

ULCT Business Session 2014

Salt Lake Sheraton

September 12, 2014 8:00 AM

Conducting: Mayor John Curtis, Provo, ULCT 1st Vice President



1. Welcome and Reports – Mayor John Curtis & ULCT Staff

2. Credentials Report – Mayor John Curtis

3. Constitutional Amendments – David Church

4. Resolutions

Resolution 2014-003, Appeal Security

Tooele City Council Member Steve Pruden and City Attorney Roger Baker

Resolution 2014-006, Fireworks

Vernal City Mayor Sonja Norton

Resolution 2014-008, Marketplace/Sales Tax

Holladay Council Member Lynn Pace

Resolution 2010-009, New Growth

Salt Lake City Council Member Kyle LaMalfa

Resolution 2014-010, Consolidated Dispatch

Bountiful City Manager Gary Hill

Resolution 2014-001, Impairment Protection for Existing Water Rights

Ogden City Attorney Mark Stratford

Resolution 2014-002, Comprehensive Transportation Funding

Ken Bullock and Cameron Diehl

5. Nominations Committee Report – Council Member Lynn Pace, Holladay, ULCT 2nd Vice President

MEMO

To the Board of the Utah League of Cities and Towns

From: David L. Church

Subject: Amendment to the League's Constitution and Bylaws

The issue of board members serving more than two consecutive terms was raised at the last board meeting. It was suggested that we look at an amendment to the League's constitution that would allow for this.

The constitution can be amended by a vote of the members held either at the convention or through vote by mail. Either way the proposed amendment must first be presented to the Board. The vote required to amend the constitution is "two-thirds vote of the member municipalities participating in the voting process...."

The League Board has the authority to adopt and amend bylaws not inconsistent with the constitution of the League. There has been some confusion about the makeup of the nominations committee. The committee is required by the constitution but the makeup of the committee is in the bylaws. The proposed amendment coordinates the population requirement in the bylaw with the existing classifications of Utah Cities found in the state code.

Attached are a proposed amendment to the constitution and a proposed amendment to the bylaws. They proposed changes are shown in the redline. These are given to you only as suggestions and a starting point. They may be adopted as written or improved by the Board's input and editing.

ARTICLE IV DIRECTORS AND OFFICERS

Section 1. **DIRECTORS AND OFFICERS** The League shall be governed by a Board of Directors (hereinafter "Board"), consisting of four officers and 12 directors. They shall be elected officials of a municipality which is a member in good standing of the League. They shall serve for a term of two years commencing on election at the Annual Convention and continuing until the election and qualification of their successors at the Annual Convention. The terms of the directors shall be staggered so that approximately half of the directors are elected annually.

Section 2. **METHOD OF SELECTION** At least three months prior to the Annual Convention of the League, the Executive Director shall mail notices to all member municipalities stating which offices are to be filled by election at the Annual Convention and inviting the municipalities to recommend the names of elected municipal officials to fill the vacancies. The notice shall state the date by which the recommendations shall be received and the name of the person and address to which the recommendations are to be mailed. The notice shall also include a statement of the qualifications a person shall have to serve on the Board. Where there is a county-council of mayors or a multi-county council of mayors, such council may recommend the names of those persons to be considered by the Nominations Committee. All recommendations by municipalities, county and multi-county councils of mayors shall be received by the League's Nominations Committee at least one month prior to the Annual Convention.

Section 3. **REPRESENTATION** The officers and directors shall be elected so that there is at least one representative from each of the following areas:

- Area 1. Cache, Box Elder and Rich Counties
- Area 2. Davis, Weber and Morgan Counties
- Area 3. Salt Lake and Tooele Counties
- Area 4. Summit, Wasatch and Utah Counties
- Area 5. Daggett, Uintah and Duchesne Counties
- Area 6. Juab, Sevier, Sanpete, Wayne, Piute and Millard Counties
- Area 7. Washington, Beaver, Iron, Kane and Garfield Counties
- Area 8. Grand, San Juan, Emery and Carbon Counties

At least one town shall be represented on the Board and a majority of the Board shall be from cities which, when their residents are totaled, are approximately equal to 50% of the total number of residents of the State living in member municipalities according to the most recent population figures generally accepted by the League for its administrative purpose

