

RALPH BECKER  
MAYOR



# SALT LAKE CITY CORPORATION

OFFICE OF THE MAYOR

## CITY COUNCIL TRANSMITTAL

David Everitt, Chief of Staff



Date Received: By Steven  
Date sent to Council: 4/1/2009

**TO:** Salt Lake City Council  
Carlton Christensen, Chair

**DATE:** March 31, 2009

**FROM:** David Everitt, Chief of Staff

**SUBJECT:** Legislative Session Briefing

**STAFF CONTACT:** Ben McAdams, Senior Advisor to the Mayor  
535-7939  
Lynn Pace, Deputy City Attorney  
535-6613

**BACKGROUND/DISCUSSION:** The Administration would like to brief the City Council on the 2009 legislative session. The following list summarizes key legislative issues. We have also attached a 2009 Legislative Summary.

North Temple Viaduct Funding (\$20 million) – In evaluating alignment options for the Airport TRAX line, we concluded that pursuing funding options at the legislature to assist with a rebuild of the North Temple viaduct was a high priority. Rebuilding the viaduct would allow for a shortening of the viaduct by an entire block, facilitate downtown development and open connections between downtown and critical parts of the City. Numerous funding options were pursued at the legislature before we were ultimately successful in receiving one-time funding of \$20 million from the “quarter of a quarter” state administered road fund.

Resort Tax Proposal – As part of our effort to find tools to assist Salt Lake City in addressing the unique circumstances and challenges that face the Capital City, we pursued legislation that would modify the resort community statute of existing state law to accommodate Salt Lake City within the resort community formula. While we were ultimately not successful in passing legislation, we believe the opportunity to share with legislators the unique challenges we face and explore possible solutions we face was valuable. We look forward to working with the legislature during the interim to further develop this concept.

Townships – We were engaged in extensive discussions about how to balance the desire to remove the 2010 sunset on townships against legitimate public policy concerns raised by many cities in Salt Lake County. Ultimately a compromise was reached that allowed for the perpetual existence of townships, while also protecting the right of future self-determination of township residents and providing for a fair and neutral body to arbitrate in the event of a dispute over a proposed annexation. We believe that the agreement reflected in S.B. 73 addresses all of our concerns while also satisfying the interests of township residents.

Riparian Corridor Legislation – During the 2008 session, legislation was proposed which would have prohibited municipalities from regulating the use of property based upon its proximity to a riparian corridor. We were successful in persuading the sponsor of that legislation to withdraw that bill because at the time the City Council was still considering revisions to that ordinance. There was discussion during the session that those who are unhappy with the City's ordinance were pushing for a State Legislative prohibition. We had a continuing dialogue with the sponsor of the 2008 legislation and ultimately no legislation was introduced.

## **Salt Lake City**

### **2009 Legislative Summary**

- HB16 – Assessment Area Amendments (Hunsaker)  
Modified various provisions regarding creation of special assessment areas.
- HB 18 – Water Right Applications and Records (Painter)  
Modifies provisions relating to water right applications and segregation of water records.
- HB 23 – Certified Tax Rate Amendments (Hunsaker)  
Requires a municipality to reduce its certified tax rate to reflect prior 5 year redemptions
- HB 43 – Coordinating Municipal and Special District Elections (Grover)  
Provides for coordination of elections and reimbursement of costs.
- HB 55 – Amendments to Tourism, Recreation, Culture, Convention and Airport Facilities Tax Act (Harper)  
Adds tax on alcoholic beverages to restaurant tax.
- HB 64 – Deterring Illegal Immigration (Dee)  
Authorizes state Attorney General to create task force to deal with felony crimes related to immigration. Provides for voluntary participation by local law enforcement.
- HB 67 – Public Hearings on Property Tax Increases (Froerer)  
Modifies truth in taxation requirements.
- HB 68 – Development Exactions (Painter)  
Prohibits exaction of additional water if city already has enough to meet projections for next 40 years.
- HB 85 – Mutual Benefit Corporation – Judicial Liens (Painter)  
Imposes limitations on executing a judicial lien on water rights.
- HB118 – Archives and GRAMA Revisions (Aagard)  
Provides that intentional destruction of the record copy of a record is a misdemeanor.
- HB 126 – Voter Identification for Elections (Daw)  
Requires that voters present identification before being allowed to vote.
- HB 141 – Billboard Amendments (Frank)  
Billboard relocations. Provides for a 90 day consultation period prior to relocation. Allows for relocation within 1 mile of existing board. Non-Freeway

