for cities of the second class, 15% for cities of the third class, 20% for cities of the fourth class, 25% for cities of the fifth class, 30% for towns
- *Land use and bond referendums:*
 - 20% for cities of the first/second class to 35% for all other cities/towns for land use referendums

c) Required city action and communication with the public

The local direct democracy requirements on cities are incongruent. For example, state law requires a city to determine whether a proposed referendum is legislative or administrative in nature. However, a city must make that determination after residents have gathered and submitted verified signatures. If a city determines that an act is administrative and thus non-referable and residents disagree, then they'll sue. At that point, a court decides, and they would decide after many residents have already signed petitions or, even worse, have voted. This was the nightmare scenario that Holladay experienced—residents voted without knowing whether the court would uphold or reject their right to vote.

Likewise, state law requires a city to prepare fiscal and legal analyses about the proposed referendum, but then limits the city to sharing the analysis only with the referendum petitioners and not with the public. The analyses are prepared



during the time frame when petitioners are gathering signatures. As such, residents do not have the fiscal and legal analyses when petitioners request their signatures.

State law also includes ambiguities about communication between city and residents and the overlap between the election code and the Political Activities of Public Entities Act (PAPEA). For example, state law dictates that a city may not expend public funds to influence a ballot proposition. However, state law has an exemption to allow a city to prepare a “brief statement” but does not define what a “brief statement” entails. PAPEA has created a chilling effect on elected officials and staff members from communicating with the public about referendums. In fact, litigation about PAPEA, Orem, the UVX bus rapid transit line, and how city officials can communicate with residents is still ongoing.

V) ULCT history with direct democracy

ULCT has frequently supported improvements to the direct democracy statutes, such as SB 134 in 2014 which created the aforementioned truth-in-taxation specific referendum process. ULCT has long believed that improving and modernizing the referendum process would facilitate better dialogue between city leaders and residents and better understanding of the rules of the referendum game.

In November 2016, ULCT reached an agreement with Rep. Brad Daw. He withdrew his proposal (HB 20) which would have limited the ability of cities to communicate with residents during the signature gathering process. In exchange, ULCT built a working group with board members, city managers, city attorneys, city recorders, county clerks, and the Lieutenant Governor’s staff to seek modernization of the local direct democracy statutes. As a result of that months-long process, we made recommendations that became HB 225 which the LPC publicly endorsed in February, 2018. The House of Representatives unanimously passed HB 225 but the Senate ran out of time. The key highlights of HB 225 4th Sub are:

- Pause in the signature gathering process:
 - When 5 petitioners start a referendum process, the 40 day time frame to collect signatures does not start for 20 days
 - During the 20 days, the city determines whether the proposed referendum is legislative or administrative and prepares a legal and fiscal analysis to be distributed during the signature gathering process
- Change the pool of voters for signature thresholds from presidential vote turnout to active voters
- Create a limited geographic diversity requirement which would have a signature threshold in a majority of council districts in cities who have council districts (this would not apply to cities whose councils are all elected at-large)
- Enable a city official to respond to questions about the referendum
- Define when a city cannot communicate about the referendum, meaning that public entities would be restricted in communication when the petitioners file for a referendum

At the 2018 Annual Convention, the ULCT membership endorsed Resolution 2018-004 which included a statement on direct democracy.

Whereas, the Utah League of Cities and Towns believes that citizens, per Article VI Section 1 of the Utah State Constitution, hold legislative authority essential to the democratic separation of powers; and

Whereas, the current state law on the citizen direct democracy process should be modernized to ensure that it is consistent and clear for petitioners, elected officials, city staff, property owners, and the public; and

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Whereas, such modernization should include an adjudication of whether the city action is administrative or legislative at the outset of the referendum process, before petitioners expend time and money gathering the required signatures; and

Whereas, such modernization should clarify that city leaders may explain the action that petitioners desire to be referred and answer questions from residents, among other improvements.

VI) Property Rights Coalition ideas to add to HB 225

Since the Utah Supreme Court ruled on the Cottonwood Mall redevelopment, the Property Rights Coalition (which includes developers and home builders) has put forward these ideas to add to HB 225:

Signature gathering:

- Geographic diversity requirement; each city would have to create direct democracy districts and petitioners would have to gather signatures in a majority of the districts
- Increase the signature threshold for land use law referendums
- Signature gatherers must submit signatures within 3 business days to the clerk and may not make misrepresentations of fact
- Signature gatherers who violate the law would have the signatures in their packet nullified
- The signature withdrawal process would no longer need a notary
- A property owner whose property is being referred would have access to the signature packets
- Limit public places where signature gathering may occur

The HB 225 Pause:

- If the city determines an act is administrative, a petitioner must either withdraw their referendum or seek extraordinary writ from the Utah Supreme Court. If the court does not act within the 20 day pause, then the city's determination stands

City communication:

- Improve the ability of city officials to communicate about referendums (language TBD)

New concepts:

- "Undesirable land uses" would have their own land use authority (i.e. MIDA or the inland port authority) and/or their own referendum processes ... the two types of "undesirable land uses" that came up in the conversation were gravel pits and high density housing and the terms of choice are "political cover" and "projects of regional significance"
- Tighten the definition of a city legislative or an administrative act

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