

MINUTES OF THE METRO COUNCIL
STATE & FEDERAL LEGISLATIVE AGENDA COMMITTEE MEETING
Tuesday, November 14, 2000
Council Chamber

Members Present: Susan McLain (Chair), Rod Park (Vice-Chair) and Bill Atherton

Also Present:

Members Absent:

Chair McLain called the meeting to order at 4:10 p.m.

CALL TO ORDER AND ROLL CALL

1. CONSIDERATION OF THE MINUTES OF THE OCTOBER 24, 2000 METRO COUNCIL STATE & FEDERAL LEGISLATIVE AGENDA COMMITTEE MEETING

Motion:	Councilor Park moved to approve the minutes of the October 24, 2000 State & Federal Legislative Agenda Committee meeting.
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Vote:	Councilors Park and McLain voted aye. The vote was 2/0 in favor and the motion carried. Councilor Atherton abstained.
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2. RESOLUTION NO. 00-2997, FOR THE PURPOSE OF ADOPTING THE METRO 2000-2001 OREGON STATE & FEDERAL LEGISLATIVE PRINCIPLES AND PRIORITIES.

Michael Morrissey, Metro Senior Council Analyst, referred to Agenda Item 2 in the committee packet. He also referred to two updated pages of *General Principles Guiding Metro Representatives*. (A copy of the updated principles can be found in the permanent record of this meeting. The previous version can be found in the agenda packet.) The principles presumably led to a statement of priorities and the document *Draft – 2001 Legislative Priorities*. And then eventually the Committee would consider specific legislation. Some of the principles were in such a way that in the absence of proposed legislation it might function as a bit of guidance for **Doug Riggs**, Pac/West Communications, and others who might try to determine what Metro's role might be regarding land-use, transportation or even parks, for examples.

Mr. Morrissey referred to both the revised and previous versions of the document *General Principles Guiding Metro Representatives*. The principles related to either Metro's departments or the agency's major programmatic and policy for the kinds of things that Metro did. The resolution was listed on the agenda as if it would be approved and sent to the Council. However, he was not sure Metro staff was finished with it. The Committee and Chair McLain might feel otherwise. But it was the staff's perspective that there may have been at least one more revision of both of the updated documents.

Jeff Stone, Metro Council Chief of Staff, said the process began with a survey provided by all the Metro councilors and Mike Burton, Metro Executive Officer, regarding what could be everyone's priorities during the next legislative session. He referred to both the revised and previous versions of the document *Draft - 2001 Legislative Priorities* and specifically what had changed since the last time the committee reviewed the document. There were many issues that could develop in the legislature including infrastructure funding, Measure 7 and Complete Communities.

Mr. Riggs said he viewed the priorities as a guide for Pac/West so they would know what to follow and track. There would be probably 4,000-5,000 bills that would surface during the next legislative session. He planned to track all the bills introduced by the legislature regarding infrastructure funding and develop strategies with Metro councilors and staff to address them. He did not necessarily view anything on the priorities list as an endorsement of any sort of infrastructure funding source. Instead, he viewed it as an instruction to his organization to keep track of certain things. He believed what he said basically reiterated Mr. Stone's comments.

MINUTES OF THE METRO COUNCIL
STATE & FEDERAL LEGISLATIVE AGENDA COMMITTEE MEETING

October 24, 2000

Page 2

Mr. Stone again referred to the document *Draft – 2001 Legislative Priorities*.

Councilor Park said Mr. Stone's priorities list worked toward the area of "windfall" from urban growth boundary (UGB) amendments and also Councilor Atherton's comments regarding the givings. When Metro moved the UGB and increased the value, the capital gains tax (the "windfall") went to the state not the local area where the value was created. It was an issue of who benefitted (the state) and who paid (local jurisdictions) for the benefit. He wanted to determine a mechanism to keep the "windfall" local so the local jurisdictions that had to deal with the growth were compensated. In some ways, expansion benefited the state not the local government(s). It would be interesting to change that dynamic and see if the state would be as interested in creating growth and additional burdens on local jurisdictions, if the state did not benefit other than through receipt of income tax revenue. Mr. Stone's priorities were within the concepts they were addressing. Given the latitude within the state legislature, he was not sure what a bill would look like once it had gone through the process.

