

# UTAH LEAGUE OF CITIES AND TOWNS

**2017 LEGISLATIVE POLICY COMMITTEE**

**August 21, 2017**

PS: 153 days until the 2018 session officially starts



# The power of ULCT: #leaguearmy

**“We must all hang together, or assuredly we shall all hang separately.”**

*- Benjamin Franklin,  
at the signing of the  
Declaration of  
Independence*



**UNITED WE STAND,  
DIVIDED WE FALL.**

**- AESOP**



# Transportation Task Force



## New task force digs into possible transportation reform

By **LEE DAVIDSON** | The Salt Lake Tribune [CONNECT](#)

First Published May 16 2017 05:39PM · Last Updated May 23 2017 07:51 pm

Also, the task force heard that booming population growth likely will exceed the state's capacity to handle transportation needs in traditional ways, so transit and newer live-and-work-in-the-same-area developments may become more important.



# Double-decker I-15? Better growth planning could prevent that, lawmaker says

By [Lisa Riley Roche](#)  [@dnewspolitics](#)

Published: May 31, 2017 3:35 p.m.

   28 Comments



He said planning now for the predicted doubling of the state's population by 2050 can save money. But Niederhauser said that may require the state to take over planning functions now left to local governments.

Buxton, a member of the Legislature's new Transportation Governance and Funding Task Force, also said urban sprawl can't be allowed to continue and that may mean new state laws spelling out how land can be used.

"I think there is going to have to be some kind of a group put together to look at an overall master plan of how we're going to end with growth, where the roads are going to be. We're going to have to have a little stiffer rules," he said.

The transportation 2018 game has not yet kicked off



# Transportation Task Force work groups

- **Governance and Transit**

- Sen. Wayne Harper
- Commissioner Bret Millburn
- Mayor Mike Caldwell
- Mayor James Hadfield
- Wade Sherman (Adobe)