billboards can be 300 feet apart, 45 feet maximum height. Freeway billboards – 500 feet apart, 65 feet, or 25 feet above freeway – maximum height.

HB 154 – State Construction Registry Amendments (Morley)

Requires standardized building permit numbering.

HB 164 – Migratory Bird Production Areas (Oda)

Authorizes the creation of migratory bird protection areas. (Similar to agriculture protection areas.)

HB 185 – Transportation Amendments (Harper)

Authorizes bond revenues for \$20 million to Salt Lake City for rebuilding the North Temple Viaduct.

HB 235 – Dam Safety Amendments (Sandstrom)

Authorizes state engineer to inspect dams.

HB 241 – Priority of Water Rights (Gibson)

Repeals priority of domestic water rights in times of scarcity. Effective May 2010.

HB 259 – Local Government Amendments (Sandstrom)

Impact fees charged to schools. Modifies requirements for adopting a capital facilities plan and impact fee analysis. Clarifies what impact fees may be charged to schools. Requires mediation of disputes.

HB 274 – Local Government Fees and Charges (Wallis)

Impact fees charged to state projects similar to HB 259 above. Clarifies what impact fees may be charged to state facilities.

HB 283 – Illegal Use of Motor Vehicles (Noel)

Provides prohibitions and penalties for illegal use of motor vehicles on public lands.

HB 290 – Prohibition of Wireless Communication Device in a Motor Vehicle (Clark)

Prohibits use of a handheld wireless communication device for text messaging or electronic mail communication while operating a motor vehicle, and provides exceptions to that rule.

HB 323 – Amendments Regarding Notice on Utah Public Notice Website (Winn)

Modifies the notice that municipalities are required to provide before preparing a proposed general plan amendment and requires that notice be provided on the Utah Public Notice website.

**HB 327 – Building Inspector Amendments (Aagard)**

Requires that a local regulator issuing a single family residential building permit include in the permit a statement that decision's are subject to review to the chief executive officer of the municipality.

**HB 342 – Disproportionate Rental Fee Amendments (Froerer)**

Clarifies that a municipality that has not already imposed a disproportionate rental fee is authorized to impose the fee after meeting specified requirements. Requires that municipalities imposing a disproportionate rental fee for the first time must establish a Good Landlord program allowing the landlord to qualify for a reduction in the disproportionate rental fee. Also removes the requirement to update the municipal services study every six years for municipalities with a Good Landlord program.

**HB 352 – Alcoholic Beverage Related Amendments (Dunnigan)**

This bill authorizes the issuance of conditional licenses for certain retail alcohol license facilities, and authorizes access to information related to a private club licensee or tavern by an investigator.

**HB 371 – Transportation Governance (Harper)**

Modifies the governance model for members of a public transit district board of trustees if more than 200,000 people reside within the boundaries of the public transit district. If so, the board membership is reduced from 15 to 10 members, and board terms are extended from 2 years to 4 years. Any municipality with more than 160,000 residents is entitled to appoint one voting member to the board.

**HB 375 – Local Government Records Amendments (Wilcox)**

Requires political subdivisions to designate a person as a chief administrative officer for purposes of a records appeal.

**HB 383 – Water Rights Adjudication Amendments (Gowans)**

Allows the state engineer to petition the court to amend or substitute a list of claimants in an action to determine water rights and allows the clerk of the court to change an address when the state engineer's records are amended.

