No. 20200118-SC

IN THE
SUPREME COURT OF THE STATE OF UTAH

SALT LAKE CITY CORPORATION,
Appellant,
v.
UTAH INLAND PORT AUTHORITY, STATE OF UTAH,
GARY R. HERBERT, and SEAN D. REYES,
Appellees.

BRIEF OF AMICUS CURIAE UTAH LEAGUE OF CITIES AND TOWNS IN SUPPORT OF APPELLANT

On appeal from the Third Judicial District Court, Salt Lake County,
Honorable James Blanch, District Court No. 190902057

Samantha J. Slark
SALT LAKE CITY ATTORNEY'S OFFICE
451 S. State Street, Suite 505A
Salt Lake City, Utah 84114

Attorneys for Appellant Salt Lake City Corporation

Evan S. Strassberg
Steven J. Joffee
MICHAEL BEST & FRIEDRICH, LLP
2750 E Cottonwood Pkwy, Suite 560
Cottonwood Heights, Utah 84121

Attorneys for Appellee Utah Inland Port Authority

Evangeline A.Z. Burbidge (17047)
LEWIS & LLEWELLYN LLP
601 Montgomery Street, Suite 2000
San Francisco, California 94111
eburbidge@lewisllewellyn.com
(415) 800-0590

Michael D. Zimmerman (3604)
Troy L. Booher (9419)
ZIMMERMAN BOOHER
341 South Main Street, Fourth Floor
Salt Lake City, Utah 84111
mzimmerman@zbappeals.com
tbooher@zbappeals.com
(801) 924-0200

Attorneys for Amicus Curiae Utah League of Cities and Towns

Additional Parties and Counsel on Following Page

Additional Parties and Counsel

Stanford E. Purser
David N. Wolf
Lance Sorenson
UTAH ATTORNEY GENERAL'S OFFICE
PO Box 140856
Salt Lake City, Utah 84114

Attorneys for Appellees State of Utah, Herbert, and Reyes

Jayme L. Blakesley
HAYES GODFREY BELL, P.C.
2118 East 3900 South, Suite 300
Salt Lake City, Utah 84124-1725

Attorneys for Amici Curiae Law Professors and International Municipal Lawyers Association

Cameron Diehl (13197)
UTAH LEAGUE OF CITIES AND TOWNS
50 South 600 East, Suite 150
Salt Lake City, Utah 84102
cdiehl@ulct.org
(801) 328-1601

Attorneys for Amicus Curiae Utah League of Cities and Towns

Current and Former Parties

Appellant

Plaintiff Salt Lake City Corporation, represented by Samantha J. Slark of the Salt Lake City Attorney's Office

Appellees

Defendant Utah Inland Port Authority, represented by Evan S. Strassberg and Steven J. Joffee of Michael Best & Friedrich, LLP

Defendants State of Utah; Gary R. Herbert, in his official capacity as the Governor of the State of Utah; and Sean D. Reyes, in his official capacity as the Attorney General of the State of Utah, represented by Stanford E. Purser, David N. Wolf and Lance Sorenson of the Utah Attorney General's Office

Amici Curiae

Utah League of Cities and Towns, represented by Evangeline A.Z. Burbidge of Lewis & Llewellyn LLP; Michael D. Zimmerman and Troy L. Booher of Zimmerman Booher; and Cameron Diehl of the Utah League of Cities and Towns

Law Professors and International Municipal Lawyers Association, represented by Jayme L. Blakesley of Hayes Godfrey Bell, P.C.

Parties Below Not Parties to the Appeal

None

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Introduction

This case concerns whether the Utah Constitution prohibits the State from transferring to an unelected board control over the zoning, infrastructure, and tax dollars of a municipality. It does prohibit that transfer.

In this case, the Utah Legislature shifted control over nearly one-fifth of Salt Lake City to an unelected eleven-member board under the Utah Inland Port Authority Act. Utah Code § 11-58-201, *et seq.*[1] But the so-called ripper clause in the Utah Constitution expressly prohibits the Legislature from delegating: "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." Utah Const. art. VI, § 28. Under the plain language of the ripper clause, the Act is unconstitutional.

This court recognized just after statehood that numerous provisions in the Utah Constitution, including the ripper clause, were "doubtless framed and adopted with a purpose to protect the local self-governments." *State ex rel. Wright v. Standford*, 66 P. 1061, 1062 (Utah 1901). The ripper clause ensures that politically accountable local officials chart the course for local government instead of special interests with no political accountability to its residents.

The Act is in direct conflict with both the language and purpose of the ripper clause. The district court ruled otherwise after weighing three factors

[1]The League does not oppose the concept of an inland port. It opposes the transfer to an unelected body of those aspects of the project that would normally fall within the control of local government.

articulated by this court as pertinent in applying the ripper clause: (1) the relative abilities of the state and the municipality to perform the function; (2) to what degree performance of the function affects the interests of those beyond municipal boundaries; and (3) to what extent the legislation intrudes upon the ability of municipal citizens to control the substantive policies that affect them uniquely. *City of West Jordan v. Utah State Ret. Bd.*, 767 P.2d 530, 534 (Utah 1988).

The Utah Legislature recrafted the Inland Port Authority Act, over time, to comply facially with this test instead of with the ripper clause itself. And in siding with the State, the district court applied the test mechanically, without accounting for the language of the clause or the various factual scenarios from which the three-factor test grew. For example, nothing in the ripper clause says that by delegating the functions of multiple municipalities, the Legislature avoids the ripper clause. The court's decision nullified—effectively repealed—the clause by allowing the Legislature to "infuse" a project with "state purpose" and then delegate control to a non-elected board beholden to special interests.

The heart of the ripper clause and the associated suite of constitutional provisions both ensure that local government has control over local functions and erect barriers to the legislative tendency to be captured by private interests that want to bend municipal powers to their financial purposes. Early Utah case law and the constitutional convention demonstrate this. If the Legislature wants this power for itself, it must ask the people to amend the Utah Constitution to grant it that power. *Mitchell v. Roberts*, 2020 UT 34, ¶ 9, --- P.3d ---.

Identification of Amicus Curiae and Statement of Interest in the Issue Presented

The Utah League of Cities and Towns ("the League") is a non-partisan, inter-local government cooperative, working to strengthen the quality of municipal government and administration of Utah's cities and towns. Organized in 1907, it serves all 249 cities and towns in the State of Utah. Given its representation of local governments across the state, the League is interested in the proper interpretation of Utah's ripper clause.

It submits this brief to ensure that this court, unlike the district court, does not miss the import of the founding-era context that shows the Act to be a vast and unconstitutional interference with local government.

Argument

The Act violates the text and purpose of the ripper clause, Utah Const. art. VI, § 28. To provide this court with a larger context, this brief examines (1) early Utah cases discussing the protection of local government, (2) the common understanding of language in the ripper clause at the time of adoption through the use of corpus linguistics, (3) relevant debates at the Utah Constitutional Convention, and (4) more recent case law relied on by the district court. The League then applies the correct interpretation of the ripper clause to the facts of this case.[2] The larger context reveals that the district court erred.

[2] Because another amicus brief covers the historical origins of ripper clauses, that issue will not be addressed in detail here.

1. Utah's Early Supreme Court Decisions Emphasize the Importance of Protecting Local Governance

The district court recognized about 20 cases addressing the ripper clause and found early Utah case law "helpful in providing some understanding of the kinds of [municipal] activities" this court identified as warranting protection. (R.1500-01.) But its review of those early cases was flawed.

First, the district court looked at these cases for itemizations of specific functions as "municipal" within the meaning of the ripper clause, rather than considering the scope of the language in the provision as its starting point.[3]

Second, the district court's analysis of the cases seems to begin only in the 1920s, leaving out relevant cases that were decided earlier. Those cases include *State ex rel. Wright v. Standford*, 66 P. 1061 (Utah 1901), *State ex rel. Salt Lake City v. Eldredge*, 76 P. 337 (Utah 1904), and *Salt Lake County v. Salt Lake City*, 134 P. 560 (Utah 1913), each of which the League discusses below.

These early opinions interpret the suite of constitutional provisions enacted by Utah and other states—including a ripper clause—designed to protect local government. David O. Porter, *The Ripper Clause in State Constitutional Law: An Early Urban Experiment—Part I*, 1969 Utah L. Rev. 289, 290-291. These provisions included a restriction on a legislature's enacting special acts (*see* Utah Const. art. VI, § 26), a prohibition on imposing taxes for municipal purposes (*see*

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[3] The historical context provided by the other amicus is helpful to understand the degree of legislative interference (e.g., the franchising of street railways, control over construction and the selection of building locations, private companies running the police force) that motivated the inclusion of ripper clauses and a suite of allied provisions in late 19th century state constitutions.

id. art. XIII, § 5(4)), and a requirement that all laws of a general nature have uniform operation (*see id.* art. I, § 24).

