

**MINUTES OF THE
POLITICAL SUBDIVISIONS INTERIM COMMITTEE**
Wednesday, August 16, 2000 - 2:00 p.m. - Room 414 State Capitol

Members Present:

Sen. R. Mont Evans, Senate Chair
Rep. Joseph G. Murray, House Chair
Sen. Pete Suazo
Sen. Michael G. Waddoups
Rep. Eli H. Anderson
Rep. Loretta Baca
Rep. DeMar "Bud" Bowman
Rep. Craig W. Buttars
Rep. Greg J. Curtis
Rep. Marda Dillree
Rep. Raymond W. Short
Rep. Richard M. Siddoway

Members Excused:

Sen. Scott N. Howell
Sen. L. Alma "Al" Mansell
Rep. David L. Gladwell

Members Absent:

Rep. Glenn L. Way

Staff Present:

Mr. Joseph Wade,
Research Analyst
Mr. Robert H. Rees,
Associate General Counsel
Ms. Joy L. Miller,
Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Call to Order and Committee Business - Rep. Murray called the meeting to order at 2:20 p.m.

MOTION: Sen. Suazo moved to approve the minutes of July 12, 2000. The motion passed unanimously. Sen. Waddoups and Reps. Curtis and Dillree were absent for the vote.

Sen. Evans discussed the Special Districts Subcommittee. The subcommittee is focusing on standardizing statutory provisions. The subcommittee will also discuss eminent domain issues.

Mr. Rees stated the subcommittee initially looked at the statutory provisions dealing with annexation, withdrawal, and dissolution. Representatives from special districts developed an outline proposal of some provisions which the subcommittee will review at the next meeting.

2. Update on RDA Recodification - Rep. Wayne Harper stated the objective of the redevelopment agency recodification is to rewrite the redevelopment agency code in a logical, sequential, and understandable format. During the last general session a new component to redevelopment agencies was included which dealt with educational housing. Currently the workgroup is focusing on redevelopment. After completing redevelopment, the workgroup will work on economic development and educational housing. Rep. Harper explained that one of the biggest challenges the workgroup experienced is different levels and years of effective dates. The

workgroup is having to deal with grandfathering and transition issues. He said the workgroup is hopeful that they will develop a product that will manage redevelopment better than what is currently being done. Their goal is to bring legislation before the committee in October.

Rep. Harper also updated the committee on discussions regarding the classification of municipalities. He noted that based on the constitution, the state is to have classes of cities based on population which has created some problems. The group is considering the creation of five or six levels of cities and tying the sections of the code that refer to populations into the class of cities to make sure they are following the Uniform Fiscal Procedures Act. Rep. Harper indicated they will combine a large section of the code and make small changes so it is clear to every city what responsibilities it has, when it has to change forms of government, and changes that will occur when its classification changes.

3. Quality Growth Commission - Mr. Lewis Billings, Chair of the Utah Quality Growth Commission, distributed information on the commission. The commission is charged with administering the LeRay McAllister Land Conservation Fund, allocating planing grants among local governments, and advising the legislature on growth management issues. He stated at least one commissioner has visited every county in the state to meet with local and other officials to discuss the respective county's quality growth.

Mr. Dee Allsop, Utah Quality Growth Commission member, discussed critical land conservation. He explained approximately \$2.5 million is put into the LeRay McAllister Critical Land Conservation Fund each year. The funds are used to administer the protection of open space, wetlands, agricultural lands, viewsheds, and wildlife habitat. In the first full year of work, the commission joined with local governments, private individuals, and nonprofit organizations to conserve or restore approximately 6,400 acres of critical land throughout Utah. Mr. Allsop stated grants give up to 50 percent of the cost of a project.

Mr. Carlton Christensen, Utah Quality Growth Commission member, explained that in 1999, the commission awarded a total of \$200,000 in planning grants to 23 local governments throughout the state. Another \$200,000 will be granted this year. These grants provide vital resources to local governments to plan for quality growth in their own communities and implement a quality growth vision. A 50 percent match is required for all grants.

The committee discussed the Peaceful Valley Ranch project to which the commission granted \$750,000. There was a match from other entities totaling \$3.8 million. The project preserve the ranch's cultural, scenic, and natural resources. One of the biggest benefits to this project was the protection of a watershed that is critical to Summit and Morgan counties.

