

**MINUTES
OF THE BOARD OF COMMISSIONERS OF WEBER COUNTY**

Tuesday, October 20, 2015 - 6:00 p.m.

Commission Chambers, 2380 Washington Blvd., Ogden, Utah

In accordance with the requirements of Utah Code Annotated Section 52-4-7(1)(d), the County Clerk records in the minutes the names of all citizens who appear and speak at a County Commission meeting and the substance "in brief" of their comments. Such statements may include opinion or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.

COMMISSIONERS: Kerry W. Gibson, Chair, Matthew G Bell and James Ebert.

OTHERS PRESENT: Ricky D. Hatch, County Clerk/Auditor; Chris Crockett, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

A. WELCOME – Chair Gibson

B. INVOCATION – Arnel Rivera

C. PLEDGE OF ALLEGIANCE – Christopher Crockett

D. THOUGHT OF THE DAY – Commissioner Ebert

E. CONSENT ITEMS:

1. Purchase orders for \$601,467.48
2. Warrants #325939-#326201 for \$3,203,081.62
3. Minutes for the meeting held on October 13, 2015
4. New business licenses

Commissioner Ebert moved to approve the consent items; Commissioner Bell seconded.

Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

F. ACTION ITEMS:

1. **GRANT APPLICATION AGREEMENT WITH THE UTAH HOUSING AND COMMUNITY DEVELOPMENT DIVISION FOR APPROVAL TO APPLY FOR A GRANT TO COLLABORATE IN CREATING SUSTAINABLE COMMUNITIES AND IMPROVE PUBLIC SAFETY – C2015-373**

Chair Gibson stated that this is a collaborative state-wide grant in which the county is participating. The State will submit/apply for the grant.

Commissioner Bell moved to approve Contract C2015-373, grant application agreement with the Utah Housing and Community Development Division to apply for a grant to collaborate in creating sustainable communities and improve public safety; Commissioner Ebert seconded.

Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

2. **COOPERATIVE AGREEMENT WITH UTAH DIVISION OF WATER RIGHTS AMENDING THE AGREEMENT EXECUTED ON 5/5/2015 FOR THE OGDEN VALLEY HYDROGEOLOGY STUDY – CONTRACT C2015-374**

Charles Ewert, with County Planning, noted that in May 2015 the Commission authorized a total of \$30,000 for its partnership portion of the hydrogeology study of Ogden Valley. Subsequently, he presented a grant from the Drinking Water State Revolving Fund for \$40,000, which gives the county an additional \$10,000 to apply to the study. The Utah Geological Survey has applied a match to the additional funds, giving the project a total additional amount of \$20,000.

Commissioner Bell moved to approve Contract C2015-374, Cooperative Agreement with the Utah Division of Water Rights amending the agreement executed on May 5, 2015 for the Ogden Valley hydrogeology study; Commissioner Ebert seconded.

Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

3. **DISCUSSION ON TRANSPORTATION TAX BALLOT PROPOSITION AS REQUIRED BY STATE LAW 59-1-1605**

Ricky Hatch, County Clerk/Auditor, stated that this item is to fulfill requirements set forth in a State legislative bill passed two sessions ago which requires that public meetings be held to take public input on taxation issues that will be on a ballot. Per statute, today is the earliest this meeting could be held for the proposed local option sales tax for transportation improvement funding (HB 362). Comments for and against are to be heard and no action is to be taken. Commissioner Bell noted that most people present already voted and he does not agree with the timing of the meeting—it should be held before ballots are mailed. Chair Gibson and Mr. Hatch noted that this bill passed before the proliferation of vote-by-mail voting. Mr. Hatch said that as of today, the county has received 13,000 ballots out of about 85,000 that were mailed—about 15% have been returned.

Guy Bergeson, of Roy, said that his ballot noted this public meeting, that he knew nothing about Proposition 1, and was being asked to vote a tax increase for himself. He asked for information so that he could complete his ballot. Mr. Hatch noted that a postcard included with the ballot gave voters three options to obtain a printed summary.

Dan Deuel, of Ogden, expressed chagrin for Proposition 1 for numerous reasons, stating that there are too many to cover tonight. The major reason centers on inclusion of the Utah Transit Authority (UTA) to this roads bill. He is astounded as to why any elected official would support such a measure, considering the track record of the UTA over the last 8-10 years of repeatedly proving themselves unworthy stewards of taxpayer resources, giving extravagant pay, compensation and perks to its executives, and violating the law. When called to answer these issues by the media, and subsequently the public, their response is to obfuscate their actions from the public. The UTA overpays executives, and when called to respond, they under-report executive compensation, which is in violation of the law. The UTA creates sweetheart deals with developers. Mr. Deuel wonders if his elected officials are just not aware. However, it appears they are ignoring that the UTA is abusing the public. Some say that UTA had a new CEO and things will be better, however, the public heard this three years ago when the previous CEO resigned. Buses are running empty. Their track record is not trustworthy. He expressed his and others' extreme frustration that the legislature would tie-in, and essentially hold hostage, the local roads needs to fund UTA, a mismanaged agency, has made serious ongoing problems and is not worthy of additional resources.