Section 4. **OFFICERS** The officers of the League shall consist of a President, First Vice President, Second Vice President elected for terms of one year, and the Immediate Past President. The First Vice President shall succeed to the office of President and the Second Vice President to the office of First Vice President unless, by two-thirds vote of the members at the Annual

Convention, they are removed from office. Except for the Immediate Past president, all officers shall be elected officials of a municipality holding membership in the League. The Immediate Past President serves as a member of the Board unless he is no longer an elected official, in which case he serves in an honorary capacity without vote..

Section 5. **EXECUTIVE COMMITTEE** There shall be an Executive Committee consisting of the officers of the League. It shall have power to perform the functions and duties of the Board during the interim between meetings, subject to the ratification of the Board.

Section 6. **TERMINATION OF OFFICE** The office of any officer or director of this organization shall become vacant when such officer or director no longer is an elected official of a municipality.

Section 7. **VACANCY** In the event of a vacancy on the Board, it shall appoint a member to fill the vacancy until the next Convention of the League when such position shall be filled by election of the members of the League for the unexpired term.

Section 8. **QUORUM AND NOTICE** Eight members of the Board shall constitute a quorum. Business may be transacted at a meeting only when notice of the meeting has been timely given to all members of the Board.

Section 9. **COMPENSATION** The Board members shall not receive compensation for their services.

Section 10. **DUTIES** The President shall preside at all business meetings of the League. He shall perform the duties normally performed by the President of organizations of this type and such other duties as the Board shall prescribe. The Vice Presidents shall, in their order, perform the duties of the President in case of the absence or ability of the President.

Section 11. **EMPLOYEES** The Board shall appoint an Executive Director who shall manage and direct the affairs of the League subject to the approval of the Board. The Board may appoint a Secretary-Treasurer who shall assume the responsibility of collecting prescribed dues and fees. A bond acceptable to the Board for not less than \$5,000 shall be provided by the League. The Board may employ such persons it deems necessary. They are not required to be members of the League. They shall perform the duties and receive the compensation authorized by the Board.

Section 12. **BYLAWS** The Board of Directors may adopt Bylaws not inconsistent with this Constitution for the governance of the League.

SECTION I NOMINATIONS COMMITTEE AND ITS PERFORMANCE

1. The Nominations Committee shall be comprised of 11 members and a chairperson. The membership of the Nominations Committee shall be appointed with consideration for geographic representation and further consideration for distribution on the basis of population among the member cities and towns on the following basis:
 - One member from a Town;
 - Two members from Cities of the Fifth Class;
 - Two members from Cities of the Fourth Class;
 - Two members from Cities of the Third Class;
 - Two members from Cities of the Second Class; and
 - Two members from Cities of the First Class.
2. No person selected to serve on the Nominations Committee shall be a candidate for the position of Second Vice President nor be a candidate for election to a position on the Board of Directors of the Utah League of Cities and Towns.
3. The President of the Utah League of Cities and Towns shall appoint the committee members with approval of the Executive Committee. The Vice Chairman of the Nominations Committee shall be appointed from among the 11 members selected to serve on the Nominations Committee.
4. The Chairman of the Nominations Committee shall be the Second Vice President of the Utah League of Cities and Towns. The Chairman of the Nominations Committee is a nonvoting member.
5. Elected officials chosen to serve on the Nominations Committee shall be selected from a list of persons prepared for the League President by the Executive Director. It shall be prepared from names of persons recommended to serve on the committee by members of governing bodies of member municipalities in good standing, member of the Board of Directors and Officers, and recommendations of the Utah League of Cities and Towns' staff. These names shall be submitted to the League's office prior to the closing date set by the Board of Directors.
6. The appointment of persons to serve on the Nominations Committee shall be made in June.
7. The first meeting of the Nominations Committee shall be held in August at time and place selected by the chairman of the committee.
8. To encourage widespread interest in participating on the Nominations Committee and in the nomination of persons to serve on the Board of Directors of the Utah League of Cities and Towns as Second Vice President, the Executive Director shall communicate with the Mayor of each municipality in good standing for the purpose of announcing the formation of the Nominations Committee and requesting that they submit nominations for membership on the

committee to the League's' offices no later than the end of June. The executive Director shall request that the Mayors submit the names of the persons being nominated to serve on the Board of Directors or as Vice President no later than the end of August. Nominations of persons to serve on the Board of Directors or as Second Vice President received after this date will not receive consideration for placement before the membership by the Nominations Committee.

