

MINUTES OF THE LOCAL ISSUES TASK FORCE

Wednesday, May 23, 2007 – 9:00 a.m. – Room W110 House Building

Members Present:

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

Staff Present:

Joseph T. Wade, Policy Analyst
Phillip V. Dean, Policy Analyst
Robert H. Rees, Associate General Counsel
Angela D. Oakes, 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.

1. Committee Business

Co-chair Walker called the meeting to order at 9:25 a.m. Co-chair Aaron Tilton arrived and assumed chairing the meeting.

MOTION: Rep. Dougall moved to approve the minutes of May 3, 2007 with some corrections. The motion passed unanimously. Sen. Stephenson and Rep. Hughes were absent for the vote.

2. Forms of Municipal Government

Mr. Lincoln Shurtz, Utah League of Cities and Towns, and Mr. Gary Crane, Layton City Attorney, explained the different forms of government and how they divest the power of administration. They reviewed points of question with task force members. Mr. Shurtz emphasized that the cities need to delineate in ordinance who is responsible for which duties. He explained that some powers are administrative and not executive and can be carried out by an administrator or executive. However, if executive powers are invested in a mayor and are changed, that constitutes a formal change in form of government.

Ms. Linda Robertson, citizen of Bluffdale, referred to documents she distributed at the May 3, 2007 meeting. She expressed her concern for the abuse that can take place with contracts made with city managers.

Ms. Claudia Anderson, mayor of Bluffdale, stated that she was given the powers of the city CEO when she was elected. She had those powers until the city council changed the form of government by hiring a manager by ordinance. She emphasized that the city council has the ultimate power to run the city, but not make all decisions on the administrative level. Citizens have the right to choose their own administrator.

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Mr. Danny Hammon, Syracuse City Council, agreed with Mayor Anderson that there are many perceptions of CEO. He reviewed the evolution of powers and duties that can be shuffled around among leaders of a city as it grows. He posed the question that when a city reaches the point that they hire an administrator to manage the day to day affairs, "Does that constitute a change in form of government?"

Mr. Bob VanVelkinburgh, citizen of Syracuse, asked his granddaughter, Ms. Crystal Flint, to read his statement, which was distributed to the task force members. He spoke in favor of H.B. 41 and citizens having the right to change their form of government.

Mr. Howard Johnson, mayor of Lehi, stated that in a traditional form of government, the CEO is hired to perform certain duties, but when that is changed, the citizens have the right to vote on that change. He also stated that in a council/manager form of government, the executive and legislative duties are vested in one office.

Mr. DeLynn Summers, citizen of Bluffdale, spoke in favor of the citizens voting when a change in government is needed, not just the city council.

Mr. Lurlen Knight, Syracuse City Council, explained that in Syracuse they changed the title of the officer but not the ordinance. He said that even after a law suit and the titles were reverted back, the duties and responsibilities did not change.

Mr. Fred Panucci, mayor of Syracuse explained that when Syracuse hired a CEO, duties and functions were taken from him by the city council and given to the CEO.

Mr. Dean Steele, Syracuse City Council, noted that the 'city manager by ordinance' form of government gives more flexibility. Under a traditional form of government, a committee works together for the good of the city.

Mr. Dave Hogue, citizen, addressed the confusion of definitions and asked why did this issue never come up with the 10-3-830? He referred to an annual meeting of the Utah League of Cities and Towns where an attorney for the league stirred up the question of who has the administrative powers in a city. He explained Section 10-3-830. He posed the question as to when is a change in duties become a change in the form of government. He stated that voters elect a mayor and expect the mayor to be in charge. He feels that if the mayor's duties change, that constitutes a change in the form of government.

Mayor Anderson agreed that the citizens of Bluffdale expected the mayor to be totally in charge. She stated that city managers have a career path that will lead them to where they want to be, unlike a mayor who has concern for the community and is responsible to the citizens.

Rep. Tilton noted that the statute needs to be more definitive to give clear direction for who is responsible for what duties regardless of who the citizens perceive is responsible.

Mr. Jerry Stephenson, former mayor of Layton City, city council member, and planning commission member, and Mayor Mark Allen, Washington Terrace, discussed the guiding principles that the task force has considered using to guide their actions.

Mayor Allen explained that the citizens of Washington Terrace thought they wanted more flexibility at one point, but then changed back to their original form of government. He served as mayor through both transitions. He said that a city needs to be run professionally, not politically.

Sen. Walker discussed the guiding principles with the task force members. She asked the members to think about, for future discussion, if it would be more clear to call the mayor "chairman of the city council" rather than mayor.

MOTION: Sen. Walker moved that the task force adopt the guiding principles for the Local Issues Task Force with No. 1 being prioritized as first.

SUBSTITUTE MOTION: Rep. Dougall made a substitute motion to prioritize No. 1 as the first guiding principle and No. 4 as the second guiding principle and to adopt the other guiding principles except for No. 3, Separation of Powers. The motion passed unanimously.

Mr. Shurtz clarified that the League does not favor one form of government because different forms work for different cities and at different stages. The process of transition from one form to another is the question. He distributed and reviewed nine questions for discussion by the task force members.

Mr. Craig Laurence, citizen of Lehi, served on a committee to study changing forms of government in Lehi. He emphasized the need to adhere to the separation of powers.

Mr. Mont Evans, former legislator, spoke from personal experience stating that bureaucracy needs to stay under control, the roles of mayor and city council need to be defined, elected officials need to have the freedom to act on important issues, and a fail-safe system needs to be in place.

Chair Tilton stated that the real distribution of powers is realized by the voters making the needed changes at the appropriate times.

3. Break for Lunch

MOTION: Rep. Dougall moved to break for lunch. The motion passed unanimously.

Chair Tilton recessed the task force at 12:03 p.m.

Chair Tilton reconvened the meeting at 1:10 p.m.

4. School Building Finance

A. Information on School Facility Financing in Other States

Mr. Phillip V. Dean, Policy Analyst, distributed and reviewed "State Notes, Finance-Facilities." The document included information regarding comprehensive state facility programs.

The task force members discussed the disparity in school district funding for capitol facilities.

Mr. Mark Cluff, state board of education, stated the board would be very supportive if the property tax were equalized. He reviewed the four methods of funding used by the Board of Education.

B. School Building Equalization - Issues and Options

Mr. Dean distributed and reviewed "School Facility Funding." He reviewed the history of enrollment and the basic program for school building, property tax levies, and potential policy considerations. He gave some options that have been utilized in some areas of the state.

Sen. Stephenson distributed two equalization proposal options: one countywide and one statewide. He explained that funds received by the school districts would be based on student growth and taxable value per student.

Sen. Stephenson led a discussion addressing the disparity countywide and statewide and answered questions from several school district personnel.

5. Other Items / Adjourn

The next day-long meeting was scheduled for June 19, 2007.

MOTION: Rep. Morgan moved to adjourn the meeting. The motion passed unanimously. Rep. Hughes and Rep. Dougall were absent for the vote.

Chair Tilton adjourned the meeting at 3:10 p.m.