**HB 389 – Applications for a Small Amount of Water (Painter)**

Authorizes the state engineer to approve an application for a small amount of water, meaning the amount of water necessary to meet the requirements of one residence or one quarter acre of irrigable land. The application may not be approved if it conflicts with a municipality's planning, zoning or subdivision regulations.

**HB 390 – Absentee Ballot Amendments (Mathis)**

Requires that applications for absentee ballots be applied for and cast no later than the Friday before the election date.

HB 402 – Enforcement of Carbon Monoxide Detector Requirements (Garn)

Prohibits a municipality from requiring landlords to install or maintain carbon monoxide detectors in a residential dwelling except as part of new construction.

SB 16 – Prohibited Gang Activity (Greiner)

One of several gang related enforcement bills. Requires a municipality to designate areas where police officer may require groups that include gang members to disperse. Also authorizes a police officer to order a group to disperse if the group includes persons an officer reasonably believes to be gang members located in an area where loitering of groups that include gang members has been prohibited. Also requires that officers receive training on identification of gang members and the protection of constitutional rights.

SB 18 – Utah Transparency Advisory Board Amendments (Niederhauser)

Requires that no later than May 15 2011, municipalities will be required to provide public financial information through the Utah Public Finance website or their own website with a link through the Utah Public Finance website.

SB 24 – Early Voting Amendments (Knudson)

Repeals a requirement that counties of the first class provide one early voting polling place within each Utah state senate district, and requires that early voting places be proportionately distributed based upon population.

SB 26 – Open and Public Meetings Act – Meeting Record (Knudson)

Requires that a recording of an open meeting must be available to the public within three business days after the meeting. Also requires that written minutes of an open meeting which have been prepared, but are merely waiting for formal approval, are a public record subject to designation that they have not yet been formally approved.

SB 28 – Prohibited Activities of Gang Offenders (Greiner)

Provides that a person convicted of a crime for which the sentence is enhanced due to gang related activities, may not possess a dangerous weapon, ammunition or firearm for five years.

SB 29 – Safe Drinking Water Act Amendments (Stowell)

This bill was sponsored on behalf of Holliday Water Company and White City Water Company. Exempts a corporate public water system from the requirement to add fluoride to its water system unless the majority of the voting share holder of the corporate public water system have approved the addition of fluoride

SB 39 – Immigration Amendments (Jenkins)

This bill was intended to further refine SB 81 adopted in 2008, which was a comprehensive immigration bill. Defines a contract to mean an agreement for the procurement of goods or services that is awarded through an RFP process with a public employer and includes a sole source contract. Verification of legal

immigration status is not required for a state public benefit to be given to an individual under the Utah State Retirement and Insurance Benefit act. or a home loan that will be insured or guaranteed by a federal agency. With those modifications, the 2008 immigration bill will take effect on July 1, 2009.

**SB 41 – Sighting of High Voltage Power Line Act (Knudson)**

The bill requires the Public Utilities notify effected entities and land owners when applying to construct a high voltage power line and requires the public utility to conduct public work shops to distribute information to the public on the proposed power line. The bill also authorizes a public utility or local government to appeal a high voltage power line route to the utility facility review board.

**SB 56 – Military Installation Development Authority Amendments (Killpack)**

This bill amends the regulation previously adopted for a military installation development authority (MIDA) which was created for the purpose of facilitating the development of vacant land on the Hill Air Force Base in Davis County. Provisions of the bill grant broad taxing and regulatory authority to MIDA, and specifically define MIDA as a subdivision of the state. The bill also allows for the creation of new project areas on any military land, which is defined as any property under the jurisdiction of the US department of defense or the Utah National Guard. In the event that a new project area is created, the membership of the MIDA board must include a Mayor or member of the legislative body of a municipality that is adjacent or in close proximity to the project area.