9. The Nominations Committee shall meet in an appropriate place no later than noon of the day preceding the opening of the League's Annual Convention for the purpose of final consideration of the nominations to be placed before the League's membership during the Business Session.

RESOLUTION 2014—003

(A) Resolution Title/Subject

Title: A Resolution of the Utah League of Cities and Towns Supporting a Bill to Amend Utah Code §78B-5-805 and Rule 62(e) of the Utah Rules of Civil Procedure.

Subject: In 2013, Utah Code §78B-5-805 & Rule 62(e) of the Utah Rules of Civil Procedure were amended to require Utah municipalities to post security for all judgment amounts in excess of \$5 million as a condition of obtaining a stay of judgment during the appeal of that judgment (hereinafter “appeal security”).

(B) We, the members of the Utah League of Cities & Towns find:

1. Utah municipalities should enjoy the same legal rights to appeal currently enjoyed by the State of Utah and its agencies, counties, school districts, special districts, local districts, and other Utah governmental entities.
2. Private litigants that obtain a judgment against a Utah municipality are not advantaged by a municipality posting an appeal security and are not disadvantaged by a municipality not posting an appeal security because of the Utah Governmental Immunity Act requirements for municipalities to pay judgments, the ability of municipalities to raise taxes to pay judgments, and the lack of Utah law enabling municipal bankruptcies, among other things. Also, a municipality cannot abscond, unlike a private litigant.
3. The bond and security markets do not make available traditional securities for the purpose of securing the payment of a judgment by a municipality, short of fully collateralizing the posted security, a proposition that is unaffordable and impractical for municipalities and other governmental entities.
4. Utah law does not allow Utah municipalities to sign a promissory note, to collateralize its assets, or to pledge its properties in order to secure a note or other obligation in order to obtain a convention security, such as, a supersedeas bond. (Tooele City has obtained the written legal opinion of the law firm of Ballard Spahr regarding these matters.)
5. The appeal security requirement conflicts with established Governmental Immunity Act provisions for the payment of judgments. For example, the appeal security requirement requires the posting of security for 100% of judgment amounts exceeding \$5 million, while the GIA allows municipalities to pay judgments in installments over 10 years.
6. Utah Code §10-6-116 prohibits Utah municipalities from accumulating fund balances exceeding 25% of its anticipated general fund revenues, which limits a municipality’s ability to post an appeal security from its accrued funds, similar to limiting a municipality’s ability to pay an entire judgment in one year.
7. Requiring Utah municipalities to post an appeal security is contrary to public policy for many reasons, including the above, and also including the adverse effects the requirement has on fiscal policy, budgeting, fund balances, capital facilities planning, municipal bond ratings, etc.
8. The 2013 amendments have the effect of leveraging Utah municipalities to pay judgments, even incorrect or illegal judgments, because the appeal security is prohibitively expensive, generally unavailable, and arguably illegal, and thus deprives municipalities of their constitutional right to access to the courts in violation of the Utah Constitution’s “Open Courts” provision.

9. The 2013 amendments, contrary to “leveling the playing field” in litigation, are punitive in nature toward Utah municipalities.
10. This resolution is necessary to protect the fiscal and legal interests of all Utah municipalities.

(C) Now, therefore, we, the members of the Utah League of Cities & Towns recommend that:

1. Utah Code §78B-5-805 and Rule 62(e) of the Utah Rules of Civil Procedure be amended to reinstate the protection for Utah municipalities enjoyed by the State of Utah and its agencies, counties, school districts, special districts, local districts, and other Utah governmental entities.
2. Utah Code §78B-5-805 and Rule 62(e) of the Utah Rules of Civil Procedure be amended to restore consistency with existing Utah law, including the Governmental Immunity Act.

