



April 7, 2020

The Honorable Gary Herbert  
Governor of the State of Utah  
350 S. State Street  
Salt Lake City, UT 84103

The Honorable Stuart Adams  
President of the Utah Senate  
350 S. State Street  
Salt Lake City, UT 84103

The Honorable Brad Wilson  
Speaker of the Utah House of Representatives  
350 S. State Street  
Salt Lake City, UT 84103

RE: Legislative Items for the Special Session in Response to COVID-19

Governor Herbert, President Adams and Speaker Wilson:

First, thank you for your leadership during this unprecedented crisis that is facing the nation. We have appreciated the collaborative approach that has been taken between the state, counties, cities, and the business community. Like you, we are working diligently to balance the public health interests and the economic interests that are at the forefront of this conversation.

COVID-19 has created some very unique challenges in that public health/economic balancing act that are unlike any other natural disaster we have, or will, face. We would encourage our state leaders to recognize the uniqueness of pandemic and legislate with caution around the ability of a local community to respond to a localized disaster. While we acknowledge that the roll-out in response to COVID-19 has had its hiccups, we would argue that the State of Utah and its local government partners have charted an exemplary path that should be the national model around balancing the health of our communities, while also trying to minimize the impact to our local economies. The flexibility that comes with local control should be maintained, with enhanced coordination with our state partners to ensure the public understands the orders that are being promulgated by the state and their local governments.

While no public or private entity is without impact, we are working diligently to minimize the impact as much as we can. In that effort, we would encourage the legislature to consider the following

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items for consideration during the legislative special session. These items will help in our immediate response to the crisis and will also aid in our ability to recover. We have compiled this list after many conversations with our members, and other stakeholders, to include the local health departments, cities, and the business community.

#### **General Operations:**

- Create a temporary moratorium on ability to petition the courts on a case against the state/local government until the disaster designation has been lifted. Moratorium should include lawsuits against state/local governments for closure of public lands for camping and other recreational activities.
- Allow flexibility in responding to GRAMA requests (exemptions do not cover current circumstances).
- Create some flexibility in the Money Management Act (suspend current three-day deposit requirement).
- Create some flexibility in the requirements for the posting and approving of public meeting minutes (provide additional time for approving and posting minutes).
- Create a temporary relaxation of reemployment restrictions on retired employees (limited to those who could provide medical support as first responders).

#### **Financial Impacts:**

- Temporarily allow TRT marketing and promotion dollars and TRCC dollars to be used, at the discretion of the county governing body, for the purpose of COVID-19 response. Funds must be directly related to supporting the tourism industry during COVID-19; tracking/auditing should be required.
- Amend the Uniform Fiscal Procedures Act to allow local governments to borrow for general operations expenditures.
- Amend the Uniform Fiscal Procedures Act to allow local governments to use tax “fund balances” to temporarily support general operations related to the COVID-19 response, subject to appropriate limitation to avoid bond impairment or interruption of essential services.
- Waive the restriction on local governments ability to amass an emergency rainy day fund (currently restricted on how much we can keep in reserves).
- Temporarily allow utilization of Mineral Lease dollars (CIB) for COVID-19 response in CIB eligible counties.
- Allow for the emergency and temporary creation of a COVID-19 response property tax levy for affected entities (Health Dept. Counties, Cities) – This should help limit the requests for state funds for local response.

**Official Functions:**

County Assessors:

- In 59-2-1602 (Multi County assessing levy) -- Add language that the statutory established rate cannot be less than .000012. This will ensure that a property value decline, which is anticipated, will not destroy the levy that has been implemented to ensure accurate/uniform property tax assessment for business personal property tax and real property tax.
- Temporarily waive the 5-year reappraisal requirement.

County Clerks:

- June primary elections: Do we need to delay the June primary or allow for a FULL vote- by-mail.
- Suspend the rules that each county be required to have one in-person vote center.

Law Enforcement:

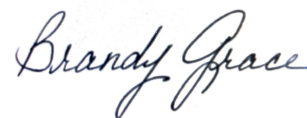
- Jail Contracting: Hold county jails harmless for prisoner release programs by freezing the current distribution if prisoner count declines.
- Issues with signing criminal citations and fingerprint requirements to enter charge in BCI.

County Auditors:

- Provide flexibility to the county auditor on holding the required tax sale, allowing for a delay in the tax sale, and allowing for the tax sale to be held virtually.

Again, thank you for your attention to these matters. Should you have any questions on any of the requests, please do not hesitate to call for clarification. We look forward to our continued partnership and collaboration on this and other matters.

Appreciatively,



Brandy Grace, CEO  
Utah Association of Counties