

Comparison of the proposed Administration's and the County Council's Ordinance establishing the County Transportation Advisory Committee

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Salt Lake County Code of Ordinances Placement

(Title 2 – Administration and Personnel)

The Administration is proposing to adopt section 2.100

The County Council is proposing to enact Chapter 2.65

Establishment, Purpose, and Duties:

Purpose of the Committee

Utah Code

Committee Summary: To review proposed transportation and, as applicable, public transit projects and rank projects for allocation of funds.

Purpose: The County shall establish by ordinance criteria for prioritization and ranking of projects, which may include consideration of regional and countywide economic development impacts, including improved local access to:

Employment
Recreation
Commerce; and
Residential areas

Proposed Administration Text

The Committee shall evaluate, rank and prioritize proposed public transit projects and regionally significant transportation facilities according to criteria including, but not limited to:

- (1) Regional and countywide economic development impacts
- (2) Improved local access to:
 - (A) employment;
 - (B) recreation;
 - (C) commerce; and
 - (D) residential areas

Reporting: After reviewing and ranking each proposed project, the Committee shall provide a report detailing its recommendations and rankings to the Mayor and Council.

Proposed County Council Text

The purpose and duties of the Committee shall be to review and make recommendations to the council and mayor for proposed transportation and, as applicable, public transit projects and rank projects for allocation funding from the County of the First Class Highway Projects Fund, the tax imposed pursuant to Section 3.09.040 of the Salt Lake County Code of Ordinances, and vehicle registration funds excluding Local Highway and Transportation Corridor Preservation Fund, to the extent allowed by state law.

Reference: Salt Lake County Code of Ordinances / Title 3 – Revenue and Finance .09 Optimal Sales and Use Tax Fund Highways and Public Transit .040 - Imposition—Amount.

Pursuant to Utah Code Ann. Section 59-12-2219, subject to the conditions in Section 3.090.050, and in addition to other taxes imposed by this title, the county does impose a levy for collection a twenty-five hundredths percent sales and use tax upon the retail sales and uses in the county as such sales and uses are described in Section 59-12-103(1), subject to the exemptions provided for in Section 59-12-104. The foregoing tax is imposed and levied for collection on a countywide basis, including the areas within the corporate limits of the cities and towns of the county. The provisions of this chapter shall be subject to the provisions of the sales and use tax laws of Utah to which reference is hereinafter made in this chapter, and which are enacted and made a part of this chapter as though fully set forth herein. The funds received from the imposition of this tax shall be used and expended as allowed by state statute.

(Ord. No. 1829, § IV, 5-1-2018)

Analysis

In the Definitions section of the Administration's proposed ordinance, "Funds" is defined as County of the First Class Highway Projects Funds. The County Council text identifies and expanded list of funding sources to be administered by the Transportation Advisory Committee: The County of the First Class Highway Projects Fund, the tax imposed pursuant to Section 3.09.040 of the County Code of Ordinances, and vehicle registration funds excluding Local Highway and Transportation Corridor Preservation Fund, to the extent allowed by state law.

Establishment of the Committee

Utah Code

Six (6) individuals who are residents of Salt Lake County, nominated by the Mayor with the advice and consent of the County Council who are: members of the Transit District Utah local advisory board or County Council members or other County residents with expertise in transportation planning and funding.

Proposed Administration Text

Administration proposes six members who are residents of Salt Lake County, nominated by the Mayor and confirmed by the Council who are members of the local advisory board of the UTA, council members or other residents with expertise in transportation planning and funding.

Proposed County Council Text

Council ordinance proposes six members who are residents of the county, one from each of the six council districts, nominated by the mayor and confirmed by the council who may be members of a local advisory board of a large public transit district as defined by state law; county council members; or other residents with expertise in transportation planning and funding.

Analysis

The Council provides for geographical representation which can limiting in selection of candidates.