Chair McLain said it looked like a proactive idea. Meanwhile, the other issues listed on the document were general areas that Mr. Riggs and his organization needed to track. She did not see the action at the Growth Committee or Council. She had not seen any action on it by the Council, either. Therefore it was an idea that the Committee might want to incorporate in the general principles document. Maybe that was where it belonged, instead.

Mr. Stone said he agreed with her assessment. He was asked to include it in the priorities list at the last meeting. They did that. If she would rather have seen it in another area they could honor that request.

Chair McLain said it was generally an infrastructure funding issue. It was more of a guiding principle. The Council should have acted on it and it should have appeared on the other list. She could insert a statement regarding any of the priorities issues. However, it would not be very helpful.

Councilor Park asked if she suggested infrastructure funding by itself without the qualifying sentences.

Chair McLain said yes.

Mr. Morrissey said there was a tactical issue to consider. The committee could emphasize one or some of the priorities not for mere tracking but for a more proactive Metro strategy. Or Metro might allow its lobbyists to investigate within the legislature for opportunities for the Council to get involved in certain roles. They could leave the issue as a work-in-progress between the Council, staff Committee and Metro's lobbyist. Or, with advice from Pac/West, Metro could take the lead if it could be proven better to be high profile with some of the issues.

Mr. Riggs agreed with Chair McLain and Mr. Stone that "Explore the possibilities..." fit better on the list of general principles. The genesis for that particular issue was created by Metro's local partners not from within the agency. He was not sure if Metro would pursue or support the issue. He contacted some jurisdictions for their input.

Councilor Park accepted that conclusion. He just wanted the language included somewhere in those documents. The concept was what was important to him. He did not know exactly where to put it. The legislature did not know exactly what it would be fighting. He wanted to keep the concept alive. And it would require a proactive stance. He recognized it was written to apply to the state of Oregon. Which would probably be necessary for the state legislature to proceed with it. He referred to "...economic growth in economically distressed counties..." which accounted for a major portion of the representatives in the legislature. He did not have a problem moving it to the general principles list.

Chair McLain asked Mr. Stone to include it with the Land Use/Growth Management section of the general principles list. She mentioned a second issue. The Committee was talking about proactive versus reactive issues, even on the priorities list. She did not want to sit around and watch others handle Measure 7. Instead, she wanted Metro to be proactively involved in that process. Metro understood the importance of that and would provide excellent resources. She assumed Pac/West and Mr. Riggs would

**MINUTES OF THE METRO COUNCIL
STATE & FEDERAL LEGISLATIVE AGENDA COMMITTEE MEETING**

October 24, 2000

Page 3

be doing more than just surveying what others were doing in the legislature. She wanted him to present Metro's thoughts to the legislature also. Metro would be proactive once it determined the best strategy. She felt the priorities list was lacking and that everything was just the same. In the past, Metro had signaled its lobbyist that there were some issues on the priorities list that were more important than others. She sighted freight mobility and the Transportation Funding section of the priorities. For example, she also mentioned Metro's general funding needs and desire to preserve the authority providing the regional transportation solutions. The general principles and legislative priorities worked together. However, there might be a missing piece (a column or grid, etc.) that when added would clarify the crucial issues (Measure 7, transportation funding and the 2040 Growth Plan, etc.) Mr. Riggs should have a firm understanding of where Metro stood on the issues and which issues he should spent his time dealing with. She wanted Mr. Stone, Mr. Morrissey and the legislative team to consider the significance of the items on the priorities list. This could be initiated by the Executive Officer or at the next legislative committee meeting. They might also want to consult the regional jurisdictions to identify issues everyone considered crucial to address. They might discover there were issues nobody was addressing in the legislature.

Councilor Park referred to general principles document and said he would feel more comfortable if "support" language underneath the Land Use/Growth Management section to make it similar to the "help coordinate, monitor and assist as needed" language found underneath the Environmental section.

