

ASPA Annual Legislative Preview

Friday, January 18, 2008
11:30 a.m. – 1:30 p.m.

Auditorium of the State Office Building
(north of the State Capitol Building)

ASPA members and friends are encouraged to attend an extended lunch at the State Office Building Auditorium on **Friday, January 18, 2008 beginning at 11:30 a.m.** Legislators will discuss the upcoming legislative session and answer questions from the audience. This is a wonderful and rare opportunity to find out what is in store for us – and you may have a chance to wield some influence.

Due to limited space, please make your reservations early. The luncheon will be catered. **Reservations or cancellations must be received no later than Tuesday, January 15th. No shows will be billed.** Limited parking is available—please carpool or ride public transportation where possible

The cost of the luncheon is \$12.00 for ASPA members, \$15.00 for nonmembers and \$6.00 for students.

Please call the Center for Public Policy and Administration, University of Utah, at 581-6493 or e-mail jrandall@cpga.utah.edu for reservations.

DECEMBER LUNCHEON

By Tricia Jack

Center for Public Policy & Administration, University of Utah

NOTE: A few paragraphs in the BUZZ can never capture all of the knowledge and wisdom that is dispensed by our luncheon speakers. Members and colleagues are encouraged to attend these activities to receive the full benefit available to participants.

Update on Downtown Development

Mr. Bob Farrington of the Salt Lake Chamber addressed us with some interesting updates about the developments in downtown Salt Lake City.

Mr. Farrington first set the scene by explaining how the downtown area currently looks. Salt Lake City is an anchor for commerce and government in the Intermountain West. There are a lot of opportunities because of several large employers, retail, residential development, hospitality, restaurants and nightlife and special events and festivals.

Currently there are several downtown development projects. These include:

- City Creek Center
- 222 South Main
- Marmalade
- Federal Courthouse
- The Leonardo Center

City Creek Center is the largest project and some of the others are less well known. Mr. Farrington informed the group that a new development center will open at 120 S. Main Street in Salt Lake City on December 7, 2007. This will be geared toward investors and developers to allow them to get a snapshot of the city.

The visioning plan for the downtown development came from Jack Gallivan's idea in the 1960s, called the Second Century Plan. To create this, community groups and organizations got together to develop the best ideas and to consider where there were gaps.

The current plan is based on maintaining the character of downtown districts. The idea was developed in conjunction with the University of Utah College of Architecture and Planning. The districts are:

- Skyline District: This is the middle to eastern edge of downtown, including Main, State, and 200 East, where higher rise buildings will be seen. The vision is for it to be cosmopolitan, prosperous, and bustling with activity.
- Temple Square District: This will be green, contemplative, calm and tranquil, and is the historic spiritual heart of downtown.

- Salt Palace District: The purpose of this district is to host and care for visitors, so it is comprised of hotels and services. The idea is for it to be welcoming, friendly and gracious.
- Broadway District: This will be the lively epicenter for arts and culture and is based around 300 South. The historic character will be maintained. The vision is for it to be animated, bold and lively.
- Gateway District: This is a hub of activity and should be lively, inventive and happening.
- Grand Boulevards District: To give a good first impression, this will be stately and green.

Mr. Farrington also shared some new ideas, chosen from many, that planners feel is important for the downtown area. These include:

- Global Exchange Place comprising the World Trade Center Utah, Peace Studies Center, Language Institute, International Institute.
- University Boulevard on 400 South, to capitalize on light rail systems.
- Performing Arts Center - a new theater to accommodate over 2000 patrons.
- Public Market - a year round market with a food emphasis to provide opportunities for smaller local businesses. This would be enclosed and a similar idea to the Saturday Farmer's Market, but smaller.
- Metropolitan Sports and Fitness Center to replace the old Deseret Gym.
- Green Loop, extending the trail network from the foothills to Jordan River.
- Regional rail integration to include for example, the airport line.

Mr. Farrington assured the group that although this seems impossible, it can all be done, by many combinations of steps. It will require the developers to seize opportunities. If they do this, some real headway could be made in a very short time.

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Tentative Schedule of ASPA Luncheon Topics for 2008

February 1	Health Care
March 7	Legislative Follow-up
April 4	Transportation
May 2	ASPA Awards/Public Service Recognition Week

COUNCIL CORNER

Chris Hillman
Clearfield City Manager
ASPA Council Member

Municipal Forms of Government

How do our cities really operate?

Former Speaker of the House Tip O’Neil very aptly said, “All government is local.” Statistics agree with Mr. O’Neil’s assessment: more than two-thirds of all government is local (city/county) with an additional 25 percent respective to the states. Less than 10 percent is federal.

However, most Utah residents likely could not define how their city, the governmental entity that has the most impact on their daily lives, functions and operates. Current Utah Code establishing and defining the numerous municipal forms of government is no help. At best, it’s extraordinarily confusing. At worst, as recently witnessed in the cities of Bluffdale and Syracuse, inherent statutory perplexity pits mayors against councils in passionate division-of-power debates that can end up costing taxpayers tens of thousands of dollars in legal fees as the dispute works its way through the court system.

The residents are not the only ones having problems understanding municipal forms of government. Mayors and councils themselves, along with the vast majority of the state legislature, do not understand such complexities as: the functional difference between a five-member council and a six-member council; the differences between a city manager, a city administrator, a chief administrative officer and a chief of staff; or what is a charter city anyway and does one even exist in Utah (by the way—yes, Tooele)?

Despite the high-profile disputes in Lehi, Bluffdale and Syracuse, the vast majority of Utah cities seem comfortable with their chosen form of government. However, in response to the recent political ruckus in these three cities, the 2007 legislature became involved and assigned a committee to work through the confusion and propose a solution that would relieve the disorder and streamline the change-of-form process.

