

**Utah League of Cities and Towns
Legislative Policy Committee
Meeting Minutes
Monday, February 2, 2015**

Welcome

Lynn Pace welcomed everyone to LPC.

Mr. Pace then allowed Sen. Vickers to jump his item on the agenda to the front and address his wildland fire bill.

Wildland fire policy

Senator Vickers serves in Senate District 28, and has been working on the wildland fire project for almost two years. Began when the Governor appointed commissioner of agriculture to find a way to reduce the cost of fighting catastrophic wildland fires. Six regional task force groups were put together and Sen. Vickers was on one of those. Since then he has been carrying legislation dealing with the issue. Have been working with the state forester, Brian Cottom, and the commissioner of agriculture. Last year a resolution was passed that we would work on the wildland fire issue. The Sen. said that they have been working with the league on the finance piece of the issue. This year's bill is talking about the next policy stage of how to fight the fires and work with the local entities. Regional meetings, as well as meetings with the state forester and his task force, have been taking place. The goal of setting this all up is to find a way to fight the fires more seamlessly. The idea is to get the first responders, and those closest and most able, to put the fire out without any worry about the cost. That is the idea behind the fix. Last year we started a move toward prevention and mitigation. The state hasn't ever done this. The feds have, but this is new for the state. The feds usually put 3 to 4 percent up to take care of this area, but now spend less than 1%. The state last year through the forester's office put up \$2 million to those kinds of projects. For the most part these programs have been or will be completed. The projects are focusing on high-risk areas and water sheds. Many projects have been able to partner with the feds and BLM. Pushing to Gone to get \$3 to \$4 million dollars from the state this year. There have been reports that for every \$1 spent on prevention you get \$17 to \$25 back in direct costs. This year's bill has gone out of the Senate committee unanimously. This bill is how to get everyone to work together to get the fire put out quickly as possible without worry about ramifications. The counties have an insurance fund, but cities do not. 2010 Sen. Stole tried to bridge the issue. The League hasn't been required to pay, but counties have. Chairs of natural resource now say that communities have to pay. Part of the work was been trying to figure out how to help communities pay for it through lots of different ways, including projects, matching, and banking those credits. Currently, at the end of the year the state makes a one-time payment to pay for the fires. The Governor wants to reduce that payment. There is an effort to work with cities to help reduce that. That piece is something we hoped to have ready for

this session, but it doesn't look like anything will happen this time, but will continue to work with the League.

Question on what the bill number was.

Answered it was SB 56.

The Sen. welcomed any contact on this issue as the session moves forward.

Question from mayor Seghini (inaudible).

The Sen. answered that that is the intent. If the fire occurs, and it is close to a city, and your fire dept. is available then they should put it out, if it is a state truck they would, if the feds if we hope to have a partnership that they would put it out.

A question was asked if this plan establishes a chain of command on who makes the decisions?

The answer was that chain of command would be figured out through this process, but primarily the county fire warden in conjunction with your fire chiefs would make up that chain.

Lynn, said that the questions we are getting on the bill are primarily why we will be waiting until next session for that portion of the bill to come forward.

Lynn asked that as you have questions please wait for the microphone and state your name and organization so those who are joining us online will know what is being asked and by who.

Bill Tracking

Lynn then moved on to the agenda item of discussing the bill tracking software. The League's tracking sheet will be updated regularly. It is already up and running. Each bill has a position already marked. We want everyone to look through the tracking sheet and be back next week ready to endorse the positions on the bills, or to discuss positions on specific bills.

Cameron Diehl and Brandon Smith began the discussion on bill tracking. Cameron welcomed all who were participating, and invited Ken Bullock to discuss Local Officials Day. Ken said if you would like a copy of the transportation video shown we will get it to you.

Brandon Smith gave instruction on how to get to the bill tracking website, and the ins and outs of using the site for basic bill tracking purposes. He discussed all the ways one can sort through how bills are tracked, and how to find all bills being tracked, and how to know what is going on with any given bill.

Cameron thanked Brandon, said he hoped it would be useful, and mentioned we are in the 2nd year of a 2-year contract. Cameron pointed out that we are on day 8, and already have 121 bills being tracked, 29 of which are law enforcement bills.