Tooele City Corporation

City(s), Town(s), and/or Affiliate Group submitting this resolution

Roger Baker, Tooele City Attorney (as the request of the Tooele City Mayor and City Council)

Person preparing form

The ULCT Resolutions Process: Where Legislation Happens

RESOLUTION 2014--006

Preferred ULCT Resolution Format: 2014

(A) Resolution Title/Subject

A Resolution of the Utah League of Cities and Towns regarding the regulation of fireworks:

(B) We, the members of the Utah League of Cities & Towns find:

1. Whereas, due to dry conditions, high temperatures and winds, the danger of fires in the State of Utah during the summer of 2012 was extremely high; and
2. Whereas, at that same time, Governor Herbert called on local governments to enact ordinances which would prohibit the discharge of fireworks during certain times and places; and
3. Whereas, the Utah State Legislature in 2013 amended laws regulating the discharge of fireworks in the State; and
4. Whereas, although State law prohibited cities and towns from adopting ordinances or regulation for the sale and discharge of fireworks that conflict with State regulations, many cities and towns still attempt to enact regulations for the discharge of fireworks the best they know how and in an attempt to decrease fire danger for both wild land and urban interface areas, brush covered areas, mountainous areas, as well as residential and commercial developed areas.
5. Whereas, cities and towns further realize that because current State law regulates how restrictive local governments can be in regulating fireworks, being able to ban the discharge of fireworks as Governor Herbert has requested is still not possible.

(C) Now, therefore, we, the members of the Utah League of Cities & Towns recommend that:

1. Once again, the Utah State Legislature give greater discretion to cities and towns in regulating the discharge of aerial fireworks by amending UCA 11-3-8, which currently prohibits cities and towns from adopting ordinances or regulations that conflict with UCA 53-7-220 through 53-7-225 and 15A-5-202.5, in such a way as to allow individual cities and towns to adopt ordinances or regulations that appropriately address the needs and concerns of each city or town as they deem necessary.

Vernal City.

Vernal City
City(s), Town(s), and/or Affiliate Group submitting this resolution

Ken Bassett
Person preparing form

RESOLUTION 2014 -008

(A) Resolution Title/Subject

Market Place Fairness Act and the Collection and Payment of Local Sales Tax Owed

(B) We, the members of the Utah League of Cities and Towns, find:

1. Whereas, the local option sales tax is an important funding source for local Utah cities and towns. Indeed, for many cities and towns, it is the primary source of revenue; and
2. Whereas, the amount of internet (or remote) purchases over the past few years has increased dramatically; and
3. Whereas, current law requires local merchants with a physical presence in the State (“brick and mortar merchants”) to collect and remit sales tax, but does not require internet (or remote) sellers without a physical presence in the State (“internet merchants”) to do so; and
4. Whereas, although State law requires individuals who make internet purchases to report the amount of such purchases and to remit the amount of sales tax owed in their annual income tax return, few do so, and there is no effective mechanism for enforcement of nonpayment or collection of the sales tax owed; and
5. Whereas, brick and mortar merchants have complained that this disparity in the collection of sales tax creates an unfair advantage for internet merchants who do not have to charge, collect or remit sales tax; and
6. Whereas, local governments have also complained that this disparity in the collection of sales tax has reduced the amount of sales tax paid, and has made it increasingly difficult to provide essential local services to their citizens; and
7. Whereas, in recognition of this difficulty in the collection of the sales tax owed, the United States Congress is currently considering the passage of the Market Place Fairness Act, which would require internet merchants to collect and remit sales tax in the same manner as currently required by brick and mortar merchants; and
8. Whereas, requiring internet merchants to collect and remit sales tax would not create a new tax obligation, and would not create a new source of revenue to local government, but would merely provide a more effective mechanism for collecting the amount of sales tax that is already owed but is seldom paid; and
9. Whereas, notwithstanding that fact, in the 2013 legislative session, the Utah State Legislature passed SB 58, which created a “Remote Sales Restricted Account,” consisting of sales tax funds which would be collected from internet merchants if Congress passes the Market Place Fairness Act. That bill also provides that any sales tax collected from internet merchants should be held in that restricted account and “may be used to lower local sales and use tax rates as the Legislature may provide by statute.”