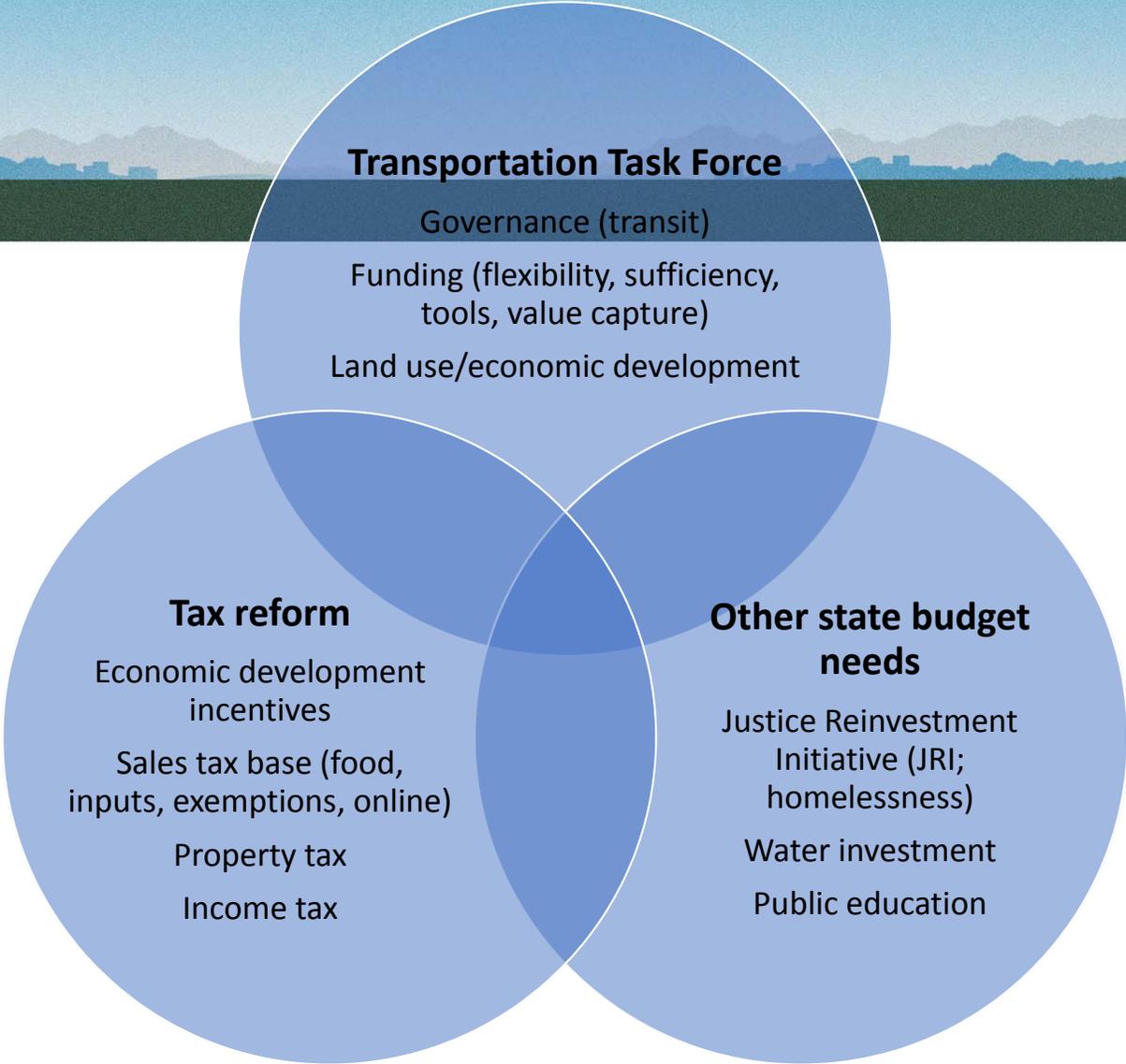
- **Funding**

- Rep. Kay Christofferson
- Sen. Gregg Buxton
- Mayor Jackie Biskupski
- Sophia DiCaro
- Pat Jones
- Kent Millington

- **Economic Development, Land Use, Rural Issues, Active Transportation, Aviation**

- Rep. Mike Schultz
- Sen. Gregg Buxton
- Mayor Jackie Biskupski
- Mayor Ben McAdams
- Commissioner Jeff Scott
- Lane Beattie
- Robert Grow





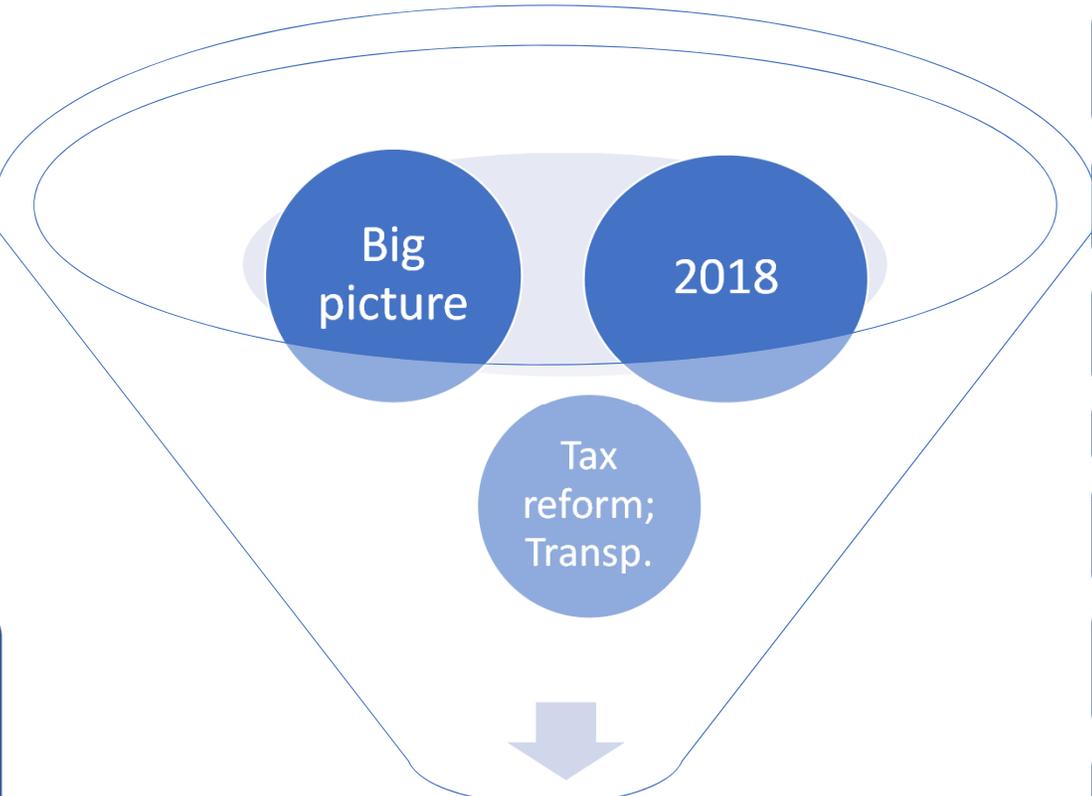
**BIG PICTURE  
PRESSURE ON  
POLICY**

**CURRENT QUESTIONS**

Prepare for population growth: transportation, jobs, air quality, water, recreation, "affordable housing," housing affordability