Utah Code

Seven (7) members who are nominated by the Mayor with the advice and consent of the County Council who are mayors or managers of cities or towns within Salt Lake County.

Proposed Administration Text

Seven members recommended by the Council of Governments (COG), nominated by the Mayor and confirmed by the Council, chosen from mayors of cities and towns within the county.

Proposed County Council Text

Seven members, one from each of five of the six council districts and two from one council district, nominated by the mayor, and confirmed by the council, chosen from mayors or managers of cities or towns within the County.

A council district represented by two Committee members may not be simultaneously represented by two Committee members for more than two consecutive terms.

When a council district that has been simultaneously represented by two Committee members is no longer simultaneously represented by two Committee members, the council district may not again be simultaneously represented by two Committee members until the other five council district have been simultaneously represented by two Committee members.

Analysis

The Council provides for geographical representation of the Transportation Advisory Committee members.

Term Length

Utah Code

Length of a term as well as chair and other officers will be determined by the County Transportation Advisory Committee.

Proposed Administration Text

Members of the Committee will serve three-year terms. Initially appointments shall be made for one, two or three-year terms.

Proposed County Council Text

The members of the Committee shall be appointed to terms of two years, provided that six members shall be appointed to terms of one year to allow for staggered terms. Three members appointed under subsection (A)(1) shall be given an initial one-year term and three members appointed under subsection (A)(2) shall be given an initial one-year term. All terms are reviewable for a maximum of one additional two-year term.

- A. 1. Six members who are residents of the county, one from each of the six council districts, nominated by the mayor and confirmed by the council who are:
 - a. Members of a local advisory board of a large public transit district as defined by state law;
 - b. County Council members; or
 - c. Other residents with expertise in transportation planning and funding; and
- A. 2. Seven members, one from each of five of the six council districts and two from one council district, nominated by the mayor, and confirmed by the council, chosen from mayors or managers of cities or towns within the County.
 - a. A council district represented by two Committee members may not be simultaneously represented by two Committee members for more than two consecutive terms.
 - b. When a council district that has been simultaneously represented by two Committee members is no longer simultaneously represented by two Committee members, the council district may not again be simultaneously represented by two Committee members until the other five council district have been simultaneously represented by two Committee members.

Analysis

The Administration's proposed text allows for three-year terms that are initially staggered for one, two or three-year terms. The Council's proposed text allows for two-year terms and provides direction as to how terms will be staggered. Additionally, the Council's proposed text allows for all terms to be renewed for a maximum of one additional two-year term.

Member Removal Procedure

Utah Code

Silent to issue of member removal procedure

Proposed Administration Text

The Committee may recommend removal of a member by a two-thirds vote of the full Committee. Committee members may only be removed by the Mayor with the advice and consent of the Council.

Proposed County Council Text

The mayor may remove a member of the Committee with the consent of the council.

The council may remove a member of the Committee upon the vote of two-thirds of all council members.

Analysis

Both the proposed Administration Text and the County Council proposed text provide for essentially the same procedure.

Governance:

Utah Code

Organizational Structure: Length of a term as well as chair and other officers will be determined by the County Transportation Advisory Committee.

Proposed Administration Text

Chair and other officers of the Committee shall be decided by Committee vote. Any disputes or ties will be resolved in favor of the longest-tenured candidate. Committee members shall not be compensated. The Committee shall meet at least annually, as necessary to timely evaluate projects. A majority of members of the Committee constitutes a quorum. As long as a quorum is present, Committee actions will be determined by a majority vote.

Proposed County Council Text

The Committee shall adopt bylaws and policies for the governing of its business and regarding the conduct of its members as it may find appropriate and as consistent with state law and county ordinances and policies.

An affirmative vote of the major of members present shall be required for an item to be forwarded to the council and mayor for consideration;

At its initial meeting and annually thereafter, the Committee shall elect a Chair who shall serve a one-year term

Members of the Committee shall not receive compensation for their services on the Committee.

