

**Utah League of Cities and Towns**  
**Legislative Policy Committee Minutes—June 22, 2020, 3:00 p.m. Zoom webcast**

1. Welcome, introductions, logistics, and adoptions of March 9, 2020 minutes.
  - a) ULCT Immediate Past President Jon Pike welcomed the LPC into session and the body voted to adopt the draft minutes from March 9, 2020.
  
2. Legislative items:
  - a) June special session update
    - i) ULCT Director of Government Relations, Victoria Ashby, gave an update on June 2020 special session.
      - (1) H.B. 5002 Open and Public Meetings Act Amendments
        - H.B. 5002 was requested by ULCT board and carried by Representative Potter. Governor Herbert issued an executive order to last the duration of the COVID-19 emergency which allows public entities to forgo the anchor location when holding an electronic meeting. H.B. 5002 creates a narrow exception to the anchor location requirement in the Open and Public Meetings Act. If the public body chair makes a written determination that meeting together creates a substantial risk to health and safety, the public body may hold an electronic meeting without the anchor location. The determination only lasts for 30 days then must be renewed with another determination. It is required to put into notice why this determination is made and give the factual reasons to forgo the anchor location. A question was raised regarding the timing of the executive order expiration and the start of this bill. Victoria Ashby advised there is an overlap of the executive order and the start of H.B. 5002. However, once the executive order expires, cities need to comply with H.B. 5002.
      - (2) H.B. 5007 Peace Officer Amendments
        - H.B. 5007 prohibits approval of peace officer training curriculum containing the use of chokeholds and other restraints that may cause unconsciousness. It prohibits training peace officers to use chokeholds, carotid restraints, or other methods impeding breathing or blood circulation. It further bans peace officers from using “knee on neck” restraint. Violation is a felony.
      - (3) S.B. 5006 Public Safety Worker Protection Amendments
        - S.B. 5006 expands an existing statute that allows a court to order an individual to submit to testing in cases where the individual has potentially exposed a first responder to a disease to now include COVID-19. Criminal penalties for intentionally exposing public safety workers to the disease.
      - (4) S.B. 5004 Municipal Annexation Amendments
        - The Legislature passed an annexation bill (H.B. 393) during the general session. That bill struck language about petitioning for an annexation while there is a pending incorporation feasibility study and struck language about limiting certain parameters to a county of the first class. After the general session, this language was expanded to all counties. Then a bill in the April

special session was introduced to reverse portions of H.B. 393 and another annexation bill. However, that bill failed. S.B. 5004 was introduced in the June special session. It does not apply to first class counties. It prohibits filing an annexation petition if an incorporation feasibility study request is filed and pending, unless an annexation petition is filed on or before August 5, 2020 and notice of intent includes a map and an annexation petition is filed on or after November 15, 2020. In the political subdivisions interim committee, Senator Buxton indicated that the Property Rights Ombudsman will study annexation. ULCT reached out to Legislative Research prior to this meeting and they are not aware of any study group for annexation. Victoria is awaiting a response from the Ombudsman and will update if she receives additional information. A question came through the chat asking what is the purpose of the time gap. Victoria Ashby advised that this bill became very project and location specific. The substitute was introduced while the bill was moving on the floor and the gap is likely related to these specifics.

(5) H.J.R. 504 Joint Resolution Further Extending the State of Emergency Due to the Infectious Disease COVID-19 Novel Coronavirus

- H.J.R. 504 extends the declared state of emergency to August 20, 2020. Governor Herbert declared a state of emergency back in March that was then extended by the legislature to June 30 and again to August 20.

3. St. George Mayor Jon Pike recognizes the passing of former Midvale Mayor JoAnn Seghini.

4. 2020 Interim issues

a) Prioritization process and 2020 issues.

i) The objective is to create a mechanism for ULCT staff and Board prioritization of ULCT advocacy resources. A three-tier system was created by ULCT staff and ratified by the Board. This mechanism allows Staff to assign issues to tiers in order to engage appropriately.

(1) Tier 1:

- Policy has direct and measurable or significant impact on local control and/or revenue, or
- Politics require immediate attention.
- Full investment of ULCT staff resources.

(2) Tier 2:

- Policy has substantial impact on local control and/or revenue, or
- Politics require ready attention.
- Medium investment of ULCT staff resources.

(3) Tier 3:

- Policy has minimal impact on local control and/or revenue.
- Policy concern is principle-based and/or is localized in impact, or
- Politics require minimal attention or are not pressing.
- Minimal investment of ULCT staff resources.

ii) 2020 Issues (\*The judiciary has a task force reviewing justice courts; transportation utility fees and Inland Port are subject to ongoing litigation)

(1) Tier 1:

- CARES Act funding
- Water conservation
- Public Infrastructure Districts
- H.B. 374
- Community trust in public safety

(2) Tier 2:

- Gravel Pits
- \*Inland Port Amicus
- Metro Townships
- Land Use Task Force
- EMS
- \*Transportation Utility Fee
- \*Justice Courts

(3) Tier 3:

- Sales tax study
- Demolition waste
- Plastic bags
- Public safety privacy
- RDA/EDA
- Rainy day funds
- Law enforcement retirement/retention
- Opioids
- Prosecution issues
- Gun preemption

iii) Bluffdale Administrative Services Director Bruce Kartchner asked where is the legal basis for the Supreme Court overriding the state when it comes to operating the justice courts and requiring the justice courts to remain in the red code requirements. ULCT Senior Policy Advisor Roger Tew explained that the Administrative Office of the courts and Judicial Council have set up their own task force to look at justice courts. Victoria added that the court's authority to require the justice courts to remain in code red is that the court acts as the administrative decider independent of the state when it comes to running the court.