Councilor Atherton referred to the Transportation Funding section of that document and the language "...preserve and sustain policy..." He asked what Metro's current policy was. One of the key current policies was to maintain the existing infrastructure, as opposed to building new projects. He believed that should be highlighted as a priority. It was the preeminent statewide policy toward funding transportation infrastructure.

Chair McLain assumed the language referred to the Regional Transportation Plan (RTP) the Metro Council passed recently, despite the fact that it had not been acknowledged by all the jurisdictions involved. She agreed with Councilor Atherton that the language needed to be more specific. The might want to think about it.

Mr. Riggs agreed. It should be a Metro priority based on the direction the legislature would take. With minor possible exceptions (freight mobility, finishing projects that were already underway), he doubted the legislature would be able to identify any new funding for any major new projects. Particularly given the fiscal limitations they expected to face next year. Sustaining and maintain would be the watchwords.

Chair McLain said the language should have still contained a reference to the RTP. She agreed with Councilor Park's comments above. She referred to completion of the Regional Functional Plan and Title 3, with Goal 5, and the storm water and upland work, plus everything else. It might be helpful to address those things on a proactive state basis.

Councilor Park returned to the Transportation Funding section and said Metro passed the RTP and it was moving forward. Metro based the 2040 Plan upon the RTP being a reality. There might not be a statewide solution, however that did not stop local jurisdictions from trying to identify their own solutions. Chair McLain was correct that it was important to sustain Metro's policy regarding the RTP, funding, etc. It was important to determine this for the RTP and the 2040 Plan. Therefore, Metro should not continue to adopt the state's wait a see attitude for a fifth consecutive year. Everybody knew what the result was.

PUBLIC HEARING

Rex Burkholder, citizen and Councilor-elect, 1912 NE 11th, Portland, OR 97212, was very interested in these issues. He wanted to be part of the process. He wanted to comment on the transportation issues and Councilor Park's concern regarding the specific funding piece whether Metro was pursuing more. He made two points. One, Metro could consider pursuing increased implementation of local funding options. Two, he would like to see something included in the language that Metro was committed to meeting its Goal 12 requirements to reduce VMTs (Vehicle Miles Traveled) in the region. It was not mentioned in the

**MINUTES OF THE METRO COUNCIL
STATE & FEDERAL LEGISLATIVE AGENDA COMMITTEE MEETING**

October 24, 2000

Page 4

language, but it probably would fit in the fourth bullet with regional policy. It did not mention that Metro was trying to reduce automobile use throughout the area through its transportation investments. He would like to be invited to a more formal session to further review his comments.

Chair McLain asked if adding reference to the RTP would be sufficient.

Mr. Burkholder said Metro highlighted in the fourth bullet specific pieces. The question was whether Metro wanted to highlight just those pieces and not others. Councilor Atherton also mentioned highlighting maintenance. The list of highlighted elements was not comprehensive. Therefore, either Metro should not have a list there or it should clarify its transportation priorities.

Councilor Park said it might be difficult to highlight freight mobility without simultaneously increasing the mobility of vehicles. He was not sure how to say that effectively. In the past, truck lanes have had negative affects on Goal 12. Metro was currently trying to identify a solution.

Mr. Morrissey said the legislative team met with Pac/West. One way to look at the priorities was to consider opportunities that might realistically exist at the legislature. Pac/West said there was very low probability of funding for a large package of road projects. However, a more targeted area (freight mobility) seemed to generate some interest in the legislature. That explained why they highlighted freight mobility. Therefore, it depended on how Metro considered the general principles and the priorities together, as a package, that determined what path Metro planned to take.

Chair McLain agreed with Mr. Burkholder that there needed to be consistency in the process. She understood the reality and the level of interest or disinterest, and the financial constraints of the legislature. However, the information Metro planned to give to its lobbyists and partners needed to be comprehensive and complete, and made sense, whatever that required.

Mr. Burkholder was concerned about earmarking funds for specific projects. He cited the smart jitney project funded by Oregon Senator Eileen Qutub, which consisted of \$1.5 million earmarked for one specific purpose/project that was not in the RTP. If Metro created a list the people at the legislature who considered the list might not understand the other goals and needs that existed in the Metro region. The region could get something (a project, etc.) it did not want, even if it was money granted to the region.

Mr. Riggs did not object to adding the elements suggested by Mr. Burkholder, either by direct reference or in general. Those were issues Metro should pay particular attention to. One of the legislative teams goals to build a complete community would require enhanced freight mobility (as they talked about it) to allow people to live closer to their jobs and thereby not have to use their cars to drive across the region. Instead, they could use other options or public transportation, which would reduce reliance on automobiles. Therefore, enhanced freight mobility might help reduce VMTs and support Mr. Burkholder's wishes. He did not object to adding the specifics mentioned by Mr. Burkholder. They would be helpful.

Chair McLain asked staff to do more work and incorporate the changes the committee suggested.

Councilor Park understood Mr. Burkholder's comments. However, the other bullet items, especially item number 2, could be questioned. The bullets represented issues that Metro was talking about. They were not ignoring Goal 12. It could be incorporated in some fashion. The bullets were not highlights. They were issues that could potentially be addressed given the current character of the state legislature. There were enough things already highlighted, just not that one piece. He mentioned important freight issues, the Interstate 5 Corridor Study and important issues that Metro should consider. Trying to accomplish portions of this without creating a detriment to Goal 12 would require some creative solutions. He was interested in seeing them.

Chair McLain said the Committee wanted the legislative team to revise the documents again, clarify the language, and consider a third document to provide more direction to Metro's lobbyists and partners regarding what the Council planned to work on. She suggested Measure 7 should top the list. Other

**MINUTES OF THE METRO COUNCIL
STATE & FEDERAL LEGISLATIVE AGENDA COMMITTEE MEETING**

October 24, 2000

Page 5

Committee members might have a different opinion. Her goal was to discuss issues as a team and have the team speak with individual councilors to reach some type of consensus, possibly at the Council level.

Mr. Morrissey said the resolution would not adopt, support or oppose specific legislative action. That would come later when the legislature began introducing bills.

Chair McLain disagreed. The Council should embrace the draft of priorities and principles. What Mr. Morrissey said was fine. However, there were some general lists of principles and priorities the Committee/Council wanted to support, communicate to Mr. Riggs and lobby to the legislature.

Councilor Atherton wanted to see the wording underneath the Land Use/Growth Management section of the general principles document to include more than just funding changes in bullet item 4. It also included law and rule changes. For example, planning and other special districts.

Chair McLain asked if he would be satisfied if they deleted the word funding from the bullet.

Councilor Atherton said yes.

3. LEGISLATIVE UPDATE – GENERAL ELECTION OVERVIEW AND UPDATE

Mr. Riggs, distributed a short memorandum, *Election Update 2000*, which also included a list of candidates for state and federal office, and the results. (A copy of this document was included in the permanent record of this meeting.) He said it was meant to provide more hard facts than subjective analysis of the November 7, 2000 election. He referred to the memo.

Mr. Riggs said the Republican Party retained more seats in the Oregon House of Representatives than expected. In the past, Republican Gene Derfler, the new Oregon Senate President, and Democrat Kate Brown, who remained the Senate Minority Whip, have gotten along well. Therefore, he expected them to cooperate and work together in the future. This was a good sign for Metro and the region. Plus, there were no surprise appointments in the Oregon House. He said this should help facilitate cooperation. He said Metro might wish to schedule extended sessions to discuss the potential impact of Ballot Measure 7 on the region. The state legislators he talked to were already struggling with how to properly address that issue. Finally, he said the slim majorities at the national level could doom partisan legislation gridlock and provide Metro with an opportunity to work on getting some bipartisan projects approved and funded by the federal government, instead. Hopefully, both parties would be in the mood to get some things done incrementally. Some of Metro's issues should be attractive to them.

Mr. Riggs mentioned a list of the newly elected candidates for office invited to visit Metro following the election. **Fawn McNeely**, Pac/West Communications, identified the invitees. He suggested 2 dates (Tuesday, December 12, 2000 and Thursday, December 14, 2000), however there was some flexibility, provide they received Council and Executive approval.

Ms. McNeely referred to the list. There were 12 legislators. Some were from the coast and further out in south and east Oregon. At the very least, Pac/West wanted the new legislators to know whom Metro's lobbyists were, and also invite them to visit Metro and discuss being involved in Metro issues.

Councilor Park asked what the tone of the state legislature was toward Measure 7.

Mr. Riggs said it was serious concern regarding the potential financial impact of Measure 7 combined with Measure 88, which would extract \$160 million from the state budget, and other increased costs. The state legislature would have to find a fairly significant amount of money. If the fiscal impact of Measure 7 (estimated by the state revenue office to be approximately \$5.4 billion) was accurate, it would be an absolutely gigantic chunk of money that would have to be paid by Oregon's state and local governments. They planned to consider technical corrections that might have to be referred to the Oregon voters. There were also various groups that considered legal challenges. **Dan Cooper**, Metro General Council,

**MINUTES OF THE METRO COUNCIL
STATE & FEDERAL LEGISLATIVE AGENDA COMMITTEE MEETING**

October 24, 2000

Page 6

might be able to discuss that issue and also whether Measure 7 may have applied to 2 separate sections of the statute, which would not be allowed by state law.

Councilor Park guessed the other obvious fix to avoiding the affects of Measure 7 would be to undo land-use planning, period.

Mr. Riggs said yes, that was the case.

Councilor Park was curious regarding the state legislature's sentiment regarding that issue.

Mr. Riggs said the sentiment was that if Measure 7 said it was designed to eliminate land-use planning laws in Oregon it would have gone down in flames. However, it was written very carefully to appeal to everyone's sense of fairness and balance. Therefore, some people believed Measure 7 was a wolf masquerading in sheep's clothing, to a certain extent.

Councilor Park asked if, therefore, Mr. Riggs had not heard a sentiment to repeal the sections of the current state code that enforced land-use planning.

Mr. Riggs said certainly not from the people he talked to. However, there were probably individual members who might be thinking along those lines. He sensed that the majority of state legislators probably supported the land-use planning process that Oregon currently had. They might suggest changes or tinkering around the edges, but they would not vote to abolish the land-use planning process that Oregon voters passed and reaffirmed on various occasions during the past 25 years.

Chair McLain said a visitor from the country of Colombia today, who had picked 4 or 5 places in the United States to visit, was horrified when he learned what Measure 7 could mean for the Metro region. She hoped if people outside the region could understand the potential negative ramifications, the same could be true for people who live within the region. She hoped they would learn the truth about Measure 7. It was a serious and involved measure that Metro would have to work hard to deal with.

Mr. Cooper said it was very helpful to hear Mr. Rigg's perspective regarding the issue and what the state legislators were thinking. As Metro moved forward it would help the agency study the measure, its affects and what Metro's response ought to be. It was very helpful to have Pac/West assist Metro with legislature depending on how the "tone" of the discussion surrounding Measure 7 continued.

Chair McLain commented in the informal session earlier today that she understood the seriousness of Measure 7 and the degree to which it could change land-use planning and the character of Oregon. However, it was very important for people in Metro who find the measure unacceptable work on strategies that would signal to the public that Metro sentiment. Some people could not understand how certain segments of the community could support the measure. Those people were now beginning to ask what Measure 7 meant. They thought they understood. However, now they are not sure. She believed in Mary Kyle McCurdy's philosophy to consider the measure an opportunity with a silver lining. Somehow Metro had to reinforce public support for land-use planning and its positive impact throughout Oregon. She wanted Mr. Cooper to think those thoughts when he considered Metro strategies for Measure 7.