While some of the early decisions do not expressly examine the ripper clause, their proximity to the Utah Constitutional Convention in 1895 and the events that inspired the adoption of ripper clauses makes them crucial to understanding how the language was understood to deny the Legislature the capacity to delegate "power over . . . any municipal functions" to "any special commission, private corporation or association." Utah Const. art. VI, § 26 (1895). As these opinions demonstrate, the framers did not countenance a delegation of the scope and scale of that effected by the Act at issue here.

1.1 State ex rel. Wright v. Standford (1901)

In *State ex rel. Wright v. Standford*, a county challenged a statute authorizing a state-appointed fruit tree inspector to hire as many assistants as he wished to work within the county and required that the county pay these state employees. 66 P. 1061, 1063-64 (Utah 1901). The court held the statute unconstitutional. It reasoned that the Legislature had given the inspector indirect power over local taxation because it "t[ook] away from such county a right to choose or appoint its own officers, and compel[led] it to levy and collect taxes with which to pay such officers." *Id.* at 1063. The court held that the statute violated article VI, section 26 because it was a special law regulating county affairs and article I, section 24 because the law was not uniformly applied throughout the state. *Id.* at 1063-64.

While the court did not directly rely on the ripper clause, the clause would deny the Legislature the same power over taxation had the case involved a

municipality. For that reason, the decision has been cited as evidence that the Legislature was forbidden from delegating municipal functions to a special commission. *See Salt Lake Cty.*, 134 P. at 566 (Straup, J., dissenting). It is also notable that the *Wright* opinion discusses the suite of constitutional provisions that, along with the ripper clause, were copied only a few years earlier from Pennsylvania and California to protect local government from legislative interference. *See* Porter, *supra,* at 311.

In making its decision, the 1901 court took the approach—much like the court today—that "[c]onstitutions are not to be interpreted alone by words abstractly considered, but by their words read in the light of the conditions and necessities under which the provisions originated, and in view of the purposes sought to be attained and secured." *State ex rel. Wright*, 66 P. at 1062. Further, "[t]he terms of the constitution are made mandatory and prohibitory, unless expressly declared to be otherwise." *Id.* at 1063.

The opinion discusses at length the fact that under the Utah Constitution "local self government to the people of each county is intended to be imposed and recognized." *Id.* at 1062. "The constitution was doubtless framed and adopted," the court states, "with a purpose to protect the local self-governments which had existed of a practically uniform character from the early settlement of the country, since which they have remained undisturbed, the continued existence of which is therein assumed, and from which the liberty of the people spring and depend." *Id.*

The court also relied on what is now article XIII, section 5 of the Utah Constitution: "the Legislature may not impose a tax for the purpose of a political subdivision of the State, but may by statute authorize political subdivisions of the State to assess and collect taxes for their own purposes." Utah Const. art. XIII, § 5(4).[4] In addressing this provision, the court held that those who collect and assess the taxes "must be intended" by the drafters to be "those municipal officers who are either directly elected by the population to be taxed or appointed in some mode to which they have given their assent." *State ex rel. Wright*, 66 P. at 1063. The court also noted that under the Utah Constitution, "[n]or 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." *Id.*

The Inland Port Authority Act contravenes all of these guiding principles.

1.2 State ex rel. Salt Lake City v. Eldredge (1904)

In the second case, *State ex rel. Salt Lake City v. Eldredge*, this court held that under article XIII, section 11,[5] the Legislature could not authorize a board to

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[4] This provision has been slightly modified from the original, but the meaning remains the same. The original provision read: "Sec. 5. [Local authorities to levy local taxes.] 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." Utah Const. art. XIII, § 5 (1895), *available at* https://archives.utah.gov/research/exhibits/Statehood/1896text.htm.

[5] In 1904, this provision read: "Until otherwise provided by law, there shall be a State Board of Equalization, consisting of the Governor, State Auditor, State Treasurer, Secretary of State and Attorney-General; also, in each county of this state, a county board of equalization, consisting of the board of county commissioners of said county. The duty of the State Board of Equalization shall be to adjust and equalize the valuation of the real and personal property among

assess property for taxation when that property lies entirely within one county, but it did have the authority to assess property that spanned two counties. 76 P. 337, 341 (Utah 1904).[6] While affecting two counties may address concerns with, for example, special laws, it does not reflect the language and scope of the ripper clause, which does not address the number of municipalities affected by a decision to usurp local control and give it to an unelected body.

Again, in coming to its decision,[7] the 1904 court noted the importance of local self-governance in the original understanding of the Utah Constitution. The strength of this language bears emphasis. For example, the opinion states:

- "All our institutions were founded with a view of local self-government, and assume its continuance as one of the undoubted rights of the people" and "[t]he idea which permeates our whole system is that local authority shall manage and control local affairs." *Id.* at 339.

- "[T]he intention of the framers of [the U.S. and state constitutions] was that the agencies by which power was to be exercised should be brought as close as possible to the subjects upon which the power was to operate" and "[t]he Constitution of this state, the same as of every other state, was framed with local self-government in view." *Id.*

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the several counties of the state. The duty of the county board of equalization shall be to adjust and equalize the valuation of the real and personal property within their respective counties. Each board shall also perform such other duties as may be prescribed by law." 76 P. 337, 348 (Utah 1904) (quoting the Utah Constitution).

[6] This aligns with the corpus linguistics analysis showing that taxation is a key municipal function, addressed in Section 2, *infra*.

[7] While the court made this determination under article XIII, section 11, it noted that "[i]n a case like this the court will also consider the system of government in vogue prior to and at the time of the framing of the Constitution, and the political history of the country, and, out of the different constructions possible, will adopt and apply that which is most in accord with the genius of our institutions, the one most likely intended by the framers of the instrument." 76 P. at 339.

- "The fact is that every provision of the Constitution relating to this important subject appears to manifest an intention to bring those through whom power is to be exercised as close as possible to the subjects upon which the power is to operate to preserve the right of local self-government to the people, and to restrict every encroachment upon such right." *Id.* at 340.

It is worth noting that the Utah Constitution had been adopted only eight years earlier, and the members of the court likely remembered the framing and knew the framers. Their interpretation of the suite of provisions protecting local government supports a strong and broad reading of the ripper clause that cannot be negated by encroaching on the local functions of numerous municipalities.

1.3 Salt Lake County v. Salt Lake City (1913)

The third case is *Salt Lake County v. Salt Lake City*, 134 P. 560 (Utah 1913). In that case, a party challenged a statute under several constitutional provisions, including the ripper clause, the taxation clause, the uniform system of county government provision, and the prohibition on special laws regulating county and township affairs. At first glance, this decision appears at odds with the philosophy underlying the previous two cases just discussed.

Salt Lake City challenged a statute requiring the county commission in each county containing cities of the first and second class to establish detention homes for delinquent children. *Id.* at 561. The county was authorized to recover from each city a reasonable sum to support and maintain that city's delinquent children. *Id.* at 562. The 1913 court held that the statute did not violate the Utah Constitution, or the ripper clause in particular, because there was no interference with municipal self-government—the legislation did not interfere with a municipal function, but instead imposed on cities and counties, as arms of the

state, governmental functions of the state and the responsibility to pay for those functions through the county, a politically accountable body. *Id.* at 563.

The dissent argued that the statute violated local self-governance and the precedent set in *Wright*: "I see no more authority for the Legislature to confer powers upon a special commission to directly or indirectly march upon a county or city treasury for public good or for the state than for county or city purposes. I think this case is controlled and ought to be ruled by *State ex rel. Wright v. Standford, supra*. There many of the constitutional provisions here drawn in question are considered and applied." *Id.* at 566. But the dissent was incorrect.

The *Wright* and *Salt Lake County* decisions can be aligned. First, Salt Lake County—not an unelected special commission—was making the determination regarding how to raise money to fund the detention homes. The *Salt Lake County* court noted that the legislation, therefore, did not disturb the power of the voters in Salt Lake City to hold accountable the county commission that makes the decisions regarding how the City's tax dollars are spent. *Id.* at 564. In *Wright,* the county electors had no vote on the state fruit-tree inspector's hires or the wages paid. 66 P. at 1063.

Second, in *Salt Lake County*, the statute "in no way affect[ed] or interfere[d] with any of [Salt Lake City's] functions as a municipal corporation governing its own local affairs." 134 P. at 563. In *Wright,* the county was required to permit the activities of the state inspector and the employees and pay for them. The fact that Salt Lake City's control of its *municipal* functions was unimpaired was central to

the court's decision that the delegation to the county of a *state* function is permissible. The *Salt Lake County* court goes so far as to say:

> [I]n order to avoid all misconception, we desire to repeat . . . that our conclusions are based upon the *express holding* that the interference here . . . is not an interference with any corporate right or function of city government. Whenever the Legislature undertakes to invade such rights or functions, it will be time enough to stay hands of the invader.

Id. at 565 (emphasis added).

Third, the functions that were delegated to the special commission were not municipal— the statute allowed the juvenile court commission to determine if detention homes should be established. As the corpus linguistics analysis below demonstrates, the creation of detention homes is not a municipal function.

Finally, this legislation was an unfunded mandate by the Legislature— something that happens all the time, whether by the federal government to the states or the states to the cities. While this may raise other constitutional issues, it does not impact the ripper clause, despite the dissent's point of view.