The Committee may designate subcommittees as needed to study, consider, and make recommendations that further the purpose of the Committee as set forth herein. All final recommendations to the council and mayor shall be with the approval of the Committee.

Analysis:

The proposed County Council text explicitly provides for the development of bylaws and policies for governing its business and the conduct of its members. Provides that a chair be elected and serve a one-year term. Allows the Transportation Advisory Board to designate subcommittees and needed, but recommendations must meet the approval of the committee prior to being forwarded to the Mayor and Council.

Project Application Process

Utah Code

Silent to application process.

Proposed Administration Text

No text is proposed. Committee would need to establish policies and guidelines related to the application process in collaboration with the Department of Regional Transportation, Housing & Economic Development and the Division of Planning & Transportation.

Proposed County Council Text

The county, each city, town, and metro township in the county may apply for transportation funding under this Chapter.

The Committee shall establish an application process that gives all eligible recipients an equal opportunity to apply for funding.

All eligible recipients shall be uniformly notified in writing of the application requirements, the deadline for submitting applications, and any other information relevant to the application process.

Analysis

The proposed Administration text allows for the Transportation Advisory Committee, in collaboration with the Department of Regional Transportation, Housing & Economic Development and the Division of Planning & Transportation, to establish the application process and procedures. The County Council's proposed text provides guidelines for the application process.

Criteria and Reporting

Utah Code

The County shall establish by ordinance criteria for prioritization and ranking of projects, which may include consideration of regional and countywide economic development impacts, including improved local access to:

- Employment
- Recreation
- Commerce; and
- Residential areas

Reporting Structure: After the review and ranking of each project, the County Transportation Advisory Committee shall provide a report and recommend the ranked list of projects to the County Mayor and Council. The Mayor will report annually to the County Transportation Advisory Committee as well as the mayor or manager of each city, town, or metro township in the county, and include the following:

- Funds received into the fund during the past year
- Any funds available for allocation
- Funds obligated for debt service
- Outstanding balance of transportation-related debt

Proposed Administration Text

Project Prioritization and Ranking Criteria

The Committee shall evaluate, rank and prioritize proposed public transit projects and regionally significant transportation facilities according to criteria including, but not limited to:

- Regional and countywide economic development impacts
- Improved local access to:
 - employment;
 - recreation;
 - commerce; and
 - residential areas

Reporting

After reviewing and ranking each proposed project, the Committee shall provide a report detailing its recommendations and rankings to the Mayor and Council.

Proposed County Council Text

Criteria and Reporting

The Committee shall provide recommendations to the council and mayor as required by state law and as provided herein. In making its recommendations, the Committee shall prioritize and rank projects by considering regional and countywide economic development impacts, including improved local access to:

- Employment
- Recreation
- Commerce; and
- Residential areas

In making its recommendation, the Committee shall also consider current traffic conditions, traffic patterns, and projected growth when ranking and prioritizing proposed transportation projects, and as applicable, proposed transit projects.

In making its recommendations, the Committee shall not consider whether a city, town, or metro township supported the imposition of the sales and use tax as set forth in Chapter 3.09 of the Salt Lake County Code of Ordinances.

After the review and ranking of each project as described herein, the Committee shall provide a report and recommended the ranked list of all submitted projects to the council and mayor. The Committee shall also provide copies of all scoring sheets used to review and rank projects to the council and mayor.

After review of the recommended list of projects, as part of the county budgetary process, the mayor shall review the list of projects and may include in the proposed budget the proposed projects for allocation, as funds are available.

The mayor, with information provided by the county and relevant state entities, shall provide a report annually to the council, the Committee, and to the mayor or manager of each city, town, or metro township in the county, which includes the information required under state law.

Analysis

The proposed County Council text specially provides for evaluation criteria and reporting that includes traffic analysis and projected growth. Instructs the Transportation Advisory Committee to not be influenced by the imposition or non-imposition of the fourth quarter of one (1) percent sales tax vote. Requires that the evaluation criteria scoring sheets be transmitted to the Mayor and Council.

