

1962

William D. Backman v. Salt Lake County : Brief of Respondent

Utah Supreme Court

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Frank E. Diston; Brayton, Lowe & Hurley; Attorneys for Plaintiff-Respondent;
Grover A. Giles; Attorney for Defendant-Appellant;

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In the Supreme Court of the State of Utah

WILLIAM D. BACKMAN,
a Taxpayer for himself and for all

FILED

JUN 1 - 1962

others similarly situated,

Plaintiff-Respondent, Clerk, Supreme Court, Utah

vs.

Case No. 9697

SALT LAKE COUNTY,

a body corporate and politic,

Defendant-Appellant.

RESPONDENT'S BRIEF

Appeal from the judgment of the third District
Court for Salt Lake County, Honorable Stewart
M. Hanson, Judge.

FRANK E. DISTON and
BRAYTON, LOWE & HURLEY
1001 Walker Bank Building
Salt Lake City, Utah
Attorneys for Plaintiff-
Respondent.

GROVER A. GILES

Salt Lake County Attorney

City and County Building

Salt Lake City, Utah

Attorney for Defendant-Appellant.

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IN THE SUPREME COURT of the STATE OF UTAH

WILLIAM D. BACKMAN,
a Taxpayer for himself and for all
others similarly situated,

Plaintiff-Respondent,

vs.

SALT LAKE COUNTY,

a body corporate and politic,

Defendant-Appellant.

} Case No. 9697

RESPONDENT'S BRIEF

STATEMENT OF FACTS

Statement of facts by appellant is not contested.

ARGUMENT

POINT I.

THE CASE OF LEHI CITY V. MEILING MAY NOT BE
CONTROLLING.

In the case of *Lehi City v. Meiling*, 87 U. 237, 48 P.2d 530, the Metropolitan Water District Act, Title 73, Chapter 8, Utah Code Annotated 1953 was held constitutional. The Civic Auditorium Act, Title 11, Chapter

11, Utah Code Annotated 1953, was patterned upon the water district act.

We shall refer hereafter to the above case as the *Lehi* case. The decision was a three to two decision. The Justices gave opinions as follows: Folland's majority opinion was concurred in by Hansen only. Wolfe concurred specially. Moffat dissented and Hanson concurred with the dissent.

The fact that it was a split decision; the fact that none of those Justices is presently on the bench and the fact that some of the reasons given in the majority and specially concurring opinions are inapplicable to the civic auditorium, make the controlling effect of the *Lehi* case questionable. Other reasons why the *Lehi* case may not control are as follows:

Some questions raised in this case were not decided by the *Lehi* case, either because they were not raised as issues, or because such issues were not present because of significant differences between the two acts, which differences are hereafter discussed.

The majority opinion in the *Lehi* case stressed the fact that water is of tremendous importance to the political bodies in the State of Utah, and there may have been an element of necessity in the reasoning behind the decision in the *Lehi* case, causing the court to disregard constitutional objections because of the paramount necessity of obtaining water. Such compelling need is not present in this civic auditorium case.

The cities in the *Lehi* case could not obtain water without combining their efforts, and did not have the power to combine their efforts without a water district, whereas, in this case, the civic auditorium district area is coterminous with that of the county, and the county (except for a constitutional debt limit) could accomplish what any civic auditorium district could accomplish.

POINT II.

IF THE DISTRICT IS A SPECIAL COMMISSION, PRIVATE CORPORATION OR ASSOCIATION, THE ACT WOULD VIOLATE ARTICLE 6, SECTION 29, OF THE STATE CONSTITUTION. (APPELLANT'S POINT I.)

Article 6, Section 29 provides:

“The legislature shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, to levy taxes, to select a capitol site, or to perform any municipal functions.”

The act provides the district is authorized to:

- (a) Make, construct and supervise a civic auditorium (which is a “municipal improvement”) (11-11-2, 11-11-13).
- (b) Control money for and from the operation thereof (so the district “supervises money”) (11-11-13).
- (c) Levy taxes (11-11-13).

All of these are activities under this section. The question to be resolved therefore, is whether or not the delegation of the above powers is a delegation to a “special

commission, private corporation or association." Factors indicating the district does come under such classification are as follows:

(a) The board is not elected but is rather appointed to office (11-11-15).

(b) Members of the board need not be residents of either the city they represent or of the district (11-11-15).

(c) The members of the board are responsible to no one, neither the persons who appointed them nor the voters of the district, and continue in office indefinitely (11-11-15).