In contrast, the Inland Port Authority Act transfers one-fifth of the City to an unelected committee of eleven, a committee with two members from the City, only one of which is an elected official. It takes hundreds of millions of dollars of Salt Lake City's revenue, over half a billion dollars from the Salt Lake City School District, and controls how zoning laws are to be applied and infrastructure built. (Op. Br. at 6.) In *Salt Lake County,* the court said there will be "time enough to stay the hands of the invader" when the Legislature interferes with a "right or function of city government." 134 P. at 565. That time has arrived.

2. Corpus Linguistics Analysis of the Phrase "Municipal Function" in Utah's Ripper Clause

Given the limited case law on the ripper clause, an examination of the late 19th century understanding of the term "municipal function" is helpful in determining how the clause was understood and, by extension, the clause's reach. In sum, historical evidence indicates that this phrase encompasses the *work* of running a municipality—taxation, maintenance of roads, zoning, and general day-to-day management.

As this court has noted, "corpus linguistics is an empirical approach to the study of language in which we search large, electronic databases of naturally occurring language" to "draw inferences about the ordinary meaning of language based on-real world examples." *Richards v. Cox*, 2019 UT 57, ¶ 20, 450 P.3d 1074; *see generally* Thomas R. Lee & Stephen C. Mouritsen, *Judging Ordinary Meaning*, 127 Yale L.J. 788 (2018).

The Utah ripper clause reads:

> [Special privileges forbidden.] 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.

Utah Const. art. VI, § 28.[8] The broadest language in this provision bars the Legislature from delegating to a special commission "any power . . . to perform any municipal functions." Salt Lake City contends, and the League agrees, that the Act does precisely this.

[8] Other than being renumbered, this provision has remained unchanged since statehood.

The district court, however, took a much narrower reading of "municipal function." It found, under the *West Jordan* test, that only "once [the Legislature] has granted municipalities powers that are infused with an 'exclusively local interest,' [do] those functions become 'municipal functions' under the Ripper Clause, which thereafter prohibits the Legislature from delegating the functions to special commissions." (R.1490-91.)[9] A corpus linguistics analysis suggests that this is an overly restricted reading of the phrase as commonly understood when the Utah Constitution was adopted.

Searching the Corpus of Historical American English ("COHA"), the two words "municipal" and "function" appear near each other only 15 times between 1890 and 1910. COHA Search Results, attached hereto as Addendum A (replicating searches referred to herein). Expanding this search to include synonyms of the word "function" returns 95 hits once the inapplicable synonyms (i.e., "party" and "do") are removed.

Three trends emerge from examining these returns. First, the term "municipal" and its associated functions are distinct from state and national functions. This comes as no surprise but is consistent with the proposition that although municipalities are creatures of the state, *see, e.g.*, *Salt Lake City v. Int'l*

[9] The district court also concluded that if the state articulated "sufficiently compelling state interests," the delegation would not violate the ripper clause. (R.1491.)The Legislature's "direct . . . mandates" also did not qualify as delegations, therefore the diversion of tax differential to finance construction of inland port projects, the prohibition against the City's interference with inland port uses, and the requirement that the City furnish infrastructure to support inland port uses with the right of reimbursement did not violate the ripper clause. (R.1491.)

Ass'n of Firefighters, Locals 1645, 563 P.2d 786, 788 (Utah 1977), they also retain their own distinct domains. Second, property taxation was considered a key municipal function. One publication from 1896 states, "[t]he assessment of property for purposes of taxation is deemed in every American city one of the municipal functions most vitally affecting the municipal corporation on the one hand and the individual citizen on the other." COHA Search Results at 1, line 5; *id* at 2 (referencing Albert Shaw, *Notes on City Government in St. Louis* (1896)). Third, municipal functions were rooted in the planning, maintenance, and administration of the space where people lived and worked.[10]

With regard to whether property taxation was a municipal function, an expanded search of the term "municipal" in proximity to the root "tax" yields 19 hits in the extended timeframe of 1880 to 1920. *See id.* at 2-3. In examining these appearances, it reinforces the proposition that (1) municipal taxes are separate and distinct from state taxes and (2) these taxes are a keystone for the proper functioning of the municipality. As applied to Utah in particular, the State does not impose a property tax—only local governments (cities, counties, districts, etc.) do. In this state, collecting property taxes is not only a municipal function, but is uniquely a municipal function.

The weight of this historical evidence undermines the district court's narrow construction of the term "municipal." Under the Act, Salt Lake City no longer has the ability to govern one-fifth of the land within its boundaries or

[10] *See* COHA Search Results at 1, line 10 ("nearly all municipal functions are administrative").

spend the associated tax revenue, and is instead required to pay for the upkeep of what is now, for all intents and purposes, the Inland Port Authority's property. The City's tax revenue from one-fifth of its property, and the related governance of this area, would have been understood to fall within the meaning of the term "municipal function" by those ratifying the Utah Constitution. The ripper clause protects local government from the delegation of its powers to unelected bodies.

3. Utah's Constitutional Convention and the Protection of Local Governance

While the district court discussed the history of the ripper clause in its opinion, its analysis did not touch on the Utah Constitutional Convention. This infected the analysis and led the court astray.

This court has "long looked to founding-era materials like the records of the constitutional convention in ascertaining the meaning of the Utah Constitution." *Mitchell*, 2020 UT 34, at ¶ 37. While the ripper clause is not discussed outright in the minutes of the constitutional convention, several themes emerge that help clarify the inclusion of the ripper clause and its allied provisions: (1) the framers cared about local municipalities having the final say regarding actions that impacted their functioning and (2) the framers were concerned about the power lobbyists could exert on the Legislature.

First, the framers wanted Utah's municipalities to have the final word on decisions that impacted their infrastructure:

> Mr. MALONEY. Then, Mr. Chairman, the Legislature may incorporate companies to run street cars, lay their

> tracks down through the streets and highways of Salt Lake City, electrical plants operating, to put their poles where they please without the authority of the city at all. I say that the city authorities should first be consulted, they should have the say as to whether or not any corporations shall be entitled to the franchise of the street.
>
> Mr. EVANS (Weber). Mr. Ricks, do you understand that that simply is a limitation upon the Legislature so that it cannot permit these things without the consent of the city authorities?
>
> Mr. RICKS. Yes, sir; I understand that.
>
> Mr. EVANS (Weber). Do you believe that the Legislature ought to grant these rights without the consent of the city authorities?
>
> Mr. RICKS. No. sir; I do not think they ought to. I do not think they will even if that be stricken out.
>
> . . . .
>
> Mr. EVANS (Utah). I think it ought to remain in here. I do not think that the Legislature ought to have the right to say that there shall be railroads, telephone lines, or anything else of that description located and passed through these cities without the authorities being consulted and their consent obtained . . . .

Utah Constitutional Convention, Day 52 (Apr. 24, 1895) (discussing Utah Constitution art. XII, § 8).[11] This provision is among the suite that were intended to protect local governments from legislative interference generally.[12] If the

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[11] This provision is now located in article XI, section 9: "[Consent of local authorities necessary for use of streets.] The Legislature may not grant the right to construct and operate a street railroad, telegraph, telephone, or electric light plant within a city or town without the consent of the local authorities who have control of the street or highway proposed to be occupied for such purposes." Utah Const. art. XI, § 9.

[12] Similar provisions were adopted by almost all other states with ripper clauses, including Pennsylvania. *See* 3 John Forrest Dillon, Commentaries on the

framers wanted to protect cities from the Legislature's deciding where telephone lines or light rail should go, they would not have allowed that Legislature to delegate one-fifth of a city's land, revenue, and zoning to a special commission which can dictate all this and more.[13] If all key functions of a swath of a municipality can be delegated, as the district court allows, then there is little for the ripper clause to protect.

Second, there was a general concern about the Legislature's being swayed by lobbyists and special interests. This can be seen in several places, particularly in the context of the railroads. On Day 43 of the Convention, Delegate Charles Varian gave a lengthy and passionate speech about why the State and its cities should not be allowed to extend their credit to private corporations and individuals. He describes, in colorful terms that echo the *Music Man*, an individual—disconnected from the community—who convinces the Legislature to invest money in a project to build a railroad between Utah and California:

> [The individual] goes before a legislature of Utah or California, and he gets an interested and zealous lobby behind him – men perhaps who are loaded down with real estate or are hanging on by their eyelids from year to year, hoping almost against hope that the good old boom days will come again and they will be enabled to sell to somebody else something for three or four times its worth, and thus get out; men who also are interested in the hurry and skurry, the temporary advantage that

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Law of Municipal Corporations 1933-36 (5th ed. 1911). They were adopted in New York as another means of protecting local government because "the plenary power of the [New York] legislature over highways and streets . . . had been exercised so often with such manifest injustice to the municipalities." *Id.* at 1933.

[13] Note that if the Act resulted in the Inland Port Authority's attempting to run light rail through the City, there is a colorable argument that it would need the City's permission under this provision.

