

ULCT Friday Facts AND SAMPLE RESOLUTION & EXPLANATION FOR THE TRANSPORTATION LOCAL OPTION Friday, May 15, 2015

Hello folks,

This is the day you have anticipated! No, it is not Michigan-Utah game day (that is still sadly 111 days away). Instead, this email provides information about the sample city resolution for the HB 362 local option sales tax and suggested instructions for how to proceed. The email also provides the agendas for next week's super busy Legislative Interim day on Wednesday. As a reminder, you can see existing [ULCT materials](#) and [power points](#) about HB 362 including an overview, FAQs, next steps, and data for each city, town, county, and transit system on our website [here](#). Like our good friends at Apple, we have some legalese for you and the draft resolution link is at the end of the email.

Before you continue, your correspondent emphasizes that ULCT has no position on whether counties put the local option on the ballot in 2015, 2016, or any other year. Our mission is that all of our cities and towns receive the local option portion that they are entitled to receive. Therefore, we seek to provide you with the materials that you need so that you, along with your county and transit colleagues, can make the best decisions possible. In the last 8 weeks since the end of the 2015 legislative session, we have personally met with hundreds of municipal officials from nearly 200 cities and towns, transit officials from multiple agencies, and with county officials in all 29 counties. Everything herein is also available on our [website](#).

1) Legal background about the resolution:

ULCT legal staff believes that cities and towns may enact the resolution that we have provided for you. A public entity (ie. a city or town) may not use public funds for political purposes or to influence a ballot proposition. The HB 362 local option sales tax will become a ballot proposition, but only after the county governing body acts to put the local option on the ballot. Until the county acts, the city and town may use public funds to demonstrate support. ULCT legal staff has discussed this legal framework with the Utah Municipal Attorneys Association and the Lieutenant Governor's Office. We still urge you to review the resolution with your legal counsel.

As of May 15, 2015, no county governing body has yet acted to put the local option sales tax on the November 2015 ballot. As such, we are providing you with a sample resolution that your city or town council can pass. The ULCT sample resolution declares 3 things: first, the city proclaims support for the local option; second, the city urges the county to put the local option on the ballot; and third, the city encourages voters in the county to support the local option. The ULCT sample resolution also provides your city/town with the opportunity to identify what specific projects or types of projects your community would invest in with the municipal .10% portion of the quarter cent local option.

Going forward, the ULCT legal team will then provide additional guidance about how your city and town and you as a municipal official can publicly engage about the local option. For example, once a county acts and puts the local option on the ballot, state law prohibits a city/town from using public funds to influence a ballot proposition though the city/town may still provide factual information so long as you give proponents and opponents equal access. Additionally, state law now prohibits the use of public email accounts to advocate for or against a ballot proposition. We will work closely with UMAA and the Lieutenant Governor's office on those next steps as we get closer to county action on the local option.

2) Timeline:

ULCT suggests that your cities and towns consider the resolution during the weeks of June 8 and June 15 if possible. The rationale is two-fold. First, your city/town must finalize your FY 2016 budget by June 22. Mayors and council members can use the opportunity to publicly declare that the adopted budget represents a fiscally responsible framework but the budget is still insufficient to meet the transportation needs in your city/town. Consequently, the mayor/council endorses the local option dedicated for transportation to help meet those additional needs.

Second, the Utah Transportation Coalition will orchestrate a media effort to publicize all of the cities and towns that are passing resolutions during that fortnight. The Coalition will notify the press and issue press releases about the quantity of cities and towns that are moving forward together (you can read more info [here](#)). Please provide the following information to the Coalition's Wendy Hansen at whansen@pennapowers.com (and copy ULCT's Nick Jarvis at njarvis@ulct.org) or 801-487-4800 (x 125) by **5 pm on Thursday, June 4:**

Date and time of the meeting when the resolution is on your agenda

Contact information for your media contact person

An example of one or more transportation priorities in your community that the local option could fund

3) Other next steps:

2015 is a municipal election year and many cities and towns in the state are planning to administer their own municipal election. However, if your county acts to put the local option on the ballot, then your voters could receive a city ballot and a county ballot. Consequently, we urge you to discuss election consolidation with your county leaders immediately. State law allows for cities and towns to administer the municipal primary election and then contract with the county for the general election. Please plan accordingly!

Additionally, many cities, towns, school districts, and special service districts are considering other ballot propositions in 2015 so please consider those propositions as you prepare for the local option conversation. Finally, please recognize that your voters will vote aye or nay for the entire quarter cent: the municipal portion, the county portion, and the transit portion (where applicable). Please cooperate with your counties, transit systems, and the Utah Transportation Coalition. If a critical mass of counties all act at the same time, then the Utah Transportation Coalition will organize and fund a campaign to rally public support for the local option in those counties. ULCT will continue with our outreach, coordination, and analysis and we will keep you posted on movement in each county around the state.

HB 362 SAMPLE RESOLUTION:

We have made the resolution available on our website [here](#).

ULCT legal staff has consulted with the Utah Municipal Attorneys Association and the Lieutenant Governor's office on the resolution [language](#). The first part of the resolution includes numerous "whereas" components which are less important than the later declaration. The crux of the resolution is items #1 through #6 and we suggest that you stick close to the provided language in these six items so as to stay in compliance with state law. We urge you to review the resolution with your legal counsel and you may modify it as you see fit. If you have questions about specific language, please contact ULCT's Cameron Diehl (cdiehl@ulct.org; 801-328-1601) and Roger Tew (rogertew@ulct.org; 801-328-1601).

With that, I have also attached Wednesday's interim agendas—yes, legislators shockingly want to discuss items other than transportation—and please holler if you have any questions about the resolution or the process. Thanks as always for your participation in ULCT.

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