b) 2020 Working Groups

i) Victoria called upon the LPC to volunteer for various working groups. The groups include PIDS, Gravel Pits, LUTF, Community Trust in Public Safety, Water Efficiency, Metro Townships, Transportation Utility Fee, and Annexation.

c) Highlighted Issues

i) PIDs

(1) Karson Eilers, Legislative Research Analyst gave an update to the LPC. Public Infrastructure Districts (PIDs) are independent taxing district that issue public

bonds to finance infrastructure in new development or redevelopment. PIDs may be a useful tool for some communities to decrease the cost of new infrastructure by using a public bond rate. Local governments serve as the creating entity. As the creating entity, local governments are empowered to choose whether or not to accept an application for a PID, regulate PIDs by imposing restrictions in the governing document, and appoint the PID's initial governing body. A few cities are considering creating PIDs as a tool to spur more infrastructure and housing growth. On April 24, 2020, the Property Rights Coalition wrote a letter to the ULCT Board inviting discussion of PID expansion. The PRC's proposal contained two key provisions: 1) Restrict the creating entity from imposing additional limitation on the PID if the proposed mill rate is four mill or less; 2) Mandate local government approve a PID proposal of the proposed mill rate is four mill or less. ULCT's Board of Directors responded that they were willing to discuss PIDs in the Land Use Task Force. In response the PRC warned they may push legislation during the Special Session. ULCT took a neutral position on SB 228 on the condition that local governments could decline to create PIDs and that local governments had oversight in their creation. The proposal would hold local elected officials responsible for the PID's creation while restricting their ability to decline or regulate the PID. Karson explained PIDs in Colorado have drawn heavy criticism for carrying substantial debt without sufficient transparency. Cameron Diehl added that PIDs were not included in the Special Session call and ULCT will work with PRC through the LUTF.

ii) Water Conservation

(1) Wayne Bradshaw, Director of Policy gave an update to the LPC. In the 2020 General Session, there was a lot of pressure put on cities and towns regarding water utilization and conservation. Because this is an ongoing issue, ULCT plans to be more proactive with water related issues. A small working group will be asked to 1) develop strategic conservation strategies with all the operational details considered (e.g. legal, budget, public relations, vision, objectives, timeline, communications, organizational structure). A review team will look at the working group's suggestions and provide feedback, guidance, and course corrections. A larger ULCT review team will provide high level feedback to the Review Team and Working Group. The goal is to make it unnecessary for the State to take actions to direct local government on water conservation. A question was asked if this is related to the State's Water Banking Law. Wayne advised that this law is a way for the State to look at farmers who use 80% of the water in the State and does not directly impact cities.

(2) Timeline

- July/August: Create working group, review team, and ULCT review team.
- August – December: Develop strategies.
- January – March: General Session
- April 2021: Present at Spring Conference

iii) RDA/EDA

(1) ULCT Senior Policy Advisor John Hiskey gave an update to the LPC on RDA/EDA. This bill came up during the June 2020 Interim Session. It is not a carryover bill that would create an amendment to the CRAs to create a separate tax entity. It is a priority bill, submitted by Representative Winder and Senator Harper, to allow a one-year extension on project areas subject to specified criteria. COVID-19 has impacted the financial dealings and/or construction of projects for various RDAs/CRAs/EDAs. If your project has been significantly impacted in 2020, it is optional to continue for an extra year. There is a process to notify the different taxing entities that have participated but are not required to have their approval. However, if in your agreement there was a maximum amount of tax increment you will take from that entity it will not increase, even though you are increasing the amount of years. This is more in the context of bringing your project to full fruition and back on the tax rolls, and the taxing entities will then begin to draw their taxes based upon the full completion of that project.

iv) HB 374 Local Government Building Regulation

(1) ULCT intern Spencer Cawley gave an update to the LPC on H.B. 374. H.B. 374 passed during the General Session. This is the local government building regulations bill. This bill requires ULCT to gather data from every city and town on the amount of time it takes to complete building permits and inspections. The reporting period is from April 1 – October 1, 2020.

5. Public Safety Update

a) ULCT Executive Director Cameron Diehl gave an update to the LPC on public safety and community trust.

i) ULCT Board Plan: “Love, Listen, and Lead.” ULCT and Chiefs of Police Association decided to work together on a proposal to give to the ULCT Board for approval. The League’s policy pillars in legislative advocacy outcomes are respect, collaborations, and outcomes. They were transitioned into love, listen, and lead. The first thing the Board did was endorse H.B. 5007. They then created an internal task force to listen to stakeholders, communication with the public, and work on policy recommendations. Key principles: Transparent about what cities do; Balance of autonomy of police departments, ability to respond responsibly and with due process, and accountability for officer action; Improve listening to enhance trust; Improve training; Improve process for use of force; Invest in mental health; Data-driven. We anticipate a state work group to come, likely in July. Mayor Pike assured that the Board was very supportive of this three-pronged plan.

ii) Taskforce: ULCT, Utah Chiefs of Police Association, Utah City/County Management Association, Utah Municipal Attorneys Association.

6. Tentative 2020 LPC Schedule:

- August 17
- September 23-25 Annual Convention
- October 12
- November 16

- December 14
- January 11

7. The League offers thanks to John Hiskey at his retirement.

8. Adjourn

- The LPC voted to adjourn.

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