First week successes

Cameron shared that our first week was a successful week. One of our successes was the Business Licensing Bill, which would have eliminated the ability of the city to regulate businesses that are home based. When talking with committee members, they each had heard from many of their cities over the course of an hour to an hour and half while they were on floor. That contact allowed many legislators to express the feelings of those cities and towns. Cameron said “we are cautiously optimistic that the bill won’t go anywhere this session. Business license table

Cameron turned it over to Jodi to discuss SB 70. Jodi said she would be brief, and mentioned that the bill made it out of committee last week. She informed us that the bill is a geographic diversity bill that applies to referendums. It doesn’t increase signatures, but requires those signatures be achieved in at least 50% of voting precincts. The idea is that if it is a decision that would effect everyone city wide, the referendum should be represented by all areas of the city. She shared that it looks like the bill is in good shape. She noted that it is a Land Use Task Force bill, and the League supports it.

Gary Crane came up to discuss SB 29, which is a School Planning and Zoning Process bill, came about from charter schools contacting Gary Crane. Sen. Vickers had an idea to avoid the fight that took place last year between Rep. Cunningham and Charter schools, and schools in general, regarding development in our communities. Sen. Vickers wanted to put together a pre planning process that takes place before the city, which requires 2 things. First, is that they talk to the city before they acquire property. Second, they would again go before the city before any construction on the property began, and address a list of items that are important to city planning (traffic circulation, egress, ingress). This way if impact fees and other issues come forward, they are aware of them before they begin construction. Schools, charter schools, and the League, were all involved in the bill.

Question, from John Hiskey, wanted to know if there is anything onerous in the bill for those who are already playing by the rules.

Gary Crane answered that if they are playing by the rules they are already doing those things.

House Bill 142 is Rep. Anderegg’s Municipal Government Revisions. About every 1 or 2 years a mayor or council member comes up and tries to get things to change so that the balance of power falls in their favor. In 2008 the legislature made another effort at evening things out. The result of that was that it is now a difficult thing to change the balance of power. This bill is trying to make it easier for city councils to

change the powers of their mayor by a simple majority vote. Right now it needs to include the vote of the mayor. Gary Crane said he isn't in favor of mayor's or councils, but said it will stir up the mayors. This is why the League has taken a position against this. It is in the Political Subdivisions Committee, and might come back up at any time.

Mayor Seghini made a motion to oppose HB 142.
The motion had a second by the gentleman next to her.
Motion was in order and passed.

Second week focuses

Cameron then took the microphone and mentioned that lots of things are coming up in the second week of the session.

The first two bills for the week would be HB 25, and HB 181.

HB 25, consensus water legislation. Came up on a "snag", have meetings later this week to address that. Lynn mentioned that the "snag" is that other people are trying to put baggage on this bill. This is a bill that has been a long time in coming. It was our position that after the process, the bill needs to pass without amendment and no conditions. Asked for any discussion if any to come up now. No dialogue came.

Cameron then addressed HB181, stating it was a sales tax distribution bill. This bill is meant to be a leverage bill. However, it does change the distribution formula, and we take that seriously. Instead of 50/50 it would be based on where the purchasing individual resides

Question from Heather Pherson from Bluffdale city: She told Cam that she knew he didn't want to speak on this, and that she knew that the League's position is to oppose it. She said she didn't feel that calling it a distribution bill was accurate. She said she can understand why the bigger cities might be opposed to it, but doesn't feel that the League should be opposing this, and doesn't recall a discussion within the league on whether or not this should be opposed. She shared that she agrees that there are two bills and that this one (HB 181) is being used as leverage. She said she felt this is a unique issue due to the nature of vehicles. She noted that it is different because of the protections that new car dealers enjoy. She said that Bluffdale does not enjoy the ability to have dealerships because of those protections, and doesn't feel that the League should oppose the bill if they aren't willing to support the other bill, which shrinks the dealership radius. She stated that she feels the issue has been simplified too much.