Kerry Pipkin, of North Ogden, stated that families in Weber County have had enough new taxes this year, including the 5 cent per gallon gas tax increase, the increase in property taxes and now the roads proposed tax, which includes 40% funding to UTA. He said that UTA executives receive six figure salaries and tens of thousands of dollars in bonus and perks. Their CEO traveled out of State on agency-funded trips 42 times in 28 months, and travelling internationally nearly as often as the president of the United States. If this proposed tax passes, county residents would have \$8 million scraped out of their checkbooks for this purpose. It is not right to hold the need to repair/maintain our roads hostage in this manner. There is a better way to deal with local road issues than to have to give away 40% more to the UTA, which is a private entity. Government does not need more money but needs to better prioritize where it spends the taxes the citizens already pay. He asked the Commission to vote against Proposition 1, stating that it is a wolf in sheep's clothing.

Pleasant View City Mayor Toby Mileski said that the city just completed a comprehensive study of the cost to repair/maintain its roads up to a 20-year life and that would be \$13 million. The city receives about \$257,000/annually from the Class B Roads Fund, a significant shortfall. This is why elected officials are supporting Proposition 1; it is purely financial and is not because they support UTA being included in the bill. Commissioner Bell was recently appointed to the UTA Board and Mayor Mileski is confident in his ability to help monitor those funds and hopes the majority of the proposed money stays in the county that is to go to UTA because rail service still needs to get to Pleasant View—the right-of-way for the track needs to be purchased—and rail needs to continue to Brigham City.

Lynda Pipkin, of North Ogden City, clarified that according to the UTA's website none of this proposed funding is to go towards rail but is to go towards the buses. She said that everyone is fed up with bailouts and referred to the many that have occurred, stating that the State Legislature then got creative and attached a UTA bailout and held the roads bill hostage with it—and roads in critical need. In 2015 the legislature increased our property taxes by \$75 million, when there was a huge States surplus, which is mindboggling. There was a State gas tax increase for the roads—the same roads that are to be paid for with part of this proposed tax increase. UTA, a private company, is to receive 40% of this proposed sales tax. UTA is already heavily subsidized by the taxpayers. She said that most UTA buses only have a hand full of riders at any given time. She and Mr. Deuel have stood at a bus stop and counted one person on a UTA bus—the driver. She stated that 86% of the cost of each bus ticket is already vastly subsidized by taxpayers. UTA pays huge salaries to its top officials who were paid 49% more than the top highest paid UDOT employees. UTA also pays huge bonuses, six times larger than UDOT's. UTA mismanages funds, paying \$10 million upfront for a parking lot that never got built. She said that UTA needs a bail out and Proposition 1 is a UTA bailout. UTA has a huge air quality problem and all the empty buses driving around are polluting a lot more than our cars.

Ms. Pipkin said that cutting out wasteful government spending would go further than another tax increase. She said that only 2% of commuters use mass transit and asked why UTA was getting 40% of the Prop 1 tax increase. Roads need to be repaired, but this could be better accomplished at a local level and she gave an example of her city's recent usage tax that can be better controlled, rather than being held hostage to the UTA bail out bill. She asked that this be remanded to the legislature to provide a clean bill without the UTA's inclusion.

Te Anu Tonga, of Ogden, said that she cannot understand why this is a no-brainer to not give money to an organization that has been a bad steward, and that this creates a toxic dependency. She asked if the county could ask the legislature to revamp the bill, rather than to follow this proposal. She also asked to know where the commissioners stood on the issue as the voting body, and if she could post this meeting on Facebook to get information out to voters. Chair Gibson noted that the voters would be the ones voting on the issue.

Utah House of Representatives Justin Fawson stated that unfortunately this meeting is late in the process to get good public discussion on this issue and committed to work to correct the timing issue so that future discussions can take place earlier. Unfortunately, most voters were not present to clarify their questions and provide input. He said that he opposed the bill in the legislature. There had been heavy discussions with the Utah Association of Counties, the Utah League of Cities and Counties and UTA but this is what was proposed, and he agreed that they could have come up with something better. He understands that those voters in cities with roads in bad disrepair would vote for this bill because there is no other funding for the roads.

Commissioner Ebert pointed out that the county held this meeting as soon as it was possible according to statute. Understanding the needs of the cities and county to address road repair/maintenance issues, he asked if Representative Fawson felt that there was a real opportunity to have this bill reviewed in the future to gain local control. Representative Fawson replied "maybe" if the message was sent that this could not pass with the UTA portion. He said that this is a local issue and that it falls to the cities and county to make that argument. He also feels that this proposition is being held hostage by an organization that people do not agree should be funded. Commissioner Ebert said that the legislators are aware of upcoming projects, such as the imminent billion dollar prison relocation project, and with that they would not have much opportunity for this issue to be pushed forward again for a long time.

