

# REVISED MINUTES OF THE LOCAL ISSUES TASK FORCE

Thursday, May 3, 2007 – 9:00 a.m. – Room W125 House Building

## **Members Present:**

Sen. Carlene M. Walker, Co-chair  
Rep. Aaron Tilton, Co-chair  
Sen. Scott D. McCoy  
Sen. Howard A. Stephenson  
Rep. Janice M. Fisher  
Rep. Julie Fisher  
Rep. Gregory H. Hughes  
Rep. Todd E. Kiser  
Rep. Karen W. Morgan

## **Members Absent:**

Rep. Fred R Hunsaker

## **Staff Present:**

Joseph T. Wade, Policy Analyst  
Phillip V. Dean, Policy Analyst  
Robert H. Rees, Associate General Counsel  
Wendy Bangerter, Legislative Secretary

**Note:** A list of others present, copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

## **1. Committee Business**

Chair Carlene Walker called the meeting to order at 9:15 a.m. She explained the purpose of the Task Force and what legislation instigated its being organized.

Members of the Task Force introduced themselves.

Chair Walker announced the meeting schedule for the next three meetings:

Wednesday, May 23, 2007

9:00 a.m. - 12:00 p.m.	Discussion of forms of government
1:00 p.m. - 4:00 p.m.	Discussion of school building funding

Wednesday, June 13, 2007

9:00 a.m. - 12:00 p.m.	Discussion of forms of government
1:00 p.m. - 4:00 p.m.	Discussion of school building funding

Wednesday, August 22, 2007 - Tentative

## **2. Forms of Municipal Government**

Mr. Robert Rees, Associate General Counsel, distributed and reviewed an overview of "Default Forms of Municipal Government Before 2004," "Utah Statutory Provisions Related to Forms of Government in different Classes of Municipalities," and "Utah Statutory Provisions Applicable to Governing/Legislative Body, Mayor, and Manager in Different Forms of Municipal Government." He explained the various forms of government, how they function, and the history of their coming into existence.

Task force members requested a list of all the cities and towns in the state, their size, and what form of government they each use.

Chair Walker referred to a document, "Guiding Principles for Local Issues Task Force Relating to its Study of the Forms of Municipal Government" previously distributed. She and Cochair Tilton reviewed the guiding principles for the task force members. Chair Walker emphasized her feelings that even though municipalities originally voted on their form of government, circumstances change and forms of government sometimes

need to be changed. She emphasized that voters should have the right to vote to make those changes. Rep. Tilton expressed his feelings that a balance and separation of powers between a city council and mayor is more preferable. They concluded that a clarification of powers and responsibilities of elected officials is critical. Flexibility and efficiency are also important.

Task Force discussion followed.

Mr. Lincoln Shurtz, Utah League of Cities and Towns, explained that charter city forms of government were established before statehood. He said that some of the complexity of the issue is based on terminology and he reviewed some of those complex issues. He distributed and reviewed "Forms of Municipal Government" and "Forms of Government." He noted that the League has been asked to form an internal task force of municipal leaders to discuss this issue, but they asked for more clarification of responsibilities.

Mr. Gary Crane, Utah League of Cities and Towns, gave a historical background of forms of government and he reviewed "Forms of Government." He noted that cities need to have flexibility to change as they grow and that forms of government should not be mandated due to the size of a city. It is key for the persons serving to know what their responsibilities are.

Mr. Todd Weiler, attorney and citizen, reviewed several sections in the Utah Code that he feels need to be reviewed for clarification since they are the source of more than one law suit. He recommended that noncharter cities retain the same rights and privileges as charter cities do.

Ms. Linda Robertson, citizen of Bluffdale, reviewed several points regarding forms of government and how they impact municipal government. She asked that the Legislature consider a repeal of 10-3-830 in its entirety. She distributed a copy of her comments, including backup documents.

Mr. Danny Hummon, Syracuse City Council, suggested that the Legislature could help by clarifying titles, organizing the code in a logical order, mandating cities to define the roles of elected officials, and mandating that cities declare their form of government.