> always occurs while the building of any great undertaking is going on; all perfectly honest it may be, yet all interested people, not the people who expect or who may, I should say, be expected to live here and their children after them, not the solid substantial people who are rooted to the soil, and who help to make up the state. These gather about the lobby of the legislature.

Utah Constitutional Convention, Day 43 (Apr. 15, 1895).

The concern is burdening future generations of Utahns with debt at the behest of these lobbyists. He then asks the other drafters:

> Are you willing to lay a lien upon the property of those who are to come after you? I say you have no right to do it. If you may give the moneys that shall be wrested from the people through taxation, which are in hand and not needed for the present necessities of the government, I say you cannot go down into the future and lay the property of the succeeding generations subject to such a burden as this section seeks to prohibit. . . . You may have a city of lofty palaces and piles, grand and great public buildings, but it may be so burdened with taxes and debt that all but the taxeater flies from its precincts, and I want to warn my friends from Salt Lake County on this floor to-day that they must not overlook the situation of this county and this city particularly.

Id.

Delegate Varian warns against lobbyists committing taxpayer funds to future projects, spending freely because they do not "live here [nor] their children after them." *Id.* Not only does this sentiment echo in the ripper clause—preventing unelected special committees from controlling towns and their tax dollars—but it also warns against what became the Act now before the court.

As the City's brief discusses in detail, the Inland Port was the brainchild of private interests. When this "interested and zealous lobby" was unable to strike a

sufficiently advantageous arrangement with the City, it turned to the Legislature and worked out a last-minute agreement to take one-fifth of Salt Lake City and over $300 million in taxes. This is what motivated inclusion of the suite of provisions, including the ripper clause.

4. Modern Case Law Also Protects Municipal Functions from Legislative Delegation

In its decision, the district court purported to follow the analytical model articulated in *City of West Jordan v. Utah State Retirement Board*, 767 P.2d 530 (Utah 1988), to assess if the Act violates the ripper clause and ultimately concluded that the Act was sufficiently infused with a "state purpose" so as to be constitutionally permissible. (R.1490-91,1513-28.)

But the "state purpose" inquiry is not the whole of the *City of West Jordan* standard. The district court looked for the trees and ignored the forest, and in particular the plain language of the provision itself. At the heart of *City of West Jordan* and other recent cases is an implicit weighing of the scale of the intrusion and the degree to which local control is excluded. As the 1988 court said, the "paramount purpose of the ripper clause, as it has been interpreted in Utah: [is] to prevent interference with local self-government." *City of West Jordan*, 767 P.2d at 534 (internal citations omitted). The Act cannot pass that fundamental test.

The scale of intrusion by the Act on municipal functions and the degree of exclusion of local control are so vast, and so different, from that presented in any other Utah ripper clause case as to make it a difference of constitutional kind. In *City of West Jordan* and the cases from that time period, unlike in this case, the

cities and towns themselves were making the decisions under challenge, not the Legislature. And the legislative intrusion on the municipalities' control of their functions did not go to the core of their autonomy.

In taking a closer look at the decisions in *City of West Jordan*, 767 P.2d 530, *Municipal Building Authority of Iron County v. Lowder*, 711 P.2d 273 (Utah 1985), and *Utah Associated Municipal Power Systems v. Public Service Commission of Utah*, 789 P.2d 298 (Utah 1990), one finds a clear through-line that is absent in the present fact pattern: the municipalities in question chose to make themselves subject to the particular special committee that arguably was exercising a municipal function and the voters of the municipality could remove those who had made that decision if they did not like the outcome.

In *City of West Jordan*, this court was asked to find that the managing agency of the statewide retirement fund was an impermissible special commission delegated a municipal function. West Jordan, through its city council, had opted into the retirement fund and then later tried to reverse itself and opt out. 767 P.2d at 531. In the interim, the Legislature had passed a law that once a city opted in, it could not opt out. *Id.* This prohibition presumably was to assure stability in the retirement fund and its administration. Regardless, the City of West Jordan made the decision to join. Its taxpayers and citizens could remove the city council members if it disagreed with the decision. The court knew this, noting that the Legislature "ha[d] simply regulated how municipalities must perform a function, if they choose to do it at all." *Id.* at 533. West Jordan did not have to opt-in to the plan, but once it did, it had to stay.

While municipalities can give up local control, the Legislature cannot take it away.

In *Iron County*, the county created a municipal building authority authorized by a state law and its elected commissioners acted as the Board of Trustees. 711 P.2d at 276. Some of the County employees alleged this was a violation of the ripper clause. *Id.* As in *West Jordan*, the Iron County Commission "chose to exercise this power and created the Authority." *Id.* at 282. Moreover, the elected commission maintained "total control" over the building authority and, therefore, "[l]ocal control [wa]s thus retained over a locally created entity." *Id.* Further, the authority's powers were quite limited. *Id.*

The same key factors can be found in the 1990 decision in *Utah Associated Municipal Power Systems*. There, Utah Associated Municipal Power Systems ("UAMPS") argued that a Utah Public Service Commission ("PSC") order assuming jurisdiction over UAMPS and requiring it to obtain a certificate of convenience and necessity so it could construct a transmission line violated the ripper clause. 789 P.2d at 300. UAMPS argued that it stood in the place of Utah municipalities, of which it was composed, and that the PSC was a "special commission" which was taking over a municipal function (i.e., the regulation of the transmission lines). 789 P.2d at 300-01. The court rejected UAMPS's argument, noting that the transmission line was to connect "more than twenty cities, towns and local agencies." *Id.* at 302. And "the very fact that the municipalities have given UAMPS control over construction goes a long way to demonstrate that the function is one beyond the ability of any local governmental

entity to perform effectively." *Id.* at 303. Most significantly, the PSC decisions were not "an intrusion in the day-to-day management [of their power companies] by elected officials." *Id.*

When reviewed in concert, these opinions echo those of the early Utah Supreme Court. The affected cities and towns were entitled to make their own decisions about their day-to-day governance, which includes consenting to be part of what were determined to be state-wide endeavors. That does not violate the ripper clause because the Legislature has not mandated the participation. But here, as the City notes in its brief, Salt Lake City, West Valley, and Magna are mandatorily subject to the provisions of the Act and they lose the ability to make significant decisions affecting core functions within their geographic boundaries that relate to taxation, appropriations, zoning, and infrastructure development.

These municipalities did not choose to be a part of the Inland Port, and the Inland Port is simply a name for the aggregate of all the expropriated powers of the municipalities that fall within its borders. The name is simply an incantation which seemingly mesmerized the district court into thinking the Legislature had successfully navigated its way around an unimportant and technical constitutional provision. When this veil is taken away, it is clear that nothing in the recent ripper clause cases suggests that the Act is constitutional.

5. The Act's Vast Delegation of the City's Core Functions Offends the Framers' Intent

The Act delegates governance over one-fifth of the entire geographic area of the City, as well as much smaller portions of West Valley and Magna, to the

unelected board of the Inland Port Authority. The City, West Valley, and Magna tax their citizens; the unelected Inland Port Authority takes 75% of that property tax revenue for this delegated area, potentially in perpetuity. A percentage of the City's sales and use tax for this area is also redirected. It is estimated that the redirection of these monies will amount to losses of revenue of upwards of $360 million for the City and $581 million for the Salt Lake City School District. (Op. Br. at 6.)

The Act is of a scope and scale unseen in any prior Utah ripper clause case and fits squarely within its plain language. If the ripper clause does not apply here, then it would not bar the Legislature from carving out Alta's ski resorts, lodges, related roads and infrastructure, as well as their revenues. It could put them under the control of a private entity, justifying it by saying these things have a strong impact on the state's overall economy, affect land and air transportation and lodging businesses outside of Alta, and could be more beneficially run if operated by a state-determined private consortium. Also, it would not apply if the Legislature decided to take from North Salt Lake the ability to regulate the development of a gravel pit within its boundaries or spend the tax revenues from that property outside the land area of the pit. The Legislature could give that power to a private consortium by saying that the gravel pit supports construction and employment outside of the municipality and is, therefore, a matter of statewide concern.

Further, the Legislature's last-minute inclusion of pieces of other municipalities—West Valley and Magna—does not remedy the Act's violation of

the ripper clause. The provision itself says nothing about giving the Legislature the power to negate the Constitutional prohibition by the simple means of delegating to a special commission the functions of *several* municipalities.

For example, if the Legislature wanted to give North Salt Lake's Lakeview Rock Products gravel pit, and its associated assets, to a private group, it would not be enough to include within the special commission's territorial boundaries a piece of Bountiful, which lies directly north, even though there is no operative utility for that inclusion. It would be pretextual to include a small piece of Bountiful, in the same way it is pretextual to include a small piece of Magna and a small piece of West Valley in the Inland Port area. Adding additional violations to the ripper clause does not extinguish the constitutional problem.

The rubric of "state purpose" cannot be permitted to unlock the prohibitions of the ripper clause. It is one thing if a city takes the volitional step to participate in a state created program and give up some local control. It is quite another if its day-to-day management of streets and taxes and zoning are confiscated and legislatively delegated to an unelected authority. This is what happened in the 19th century in Philadelphia, in New York City, and what the framers did not want to happen to Salt Lake City or any other Utah municipality.

Conclusion

As this court stated, "The original meaning of the constitution binds us as a matter of the rule of law. Its restraint on our power cannot depend on whether we agree with its current application on policy grounds. Such a commitment to originalism would be no commitment at all." *Mitchell*, 2020 UT 34, at ¶ 8. This

court should honor the framers' intent when drafting the ripper clause and find the Inland Port Authority Act unconstitutional.

DATED this 28th day of August, 2020.

LEWIS & LLEWELLYN LLP

/s/ Evangeline A.Z. Burbidge
Evangeline A.Z. Burbidge

ZIMMERMAN BOOHER
Michael D. Zimmerman
Troy L. Booher

UTAH LEAGUE OF CITIES AND TOWNS
Cameron Diehl

Attorneys for Amicus Curiae Utah League of Cities and Towns

Certificate of Compliance

I hereby certify that:

1. This brief complies with the word limits set forth in Utah R. App. P. 24(g)(1) because this brief contains 7,040 words, excluding the parts of the brief exempted by Utah R. App. P. 24(g)(2).

2. This brief complies with Utah R. App. P. 21(h) regarding public and non-public filings.

DATED this 28th day of August, 2020.

/s/ Evangeline A.Z. Burbidge

Certificate of Service

This is to certify that on the 28th day of August, 2020, I caused the Brief of Amicus Curiae Utah League of Cities and Towns in Support of Appellant to be served via email on:

Samantha J. Slark (Samantha.Slark@slcgov.com)
SALT LAKE CITY ATTORNEY'S OFFICE
451 South State Street, Suite 505A
Salt Lake City, UT 84114
Attorneys for Appellant Salt Lake City Corporation

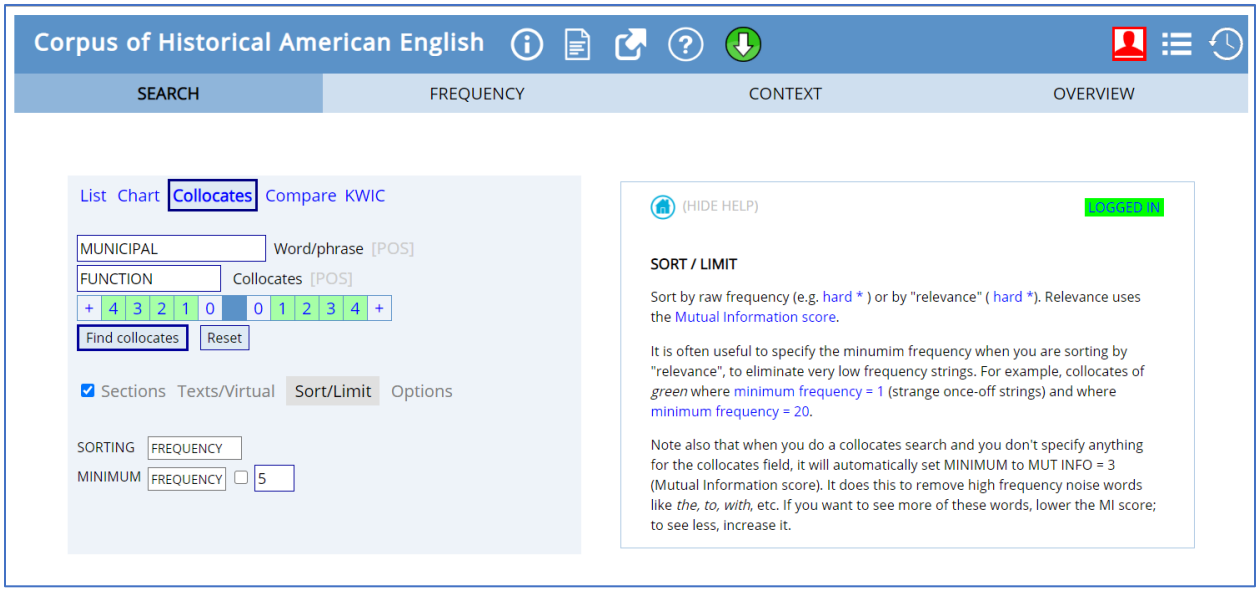
Evan S. Strassberg (esstrassberg@michaelbest.com)
Steven J. Joffee (sjoffee@michaelbest.com)
MICHAEL BEST & FRIEDRICH, LLP
2750 East Cottonwood Parkway, Suite 560
Cottonwood Heights, UT 84121
Attorneys for Appellee Utah Inland Port Authority

Stanford E. Purser (spurser@agutah.gov)
David N. Wolf (dnwolf@agutah.gov)
Lance Sorenson (lancesorenson@agutah.gov)
UTAH ATTORNEY GENERAL'S OFFICE
160 East 300 South, 6th Floor
Salt Lake City, UT 84114
Attorneys for State Appellees

Jayme L. Blakesley (jblakesley@hgblaw.net)
HAYES GODFREY BELL, P.C.
2118 East 3900 South, Suite 300
Salt Lake City, UT 84124-1725
Attorneys for Amici Curiae Law Professors and International Municipal Lawyers Association

/s/ Evangeline A.Z. Burbidge

Addendum A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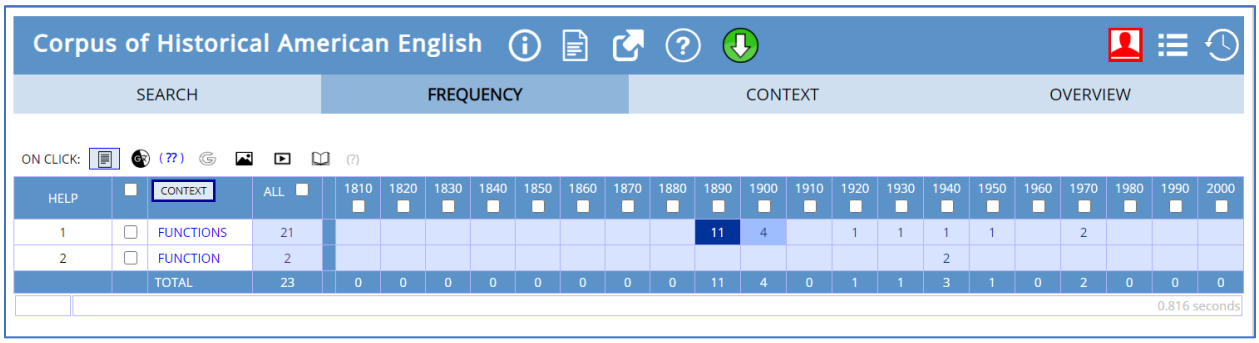
It is often useful to specify the minumim frequency when you are sorting by "relevance", to eliminate very low frequency strings. For example, collocates of green where minimum frequency = 1 (strange once-off strings) and where minimum frequency = 20.
Note also that when you do a collocates search and you don't specify anything for the collocates field, it will automatically set MINIMUM to MUT INFO = 3 (Mutual Information score). It does this to remove high frequency noise words like the, to, with, etc. If you want to see more of these words, lower the MI score; to see less, increase it.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1 FUNCTIONS 21 11 4 1 1 1 1 2
2 FUNCTION 2 2
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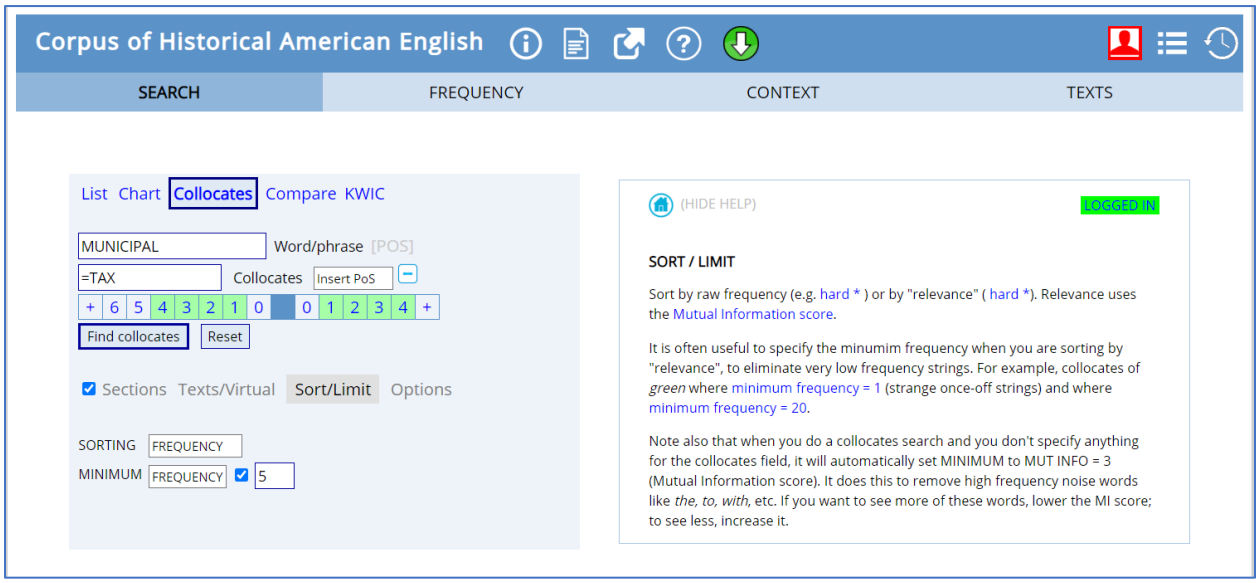
SECTION: 1880,1890,1900,1910 (15) (SHUFFLE)
CLICK FOR MORE CONTEXT
1 1890 MAG education are not in the United Kingdom made functions of municipal corporations, but are intrusted to distinct elective local bodies. None the less
2 1890 MAG and herein lies perhaps the most fundamental reason for the municipal assumption of these functions. It remains to speak of the recent experiment of
3 1891 MAG execution of all kinds of municipal functions. If the municipal council had been all-powerful, it is possible that public business would have been
4 1891 MAG and well-ordered efficiency in the execution of all kinds of municipal functions. If the municipal council had been all-powerful, it is possible that
5 1896 MAG taxation is deemed in every American city one of the municipal functions most vitally affecting the municipal corporation on the one hand and the individual
6 1898 MAG , and doubtless there are differences between the functions of municipal government in Boston and those in other cities; but after all possible amendments
7 1898 MAG present purpose, it is impracticable to treat separately the municipal functions, the state functions, and the national functions. Indeed, the
8 1898 MAG amendments are made, it must remain obvious that in municipal administration the enlarged functions predominate. The functions of municipalities do not have their
9 1898 MAG discussion of particular municipal departments or functions, suggestion for municipal reform, to the verge of weariness. One aspect of the matter,
10 1898 MAG , and but few recognize now, that nearly all municipal functions are administrative. The annual legislation of the city, as set out
11 1898 MAG has been denunciation of municipal corruption, discussion of particular municipal departments or functions, suggestion for municipal reform, to the verge of weariness
12 1900 NF the royal will, or to put effective restrictions upon municipal functions. 561. In the provinces, however, it was quite another
13 1901 MAG it is defensible as to the other functions of our municipal government, utterly fails when applied to the public school administration. We may
14 1906 MAG case. The facts, to date, are that municipal functions both in Europe and America have greatly expanded within the last few years
15 1906 MAG for a generalization in favor of the wide extension of municipal functions, commonly implied within the term " municipal ownership. " For the

Source information:

Source	Notes on City Government in St. Louis
Date	1896
Publication information	Century: June 1896: 253-264
Title	Notes on City Government in St. Louis
Author	Albert Shaw

Expanded context: (Problems with text?)

from State and National elections, which occur in November. The mayor was to be elected for a term of four years, and other general officers, to be elected at large for four-year 25i // terms, were as follows: controller, auditor, treasurer, register, collector, recorder of deeds, inspector of weights and measures, sheriff, coroner, president of Board of Assessors, and president of the Board of Public Improvements. ASSESSMENT AND PUBLIC WORKS. THE assessment of property for purposes of taxation is deemed in every American city one of the municipal functions most vitally affecting the municipal corporation on the one hand and the individual citizen on the other. The St. Louis plan provides for the election by all the voters, for each quadrennial period, of the president of the Board of Assessors. The Municipal Assembly lays out the town into a number of assessment districts, and for each district an assessor is appointed by the mayor, and confirmed by the Council. At present the number of districts is nine. The assessors do their work under the absolute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MINIMUM FREQUENCY 5
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LOGGED IN
SORT / LIMIT
Sort by raw frequency (e.g. hard *) or by "relevance" (hard *). Relevance uses the Mutual Information score.
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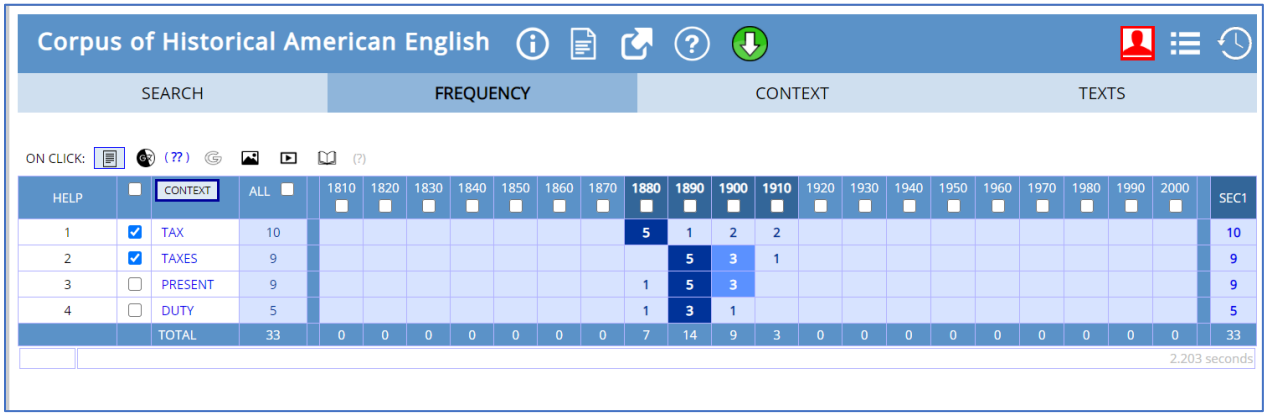
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1 TAX 10 5 1 2 2 10
2 TAXES 9 5 3 1 9
3 PRESENT 9 1 5 3 9
4 DUTY 5 1 3 1 5
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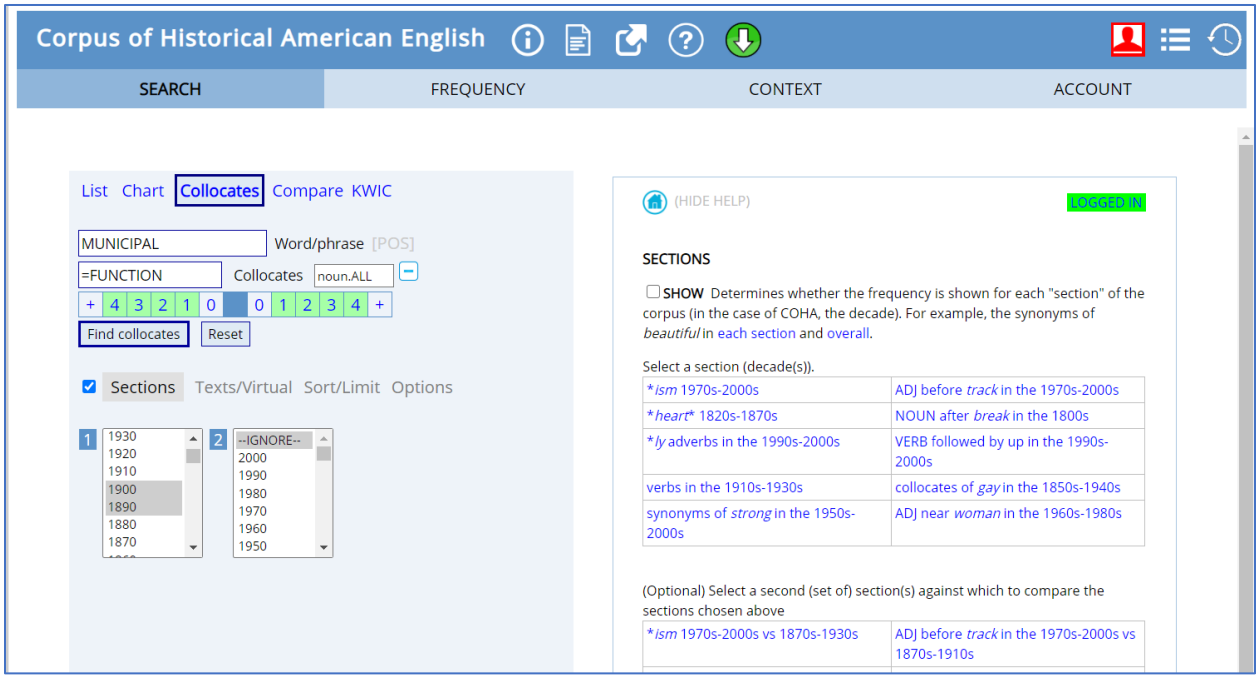
SEARCH | FREQUENCY | **CONTEXT**

SECTION: 1880,1890,1900,1910 (SHUFFLE)

CLICK FOR MORE CONTEXT

1	1882 MAG	If capital is invested in land or buildings, a **municipal tax**, in the theory of municipal regulation, protects it against the violence
2	1882 MAG	protects it against the violence of the mob. The **municipal tax** is a consideration paid by the citizen for the support of police and
3	1882 MAG	the former instance the consideration for the protection is a **municipal tax** paid to the State, insuring State protection; Whereas, in the
4	1882 MAG	forces can not extend any shelter or defense. The **municipal tax** is for the police and for the militia. By the very theory
5	1886 MAG	; county **tax**, by the Board of Commissioners; **municipal tax**, by the Aldermen; State **tax**, by the General Court;
6	1890 MAG	as much concerned as any one; the burden of **municipal taxes** is directly felt upon the family income, and if the wife is
7	1892 MAG	existence of inferior custom-houses, and also of State and **municipal taxes** on foreign goods, which require vigilance and restrictions that can not but
8	1892 MAG	be exempt from all federal duties, but not from **municipal** or State **taxes**. Such goods could remain in bond in the same towns
9	1892 MAG	be free from all duties, with the exception of **municipal** duties and such **taxes** as may be imposed, to the end that the
10	1897 MAG	ad valorem **tax** on all liquors received, and a **municipal tax** which sometimes reaches $300 a month. When a license attaches to n
11	1897 MAG	salaried executive headship of the department it supervises. The **municipal** council levies the **taxes**, votes the appropriations, and is at once a
12	1903 MAG	Chicago assessors were called upon to protect them also against **municipal** and park **taxes**. In the course of thirty years this perverse emulation had
13	1905 MAG	the towns that have the least **taxes** are those where **municipal** socialism prevails. But this claim is strongly controverted, especially as to ultimate
14	1907 MAG	all municipal offices, and removing all **tax** qualifications for **Municipal** suffrage. The Social Democratic party have put into their platform votes and eligibility
15	1907 MAG	for | men, and admitted all women to the **Municipal** franchise who pay **taxes** on property to the value of $75 in the country
16	1908 MAG	municipalities, and in them, royal **tax** administrators, **municipal** figureheads, guilds, privileges, customs, usages, exemptions, ceremonies,
17	1911 NF	common. This **tax** exemption as a rule means only **municipal tax**. It does not relieve the concern from the payment of state or
18	1912 MAG	cotton goods, the military and naval expenditure, the **municipal tax** rate, and the percentage of children with adenoids, and finding that
19	1913 NEWS	savings bank depositors and many more millions pay **taxes** on **municipal** bonds whose credit is attacked by the pending legislation. That is not the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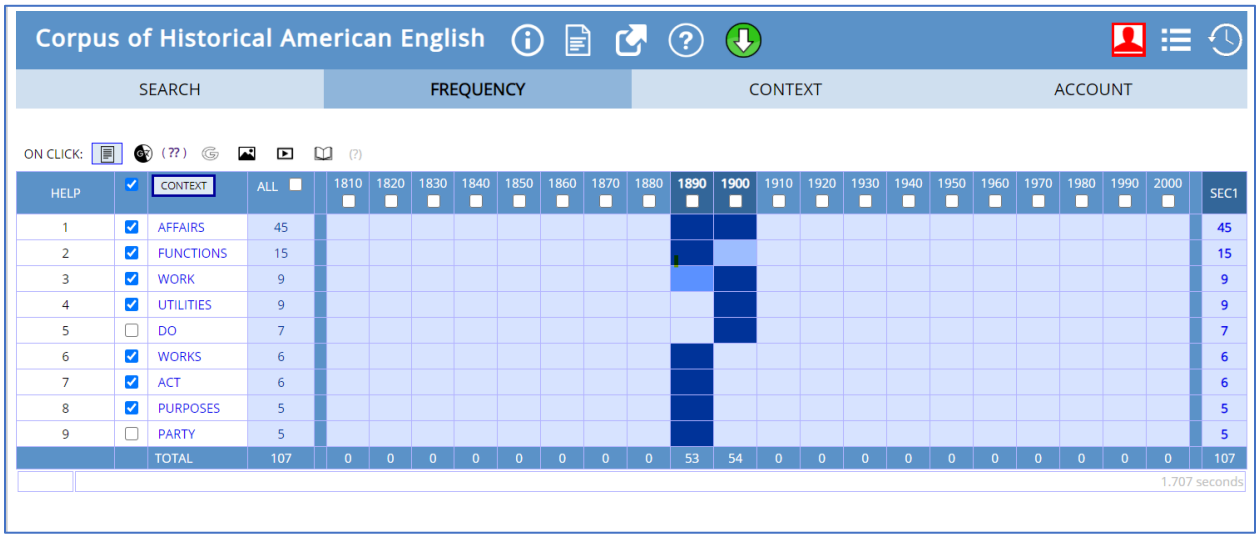
SECTIONS
SHOW Determines whether the frequency is shown for each "section" of the corpus (in the case of COHA, the decade). For example, the synonyms of beautiful in each section and overall.
Select a section (decade(s)).
*ism 1970s-2000s
ADJ before track in the 1970s-2000s
heart 1820s-1870s
NOUN after break in the 1800s
*ly adverbs in the 1990s-2000s
VERB followed by up in the 1990s-2000s
verbs in the 1910s-1930s
collocates of gay in the 1850s-1940s
synonyms of strong in the 1950s-2000s
ADJ near woman in the 1960s-1980s
(Optional) Select a second (set of) section(s) against which to compare the sections chosen above
*ism 1970s-2000s vs 1870s-1930s
ADJ before track in the 1970s-2000s vs 1870s-1910s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SEC1
1 AFFAIRS 45 45
2 FUNCTIONS 15 15
3 WORK 9 9
4 UTILITIES 9 9
5 DO 7 7
6 WORKS 6 6
7 ACT 6 6
8 PURPOSES 5 5
9 PARTY 5 5
TOTAL 107 0 0 0 0 0 0 0 0 53 54 0 0 0 0 0 0 0 0 0 107
1.707 seconds

Corpus of Historical American English

SEARCH | FREQUENCY | CONTEXT

SECTION: 1890,1900 (SHUFFLE)