Open Meetings

Utah Code

Silent to open and public meetings.

Proposed Administration Text

No mention of open and public meeting laws of Utah, but does have text that indicates the Committee shall meet at least annually, as necessary to timely evaluate projects.

Proposed County Council Text

The Committee may hold meetings at such times as the Committee determines is necessary, but not less than quarterly. The Committee shall conduct business in accordance with the open and public meetings laws of Utah.

Staffing

Utah Code

Silent to staffing of County Transportation Committee

Proposed Administration Text

Silent to staffing of County Transportation Committee

Proposed County Council Text

Staffing shall be provided by the County Office of Regional Transportation, Housing, and Economic Development.

Analysis

Provides direction on who provides staff support to the County Transportation Advisory Board

Relevant Text of SB 136 (2018)

5763 (8) (a) Any revenue in the County of the First Class Highway Projects Fund created in
5764 Section [72-2-121](#) that is not specifically allocated and obligated in Section [72-2-121](#) is subject
5765 to the review process described in this Subsection (8).
5766 (b) A county of the first class shall create a county transportation advisory committee
5767 as described in Subsection (8)(c) to review proposed transportation and, as applicable, public
5768 transit projects and rank projects for allocation of funds.
5769 (c) The county transportation advisory committee described in Subsection (8)(b) shall
5770 be composed of the following 13 members:
5771 (i) six members who are residents of the county, nominated by the county executive
5772 and confirmed by the county legislative body who are:
5773 (A) members of a local advisory board of a large public transit district as defined in
5774 Section [17B-2a-802](#);
5775 (B) county council members; or
5776 (C) other residents with expertise in transportation planning and funding; and
5777 (ii) seven members nominated by the county executive, and confirmed by the county
5778 legislative body, chosen from mayors or managers of cities or towns within the county.
5779 (d) (i) A majority of the members of the county transportation advisory committee
5780 constitutes a quorum.
5781 (ii) The action by a quorum of the county transportation advisory committee constitutes
5782 an action by the county transportation advisory committee.
5783 (e) The county body shall determine:
5784 (i) the length of a term of a member of the county transportation advisory committee;
5785 (ii) procedures and requirements for removing a member of the county transportation
5786 advisory committee;
5787 (iii) voting requirements of the county transportation advisory committee;
5788 (iv) chairs or other officers of the county transportation advisory committee;
5789 (v) how meetings are to be called and the frequency of meetings, but not less than once
5790 annually; and
5791 (vi) the compensation, if any, of members of the county transportation advisory
5792 committee.
5793 (f) The county shall establish by ordinance criteria for prioritization and ranking of
5794 projects, which may include consideration of regional and countywide economic development
5795 impacts, including improved local access to:
5796 (i) employment;
5797 (ii) recreation;
5798 (iii) commerce; and
5799 (iv) residential areas.

5800 (g) The county transportation advisory committee shall evaluate and rank each
5801 proposed public transit project and regionally significant transportation facility according to
5802 criteria developed pursuant to Subsection (8)(f).

5803 (h) (i) After the review and ranking of each project as described in this section, the
5804 county transportation advisory committee shall provide a report and recommend the ranked list
5805 of projects to the county legislative body and county executive.

5806 (ii) After review of the recommended list of projects, as part of the county budgetary
5807 process, the county executive shall review the list of projects and may include in the proposed
5808 budget the proposed projects for allocation, as funds are available.

5809 (i) The county executive of the county of the first class, with information provided by
5810 the county and relevant state entities, shall provide a report annually to the county
5811 transportation advisory committee, and to the mayor or manager of each city, town, or metro
5812 township in the county, including the following:

5813 (i) the funds received into the fund during the past year;

5814 (ii) any funds available for allocation;

5815 (iii) funds obligated for debt service; and

5816 (iv) the outstanding balance of transportation-related debt.