**SB 68 – Mining Protection Amendments (Killpack)**

This bill was sponsored on behalf of Kennecott. The bill provides that protections for the holder of a large mine permit that has produced commercial quantities of mineral deposits from the mining use. Specifically excludes sand and gravel operations. The bill grants vested mining rights, notwithstanding any land use regulations which may provide to the contrary, for all properties owned by the mine operator. The bill also provides a process by which the mine operator may expand its operations to new lands.

**SB 73 – Unincorporated Area Amendments (Mayne)**

This is the bill that was passed regarding the townships in Salt Lake County. The bill provides that new townships may be created or dissolved by a petition and vote of the affected residents. The bill repeals previous provisions which prohibited municipalities from denying annexation to certain areas (the so called “forced annexation” provisions). The bill also allows for the modification of existing township boundaries, to accommodate either a proposed annexation or incorporation, subject to the review of a three member committee, all of which must be elected officials, but none of which may be Salt Lake County officials or officials from the city which proposes to annex the territory. Finally, the bill repeals the sunset provisions which would have eliminated townships as of July 1, 2010.

**SB 83 – Condemnation Amendments (Stowell)**

The bill requires a governmental entity acquiring property under threat of condemnation to provide a written statement identifying the public use for which the property is being acquired. If the property is put to a use other than the use originally identified, the governmental entity is required to offer to sell the acquired property to the original property owner at the original acquisition price. The property owner has a period of ninety days in which to accept the repurchase offer.

**SB 84 – Impact Fee Revisions (Bell)**

Requires that a local government obtain a written certification from the person or entity that prepares the written impact fees analysis and specifies the content of that certification. The bill also allows for charging impact fees on fire trucks with and estimated cost in excess of \$500,000.

**SB 94 – Underground Sewer Utilities Facilities Amendments (Greiner)**

The bill requires a person installing or replacing a sewer lateral after August 1, 2009 to install the lateral with a tracking device so that it can be located in future. The bill also requires sewer operators to maintain records, beginning August 1, 2009, identifying the location of new, replaced or previously identified sewer lateral locations.

**SB 115 – Payment of Mobile Home Park Relocation Expenses (Niederhauser)**

Authorizes counties and municipalities to use property tax increment from the redevelopment of mobile home park property to pay relocation expenses of mobile home park residents displaced by development activities that change the use of the property.

**SB 118 – Parental Responsibility for Juvenile Criminal Gang Offence Costs (Greiner)**

The bill requires a parent or guardian who has legal custody of a minor to be liable for up to \$5,000 dollars in damages including damages from graffiti which may occur when the juvenile participates in criminal activity that causes property damage and occurs in connection with gang activity or gang association.

**SB 131 – Law Enforcement Service in Local Districts and Interlocal Entities (Jenkins)**

This bill authorizes the creation of the so called “unified police district” in Salt Lake County. The bill authorizes Salt Lake County to create a police service district, similar to the unified fire district previously created. However, the bill also provides that any law enforcement district created by the county shall not have independent property tax authority, but is required to seek approval for any property tax increase from the legislative body of Salt Lake County and other participating governmental entities.

**SB 134 – Transportation Funding Amendments (Urquhart)**

The bill prohibits the State, Counties and local municipalities from spending congressionally approved transportation funds provided for certain local



transportation projects, unless the specified project is included on the state wide transportation improvement program.

**SB 135 – Local District Taxing Authority (Bramble)**

The bill prohibits special service areas from increasing property tax levies, unless all members of the special service area unless all of the board members are local municipal elected officials. This bill does not apply to special service districts.

**SB 153 – County and Municipal Amendments (Madsen)**

Prohibits municipalities from requiring, as a condition of land use approval, documentation regarding a school districts willingness or ability to service the proposed development. Prohibits municipalities from charging fees that exceed applicable costs and requires municipalities, on request, to itemize and show the basis for fees imposed.

