

**MINUTES OF THE
SPECIAL DISTRICTS SUBCOMMITTEE OF THE
POLITICAL SUBDIVISIONS INTERIM COMMITTEE**

Tuesday, November 12, 2002 – 8:30 a.m. – Room 414 State Capitol

Members Present:

Sen. David L. Gladwell, Chair
Rep. David N. Cox
Rep. Scott Daniels
Rep. David L. Hogue
Rep. Joseph G. Murray

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 can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or by contacting the committee secretary, Joy Miller, at 538-1032.

1. Committee Business

Chair Gladwell called the meeting to order at 8:40 a.m.

MOTION: Rep. Murray moved to approve the minutes of the October 29, 2002 meeting. The motion passed unanimously with Rep. Cox and Rep. Hogue absent for the vote.

2. Proposal for Salt Lake County Fire Services

Mr. Alan Dayton, Deputy Mayor, County (Salt Lake County), explained that the County provides fire protection services to the unincorporated area of the County which consists of approximately 205,000 people. It also provides services to five contract cities. Cities have expressed the desire to have input in the management of these services. He discussed the proposed creation of a county service area for fire services. The service area could be created by resolution of the parties involved and would preserve the Salt Lake County Fire Department and continue to provide service to those who currently rely on it. Salt Lake County is requesting three amendments to Title 17A, Chapter 2, Part 4, County Service Areas, statutes which include: 1) expanding the definition of fire protection services, 2) making an exception to the election requirement, and 3) modifying board of trustees provisions.

Mayor Janice Auger, Taylorsville City, said the City has been very satisfied with the service it receives from the Salt Lake County Fire Department. She supported the proposed creation of a county service area which would provide a sense of fiduciary responsibility and stability to the City.

Mr. Jan Furner, UASD (Utah Association of Special Districts), advised that there are some fire special service districts currently in existence. He suggested that input from those districts be sought in the process of developing the county service area.

3. Followup - Salt Lake County Jail Special Service District

Sheriff Aaron Kennard, County, said he has discussed S.B. 241 with the Council (Salt Lake County Council). He reiterated his position that no action be taken to implement a jail special service district at the present time. He said the jail should be funded from the General Fund to avoid the contention of suing cities for municipal services.

Mr. Michael Jensen, Council, stated that S.B. 241 raises many concerns. He said they have been working with the cities in the valley and have made a great deal of progress regarding jail reimbursement.

Mr. Dayton explained that the legislation was intended as a compromise to resolve the ongoing debate over jail billings.

Mr. Fred Finlinson, Attorney with Callister, Nebeker & McCullough, suggested that no action be taken to change the current situation.

4. Draft Legislation

Mr. Robert Rees distributed draft legislation, "Public Airport and Aeronautics Amendments." The legislation repeals the Utah Public Airport Authority Act and expands the provisions of the Aeronautics Act and related provisions to apply to political subdivisions of the state authorized by statute to operate an airport.

MOTION: Rep. Hogue moved to recommend draft legislation "Public Airport and Aeronautics Amendments." The motion passed unanimously.

Mr. Rees distributed working draft "Lieutenant Governor Certification of Special District and Local District Annexations, Withdrawals, and Dissolutions." The legislation provides a procedure for the lieutenant governor to certify annexations, withdrawals, and dissolutions for certain special and local districts.

Mr. Eckhard Bauer, State Auditor's Office, commented that it is very important for his office to receive notification of creation and dissolution of these districts.

Mr. Mark Anderson, UASD, gave a brief history of the issue of lieutenant governor certification. He said it is clear that the lieutenant governor has responsibility. It is logical that the lieutenant governor could also send a notice to the state auditor's office or the tax commission. He also suggested that the ten-day notice requirement to the lieutenant governor be extended.

After much discussion, the subcommittee determined that the ten-day notice requirement should be extended to 90 days. The lieutenant governor, rather than the special service district governing body, should be required to send notification to the state auditor's office.

MOTION: Rep. Daniels moved to recommend working draft "Lieutenant Governor Certification of Special District and Local District Annexations, Withdrawals, and Dissolutions" as amended. The motion passed unanimously.

Mr. Rees distributed a handout "Act Authorizing the Creation of Dependent Improvement Districts Within Local Districts or Authorized Special Districts." The draft was prepared by Mr. Finlinson and has not been finalized.

Mr. Finlinson suggested expanding the authority to establish dependent districts to county improvement districts

and water conservancy districts. He noted that the primary function of the dependent district is assessment.

Sen. Gladwell requested Mr. Rees work with Mr. Finlinson and Mr. Anderson to develop a resolution to the issue that could be introduced during the upcoming general session.

Mr. Rees distributed working draft "Public Transit District Annexation Amendments." He explained that there was a possible conflict between Section 17B-2-517 and Section 59-12-501. The legislation has been drafted with two possible options. He reviewed the options with the subcommittee. Notification requirements regarding the tax impact of the annexation have also been enhanced.

Ms. Kathryn Pett, UTA (Utah Transit Authority), indicated that UTA should have the ability to say whether or not it can provide the service before an election is held. It is important to avoid creating islands of service.

MOTION: Rep. Cox moved to adopt working draft "Public Transit District Annexation Amendments" using Option 1. The tax impact on residents within the proposed annexation should be included on the ballot. Mr. Rees was requested to draft the appropriate language. The motion passed unanimously.

5. Subcommittee Report

The subcommittee report will be presented to the Political Subdivisions Interim Committee on November 20, 2002.

6. Other Items / Adjourn

MOTION: Rep. Cox moved to adjourn the meeting. The motion passed unanimously. Chair Gladwell adjourned the meeting at 10:50 a.m.