Now, therefore, we the membership of the Utah League of Cities & Towns recommend that:

1. We support passage of the Federal Market Place Fairness Act, and we encourage the members of our Utah Congressional delegation to support that bill.
2. We request and support legislation to amend or repeal SB 58 (2013) to the extent that it attempts to restrict or hold any amount of local sales tax collected.
3. We strongly oppose any attempt to restrict or hold any amount of sales tax owed to local government, and oppose any attempt to lower the current local sales tax rate.
4. We request that League staff take such action as may be necessary or appropriate to implement the positions identified in this resolution.

____Holladay City_____
City(s), Town(s), and/or Affiliate Group submitting this resolution

____Council Member Lynn Pace_____
Person preparing form

RESOLUTION 2014—009

(A) Resolution/Title

Resolution 2014 - _____ Regarding Proposed Changes to the Definition of “New Growth” under Utah Law

(B) We, the members of the Utah League of Cities and Towns find:

1. Whereas, the Utah State Auditor recently issued a report identifying problems with the current definition of how “new growth” is calculated for the purposes of determining the certified property tax rate; and
2. Whereas, based upon the State Auditor’s report, the State Revenue and Taxation interim committee of the Utah State Legislature requested that legislative staff prepare a bill to address the issues identified in the Auditor’s report; and
3. Whereas, contrary to common assumptions, the amount of “new growth” that a city may receive under current Utah law is not based solely upon the amount of new development that occurs within a community, but may also be increased or decreased depending upon changes to the value of centrally assessed properties and personal property; and
4. Whereas, the current definition and calculation of “new growth” makes it difficult to predict the amount of “new growth” that will occur, or to explain how the amount of new growth is calculated; and
5. Whereas, the current definition of “new growth” also makes it difficult for taxing entities to predict the amount of additional property tax revenue that they will receive upon the expiration of a redevelopment project area; and
6. Whereas, most communities have not determined whether a change in the definition and calculation of how “new growth” is determined would increase or decrease the amount of property tax they receive; and
7. Whereas, the bill requested by the Revenue and Taxation interim committee will require the League of Cities and Towns to respond to that proposed legislation;

(C) Now, therefore, we the members of the Utah League of Cities & Towns, recommend that:

1. ULCT staff conduct an analysis of the likely consequences that would result from a change in the definition and calculation of “new growth” under Utah law. Staff is specifically requested to assess the likely impact of such a change on Utah cities and towns in terms of:
 - (a) anticipated increases or decreases in revenue;
 - (b) predictability for purposes of budget preparation and economic development; and
 - (c) transparency of taxation and public process.

2. ULCT staff is further requested to share those finding with the League’s Legislative Policy Committee so that the League membership can formulate an educated and appropriate position on this proposed legislation.

__Salt Lake City_____
City(s), Town(s), and/or Affiliate Group submitting this resolution

__Council Member Kyle LaMalfa_____
Person preparing form

RESOLUTION 2014--010

(A) Resolution Title/Subject

2014 Utah League of Cities and Towns Resolution – Dispatch Services

(B) We, the members of the Utah League of Cities & Towns find:

Whereas: Public Safety, including police and fire protection is a core function of municipalities in the state of Utah, and;

Whereas: Dispatching services are an integral part of providing timely and effective public safety response, and;

Whereas: Municipalities should strive to provide the best possible service to taxpayers while searching for methods to minimize costs and promote economies of scale, and;

Whereas: Innovations in technology including computer aided dispatch (CAD), records management, and communications systems have been and will continue to be critical to operations within and between dispatch areas, and;

Whereas: Regional and State-wide efforts are underway to improve communication between dispatch centers and incentivize or otherwise explore the consolidation of CAD systems and/or facilities, and;

Whereas: The municipalities of Utah believe that the goal to provide better communication between dispatch agencies is laudable, but wish to ensure that local demographics, geography and priorities are considered in such discussions.