In Logan City v. Public Utilities Commission, 72 Utah 536, 271 P. 961, it was held that the Public Utilities Commission could not regulate the rate to be charged by Logan City for electricity furnished by a city owned plant. The court said, in discussing Article 6, Section 29:

"We think it clear that the undoubted purpose of the constitutional provision is to hold inviolate the right of local self-government of cities and towns with respect to municipal improvements, money, property, effects, the levying of taxes, and the performance of municipal functions. Stress, however, is laid on the words in the section of the Constitution, 'special commission,' that the power shall not be delegated to a special commission, and that the Public Utilities Commission is a general and not a special commission, and hence whatever power may have been delegated to the commission in such respect is

not in violation of such constitutional provision, to support which the case of *Public Service Commission v. City of Helena*, 52 Mont. 527, 159 P. 24 is especially cited. That case so holds. But we think such a construction of the section is too narrow, and one which in effect impairs the very essence and purpose of it, deprives cities and towns of local self-government, and interferes with their power to levy taxes and in the performance of their municipal corporate affairs with respect to their improvements, property and municipal functions. *Town of Holyoke v. Smith*, 75 Colo. 286, 226 P. 159."

In a concurring opinion the following was said:

"That the people of Utah, when they adopted section 29 of article 6 of the state Constitution, intended to limit the power of the legislative branch of government, so as to prevent the delegation of the power to perform municipal functions, or the power to supervise or interfere with municipal property, to any commission outside the municipal fold, and that they thereby manifest an intention, which must be respected by the courts, that municipal property shall remain under the supervision and control of, and municipal functions shall be performed by, municipal officials, who are amenable to the will of the inhabitants of the municipalities, so long as municipal corporations continue to exist and that section remains a part of the fundamental law, are propositions about the soundness of which I have no doubt."

In the *Lehi* case (*supra*) the question as to whether or not the district was a "special commission" was raised. The majority opinion (p. 535) gave no reason but merely

said the district was not a "special commission". Mr. Justice Wolfe, in his concurring opinion (p. 547), looked at the function of the district to determine if the district was a "special commission", and said that the definition of "special commission"

"may therefore take content, not so much from its intrinsic meaning, as from the nature and powers of the duties which are given to it. But a Metropolitan Water District appears to be designed not to interfere with municipal affairs but as a means to further them."

He went on to conclude that since the immense water projects were not within the capabilities of cities, they were therefore not municipal functions and consequently a district is not a "special commission." Although Judge Wolfe's reasoning is hard to follow, inasmuch as he seems to be confusing the definition of "special commission" with the acts done by such commission, both of which are covered by this constitutional section, it is apparent that had the water projects been of such size that the combined efforts of cities was not necessary, Judge Wolfe would have held that the act violated this section of the constitution. In the subsequent case of *Provo City v. Evans*, 87 Utah 292, 48 P.2d 555, where only one city was involved in a district, and therefore there could be no combined efforts of cities, Judge Wolfe relied on the necessity of combined efforts of water districts. Again the combined efforts of political bodies was the basis of his decision. No such combined efforts are contemplated by the auditorium act and therefore

the reasoning of Judge Wolfe's concurring opinion, which made the majority opinion the majority rather than the minority opinion, is inapplicable here.

POINT III.

IF THE DISTRICT IS NOT A "SPECIAL COMMISSION" THEN IT MUST BE A MUNICIPAL CORPORATION, OTHERWISE ARTICLE 13, SECTION 5, OF THE CONSTITUTION IS VIOLATED. (APPELLANT'S POINT VII.)

Article 13, Section 5, provides:

"The Legislature shall not impose taxes for the purpose of any county, city, town or other municipal corporation, but may, by law, vest in the corporate authorities thereof, respectively, the power to assess and collect taxes for all purposes of such corporation."

This section allows the powers of taxation to be exercised only by certain bodies. The only classification, under which the water district could fall is the classification of municipal corporation. In order to exercise the powers of taxation it must be a municipal corporation. If it is a municipal corporation, then the debt limitation of a municipal corporation set out under Article 14, Sections 3 and 4 discussed in Point V, would be violated.

Furthermore, the levying of taxes for county purposes is limited by this constitutional provision to the corporate authorities of the county as pointed out in *State vs. Stanford*, 24 U. 148, 66 P. 1061, 1064, wherein the Court said:

"Under the Constitution the state has no power to make a disposition of county funds, and

require that they be appropriated for other and different purposes than those for which by authority of the county they were collected. *San Luis Obispo Co. v. Graves*, 84 Cal. 71, 23 Pac. 1032. In our opinion section 5, art. 13, of the Constitution, not only limits local or county taxation to local county purposes, but it *was also intended as a limitation upon the power of the legislature to grant the right or impose the duty of creating a debt or levying a tax to any person or body other than the corporate authorities of the county.*"

The building and operation of a civic auditorium is a municipal function which the county itself, except for the debt limitation of the constitution, could undertake without the creation of a separate district. The building and operation of an auditorium is a local county purpose for which the county authorities alone are authorized to levy taxes, under the above construction.

POINT IV.

A SPECIAL LAW WOULD VIOLATE ARTICLE 11, SECTION 5, ARTICLE 6, SECTION 26 AND ARTICLE 1, SECTION 24 OF THE STATE CONSTITUTION. (APPELLANT'S POINTS II AND X.)

Said Sections provide in part:

Article 1, Section 24:

"All laws of a general nature shall have uniform operation."

Article 6, Section 26:

"The Legislature is prohibited from enacting any private or special laws in the following cases:

“11. Regulating county and township affairs . . .

“16. Granting to an individual, association or corporation any privilege, immunity or franchise . . .

“In all cases where a general law can be applicable, no special law shall be enacted . . .”

Article 11, Section 5:

“Corporations for municipal purposes shall not be created by special laws . . .”

The act is a special law in that it applies only to counties having a population in excess of 250,000 and thus does not have general application (11-11-2, 11-11-3). The only county to which it is presently applicable is Salt Lake County. Had the act allowed every county within the state to create such districts, it may then have been a general law with a specific purpose instead of a special law with a special or specific purpose. In *Lehi City vs. Meiling*, 87 Utah 237, 48 P.2d 530, 547, Mr. Justice Wolfe in his concurring opinion, said:

“The Legislature could not pass an act specifically directed at Salt Lake City or some other particular municipality.”

In *State vs. Holtgreve*, 58 Utah 563, 200 P. 894, 898 the Court said:

“As pointed out in that case, our statute requires that all laws shall operate uniformly wherever uniform laws can be enacted. While it is true that this court, in common with others, has repeatedly held that legislative subjects may be

classified and that legislative classification should not be interfered with by the courts unless such classification is clearly fanciful, capricious, arbitrary, or unnatural, yet, where such is the case, it becomes the duty of the courts to uphold the constitutional rights and privileges in that regard."

Evidently the support of legislators representing sparsely populated counties was obtained by placing the population limitation therein so that if Salt Lake County wants an auditorium, it can have it, without any effect on the other counties.

If the act providing for construction and operation of a civic auditorium is of a general nature, then Article 1, Section 24 is violated.

If the financing, construction and operation of a civic auditorium is a municipal purpose, then Article 11, Section 5 is violated.

If the civic auditorium is a county affair, then Article 6, Section 26 (11) is violated.

If the civic auditorium is neither a municipal purpose nor a county affair, then Article 6, Section 26 (16) is violated because a franchise is given.

Regardless of whether a civic auditorium is a municipal purpose, a county affair or whether or not a franchise was granted, there is an over-all prohibition of a special law when "a general law *can* be applicable". Certainly the Legislature *could* have had a general law applicable to counties regardless of population.

In *State vs. Standford*, 24 U. 148, 66 P. 1061, 1064 an act providing for agricultural inspectors for counties having 5,000 or more fruit trees and further providing that in counties having a population of over 20,000 deputies could be appointed, it was held that the act was unconstitutional because it did not have uniform operation throughout the state. The Court said:

“The state legislature is forbidden to pass any private or special laws regulating county affairs. The laws enacted must be uniform generally, and applicable to all of the counties throughout the state. In *Welsh v. Bramlet*, *supra*, it is said: ‘Whenever it attempts to enact a law for one or more of the counties of the state upon subjects that it is directed to provide for by general laws, or which are to form part of a uniform system for the whole state, whether such counties are designated directly by name, or by reference to a class into which they have been placed for other subjects of legislation, it infringes these provisions of the constitution. We must take judicial knowledge that there is only one county in the state whose population places it in the eighth class, and, if an act is passed by the legislature that is applicable to only one county in the state, it does not cease to be local by reason of the fact that it purports to be applicable to a class of counties which the legislature is not authorized to create for the purpose of such legislation, and of which that county constitutes the only member.’”