Mr. Christensen reviewed the American West Heritage Center Farmland Preserve. This

project is joining the Jensen Historic Farm along the main highway into Logan. He noted there were development pressures and in order for them to expand and secure the use of the historic farm it was necessary to acquire the adjoining acres.

Mr. Mark Bedel, Governor's Office of Planning and Budget, stated land under the grant will remain agricultural land to support the animal husbandry part of the project. He briefly explained the Curtis Jones Farm project which will preserve historic agricultural area and riparian habitat. He noted Bluff is trying to preserve the historical heritage it has.

Ms. Carol Page, Utah Quality Growth Commission member, stated that prior to establishing draft principles, the commission adopted some basic assumptions of the values within the state. These include: Utahns value quality of life; growth creates challenges and opportunities; state government should not impose requirements on local government without adequate resources or appropriate incentives; private property and other individual rights should be respected; a solution for one community may not apply to all communities; and free market forces are important to addressing challenges.

Mr. Gary Herbert, Utah Quality Growth Commission member, commented that quality growth is difficult to identify specifically. He stated the commission developed the following draft principles which are intended to apply to all levels of government as communities develop: 1) local responsibility, 2) state leadership, 3) economic development, 4) efficient infrastructure development, 5) housing opportunity, and 6) conservation ethic. The commission has worked with the local county commissions in every county of the state. Public meetings were held and input received from the local elected officials.

Mr. Billings said it is the commission's intent to define the implementation strategies now that the principles have been developed. He requested that the committee give feedback and input on the direction the commission is taking. He noted there has been an increased awareness and interest in quality growth.

Rep. Curtis indicated it is commendable to preserve open space, however, he wanted to make sure it was beneficial to the public.

Mr. Herbert remarked that to approve a project, there has to be some type of benefit to the taxpayer. There are areas that the benefit is less tangible.

Mr. Bedel stated money from the fund cannot be used to acquire any private property interest unless the interest is then held by a public entity. He pointed out legislators clearly intended the money to be used for conservation easements.

4. Update on Status of County Statutes Recodification - Mr. Brent Gardner, Utah Association of Counties, stated the association has formed a drafting workgroup comprised of 13 elected officials. He noted they have addressed several items that were not included in H.B. 130 from the last general session. (H.B. 130 was phase one of the recodification. Phase two will be introduced in the 2001 General Session.) The workgroup intends to draft legislation to include those items. The committee has focused on discussing some of the more weighty policy issues regarding recodification. He said the workgroup hopes to have information and legislation for the committee to review later in the year.

Mr. Gardner raised the issue of a petition to change the form of government in Wasatch County. Legislation was passed which requires the Attorney General's Office to review and provide a written report stating whether the implementation of an optional plan, as proposed, would result in a violation of any applicable state statutes or the state constitution. The Attorney General's Office has issued its report on the proposed Wasatch County plan. Mr. Gardner explained some of the problems with the proposed plan. The plan allows qualified candidates to run for special district elections who reside outside the district. It allows nonresidents who reside outside special districts to vote in special district elections. The plan includes a recall provision which was specifically deleted last year from the statute and contains violations of the Ethics Act concerning conflicts of interest in the writing of the plan. Mr. Gardner stated the plan circumvents the Open and Public Meetings Act by allowing a simple majority of the new council to close a meeting and allows for an election date contrary to the state law. The proposed plan does not provide for the continuity of officers as required by law. He also pointed out that the plan is to go into effect immediately upon approval of the voters but does not vote in the new council until later.

Mr. Gardner stated the county attorney found other violations including the establishment of administrative control boards and allowing the boards to be appointed rather than elected. It allows for disproportionate voting districts based on the number of voters in those districts. The county attorney was also concerned with separation of powers provisions. The Utah Association of Counties was concerned with budget conflicts in the new plan. The plan provides for an automatic removal from office of county commissioners which is contrary to current statute. The council would have the ability to override independent elected officials. It potentially allows for appointment of independent elected officials rather than elected officials.

MOTION: Sen. Evans moved that the committee chairs relay the committee's concerns to the Legislative Management Committee. The motion passed unanimously.

MOTION: Rep. Short moved to adjourn. The motion passed unanimously. At 3:55 p.m., Chair Murray adjourned the meeting.