Now, therefore, we the members of the Utah League of Cities & Towns recommend that:

ULCT staff review State efforts to examine consolidation of dispatch services as follows:

1. Efforts to consolidate dispatch facilities and operations should be driven by best available data and should take into consideration demographics, geography, cost, local decision making. One size or model does not fit all situations.
2. Local government should have final authority to determine the best way to communicate with and deploy its public safety resources.
3. Financial incentives should be available to provide for interoperability, not simply integration, of CAD systems and dispatch centers.
4. Efforts to coordinate communication and CAD systems should promote and encourage innovation by the private sector.

Bountiful
City(s), Town(s), and/or Affiliate Group submitting this resolution

City Manager Gary Hill
Person preparing form

RESOLUTION 2014—001

(A) LPC Resolution Title/Subject

Encouraging the Utah State Legislature to Support Impairment Protection for Existing Water Rights

(B) We, the Members of the Utah League of Cities and Towns find that:

1. In 2011, the Utah Supreme Court in *Jensen v. Jones* held that the State Engineer lacked statutory authority to consider non-adjudicated forfeiture when determining a change application.
2. Since 2011, the Utah State Legislature and many interested parties, including ULCT, have attempted to address long-standing concerns about the state engineer's statutory authority to adjudicate, the change application procedure, equal and predictable treatment for applicants, state requirements on development timelines compared to state water approval timelines, and the concept of impairment.
3. The Legislature considered but declined to adopt legislation in 2012, 2013, and 2014 on this issue.
4. During the summer of 2014, the General Managers of the Central Utah Water Conservancy District, Jordan Valley Water Conservancy District, Washington County Water Conservancy District, and Weber Basin Water Conservancy District; representatives from the Farm Bureau and the Utah League of Cities and Towns, and the State Engineer met regularly to find consensus on some of these issues.
5. The result of the group's work includes defining quantity impairment, codifying an optional consultation process with the State Engineer's office prior to the filing of a change application, clarifying the roles of the State Engineer and of potentially affected parties in the protest process, and

(C) Now, therefore, we the members of the Utah League of Cities and Towns recommend that:

1. Utah Code §73-3-3 be amended to focus on the change applicant's responsibilities. Specifically, Utah Code §73-3-3 shall define quantity impairment, provide an optional non-binding pre-application consultation between the applicant, and the State Engineer, and clarify that the applicant has the burden of producing evidence sufficient to support a reasonable belief that the change will not cause a specifically identified water right to experience quantity impairment.
2. Quantity impairment would be defined as any impairment of an existing water right resulting from a change application that would deprive another person entitled to the use of water of that person's beneficial use. That deprivation could come in several ways, including diminishing the

quantity of water in the supply source for the person's water right, changing the timing of availability in that supply source, or enlarging the quantity of water depleted by the proposed nature of use when compared to the current use.

3. Utah Code §73-3-8 be amended to focus on the administrative decision process. Specifically, Utah Code §73-3-8 shall clarify the State Engineer's decision process and empower the State Engineer to approve a change application for part of a water right or when an applicant mitigates the impairment of another person's water right. Additionally, under circumstances like those that led to the *Jensen v. Jones* decision, there would be a rebuttable presumption of quantity impairment unless a codified exception exists.

4. Per the proposed changes to Utah Code §73-3-8, the State Engineer would only apply the presumption if a protestant raises a timely protest that identifies the existing right that could be impaired. The State Engineer could provide notice to a representative body of potential protestants but every potential protestant need not be notified. Ultimately, a protestant whose water right may face quantity impairment must file a protest or lose the opportunity to later bring a quantity impairment claim in the administrative process. The changes would not impact a potential protestant's ability to adjudicate a forfeiture claim.