Ken Bullock said the reason that Cameron said that it is leverage is because that is what the sponsor of HB181 told us. Ken mentioned that he, Roger Tew, and John Hiskey have been around for quite some time and mentioned that there is no issue more divisive than the issue of sales tax distribution. Noting that water was close,

but was too complicated. Sales tax distribution though, is not complicated, and allows more people to be involved. Ken said that he and his staff feel very strongly about this, mentioning that they have talked with Rep. Mckell, and anyone else associated with car dealerships or with sales tax distribution, letting them know this is not an issue for the legislature to be involved in. Ken shared the while he and Roger Tew were meeting with President Niederhauser the sales tax distribution came up, and the President's exact words to them were "Nope, don't want to touch that, that is your issue." Ken said that was correct, that it is our issue, and it is an issue as staff that we have an understanding as being an important issue that needs discussion. Ken noted that it is an uncomfortable discussion as well. Ken stated that this is not an issue of avoidance of discussion, but a matter of who owns the discussion and whether it should be discussed at the legislative level when it is cities' money being discussed, and how should it be distributed. Other things that need to be considered are what factors to look at when reallocating. Ken said that it is an exceptionally divisive issue in the body and that some legislators are faced with communities that are very diverse. It isn't the legislatures issue. It is our money and our issue. Ken addressed Heather, and said the reason the League is definitive about the issue is because this is being used as a pawn in an area that is very serious for us. Roger Tew wanted to clarify that it isn't a distribution bill, but is instead a sourcing bill. Roger mentioned the bill would mess with sourcing rules, which would change the dynamics of the sales tax system.

Dama Barbour from Taylorsville agreed with Heather Pehrson, and stated that she loves her neighbor cities, but feels that the League should have a neutral position. Ken said that those issues are things that they can deal with as a body, but as a staff, with lots of experience with the issue, we are suggesting we oppose HB 181. Dama said that Taylorsville is absolutely locked in, and can't participate with dealerships because of state statute and that is why she sees it as a legislative issue.

Mayor Tom Dolan said that he echoes what Ken has stated, and that there has been a great deal of experience with this. Mayor Dolan shared that he has lost two new car dealers, and is losing another. He shared that he would love to have their money, but that isn't the issue, the issue is that the distribution formula as it exists today makes it so everyone shares, and that includes cities that don't have dealers. He mentioned that Sandy is shipping off ½ of a percent to the statewide pool of population. 15% of that ½ of a percent is going out and not staying with Sandy. He said to that extent you are sharing. He continued that this is a very divisive issue, but if you want to play that game, then I guess we say everything is point of sale. But that isn't where we want to be; we are all in this together. It is a divisive issue, and fair or not, if you start saying you want someone else's money it gets divisive. Been through this 3 or 4 times in his career, he state that it is a tough position to put the League in.

Adam Cowey with Lindon City stated that this is not just a big city issue, and that Lindon would strongly oppose any changes to sales tax distribution. He shared that Lindon has heavily invested in car dealerships and this would create a significant hit to their economy. He mentioned that they export 32% of the sales tax created in

Lindon to other cities, and would strongly oppose anything that would change that ratio.

Brent Taylor, North Ogden Mayor said that they don't have a dealership in North Ogden, so they don't have a big dog in the race, but he thinks it is a bad idea to tinker with the sales tax distribution formula. Sure they could make more money, but the other neighboring cities have the dealers, and along with those dealers they provide the infrastructure and the services to deal with them, but North Ogden does not. He state that there is no reason to take one item sold in the state and move that sales tax somewhere else because there is an address on a title. He asked why it should be treated different from other items, suggesting that it just opens up other issues.

Heather Pehrson spoke again, saying that she felt everyone was missing the point a little. She agrees that it is a leverage issue, but again stated that it is different because of the 15-mile radius protection. Her question to the LPC is that if they oppose this, and ask smaller cities or others cities to join you in this fight, will they equally support the other bill and take the 15-mile radius down to 0, and support competition. She mentioned that the reason they picked vehicles is because they are unique. She isn't excited about opening the can of worms of distribution either, she gets where the league is at on that issue.

Ken Bullock said he would answer her question with a statement. He told her that she is the League. Ken said that the League makes recommendations, but it is the members who make the decisions and motions, stating that the League takes direction from its members.

Bill Applegarth, Mayor of Riverton, would love to have Mayor Tom Dolan's money, but is not in favor of HB 181 for the reasons that have been said. He said he feels it is very dangerous to start messing with the formula. He also mentioned that it is a legal issue for cities that have used sales tax in their bonding revenues.

