

# Welcome to the LPC!

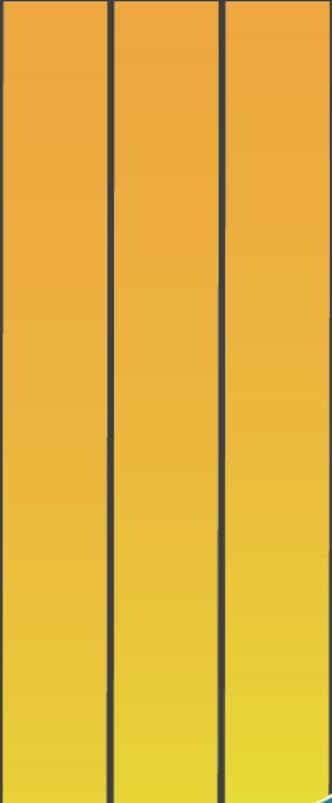
## PURPOSE

- Determine league positions on bills in a manner consistent with resolutions & board positions
  - Pillars/prism
  - Weekly ratification
  - Urgency (your input v. our reports)
  - Surveys
- Positions: support, oppose, neutral, no position, amend/TBD

## PROCESS

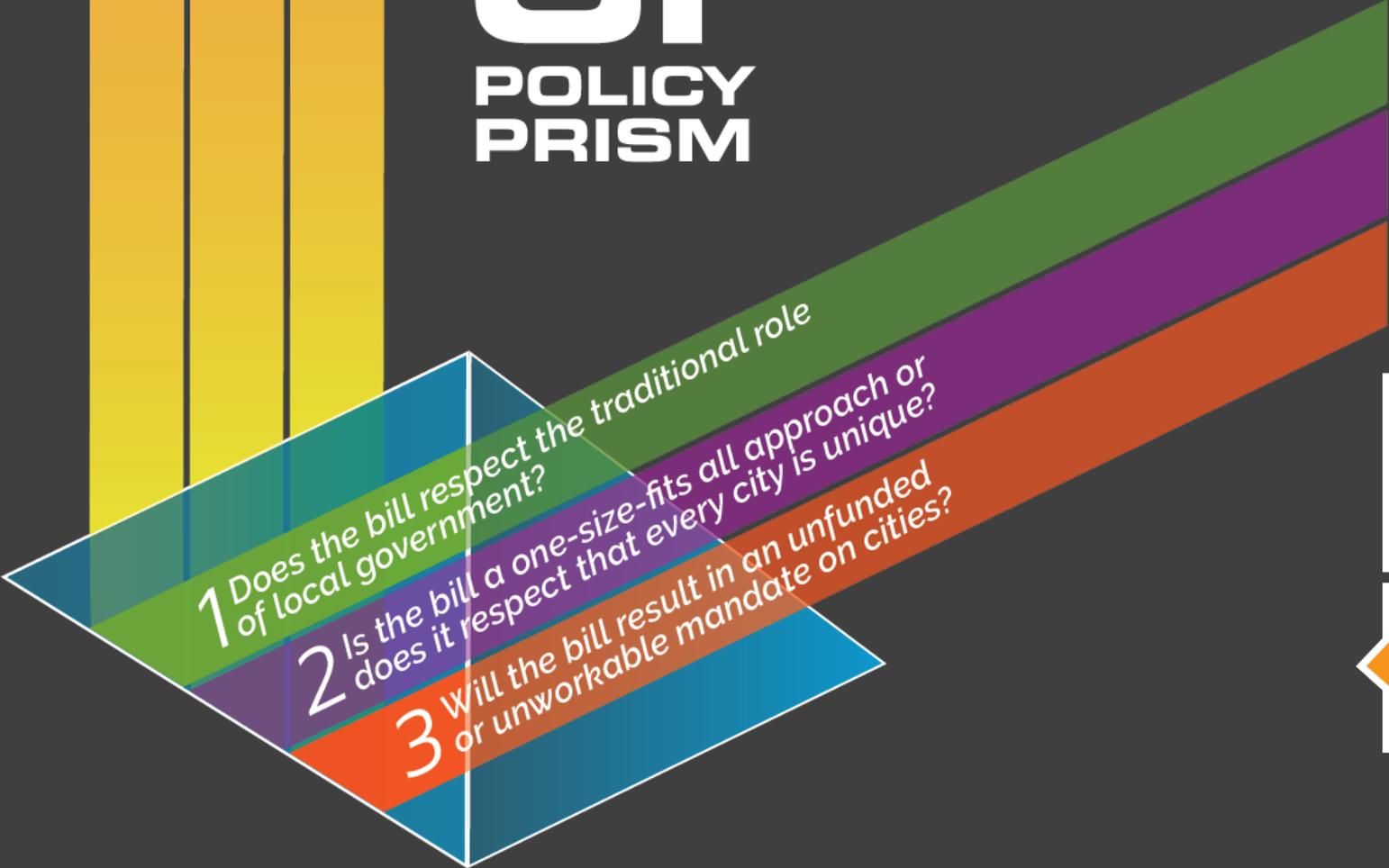
- Chair: ULCT 1<sup>st</sup> VP
  - Agenda (24 hr notice, ULCT officers)
- Up to 3 voting members per city
  - ULCT board = 4<sup>th</sup> voter
  - 50%+ elected officials
  - 50%+ Wasatch Front cities
  - Quorum: 30 voters, plus at least 1 city of 1<sup>st</sup>/2<sup>nd</sup> class
- Consensus: 60% of attending voters





# U CT

**POLICY  
PRISM**

- 
- 1 Does the bill respect the traditional role of local government?
  - 2 Is the bill a one-size-fits all approach or does it respect that every city is unique?
  - 3 Will the bill result in an unfunded or unworkable mandate on cities?