**2018 PRESSURE ON  
POLICY**

Our Schools Now; education and transportation impact on state budget



1) State **incentives** for coordinated land use and transportation planning?

2) Incentives/process v. pre-determined outcome?

3) Area planning for transportation **corridors**?

4) State prioritization criteria?

5) Public clamor over local land use?

6) "Misaligned" state and local ED incentives?

7) 1% sales tax, head room, value capture, truth in taxation?



# What is the local gov't role and what is the state role?

1) State **incentives** for coordinated land use and transportation planning?

2) Incentives/process v. pre-determined outcome?

3) Area planning for transportation **corridors**?

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6) "Misaligned" state and local ED incentives?

7) 1% local sales tax, value capture, head room, truth in taxation?

# ULCT longstanding positions

- 2007-01 Land Use Resolution
  - “ULCT strongly opposes any legislation attempting to take away or limit the authority of local elected officials to make land use decisions within their jurisdictions”
- 2011-001 Resolution on local government tax structure
  - “any change to municipal funding should include the comprehensive input of cities ... changes to the distribution formula creates ‘winners’ and ‘losers’ and should be evaluated carefully
- 2012-004 Sales Tax and Economic Development
  - “formulate a strategy to create long-term sustainability in local gov’t financial tools”
- 2016-3 Local Property Tax
  - “municipalities need to be able to obtain some growth in property tax ... without and to avoid the undesirable effects of excessive dependence upon sales tax revenues”



# Land Use Task Force

- Local government negotiating team:

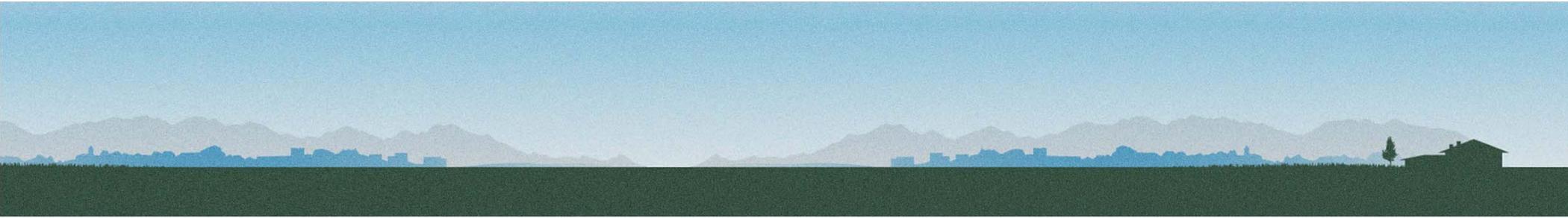
- Jody Burnett
- Bountiful: Clint Drake
- Layton: Gary Crane
- Ogden: Mark Stratford
- Park City: Mark Harrington
- Salt Lake: Lynn Pace
- Salt Lake County: Wilf Sommerkorn
- Sandy: Rob Wall
- South Jordan: Ryan Loose
- St. George: Shawn Guzman
- West Jordan: Rachel Otto
- West Valley: Nicole Cottle

- ULCT: Cam Diehl, Meg Ryan, Roger Tew

- Issues at hand:

- Infrastructure improvement provisions
- Vesting rights
- HB 232 modifications
- Office of Property Rights Ombudsman
- Plan check
- Subdivisions re-codification
- Impact fees “safe harbor”





Executive Water Task Force

Recommended State Water Strategy



# Fireworks law



- Resolution 2016-001A
  - Restrict scope and nature of legal fireworks in Utah
  - Flexibility for cities to regulate fireworks as necessary to protect public safety
  - Reduce the number of days that fireworks are allowed to be discharged
- Meeting scheduled with Rep. Jim Dunnigan on Wed. Aug 23



# HB 115 Solid waste amendments

Initial intent: equalize DEQ DWMRC fee (28 cents)