Norm Searle, Mayor of Riverdale stated that Riverdale is a small city with an 8,500 nighttime population that grows to about 50,000 to 60,000 during the day. He shared that they have been paying fire and police to take care of those businesses. He mentioned that it used to be 50% point of sale, but changed it to 25%, and that that change really hurt Riverdale, but still feels it was a good thing. He shared that in a meeting he had with new car dealers the 15-mile radius was addressed. He said he learned that not all manufacturers honor that rule. He then posed the question of how far would things go if the sales tax distribution was allowed to be changed.

Ken Bassett from Vernal wanted an explanation of what the other bill is that was being referenced. Lynn Pace said that in the interest of time they would move on. Lynn said he appreciated the discussion, but that a position wouldn't be taken this week. He said that it is something that regardless of how it is packaged is messing with sales tax distribution, and that has consequences in many important areas for towns and cities, including current revenues, existing obligations, and a longer term

ramification of the state's perception of cities and towns. He said that we needed to move on, but asked that those with questions on the topic come prepared next week to discuss it further if needed.

Cameron Diehl then shared that SB 82 would be brought forward in the afternoon, but that the sponsor, Sen. Urquhart, committed to hold it. He said that if anyone has specific questions about the bill to please ask, but mentioned that the bill would be described in more detail in the daily email.

Nick Jarvis then began to discuss Rep. McCay's bill on body cams. Nick stated that there isn't any language on the bill as of yet. He mentioned that in the discussions taking place that there are still a number of sticking points. One point that was resolved is that the current version of the bill has taken out language that stated body cams would need to be turned off during a lawful protest. Other issues, like those that deal with retention, have also been addressed, discussing the schedule of the records and who has access to them. Nick also shared that some filming that was done outside of policy would be excluded from evidence. He also informed us that the rebuttable presumption is still in the bill.

Rob Wall Sandy City attorney wanted to bring forward the huge cost of the bill because of the retention cost. He encouraged everyone to discuss these issues with their chiefs. He shared that all tools used by police have been used and studied so much that they understand them, but the filming still has such a large failure rate that it leaves police vulnerable if there was a technical failure.

Ken Bassett and Mayor Norton from Vernal wanted to know if there was a bill number for body cams yet.

Nick responded that no, there is no bill number for this yet.

Mayor Jon Pike from St. George then addressed the LPC about the distracted driving bill sponsored by Rep. Anderegg (HB63S01). He shared that he feels that is guts last years bill. He said it essentially provides too many excuses to not be hands free, including using online music, making/receiving calls, and doing voicemails. The concern is that this is a giant step backward and creates a safety problem. He said that local people are hurting and sometimes killing other local people because they are using their phone. Asked that a position be taken against the bill.

Mayor Curtis made a motion to oppose the bill.

Mayor JoAnne Seghini seconded the motion to oppose the bill.

Nick Jarvis added that UHP and other law enforcement agencies have opposed this.

Gary Crane wanted to add that last year the LPC supported Sen. Urquhart to get last years bill passed, and that we needed to continue to support him in that.

The motion to oppose the bill passed.

Lynn mentioned that there would be a large number of law enforcement bills and that a law enforcement working group would soon be put together.

Gary Hill City Manager of Bountiful then addressed everyone to discuss Sen. Wayne Harper's proposal that would combine dispatch centers physically. He noted that there is no numbered bill yet. He mentioned that Sen. Harper had held meetings with some representatives from Davis and Utah counties prior to the session to discuss what he perceives is an issue in communication, as well as duplicative costs in counties that have more than one dispatch center. Gary suggested that there might be some differing opinions from Sen. Harper's ideas on having multiple dispatch centers and why they are actually valuable. A big part of the concern is having only one dispatch center and being told how to use our resources. He stated that he thinks we are supportive of doing interoperability and innovation, but a single dispatch center per county poses problems. Asked for any conversation to the bill.

Scott Darrington with Pleasant Grove was one of the ones who met with Sen. Harper, and complimented the Sen. on his willingness to listen to what the cities had to say. He shared that the Sen. wanted some more information on Peace Apps and how they communicate with each other. Pleasant Grove's concern was about keeping local control. Scott wants the League to take a look at it and support the local control aspect.