## VALUE PILLARS

**RE  
SPECT**

**OUT  
COMES**

**COL  
LAB  
ORA  
TION**

# Our partners on the Hill

## AFFILIATES

- ULCT Board (members; ex-officio)
  - UT City Management Assoc.
  - UT Municipal Attorneys Assoc.
  - UT Municipal Clerks Assoc.
- Other (city prof. orgs.)
  - Police Chiefs, Fire Chiefs, Treasurers, Finance Directors, Code Enforcement, RDA Directors

## REGULAR ALLIES

- MPOs/AOGs
  - WFRC, MAG, etc.
- UT Assoc. of Counties
- UT Assoc. of Special Districts
  - Prep 60, UTA
- UT Assoc. of School Boards
- Chambers of Commerce



# Big issues in last few years

- Tax reform
- UDOT restructure
- UTA restructure
- Gas tax increase & 4<sup>th</sup>/5<sup>th</sup> sales tax quarters for transportation
- Housing and transportation elements of general plans (SB 34)
- Local referendum modernization
- GOED restructure
- Homelessness services & funding restructure
- Tier 2 public safety retirement changes
- Body-worn camera policies
- 700+ bills

# Board priorities, November & December mtgs



## **NOVEMBER**

- 1) Tax reform
- 2) Land use damages/preemption
- 3) Water (rights, conservation)

Caveat: 30+ issues were in the air

## **DECEMBER (amicus briefs)**

- Inland port litigation
- Transportation utility fee litigation

# Inland port litigation: district court decision

State Constitution's ripper clause: *The Legislature shall not **delegate** to any **special commission**, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, to levy taxes, to select a capitol site, or to perform any **municipal functions**.*

Jan. 8: District court held for the state and against SLC on all points:

- 1) Ripper clause
  - a) Delegation
  - b) Municipal function
  - c) Definition of special commission
- 2) Municipal monies
- 3) Cities by "special law"
- 4) Uniform operation of laws

# Inland port litigation: district court decision

- 1) *“sufficiently infused with a state purpose so as not to run afoul of ripper”*
- State interest because:
  - *Local gov’t could impede development, state would streamline process, statewide economic benefit, need for consistent zoning*
  - LUDMA is state authority delegated but not surrendered to locals
- 3 part test: i) state v. local ability, ii) impact outside of SLC, iii) intrusive to city

# Inland port litigation: district court decision

## 2) Municipal monies (\$360 mill. of prop. tax, TBD sales tax point of sale)

- Legislature specifically mandated the power, but did not delegate the power
- State can divert taxes

## 3) Quasi-city

- Inland port authority is a political subdivision

## 4) Uniform application of law

- Ok to treat SLC differently than Provo because SLC is inside the authority & Provo is not

# Transportation Utility Fee litigation

Jan 22: oral argument was favorable to Pleasant Grove

Key precedent, *Jordan School District v. Sandy City*: “city’s decision regarding the structure, operation, and funding of its storm sewer system are entitled to deference. **We generally give latitude to local governments in creating solutions to problems.**”

Libertas: fee v. tax; truth-in-taxation process

District Court to parties: decision in 2-4 weeks

Libertas to court: bill coming to ban TUFs

ULCT: met w/city reps who have TUFs and working on strategy



# Litigation meets legislation

## Inland port (framework, not entity):

- Appeal the District court decision?
- ULCT 2018 letters to Gov. around land use, property tax increment, board representation
- Impact on hub & spoke cities
- Impact on other state “authorities”
  
- New IP Director seeking common ground w/cities

## TUF:

- 13 cities now with the fee
- Some legislators support fee but want more guardrails
  - I.e. study, public outreach, limited payers, etc.
- Political timing (tax reform, case, potential opponents)

# Upcoming land use legislation



- Gravel pits: no 2020 legislation
- TOD zoning change notification
- Subdivisions
- Design standards
- Impact fees
- Damages/penalties

# HB 202 – Local Government Nuisance Ordinance Reform (*J. Moss*)

- Bill prohibits imposing a Class B Misdemeanor penalty for code violations unless they meet a statutory nuisance standard
- “A nuisance is anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property” (78B-6-1101).
- Legislature increasingly concerned with criminal penalties used as the default for perceived minor code violations
- Several code enforcement bills every year
- Path forward?

# Water Conservation



## **SB 51: Secondary Water Requirements**

- Suppliers in 1<sup>st</sup> and 2<sup>nd</sup> Class Counties meter all secondary water
- Exemption for warranty and recharge
- Creates funding account without providing funding

## **SB 84: Public Entity Water Users Amendments**

- Conservation plan for city/town water utilization
- Meter all water utilized

# Upcoming issues

- HB 231: Genetic Information Amendment
- HB 190: Local Government Cooperation Contracts
- Body Worn Cameras: In Process
- Use of Biometrics: In Process

# Legislative issues from members



- Issues we haven't covered?
- Concerns?