Councilor Atherton wanted to coordinate with Pac/West and determine whether Metro should handle the issue. He asked if it would be better for Pac/West to gather intelligence regarding the "tone" or if the agency should, instead, try to set the tone. He did not have the answer to that question. There was an ounce of truth in Measure 7 that produced a pound of lie. Voters responded to an inherent sense of fairness they wanted carried out by their government. However, they did not understand the full ramifications. It would be helpful if there was a way to address the ounce of truth without producing the pound of lie. He was not sure how to do that as a Council and express that sentiment, if, in fact, that was the sentiment of the Council.

Mr. Riggs agreed. There was clearly a sense among voters, particularly those in rural Oregon, that the land-use planning system had taken value from certain property owners. Measure 7 proponents counted

**MINUTES OF THE METRO COUNCIL
STATE & FEDERAL LEGISLATIVE AGENDA COMMITTEE MEETING**

October 24, 2000

Page 7

on that. The measure was also lost in the shuffle with the presidential campaign and all the other measures. People did not pay much attention to it. Upon first glance, the measure appeared reasonable. But once he read it he understood what it really meant. However, many other voters did not read it. There was shred of truth in the measure. Metro should not deny there is a problem or concern. However, if the public understood the measure, and its impact on the Metro urban growth boundary and land-use planning he had full confidence Oregon voters would have reaffirmed land-use restrictions on excessive growth and rejected the measure.

Mr. Riggs also addressed Councilor Atherton's question regarding the proper role for Metro. He said it was an excellent question. He did not have an answer today. He guaranteed there would be many players involved in the issue, including members of the state legislature, who planned to offer solutions and bipartisan agreement. He suspected it would be easy to secure widespread agreement to fix problems created by the passage of Measure 7. It might require that a measure be referred to the voters at the next election. Whether Metro leads or functions behind the scenes was yet to be determined. Regardless, Metro could provide valuable information and technical assistance to the leadership.

Councilor Atherton referred to complete communities and infrastructure funding. He cited Mary Kyle McCurdy's reference to a silver lining. He believed that was true. The measure, which discussed the takings, provided Metro and the region an opportunity to discuss the givings end and the dollar value. He asked if the Council wanted to go on record and support changing the law to allow for SDCs (System Development Charges) for police, fire, library and school expenses at the local level. That would help collect for the givings to landowners. The region identified infrastructure funding but never clarified its position on SDCs. He knew there would be legislation in that regard.

Chair McLain said he was correct. She knew he had addressed the SDCs issue before. She said the Council wanted to be informed regarding what the SDCs were. However, the Council never voted on whether it supported SDCs. She said the Council could talk about it if he had something to vote on. However, it could not go on the general list because the Council had not presented the policy.

Councilor Atherton asked what infrastructure-funding message Metro expected Mr. Riggs to carry to the state legislature.

Chair McLain said the Committee planned to talk about that issue further later. Her concern was that the legislative priorities convey a general message, regarding transportation, land-use, environment, etc., agreed to by the entire Council. The council agreed it was important for the agency to address infrastructure funding. However, she was not sure that the Council agreed on one strategy to secure infrastructure funding. The SDCs might not be on every councilor's list. Therefore, at this stage the general principles had to be general and cover all the councilors viewpoints.

Councilor Atherton said ok, but he was not sure what Metro was telling Mr. Riggs to communicate.

Chair McLain said the Committee/Council would talk about that.

COUNCILOR COMMUNICATIONS

None.

ADJOURN

There being no further business before the committee, **Chair McLain** adjourned the meeting at 5:11 p.m.

Respectfully submitted,

Andy Flinn
Council Assistant

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF NOVEMBER 14, 2000

The following have been included as part of the official public record:

Document Number	Document Date	Document Description	TO/FROM
111400Leg-01	10/18/00	General Principles Guiding Metro Representatives, Revised	Committee/Morrissey
111402Leg-02	11/01/00	Draft – 2001 Legislative Priorities, November 2000	Committee/Stone
111400Leg-03	11/14/00	Election Update 2000	Committee/Riggs
111400Leg-04	11/13/00	Legislative Tours (of Metro) (list of potential new participant legislators) (e-mail)	Executive/McNeely