## POLITICAL SUBDIVISION WASTE DISPOSAL

\$800 for 5,000-10,000 tons of muni waste (16-8 cents)

\$1450 for 10,000-20,000 tons of muni waste (14.5-7.25)

\$3,850 for 20,000-50,000 tons of muni waste (19.25-7.7)

\$12,250 for 50,000-100,000 tons of muni waste (24.5-12.25)

\$14,700 for 100,000-200,000 tons of muni waste (14.7-7.35)

\$33,000 for 200,000-500,000 tons of muni waste (16.5-6.6)

\$66,000 for 500,000+ tons of muni waste (13.2)

## COMMERCIALLY OWNED WASTE DISPOSAL

- 13 cents per ton for waste/ash
- 50 cents per ton for construction, yard, or demolition waste
- \$2.50 on nonhazardous solid waste, slag, ore, cement kiln (also applies to PS)



# HB 115 (2017): solid waste fees

- What is “fair and equitable?”
  - Currently only 41/168 landfills pay any fee; 40% of Environmental Quality Restricted Account paid by 1 commercial landfill
  - Distinction between landfills owned by political subdivisions and commercial?
  - Different rate for waste types?
    - Municipal waste and industrial waste (plus surcharge)
  - Same cost per ton?
  - Flat fee for all landfills?
  - Hybrid approach?
- What is the actual cost of state regulation?
  - How is fee revenue currently collected and spent?
- Coalition working on potential scenarios to provide to Division asap



# Fee Schedule proposals

- Coalition (ULCT, UAC, IPP, Waste Management, others) proposal:
  - Hybrid rate:
    - \$1500 minimum for all landfills
    - Lower variable rates for non-commercial landfills based on tonnage
  - Consideration of exemptions for landfills who cannot afford minimum and cannot feasibly transfer waste
  - Long-term strategy: urge an accurate DEQ assessment and alignment of program costs
    - Frustration about the \$1.7 million budget, \$192,000 transfer to general fund, lack of cost accounting
- DEQ public proposal:
  - All landfills must pay either \$0.22/ton or \$150 quarterly, whichever is greater
    - Transfer stations pay .11/ton or \$150 quarterly
  - Shifts a greater fee burden to large and midsize non-commercial landfills



# Future waste fee action

- ULCT and coalition partners are pursuing further legislative options
- ULCT and coalition partners will meet on August 24 to prepare comments
- Comment period is open until 5 pm on September 12<sup>th</sup>
  - Written comments should be addressed to:
  - Craig Silotti
  - Utah Department of Environmental Quality
  - Office of Support Services/Finance
  - 195 North 1950 West
  - P.O. Box 144810
  - SLC, Utah 84114-4810



# Local referendum modernization

- Working group:
  - City attorneys, city managers, city recorders, county officials, Lt. Governor's staff
  - Rep. Brad Daw, HB 20
- Policy focus: clarity in the law
  - Timeline and *"Pause"*
    - Days, business days, calendar days
    - Adjudication, prepare fiscal/legal analysis, prepare for/against arguments
  - Signature threshold
  - Communication rules
    - When is information created and provided to the public?
    - Equal access for supporters and opponents of referendum
    - Elected officials, city as an entity, city (definition of "public official")
  - Due process for individuals who violate the law
- Next step: meeting with legislative research to prepare a draft



# ULCT Resolution process

- [www.ulct.org/legislative-advocacy/lpc-resolutions/](http://www.ulct.org/legislative-advocacy/lpc-resolutions/)
- Submit draft resolution to ULCT staff for the resolutions meeting
- Due date: Friday, September 1, 2017
  - Note: resolutions may be brought from the membership during the business session
- 2017 resolutions:
  - Fireworks
  - Local property tax
  - 311 non-emergency
- Resolutions meeting: Tuesday, September 12, 2017



# Take 5 Takeaways

## 1) Contact your legislators!

- Transportation, taxation, and land use
- Articulate your city's unique needs—no “one size fits all”
- Build relationships of trust with legislators
  - Municipal election year
- Stay engaged legislatively; incumbents, candidates, staff

## 2) Submit resolutions!

## 3) ULCT Annual Convention: September 12-15

## 4) Next LPCs: Monday, October 16, 2017 and Monday, November 13, 2017

## 5) TBD: Municipal Officials Training (formerly “Newly Elected trainings”)

