

Resolution 2018-002

(A) Resolution about proposed changes to the Utah State Constitution about municipal authority over water rights and water supply

(B) We, the members of the Utah League of Cities and Towns find:

Whereas, water is a precious, finite, and irreplaceable resource essential to the wellbeing of all residents and to the economic vitality of the state; and

Whereas, cities and towns who operate culinary water systems are responsible for ensuring that residents have access to sufficient water supplies; and

Whereas, cities and towns that supply culinary water directly to end users are responsible for setting reasonable rates for the water usage; and

Whereas, the Utah State Legislature in 2018 passed a resolution assigning the Natural Resources, Agriculture and Environment Interim Committee to consider a proposal to amend the Utah Constitution Article 11 Section 6, which forbids municipalities from selling waterworks or water rights; and

Whereas, the Director of the Utah Department of Natural Resources appointed members to four study groups to study and make recommendations to the Legislature on a variety of water issues; and

Whereas, the Constitutional Amendment study group, which included members of the Utah League of Cities and Towns, has drafted a proposed amendment to Article 11 Section 6 of the Utah Constitution; and

Whereas, the proposed amendment has achieved consensus by all members of the study group and is attached hereto; and

Whereas, the surplus water study group, which included members of the Utah League of Cities and Towns, is working on companion legislation to the proposed amendment to provide additional clarity to retail service outside of a town or city boundary.

(C) THEREFORE, we, the members of the ULCT resolve that:

1. Utah cities and towns support the attached proposed amendment to Article 11 Section 6 of the Utah State Constitution.
2. Utah cities and towns support the narrow ability for a municipality to convey waterworks to another governmental entity that is a public water supplier.
3. Utah cities and towns support equal protection for all water customers within a designated water service area established by a municipality.

4. Utah cities and towns support increased transparency and opportunities for public input regarding retail water rates in a designated water service area.
5. Utah cities and towns oppose any state effort to oversee or regulate the municipal legislative responsibility of setting water rates or the designation of designated water service areas.
6. Utah cities and towns support the continued ability of municipalities to protect all of their sources of culinary water from contamination.

Submitted by:

ULCT Board of Directors

September 11, 2018