Although the *Lehi* case (*supra*) discussed whether or not the act was a “special law,” there was no population requirement for the creation of a water district and therefore the *Lehi* case is not applicable here, except

that the following language from the majority opinion (p. 536) indicates that the decision might have been different had the act not applied to all counties. The Court said:

“The act is not limited to any particular cities or towns, or to any particular locality in the state, but it operates uniformly on every city or town which may choose to take advantage of its provisions. In form, as well as in substance, it is a general law and not special.”

POINT V.

THE 10% DEBT LIMITATION WOULD VIOLATE ARTICLE 14, SECTIONS 3 AND 4 OF THE STATE CONSTITUTION. (APPELLANT'S POINT III.)

Said sections provide, in part, as follows:

“Sec. 3. *No debt in excess of the taxes for the current year shall be created by any county or subdivision thereof, or by any school district therein, or by any city, town or village, or any subdivision thereof in this state; unless the proposition to create such debt, shall have been submitted to a vote of such qualified electors as shall have paid a property tax therein, in the year preceding such election, and a majority of those voting thereon shall have voted in favor of incurring such debt.*”

“Sec. 4. *When authorized to create indebtedness as provided in Section 3 of this Article, no county shall become indebted to an amount, including existing indebtedness exceeding two per centum. No city, town, school district or other municipal corporation, shall become indebted to an amount, including existing indebtedness, ex-*

ceeding four per centum of the value of the taxable property therein . . .”

The act provides for a limitation on the district debt (not including any county debt) of 10% (11-11-13(6)).

District areas coincide with county areas (11-11-3). If the Legislature, by the mere subterfuge of saying that the county constitutes a district, can avoid the 2% limitation of indebtedness upon counties, then the above sections are emasculated. The Legislature could then declare that the county constituted any number of districts and thereby create enough taxing units that the result could be any amount of indebtedness even up to 100%. If these constitutional sections are given effect, the total of authorized indebtedness of the county and any district which is coterminous with the county should not exceed 2%.

Furthermore, if it be determined as discussed under Point I that the district is a municipal corporation (instead of a special commission, private corporation or association) then the 4% limitation would be applicable. Such a 4% limitation would be violated by (11-11-13(6)) permitting indebtedness up to 10%.

The majority opinion in the *Lehi case* (supra) (p. 541) solved this problem by the simple expedient of declaring that a district was a “quasi municipal” body. The decision then reasoned that it has some attributes of a municipal corporation but does not have to comply with the limitations placed by the constitution on such cor-

porations. The concurring opinion of Judge Wolfe (p. 549) concludes that the function of the district is proprietary, not governmental. He somehow concludes therefrom that this takes the district out of the classification of a "municipal corporation". The dissent (p. 553) logically argues that:

"The Constitution of Utah provides for the organization, management, and operation of two classes of corporations, viz., municipal corporations, and private corporations. For the Legislature or the courts by supplying a different adjective modifier to the word 'corporation,' and thereby bringing about a new hybrid entity that is neither municipal nor private within the purview of the terms of the Utah Constitution, appeals as a refinement. It is an easy method to avoid the plan terms of the State Constitution. If constitutional limitations may thus by a process of definition be eliminated, evaded, or evaporated out of the Constitution, the stabilizing purposes and restraints of Constitutions intended to tide the people over periods of emergency, excitement, or trouble until calm reflection may analyze and measure the needs, will cease to accomplish the purposes for which they are intended."

POINT VI.

THE CREATION OF A TAXING UNIT WITH LITTLE NOTICE MAY VIOLATE ARTICLE 1, SECTION 7, OF THE STATE CONSTITUTION AND THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES. (APPELLANT'S POINT IV.)

Article 1, Section 7, of the State Constitution provides:

“Sec. 7. No person shall be deprived of life, liberty or property, without due process of law.”

The Fourteenth Amendment to the Constitution of the United States provides, in part:

“No State shall . . . deprive any person of life, liberty, or property, without due process of law . . .”

The provisions as to notice for the holding of the first election are that a notice “shall be published once at least ten days before the date of the election . . . and no other or further notice of such election . . . or polling places need be given or made” (11-11-6).

Furthermore, the above provision for notice (11-11-6) is ambiguous in that it says that notice shall be “published in *each* county within the proposed Civic Auditorium and Sports Arena District” implying that there may be more than one county.

The provision for notice of the election on the proposition of bonded indebtedness is similar. It provides for one publication ten days before the election or, if there is no newspaper, posting in three public places at least ten days before the election (11-11-18).

If such publication is inadequate either as to time or manner of giving notice, then the act would be unconstitutional.

A similar provision as to notice was held constitutional in the *Lehi* case (*supra*), however.

POINT VII

A THREE MONTH LIMITATION PERIOD MAY VIOLATE ARTICLE I, SECTION 7, OF THE STATE CONSTITUTION AND FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES. (APPELLANT'S POINT V.)

The Constitutional provisions are set out in Point IV.

Section 11-11-12 of the Act provides, in part:

“The validity of the incorporation of any such district shall be incontestable in any suit or proceeding which shall not have been commenced within three months from the date of issuance of the certificate of incorporation thereof; . . .”

If a three month limitation is an unreasonably short period, then the provision would be unconstitutional.

The cases as to reasonableness of the period of time are many and varied as to time limitations which have been approved or disapproved, but a three month period is about the minimum time which decisions have upheld. 34 *American Jurisprudence*, Limitation of Actions, Pars. 25, 26.

This question was not raised in the *Lehi* case (*supra*).

POINT VIII.

THE MANNER OF HOLDING ELECTIONS MAY VIOLATE ARTICLE 1, SECTION 2, OF THE STATE CONSTITUTION. (APPELLANT'S POINT VI.)

Article 1, Section 2, provides:

“Sec. 2. All political power is inherent in

the people; and all free governments are founded on their authority for their equal protection and benefit, and they have the right to alter or reform their government as the public welfare may require."

The act provides for the voting on the creation of a district during a municipal election (11-11-3). It provides for elections in years in which there is a municipal election and not an election in the unincorporated areas of the county, thereby creating a likelihood that a greater percentage of residents in incorporated areas of the county will vote on the matter of a municipal auditorium, because they will be at the polls for various matters in which they have an interest. This is particularly true in view of the fact that elections in the unincorporated areas of the county probably would be conducted in a consolidated district, which would reduce the number of voters.

This question was not raised in the *Lehi* case (supra).

POINT IX.

EXEMPTION OF AN AUDITORIUM FROM TAXATION MAY VIOLATE ARTICLE 13, SECTION 10, OF THE STATE CONSTITUTION. (APPELLANT'S POINT VIII.)

Said section provides:

"Sec. 10. All corporations or persons in this State, or doing business herein, shall be subject to taxation for State, County, School, Municipal or other purposes, on the real and personal property owned or used by them within the Territorial limits of the authority levying the tax."

Although there is no specific exemption in the act, it is apparent that the act contemplates that the auditorium will not be subject to property tax. If the district is not subject to the debt limitation of a municipal corporation (Point V), then a property tax exemption for the auditorium would violate the above section of the constitution.

This question was not raised in the *Lehi* case (supra).

POINT X.

SOME PROVISIONS OF THE ACT ARE NOT CLEARLY EXPRESSED IN THE TITLE WHICH MAY VIOLATE ARTICLE 6, SECTION 23, OF THE STATE CONSTITUTION. (APPELLANT'S POINT IX.)

Said section provides:

“Sec. 23. Except general appropriation bills, and bills for the codification and general revision of laws, no bill shall be passed containing more than one subject, which shall be clearly expressed in its title.”

The title of the act is as follows

“TITLE OF ACT.

“An act providing for the incorporation, government and management of civic auditorium and sports arena districts, authorizing such district to incur bonded debt and to acquire, construct, operate and manage properties and facilities for sports events, conventions, cultural exhibits and shows, public meetings and other similar purposes; providing for the taxation of property therein and the performance of certain functions relating thereto by officers of cities of the first class or counties.”

The above title does not include the subject matter contained within two sections providing for actions to determine the validity of bonds, etc., and providing that bonds shall be legal investments, and valid security.

The headings of the two sections are as follows:

“11-11-25. ACTION TO DETERMINE VALIDITY OF BONDS, CONTRACTS, CONTRACT OBLIGATIONS, OR INDEBTEDNESS OR SUFFICIENCY OF PROVISIONS FOR ANNUAL TAX — JURISDICTION OF DISTRICT COURT — JUDGMENT — APPEAL — PROCEDURE — COSTS.”

“11-11-29. BONDS TO BE LEGAL INVESTMENTS — USE AS SECURITY FOR FAITHFUL PERFORMANCE OF ACTS.”