**SB 169 – Gambling Amendments (Liljenquist)**

This bill defines and prohibits “fringe gambling”, which is intended to make it easier to enforce against internet gambling.

**SB 171 – Municipal Annexation Amendments (Jenkins)**

Provides various amendments to definitions and other provision within the annexation statute. Also provides that a municipality may annex an area without a petition from the property owner if the area is an unincorporated island or peninsula of 50 acres or less and the municipality and county agree the area should be annexed.

**SB 176 – Civil Fees in Small Claims Courts Amendments (Greiner)**

Increased the jurisdictional limit for small claims court to \$10,000 and increases small claims court filing fees.

**SB 184 – Civil Filing Fees (Bell)**

This bill increases the filing fee in district and appellate courts.

**SB 187 – Alcohol Amendments (Valentine)**

This bill is the comprehensive alcohol reform bill passed by the legislature. The bill provides for electronic verification of proof of age by clubs, removes restrictions related to election days, modifies proximity for restaurant liquor licenses, and eliminates the previous restrictions in state law relating to private clubs.

**SB 190 – Acquisition of a Billboard by Eminent Domain (Niederhauser)**

The bill defines the amount of compensation that a municipality is required to pay a billboard owner when the municipality is deemed to have acquired a billboard through eminent domain.

- SB 205 – Community Development and Renewal Agency Amendments (Bramble)  
Revision to the community development and urban development statute. This bill contains specific provisions designed to facilitate the financing and development of the St. George Airport property and the Geneva Steel property. Prohibits a redevelopment agency from using tax increment financing to pay for telecommunications facilities. The bill also modifies the existing requirements to set aside a portion of tax increment financing for moderate income housing. Finally, the bill prohibits changes to an approved plan that would result in the payment of tax increment funds to the developer beyond that which was approved in the budget, or from paying tax increment funds for a time period beyond that which was approved in the budget.
- SB 208 – Utah Public Notice Website Amendments (Urquhart)  
This bill amends existing provisions to the Utah Code to specifically authorize the posting of legal notice on an approved website rather than in the local newspaper.
- SB 209 – Land Use, Development, and Management Act Amendments (Bell)  
The bill modifies the process for subdivision and subdivision amendments. It also clarifies the process for vacating or modifying public streets or right of ways. The bill clarifies that the vacating of streets is a legislative function and that the process is the same whether the street is or is not within a platted subdivision.
- SB 211 – Building Code Amendments (Bramble)  
This bill modifies the process for adopting building codes. The uniform building codes commission will make a recommendation to the legislature, who will then approve or disapprove any modifications to applicable building codes.
- SB 216 – Revisions to Military Installation Development Authority Act (Madsen)  
This bill was sponsored in an effort to help facilitate discussions between the federal military, Summit County planning officials, and the owners of certain property in Summit County. The bill modifies the MIDA structure, which was created to facilitate the development of Hill Air Force Base, and allows for the imposition of a modified version of that structure in counties of the third, fourth, fifth, and sixth classes. The most significant provision of the bill provides that the taxing authority and exemption from land use authority granted under the MIDA structure can be granted for up to 100 acres of private property to be developed in conjunction with some portion of military property. The bill has a delayed effective date of 2010.
- SB 235 – Redistribution of Sales and Use Tax Revenues (Valentine)  
This bill is intended to prevent the problem that was recently discovered by the State Tax Commission relating to the misallocation of telecommunications tax funds. The bill establishes procedures to redistribute sales and use tax revenues from one county, city, or town to another county, city, or town.
- SB 244 – Long Arm Jurisdiction Amendments (Niederhauser)

Provides that the tolling statute does not apply if jurisdiction can be obtained against the defendant using the applicable long arm statutes.

**SB 269 – Public Utility Easement Amendments (Bell)**

Defines a protected utility easement and states that a person may not acquire, either by adverse possession, prescription, acquiescence, or otherwise, any right that is adverse to or interferes with the full use of that easement.