_ ULCT staff, on behalf of the water subgroup_____

City(s), Town(s), and/or Affiliate Group submitting this resolution

_ ULCT staff_____

Person preparing form

RESOLUTION 2014—002

(A) LPC Resolution Title/Subject

Encouraging the State of Utah to Pursue a Comprehensive Transportation Funding Strategy

(B) We, the Members of the Utah League of Cities and Towns find that:

1. Due to declining motor fuel purchases, improving fuel efficiency, and decreasing purchasing power because of inflation, the current use of motor fuel taxes to achieve transportation needs in Utah is outmoded & insufficient. The current motor fuel tax has not been increased since 1997.
2. The 1% local option sales tax is the workhorse for Utah's cities and towns to provide the services that residents expect. The Utah Legislature has the sole authority to adjust the local option sales tax and last increased the 1% local option in 1983 (though the increase was not fully implemented until 1991).
3. Cities and towns are using a greater share of their general funds on traditional transportation related projects—such as road construction, operation, maintenance—because of a rapidly growing population and aging infrastructure which in turn prevents the cities and towns from adequately funding other core governmental services like public safety. Likewise, the state legislature supplements the motor fuel tax with general fund revenue which diverts money from other services.
4. At the same time, citizens are demanding a new paradigm of transportation—including bike lanes, transit, complete streets, trails, and multi-use paths—but cities and towns have insufficient revenue sources to meet the public demand. In fact, the Unified Transportation Plan identifies a local government shortfall of approximately \$3 billion in revenue between today and 2040 in order to meet the local transportation needs.
5. Along the Wasatch Front, half of the PM2.5 emissions that degrade air quality come from mobile sources such as motor vehicles. For most Utahns, cleaner air is a top priority issue for the State of Utah because it impacts public health, transportation, natural resources, economic development, and tourism. The traditional transportation infrastructure incentives cars and thus contributes to the air quality problem.
6. In Utah, nearly one in ten adults and an increasing number of children suffer from asthma. 57% of adults are overweight, 22% are obese, and one in ten children is overweight. In addition, one in fourteen Utahns suffer from diabetes and it is the sixth leading cause of death in Utah. The new transportation system will encourage active transportation because of enhanced opportunity, connectivity, and safety, which could result in better personal and public health.
7. Investing in both old and new transportation has a profound economic impact in Utah. For example, if the State of Utah invested an additional \$11.3 billion dollars on transportation between now and 2040 per the Unified Transportation Plan, it would save Utah's households and

businesses more than \$84.8 billion in expenses, generate 182,618 jobs, and contribute more than \$183.6 billion in additional gross domestic product for the State.

8. Residents are demanding a new paradigm of transportation—including bike lanes, transit complete streets, trails, and multi-use paths—but cities and towns are limited to the aforementioned revenue options of the 1% local option and the motor fuel tax which are insufficient to meet the new public expectations.

(C) Now therefore we the members of the Utah League of Cities & Towns recommend that:

1. The Utah State Legislature empower cities and towns with the financial tools to fulfill the new paradigm of transportation that our residents expect; and
2. The staff of the Utah League of Cities and Towns is authorized with the necessary flexibility to pursue all potential funding options to address the new transportation paradigm.

(D) We the members of the Utah League of Cities and Towns recommend that the Utah State Legislature carefully consider the following comprehensive approach:

1. A statewide, local option $\frac{1}{4}$ cent sales tax dedicated to transportation. This statewide, local option sales tax would provide additional critical transportation infrastructure funding for cities and towns to invest in the new transportation paradigm and reduce the impact of growth or aging transportation infrastructure on municipal general funds.
2. The $\frac{1}{4}$ cent sales tax for transportation would generate the approximately \$3 billion between now and 2040 and could meet the priority needs identified in the Unified Transportation Plan.
3. Clarify and expand the definition for what transportation funds can be used to reflect both the diversity of transportation options in cities and town and the demand from our residents for more active transportation options. Under current state law, B&C revenues via the motor fuel tax may only be spent on B&C roads and on transportation modes within B&C rights of way. The new definition could include transit, sidewalks, trails, bridges, signage, road safety, tunnels, bicycle paths, and other modalities outside of B&C rights of way. Investing in trails, sidewalks, and bike paths will result in Utahns living more active and healthy lifestyles and thus decreasing health care costs and improving quality of life. Investing in transit, trails, and bike paths will also help improve the air quality because it will reduce the quantity of motor vehicles on the roads.
4. Raise the traditional statewide motor fuel tax and include an indexing component so that the motor fuel tax could keep pace with inflation.

City(s), Town(s), and/or Affiliate Group submitting this resolution]

Person preparing form