This question was not raised in the *Lehi* case (supra).

POINT XI.

THE REQUIREMENT THAT THE COUNTY CALL AN ELECTION MAY VIOLATE ARTICLE 6, SECTION 26(11) AND ARTICLE 13, SECTION 5, OF THE STATE CONSTITUTION.

Article 6, Section 26 (11) provides as follows:

“The legislature is prohibited from enacting any private or special laws in the following cases:

. . . 11. Regulating county and township affairs.”

Article 13, Section 5, provides as follows:

“The Legislature shall not impose taxes for the purpose of any *county*, city, town or other *municipal corporation*, but may, by law, vest in

the corporate authorities thereof, *respectively*, the power to assess and collect taxes for all purposes of such corporation.”

The act provides that an “election *shall* be called by ordinance by the governing body of each county affected”. (11-11-4)

This is a regulation of county affairs which is valid only if the act is a general act applicable to all counties and not a special act.

The requirement that an election be called, with the incident requirement of expenditure of funds therefor by the county is a determination by the legislature of the disposition of county funds which the court said was improper in *State v. Stanford* 24 U. 148, 66 P. 1061, 1064 wherein the court said:

“ . . . Nor can the state compel a county to incur a debt or to levy a tax for the purpose named in the act without its consent.”

There was no such *requirement* that the county call an election in the *Lehi* case *supra*).

POINT XII.

THE ACT HAS NO SAVINGS CLAUSE.

There is no savings clause in the act providing that if part is held unconstitutional the remainder shall be deemed valid.

POINT XIII.

THE ACT IS VAGUE AND AMBIGUOUS. (APPELLANT'S POINT XI.)

(a) The act does not provide for the payment of expenses of a special election to be called for incorporation of the district (11-11-3) nor who shall bear the expense of the election and notice thereof if held with the general election (11-11-5, 11-11-6) nor who shall bear the expense of the election on the proposition of incurring indebtedness (11-11-18) after a district is formed. The latter situation would pose a particularly difficult problem if at the election on the proposition of incurring indebtedness a negative vote resulted.

If the county has to bear the expense of any of the elections, this may be unconstitutional as pointed out under Point IX.

(b) Section 3 of said act provides that an election to determine whether said districts should be incorporated shall be called "at the next succeeding Municipal Election following the passage of this act". Salt Lake County refused to call such election and no such election occurred at the next succeeding municipal election, but Salt Lake County has now called an election thereon at the next general election. Said act is not clear as to whether the election can properly be called at the next succeeding general election or whether it should be called at the next succeeding municipal election, or whether an election can be called at all.

(c) Section 11-11-31 requires the levy of taxes sufficient to meet interest and sinking fund requirements. This conflicts with Section 11-11-13(7) which limits the amount of taxes.

(d) Various sections imply that a district may constitute more than one county (11-11-6, 11-11-32), whereas 11-11-2 provides that one county shall constitute a district.

(e) 11-11-15 provides for a board of nine members, three of whom shall be appointed by the city of the first class. If there is no city of the first class, there is no provision as to the size of the board.

CONCLUSION

The most difficult constitutional problems appear to be the following:

The district may be a "special commission" in which event, since it has the power to tax, it has unconstitutional powers.

The district would have constitutional powers to tax only if classified as a "municipal corporation". A municipal corporation has a limitation of a debt of 4% which this act exceeds.

The auditorium district is coterminous with the county area, and the creation of a separate political body with power to levy taxes for the construction of a municipal building, seems to be a subterfuge whereby the county's 2% debt limitation is ignored.

The act applies only to counties of 250,000 in population. There is no reason to discriminate against smaller counties which might want the same power to go above their debt limit that Salt Lake County thereby obtains.

Other counties may be also interested in tourism and conventions even though they are not so populous as Salt Lake County. The act is therefore a special act without uniform operation.

A county with the necessary population is required, rather than authorized, to hold an election to determine whether a district shall be created. This is a regulation of county affairs and is a requirement that a particular county spend its taxes for an election.

The levying of taxes by Salt Lake County for the construction and operation of a municipal building should be a matter for county determination and control rather than for determination and control by an independent political body.

The title of the act does not refer to the validity of bonds nor the use that can be made of them.

The act is vague.

The act if constitutional should be construed as to various vague portions thereof.

Respectfully submitted,

Brayton, Lowe & Hurley

Frank E. Diston

John W. Lowe