So what did they come up with? Well, the committee-proposed solution for the 2008 legislative session debate allows continued flexibility for councils and mayors to productively work through their organizational disputes without holding untimely and expensive referendum elections while still holding harmless cities desiring to maintain the status quo. However, any change of form (narrowed down from the current six to three) will require a referendum vote.

Perception Problem

Arguably, most residents have the perception that their cities operate under a similar structure as the federal government—a true separation of powers between the executive (mayor) and legislative (council).

In Utah, very few cities have such a federal structure, known here as the optional Mayor/Council or “strong mayor” form, which tends to be adopted by larger, more established cities (Provo, Sandy, Salt Lake City, and Ogden are examples) and is implemented only after a referendum vote. In this form, the mayoral position is full time and serves as the chief executive officer, the chief political officer and the city’s ceremonial head. The council passes legislation and the mayor executes the council’s decisions. The mayoral position is wholly separate from the council yet the mayors routinely lobby the councils on issues and concerns. Many of these cities’ mayors hire chief administrative officers or chiefs of staff, who report directly to the mayor, and who assist the mayor in managing the city’s day-to-day operations.

The second optional form of government is the Council/Manager form and is also implemented only after a referendum vote. This form also separates the executive and legislative powers but divides them between the council (legislative) and a professional, appointed manager (executive).

Even fewer cities in Utah use this form than the previous Council/Mayor form. Orem and West Valley City are examples of cities with the Council/Manager form. The mayor is a voting member of council, sets the agenda and chairs the council meetings. The mayor is the chief political officer, serves as the ceremonial head for the city, has some specific statutorily defined responsibilities but has no executive functions per se. The manager, as the chief executive officer, serves at the pleasure of the council and can be removed at any time, with or without cause, by a majority vote of council.

In sum, a relatively small minority of cities and towns use either of these optional forms of government in Utah.

The overwhelming majority use a more traditional form of municipal government with either a five-member council (the mayor is one of the five and is a voting member) or a six-member council (the mayor is one of the six members but only votes to break a tie). The mayor is generally considered a part-time position in terms of remuneration, which is set by council (Eagle Mountain’s council has chosen to pay a full-time wage for its mayor under this form).

In either case, the executive and legislative functions are broadly separated along traditional lines with the mayor serving as the chief executive officer. However, some crossover exists in the sharing of executive and legislative duties between the council and mayor respectively under this form. As in all other forms, the mayor serves as the chief political officer, serves as the ceremonial head for the city and has some statutorily defined duties that are non-transferable to either the council or an administrator/manager.

Under this traditional form, the mayor may hire a full-time city administrator (Lehi, Pleasant Grove and Syracuse are examples) or a chief of staff (American Fork) to help manage the city’s day-to-day operations serving, in essence, as the chief operating officer. The administrator’s or chief of staff’s duties are defined individually by the mayor and they serve at the pleasure of the mayor.

Finally, many Utah cities have modified their traditional form into a “manager-by-ordinance” hybrid. With this form, the council transfers, via ordinance, certain operational duties and responsibilities from the mayor’s position to a professional, appointed city manager (Clearfield,

Spanish Fork, West Point, Draper, Santaquin, Roy, South Ogden and Clinton are examples). The manager reports directly to the council and can be removed at any time, with or without cause, by a majority vote. In some cities the Mayor also has an automatic vote in the hiring/firing of the manager.

How the council divides the operational responsibilities between the mayor and the manager varies by city. In Clearfield, for example, all operational duties were transferred by the council to a city manager. In South Ogden, all operational duties were transferred except for police and fire, which are still overseen by the mayor.

The Crux of the Debate

This “manager-by-ordinance” form of government seems to be the central issue of the mayor v. council clamor. Using Lehi, Syracuse and Bluffdale again as examples, all three cities saw friction between their respective councils and mayors. The councils felt, in certain instances, that the mayors were operating outside established bounds and/or poorly managing the city’s operations and desired to transfer executive responsibility to a manager who reports to the council. The mayors, in turn, felt the councils were outside their bounds by trying to tell them how to manage the city or the councils were stripping them of operational authority altogether and creating an imbalance of power.

In 2006/07 the councils in Bluffdale and Syracuse used their understood statutory authority to move executive responsibilities from the mayor to a city manager via ordinance. The mayors cried foul and the battle began. In Bluffdale, the debate ended up in court. The court decided state statute was contradictory and confusing and referred the decision to voters via referendum.

Facing its own lawsuit and seeing the Bluffdale court decision, Syracuse moved the executive duties back to the mayor and both Bluffdale and Syracuse held referendum votes.

Bluffdale voters supported the council moving authority from a more controversial mayor to a city manager while voters in Syracuse decided a seemingly more popular mayor should keep his executive authority.

The Lehi council decided to not make any move waiting, instead, to see what comes out of the upcoming legislative session and then making its decision accordingly.

In hindsight, one could reasonably argue that the referendum votes in both cities seemed more centered on the popularity or unpopularity of the incumbent mayor as opposed to an actual decision on a new form of government.

An additional argument was also presented, most notably in Syracuse, that removing executive functions from an elected mayor midterm went against the original voter intent and that such changes should occur only at the end of a term. However, several years ago in Washington Terrace, the council decided to make the change midterm and simply pay the mayor a severance.

Helping Cities Move Through the Maturation Process

Most cities facing this mayor/council/manager debate are going through what could be described, in essence, as municipal adolescence—a natural and expected coming-of-age time when cities get too large and complex to be managed by part-time elected officials. The impact