Chair Gibson said that the legislature failed on this bill in many ways. He clarified that there really was not much of negotiating done; it was dictated from the beginning that if there was going to be any assistance for the local road projects, that UTA was going to be on the bill. There was no option, and this was clear. Local elected officials knew that they would not receive any assistance without UTA getting a significant part—which is 40%. Current roads have been in crisis stage for a very long time and local governments have been at the legislature pleading for years. The legislature consented to address the problem but not by allowing local communities to have some influence on how the dollars are spent; they did not want it to look like a State tax increase and so had counties put the issue on the ballot if they wanted a 20%. Recognizing that this was going to be a once in a very long time opportunity, the county put it on the ballot. Referring to the previously mentioned gas tax, he stated that local communities do not get those tax dollars and also do not have any way of addressing these local problems. These dollars should be allowed to be used on a local level. Every State legislator from this county knows the level of current road crisis/disrepair because he has made them aware as well as the mayors. He expressed frustration stating that to vote against this proposition may mean going another decade+ without the issue being heard and putting local municipalities in greater crisis. This is the first time in a long time that the legislature offered any kind of tool for local municipalities.

Farr West City Mayor Lee Dickemore said that WACOG (Weber Area Council of Governments) spent a lot of time discussing this issue. Cities have limited funds to maintain roads, and if they do not keep on top of maintenance, it costs billions of dollars later. Every mayor wrote a resolution of support of this issue because of what the cities are up against. Hundreds of thousands of dollars are spent on roads annually and the roads continue to deteriorate. UTA provides no benefit to Farr West City and he expressed frustration with the percentage that UTA is receiving, yet they need the money to take care of the cities' roads.

Commissioner Bell expressed agreement with Ms. Pipkin and Mr. Deuel's comments that there are problems with the UTA stating that some UTA board members know that there are problems; others feel things are just fine. Some employees have been fired and the CEO has not yet been replaced. There is a new board chair that is doing a great job and asks the hard questions. Commissioner Bell said that he is committed to ask the hard questions and be vigilant. UTA's annual budget (\$250 million) was discussed last week and he received 1½ pages and by contrast the county's annual budget is about \$100 million and is about 100 pages. There have been problems relating to international travel, bonuses etc., and some changes have been made but are not enough. He said that the funds for UTA are all public funds. He believes that the new CEO will understand what those have been stating at this meeting. He recommended that citizens research the board members and if they are dissatisfied with their actions that they speak with their appointing authority. The new board is working to fix the problems and will continue to hold people responsible.

Lydia Smith, of South Ogden, stated that many voters have already returned their ballots on this issue and have not heard any of the comments made here. Her concern is with the postcard she received with her ballot in the mail stating that it did not list any information against the proposition, only for it, and the website also does not contain information against the issue. She asked if there was any way to add that to the information to voters. Mr. Hatch said that the lack of argument against is driven by State Code, which set up several deadlines, including that people had 65 days before Election Day to declare their intent to submit an argument. The newspaper had an article the week prior encouraging people to submit those arguments. One argument was submitted but it was by an ineligible voter (from outside the county) a second argument was submitted past the deadline. Staff worked with the County Attorney's Office but could not find a defensible reason for inclusion.

Commissioner Ebert said that negotiations took place between the cities and counties only, and if there had been an option to remove the UTA component they would have. They knew that the UTA would be the biggest issue and the House legislators knew this as well. The local roads have reached crisis mode and an opportunity such as this to be addressed on a State level does not happen sometimes for decades. He would be happy to take suggestions on how to address the cities' infrastructure needs differently, but if the county had the control today to vote it down and send the message to the legislature, the cities would then get absolutely nothing and the road issues would not be addressed at all. This is the message he got from the legislature. He stated that they were so confident that they put the 40% in for the UTA—if they had not felt they had the leverage they would not have put it in. He expressed frustration. He pleaded for people to understand the level of need in the cities for road repair. He said that if Prop 1 passes, the commissioners will aggressively negotiate with the UTA for some of their percentage for other projects. This Commission is very active in the community and will continue to work with the UTA to meet the needs of the constituents.

Chair Gibson said that the commissioners are working extremely hard on this issue. They try to keep property taxes at a low level and do not want to increase them for transportation issues. He is confident if this issue is turned back to the legislature that there will not be any relief any time soon. Voters in the State identify air quality as a top concern and so public transit is needed to help address the issue. Tuesday nights is generally when city council meetings are held and he said that the mayors asked him to remind people of their unanimous support of the resolution.

H. PUBLIC COMMENTS: Public comments were held in the above item.

I. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, OCTOBER 27, 2015, 10 A.M.

J. ADJOURN

Commissioner Bell moved to adjourn at 7:30 p.m.; Commissioner Ebert seconded.
Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor