

PASSED

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 09-1-28-110

IN THE MATTER OF ADOPTING POSITIONS ON
LEGISLATIVE ISSUES DURING THE 75TH
LEGISLATIVE SESSION

WHEREAS, Lane County has a keen interest state legislative activities;
and

WHEREAS, Lane County Government employs an Intergovernmental Relations Manager for the purpose of advocating on behalf of Lane County government at the Oregon Legislature; and

WHEREAS, the Lane County Board of County Commissioners wishes to communicate their positions on legislative issues to the public and other elected officials; and

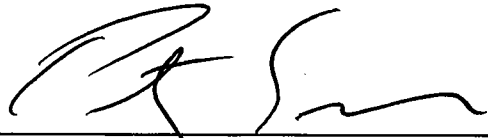
WHEREAS, the Legislative Committee is the established standing committee which exists to fully inform the Lane County Board of Commissioners in a timely fashion on legislative issues; and

WHEREAS, it has previously been resolved that the Legislative Committee will forward its recommendations to the Board of County Commissioners for final approval by the Board of County Commissioners on an as-necessary basis.

NOW, THEREFORE, be it resolved that the Lane County Board agrees to the slate of positions illustrated in Attachment A; and

BE IT FURTHER RESOLVED, that this Board Order will officially represent the will of the Board of County Commissioners and may be used by the Intergovernmental Relations Manager to communicate their position to Oregon legislators during the 75th Legislative session.

DATED this 28th day of January, 2009.



Pete Sorenson, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
Date: 1/26/09
ZIL
CLERK OF LEGAL COUNSEL

Attachment A
Lane County, Oregon
Board of County Commissioners
Legislative positions
75th Oregon Legislature
January 28, 2009

The Lane County Legislative Committee (standing committee) recommends that the Board of County Commissioners adopt these positions on the following bills:

1.) **Senate Bill 80**, relating to greenhouse gas emissions.

Analysis: SB 80 requires that offsets be looked at, and forestry is recognized as a potential offset

Recommendation: Support with the following amendments (amendment suggested by Marc Kardell and Alex Cuyler):

In Section 2, (1) (g) add to the current language that the system shall include "Procedures, protocols, and limitations for the generation and retirement of offsets, *including the distribution to counties and schools of revenue generated from the sale of forestry related offset credits accruing to lands subject to ORS 293.560.*

In Section 9 (6) of that section requires that "the task force shall evaluate the following: ...(c) The use of offsets to reduce the costs of complying with the design recommendations, to encourage reductions of emissions not subject to the greenhouse gas cap-and-trade system, *to provide revenue to schools and counties for offsets generated on lands subject to ORS 293.560* and to foster innovation in the manner in which greenhouse gas emissions may be reduced..." We could even go broader here, as this subsection deals with what they should "evaluate." So instead of saying "lands subject to ORS 293.260," which only deals with some of our income, we could say something like "on federal lands that provide revenue to schools and counties."

2.) Governor's Bills from the Federal Forest Payments Task Force

a. **Senate Bill 77**, relating to fiscally distressed counties.

Analysis: This bill would create a review of a county public safety system by the Oregon Criminal Justice Commission upon declaration by the governor or the County Board of a "public safety services emergency". The Commission would evaluate the situation and make recommendations to the Governor. The Governor would then have the option of declaring an emergency and establishing a fiscal control board to recommend a recovery plan to the County. The County Board would have the option to accept or reject the recommendations.

Recommendation: Oppose

b. **Senate Bill 78**, relating to county fiscal planning

Analysis: This bill creates a County Services Planning Council to assist counties facing the phase-out of forest service safety net payments.

Recommendation: Neutral.

c. **Senate Bill 93**, related to collection of delinquent accounts

Analysis: This bill does not affect Lane County

Recommendation: Neutral

d. **Senate Bill 100**, relating to the Department of Corrections

Analysis: Department of Corrections determines actual cost of providing management, support services, supervision and sanctions for certain offenders.

Recommendation: Support

e. **Senate Bill 165**, relating to mental health program services

Analysis: This bill would only affect Lane County if we chose not to provide some developmentally disabled services. It follows what has been called the County's Right of First Refusal and would allow the state to operate or contract for services that the Local Mental Health Authority (the BCC) declined to do.

Recommendation: Neutral

f. **House Bill 2120**, relating to transportation

Analysis: Governor's "Jobs and Transportation Act". This is a large and complex bill that addresses a number of transportation related issues. It proposes the development of a transportation utility commission (specific analysis pending) and includes additional provisions for funding, including vehicle title fee increases that would be distributed to the State, Counties, and Cities. Initial analysis indicates that revenue stream could amount to \$12 million annually.

Recommendation: Monitor, particularly for the Revenue Aspect

3.) **Senate Bill 79**, relating to energy use of buildings

Analysis: Establishes an energy efficiency rating system adopted by the Department of Energy. Encourages a net zero emissions building construction in the state by January 1, 2030.

Recommendation: Support

4.) **House Bill 2081**, relating to transferable development credits

Analysis: This bill is one that addresses a long standing issue of not having a receiving area for the development credits to transfer to. It seems this proposal may allow local governments the ability to have a higher intensity of use or development of the property than would otherwise be allowed in the receiving area. A concern would be that section (3)(b) allows the higher intensity of use or development of the property than would otherwise be allowed in the receiving area but that (3)(c) allows incentives but then (B) requires compliance with statewide planning goals and compatible with comp plan. Another concern is that (3) (c) could trip up the receiving areas.

Recommendation: Support

House Bill 2228, relating to pilot projects for transferable development credits

Analysis: Establishes pilot program to conserve resource lands by facilitating transfer of residential development rights from farm or forest property to other property.

Recommendation: Support, but does not see that there is an incentive designated with the receiving area.

5.) **House Bill 2042**, relating to authority to construct facilities along public roads. – Utilities in ROW

Analysis: Provides that person's right and privilege to construct maintain and operate water, gas, electric or communications lines, fixtures or facilities free of charge along public roads does not extend to public roads under jurisdiction of county.

Recommendation: Support

Senate Bill 269, relating to relocation of utility facilities

Analysis: Deals with Relocation of Utilities in the public right-of-way. Two points in the bill have been identified as unworkable to public agencies. First is that the design schedule protocol is unworkable. The bill would require all utility conflicts to be identified during preliminary design. Second, the bill requires that the Road authority choose the least impact to the utilities (with no mention of cost consequences). This has an effect that the utilities will be directing the road design instead of the current practice of a utility being allowed to operate within a roadway under the road authority's terms and conditions. The least impact scenario could mean us buying more right-of-way or doing more expensive types of construction to avoid causing utilities to spend money on relocation. Finally, the term "developer" is not well defined in the bill, and there is fear that a public agency could be construed as a "developer", thus paying for utility relocations. We don't do that now.

Recommendation: Oppose

6.) **Senate Bill 29**, relating to elections, – Instant Runoff Elections

Analysis: Instant Runoff Voting, also known as Rank Choice Voting or Preference Voting. This bill had a public hearing on January 22. Basic arguments in support were: Oregon Constitution (see Article II Sec16 - Election by plurality), more local control, no spoilers, permissive and prevent run off elections. However there are significant costs associated with this method of voting. Pierce County, Washington conducted their first Instant Runoff Voting this past November at a cost of over \$2 million dollars to upgrade equipment, higher printing and postage costs, additional staff, remodeling, and voter education.

Recommendation: Support, with Friendly Amendments stating that the county shall not be liable for any costs incurred in the implementation of instant runoff voting.

7.) **House Bill 2009**, relating to health care

Analysis: Very large and complex bill to rearrange provisions related to mental health care services. Widely acknowledged to be the "legacy bill" of Representative Mitch Greenlick. Very likely to pass this session, but key areas of concern relate to the elimination of local mental health authority and specific funding provisions.

Recommendation: Monitor, this bill is actively evolving, and being worked by numerous parties with ties to Lane County.

8.) **House Bill 2358**, relating to distribution of samples of noncigarette tobacco products.

Analysis: Prohibits free samples distribution of non-cigarette tobacco products.

Recommendation: Support

9.) Ethics Measures

a.) **Senate Bill 30**, relating to government ethics

Analysis: Removes requirements for reporting the names of relatives and household members from statement of economic interest.

Recommendation: Monitor, this bill will likely be combined with other ethics related measures.

b.) **Senate Bill 31**, relating to government ethics

Analysis: Excludes reporting requirement for income less than \$1,000, and would require reporting of five "most significant sources of income" on economic statement.

Recommendation: Monitor, this bill will likely be combined with other ethics related measures.

c.) **Senate Bill 32**, relating to government ethics

Analysis: Waives quarterly reporting requirement if no income, expenses, or honoraria to report.

Recommendation: Monitor, this bill will likely be combined with other ethics related measures.

d.) **Senate Bill 84**, relating to government ethics

Analysis: Housekeeping bill, adds income reporting requirement for receiving income for attending event where answers to questions are provided, and closes loophole in existing statute to recognize individuals (persons) in addition to organizations. This picks up individuals and corporations that contribute to income or expenses reportable.

Recommendation: Monitor, this bill will likely be combined with other ethics related measures.

10.) House Bill 2298, relating to donated leave, – Overtime Leave Calculations

Analysis: This bill changes ORS to allow for a donated leave program for employees performing military service. It is not a mandate, instead uses the term "a county may establish a ... donated leave program." Lane County does already have a donated TM policy to cover employees in an extreme emergent situation. Note that employees in the armed services do receive service pay and are not considered County employees while in service.

Recommendation: Monitor