CLICK FOR MORE CONTEXT

1	1890 MAG	it be well founded, is that the **work** of **municipal** reform is really a **work** of education. No change in the machinery of
2	1890 MAG	court-house and the new aqueduct, the only two great **municipal works** attempted since the war, both proved large jobs in which local Democrats
3	1890 MAG	because women often take * lively and intelligent interest in **municipal affairs**, though they may care nothing for state and national questions. About
4	1890 MAG	education are not in the United Kingdom made **functions** of **municipal** corporations, but are intrusted to distinct elective local bodies. None the less
5	1890 MAG	these two functionaries representing the bodies which before the Scotch **Municipal** Reform **Act** of 1833 were in sole control of the municipal government. The
6	1890 MAG	interesting experience in the matter of public illumination. The **municipal** gas **works** have made it possible to light the streets well at a low
7	1890 MAG	and herein lies perhaps the most fundamental reason for the **municipal** assumption of these **functions**. It remains to speak of the recent experiment of
8	1890 MAG	the pernicious habit of intermingling State and national politics with **municipal affairs**, thus dividing the intelligent portion of the voters into two nearly equal
9	1890 NEWS	principles for which the most candid and competent authorities on **municipal affairs** have been trying for twenty years to secure recognition in this city.
10	1890 NEWS	the public mind the necessity of a business administration of **municipal affairs** if we are to have them decently managed. It is evident that
11	1891 MAG	public **works**, education, the administration of justice, **municipal affairs**, and general legislation, the commonwealth will be no insignificant or dependent
12	1891 MAG	execution of all kinds of municipal **functions**. If the **municipal** council had been all-powerful, it is possible that public business would have been
13	1891 MAG	and well-ordered efficiency in the execution of all kinds of **municipal functions**. If the municipal council had been all-powerful, it is possible that
14	1891 MAG	central power. Great improvements were made by the consolidated **municipal** government **act** of 1884, which remains in force. This law gives the
15	1891 NEWS	the history of diplomacy; sixth, the history of **municipal affairs** and the growth of cities; seventh, the his- tor y of
16	1891 NEWS	in general. For example, In the study of **municipal affairs** and the growth of cities, much attention will be given to every
17	1892 MAG	imposed upon the governments, national, state, and **municipal**, for **purposes** of regulation, and in the redress of grievances and the
18	1892 NEWS	Rev. Dr. PARKHURST ill commenting upon the condition of our **municipal affairs** give rise to a variety of reflections. The first is the extreme
19	1893 MAG	's **work** in all mines and on all State and **municipal works**. " It shall be unlawful for any person, company, or
20	1893 NEWS	to take affirmative, if not aggressive, action in **municipal affairs**. The reform of municipal **affairs** is a problem of hydraulics rather than
21	1893 NEWS	aggressive, action in municipal **affairs**. The reform of **municipal affairs** is a problem of hydraulics rather than of hydrostatics. If the club
22	1893 NEWS	the lawful ways. To hold out expectations that the **municipal work** is to be increased for the sake of giving more employment would be
23	1893 NEWS	Mr. Milburn then spoke of the intrusion of politics into **municipal affairs**. " We mean by that. " said he, " that
24	1894 MAG	in these counties that the introduction of Labor politics into **municipal affairs** was everywhere apparent in the November elections. Nine Labor candidates were put
25	1894 MAG	on the same model, that set up by the **Municipal** Reform **Act** of 1835, and in the month of November each year in
26	1894 NEWS	debt, and interest thereon, the amount spent for **municipal** administration **purposes** in 1875 was $17,504,323, or $16.80 per capita, against $27,540,792
27	1895 MAG	an overwhelming majority, in favor of applying in its **municipal affairs** the advanced and radical Civil Service Reform Law which had already passed the
28	1895 NEWS	plat- I form, pledged to a non-partisan policy in **municipal affairs**, but one is known to be in his politics a Republican and
29	1896 MAG	taxation is deemed in every American city one of the **municipal functions** most vitally affecting the municipal corporation on the one hand and the individual
30	1896 MAG	dispensing with the deliberative fuxiction in the conduct of the **Municipal affairs** of a great city, it is always an advantage to have that
31	1896 MAG	but these cases are rare, and confined mostly to **municipal affairs**. Nearly all who have risen to any prominence in state or national
32	1897 MAG	, and access to open fields. Both village and **municipal** improvement **work** for the betterment of our moral as well as our sanitary and
33	1897 MAG	To quote Mayor Strong: " The actual administration of **municipal affairs** in this city is in the hands of commissioners, and not in
34	1897 MAG	picturesque flagrancy which still marks the conduct of Chicago's **municipal affairs** is amply figured in the associated effect of Chicago's architecture, and
35	1897 NF	All these States had granted school suffrage and could grant **municipal** suffrage by **act** of the legislature. In 1893 municipal suffrage bills were defeated
36	1898 FIC	must concede to General Butler that his vigorous administration of **municipal affairs** had cleansed and quarantined the city as they had never seen it done
37	1898 MAG	boards of the smaller civic communities, the franchise for **municipal purposes** has been ridiculously restricted. In Dublin, the population exceeds 300,000;
38	1898 MAG	own again. In 1840, when the first great **Municipal** Reform **Act** was passed, the state of the Dublin City finances was such
39	1898 MAG	, and doubtless there are differences between the **functions** of **municipal** government in Boston and those in other cities; but after all possible amendments
40	1898 MAG	present purpose, it is impracticable to treat separately the **municipal functions**, the state **functions**, and the national **functions**. Indeed, the
41	1898 MAG	amendments are made, it must remain obvious that in **municipal** administration the enlarged **functions** predominate. The **functions** of municipalities do not have their
42	1898 MAG	discussion of particular municipal departments or **functions**, suggestion for **municipal** reform, to the verge of weariness. One aspect of the matter,
43	1898 MAG	, and but few recognize now, that nearly all **municipal functions** are administrative. The annual legislation of the city, as set out
44	1898 MAG	has been denunciation of municipal corruption, discussion of particular **municipal** departments or **functions**, suggestion for municipal reform, to the verge of weariness
45	1898 MAG	, schools, and the care of paupers. When **municipal** water - **works** were first established, about fifty years ago, the source
46	1899 MAG	several cities. A number of periodicals devoted wholly to **municipal affairs** have recently appeared. These are an effect rather than the cause of
47	1899 NEWS	of Mr. Clarke, who, from his acquaintance with **municipal affairs**, gained by his experience as an assistant to the Corporation Counsel during
48	1899 NF	and their purpose was the advancement of commercial interests in **municipal affairs**, instead of the protection of labor against capital. There were guilds
49	1900 MAG	Lord Rosebery set himself steadily to the **work** of London **municipal** government at a most critical period in its history, and his example was
50	1900 MAG	should be let alone, to **work** out their own **municipal** problems It is in the end no kindness to them to be granted authority
51	1900 MAG	might be no excuse left for connecting national politics with **municipal affairs**. It will make no difference to either party as a national organization
52	1900 NEWS	a special investigation into the Tammany methods of conducting the **municipal affairs** of this 1 city, although in that **work** he was overshadowed by
53	1900 NEWS	the convention broke into wild applause. indorsement of the **municipal** ownership of public **utilities** received but faint applause, hut vigorous handclapping ensued when

54	1900 NEWS	JOSIAH QUINCY, Boston tried an experiment in that " municipal ownership of public utilities " which to so many theorists seems to be the
55	1900 NEWS	address being largely devoted to explaining in a general way municipal affairs. Only once did Mr. Coler make any reference to politics, and
56	1900 NF	the royal will, or to put effective restrictions upon municipal functions. 561. In the provinces, however, it was quite another
57	1901 MAG	mere partisanship, ought to play no part whatever in municipal affairs. At least two political parties will always exist; ought always to
58	1901 MAG	it is defensible as to the other functions of our municipal government, utterly fails when applied to the public school administration. We may
59	1901 MAG	endure politics (as we misname waste and corruption in municipal affairs) in our city halls, and say broadly that we can measure
60	1901 MAG	correspondingly weak. Statistics of 1897 show that them was municipal ownership of water works in 52.3 per cent of towns in New England,
61	1901 MAG	to the end that the business affairs of our great municipal corporations may be managed upon their own merits, uncontrolled by National and State
62	1903 NEWS	discouraging part of that speech was the part devoted to municipal affairs. It would not be fair to say that " Jeffersonian Principles "
63	1903 NEWS	that " Jeffersonian Principles " have nothing to do with municipal affairs. In fact, they have much to do with them, and
64	1904 FIC	interested himself in politics, or in public affairs, municipal or State or national; he had devoted himself entirely to building up his
65	1904 MAG	yet have had time to study and to act upon municipal and police problems, but they have had time not only carefully and surely
66	1904 MAG	still we can not say that pnlitical vagaries, in municipal affairs, for example, are peculiar to the Far West. We continue
67	1904 NEWS	and successful work in Chicago for the purification of its municipal affairs have confidence in him, which of itself is pretty good evidence of
68	1904 NEWS	is working not only in federal but in provincial and municipal affairs. Public ownership is gaining ground all along the line.??
69	1905 MAG	. In that way the power of the Socialists in municipal affairs is sharply limited. No matter how radical may be the voice of
70	1905 MAG	socialistic tendencies. Its development is in connection with the municipal ownership of public utilities. What is called " gas and water socialism "
71	1905 MAG	" The movement is based upon the popular belief that municipal ownership of public utilities means that the people, and not a few fortunate
72	1905 MAG	already talk of a movement in New York City toward municipal control of public utilities, and the subject is certain to be uppermost in
73	1905 MAG	for Mayor of undoubted capacity, of large acquaintance with municipal affairs, who, in 1886, was, as an independent Democrat,
74	1905 NEWS	legal labors he was an enthusiast in the work of municipal - eform, and knew very little relaxation, although he was a member of
75	1906 FIC	mayor's office, I foresee great possibilities unfolding in municipal affairs. I rather anticipate that the city fathers will seek recreation from their
76	1906 MAG	Philadelphia would be compelled to place in charge of their municipal affairs the same kind of men they would choose to manage and administer their
77	1906 MAG	man in Massachusetts may want to know the history of municipal ownership of public utilities, another in Ohio will ask for the arguments against
78	1906 MAG	case. The facts, to date, are that municipal functions both in Europe and America have greatly expanded within the last few years
79	1906 MAG	for a generalization in favor of the wide extension of municipal functions, commonly implied within the term " municipal ownership. " For the
80	1906 MAG	. American cities have thus far generally confined themselves to municipal water works, gas works, and electric lighting plants No American city has
81	1906 NEWS	occasion, I do not favor extending the field of municipal operation of public utilities in New York City, except in oases where private
82	1906 NEWS	Apart from the general objections to the radical extension of municipal operation to public utilities of large cities, which are too familiar to call
83	1906 NEWS	possible cessation of private franchises for public utilities. Immediate municipal ownership operation of the street car lines been the platform of the successful candidate
84	1906 NEWS	radical change in the methods usually employed in carrying on municipal work by the cities of the United States. As a pledge of the
85	1907 MAG	exercise of unlimited power for selfish purposes by an unscrupulous municipal bureaucracy, the credit of the city was impaired; vice and crime,
86	1907 MAG	attempts of public-spirited citizens to do the work which the municipal authorities neglected were resented, at once, by the thieves of the Ruef-Schmitz
87	1907 NEWS	both officially and professionally, believe the work of the Municipal Court would be greatly advanced by the addition of Mr. Davies to its bench
88	1908 MAG	the right to exercise some effective initiative and control in municipal affairs, which are principally practical business affairs, shall be in the hands
89	1908 NF	, small or great, came to deliberate about the municipal affairs, administer justice, and appoint tax-assessors. The red-bearded Saxon, with
90	1909 MAG	but was the utterance of a man thoroughly versed in municipal affairs. In German cities all leading officials are trained specialists, or experts
91	1909 MAG	such publicly held lands as were not immediately needed for municipal purposes. A loan of about $1,250,000 was negotiated to furnish capital for the
92	1909 MAG	average state legislature is the consideration of measures relating to municipal affairs. For the five years preceding the sitting of the Fassett Investigating Committee
93	1909 MAG	mayors of smaller cities who have demonstrated their knowledge of municipal affairs and their executive efficiency. The present Mayor of Berlin, for instance
94	1909 MAG	municipal situation and his proposed remedy are sufficient. Surely municipal affairs involve much that is not business, for all that he so stoutly
95	1909 MAG	. They raise money for schools and roads, elect municipal officers to administer affairs, and seem to get along very comfortably as an