Mr. Delynn Summers, Bluffdale citizen, expressed concern when he realized his mayor's powers had been stripped. He feels it is the citizens' right to choose which form of government they live under.

Ms. Nancy Lord, Bluffdale City Council, stated that the system allows for cities to resolve problems that arrive. She emphasized the need to use terminology used in the Code. She also emphasized that the referendum process allows for the citizens to have input in resolving problems.

Mr. Delore Thurgood, former mayor of Syracuse City, stated that the form of government question in Syracuse has been an expensive issue and was finally decided by a court judge. He emphasized the need for the voice of the people when the form of government in a municipality is changed.

Mr. Lurlen Knight, Syracuse City Council, explained that because there was confusion about powers, Syracuse City did some title shifting, which helped resolve their dilemma. He expressed how important it is that people are better informed and educated.

Mr. Craig Laurence, citizen, outlined issues he plans to address in future meetings of this task force: 1) why we have a charter city; 2) the history of legislative intervention in municipal government; and 3) the need for

separation of powers. He emphasized that the Manager by Ordinance form of government should not be maintained and that power should rest in the hands of the citizenry.

Ms. Martha Speed, Bluffdale City Council, asked the Legislature to clarify the powers and duties of mayor as in 10-2-809. She spoke in favor of retaining 10-3-830 as it was Bluffdale's check and balance. She stated that a representative form of government allows the city council to do their best to represent the citizens and they cannot go to the citizens every time a decision must be made.

Mr. Fred Panucci, Mayor of Syracuse, gave a history of the conflict in Syracuse City. He spoke in favor of the citizens having the voice in choosing their form of government.

Mr. Dave Hogue, citizen, clarified the four forms of government optional to any city that can be put on a ballot whenever there is an election date by referendum or petition of the people. If it fails, they wait two years before voting again; but if it passes, they wait four years for voting again. A vote by the people is critical.

Mr. Doug Hammond, citizen of Syracuse, echoed the comments of Mayor Panucci.

### **3. School Building Finance**

Mr. Phil Dean, staff policy analyst, gave an overview of how school buildings are currently financed. He distributed a spread sheet showing 2005 school district property tax levy rates and revenues. He also reviewed a budget brief, "School Building Program," from the Office of the Legislative Fiscal Analyst.

Sen. Stephenson explained how school building are funded through property taxes and voted leeways from property taxes.

Mr. Brian Allen, Cottonwood Heights City, reviewed how the burden of building schools is shared throughout the state. He suggested beginning with a countywide program to equalize taxation for funding for capital outlay. He feels that removing the restrictions on school districts for how they spend money as they grow, could change how they build buildings.

Mr. Larry Newton, State School Finance Director, clarified questions from the task force members.

Task Force discussion followed.

Mr. Lynn Pace, cochair of the Granite School District steering committee for small school districts, expressed concern that the only way to divide school districts fairly is to involve the Legislature. He asked for help to find a way to equalize funding for new student growth, which is an overwhelming problem.

Mr. Bill Applegarth, Mayor of Riverton City, expressed appreciation for the efforts being put forth.

Mr. Shane Siwik, South Salt Lake City Council, also expressed appreciation for the work being done.

Mr. Dave Newton, Mayor, West Jordan, also expressed gratitude. He explained that there is an opportunity for West Jordan City and West Jordan School District to have the same borders, which should be an

advantage for the taxpayers. He suggested looking at the population lower limit that might profit from the same situation.

Mr. Richard Reese, Business Administrator, Tooele School District, spoke in favor of local control in this process. Also, they would appreciate being involved in this process.

#### **4. Meeting Dates**

Future meeting dates and subjects were discussed. Chair Walker asked the task force members review the guiding principles before the next task force meeting.

#### **5. Other Items / Adjourn**

**MOTION:** Rep. Tilton moved to adjourn the meeting. The motion passed unanimously. Sen. McCoy, Rep. Janice Fisher, Rep. Julie Fisher, and Rep. Morgan were absent for the vote.

Chair Walker adjourned the meeting at 12:45 p.m.