Mayor Seghini suggested that one of the problems they have had in Salt Lake County is cell-towers. She shared how cell towers have, at times, been where emergency personnel have been dispatched to if they didn't have enough information from the caller. She said if you can solve those on a local level that is fine, but felt that in Salt Lake county they are missing the ability to provide prompt and appropriate service to their citizens in the county. She shared that Murray is moving toward a single dispatch, and shared that everyone might look at those thoughts as you evaluate this issue in the different counties.

Gary Hill said he thinks that is where we are at on the issue, and stated that we would like the control and decision making to be kept local. He said he isn't looking for a position on this because there is no bill with language yet, but asked for general direction on keeping local control funding and help on interoperability.

Jamie Davidson with Orem said there has been lots of discussion in Utah County about this, and that there are lots of options to consolidate that don't include consolidating physically. He said he felt it was short sighted to require everyone to consolidate physically, when the future is heading toward a technological solution.

Cameron Diehl then addressed some other items that needed to be addressed.

The first item he addressed was how many cities and towns currently stream city council meetings. He asked for a raise of hands and took a quick count. He mentioned that a bill was sent to him over the weekend that would require cities and towns to stream council meetings.

He then asked how many cities and towns have a GRAMA appeals process at the local level, and took a quick count. He mentioned that if you have a process email it to Cameron over the weekend. This is another bill that does not have number that he was tipped off to by a reporter. He explained that the bill would eliminate the ability to have a local GRAMA appeals process and would funnel everything through the state records committee.

Cameron asked that those who raised their hands to either of those two issues, to email Cameron with details.

Cameron mentioned that there were lots of bills expected on special service districts, special assessment areas, and interlocal agreements, and asked if there were people who wanted to be involved or knew of others who could be or would want to be to let us know.

Cameron Shared that transportation will be the most volatile of our issues, followed by law enforcement. He stated that the SSD, SAA and Interlocal Agreements, are being lumped together. He also noted that assessment area bills have been debated the last 3 sessions, and that 11 drafts were made over the summer, and it is still being worked on.

Another set of issues with potential upcoming bills is a rental unit inspections bill and Good Landlord bill. These issues are trying to be resolved through the efforts of Ogden and Salt Lake.

Ken Bullock then addressed the LPC about transportation. Ken feels the situation is not volatile, but fluid with lots of ups and downs. He shared that he has been having meetings with legislators, and that not everyone is on board yet. He mentioned that there are differences of opinions and approaches from the house to the senate, but there does seem to be a growing sense that there needs to be additional local funding. There are some bills being opened in the house to deal with fuel taxes. The difference maker is cities being able to say how they would spend the dollars that they would get. Another part of the picture is completing the last "half mile" to help better utilize mass transit.

Asked Mayor Curtis if he wanted to speak about the meeting they had with the Governor. He said no. Ken said Mayor Curtis, Mayor Caldwell, himself and Cameron Diehl had met with the Governor to discuss transportation.

Mayor Curtis said that Ken asking him to speak to the meeting with the Governor was like his wife asking if he wanted to help with the dishes. He then praised Ken for his efforts on the transportation issue and a good meeting with the Governor. The Governor was on board with lots of what was said, and the bottom line for mayor Curtis was that the league is doing a great job pushing this issue.

Ken followed up saying that the League has developed a good relationship with the Doug Wright show in recent years and might be using that avenue to get our message out, as well as meeting with the Deseret News editorial board. Ken explained to the members that their constant involvement is what is going to make the difference on the transportation issue.

Other items from LPC membership

Lynn echoed mayor Curtis' comment on Ken's efforts, and asked if there was anything that the members felt needed to be brought up.

Brent Taylor with North Ogden said he would like a discussion about public safety dispatch being put into law enforcement or public safety retirement. Feels it is a bad idea, and wants to discuss it with others.

Posting of political signs on public property was brought up. Lynn Pace said there is no change to current law, except that it regulates different signs differently, which is a problem. The bill doesn't change law or status quo. Gary Crane said they had some concerns, primarily on the enforcement side of things.

Shellie Baertsch from Saratoga Springs said there is a case going to the Supreme Court based that deals with political signs, and could have an impact on this issue in the near future.

Economic Update

Doug McDonald then covered economic updates. He shared that residential construction numbers were up, but that that is a preliminary number. He said to give him a call if you have details you would like to know about certain areas. The report covers both sides of the Wasatch. Sales tax grew in last quarter, and is expected to grow in the next 6 to 9 months.