

**A G E N D A**

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1542 | FAX 503 797 1793



**METRO**

**Agenda**

MEETING: METRO COUNCIL INFORMAL MEETING  
DATE: January 28, 2003  
DAY: Tuesday  
TIME: 2:00 PM  
PLACE: Metro Council Chamber

**CALL TO ORDER AND ROLL CALL**

1. **SALEM LEGISLATIVE REPORT** Stone
2. **DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING,  
JANUARY 30, 2003**
3. **COUNCIL AGENDA SETTING WORKSESSION**
4. **COUNCILOR COMMUNICATION**

**ADJOURN**

2003 – 72<sup>nd</sup> Oregon Legislative Assembly—Regular Session  
 Metro Review Log as of 1/28/03 10:50 AM  
 [PROPOSED ] SENATE / HOUSE BILLS

#	Bill #	Subject / Topic / Relating To	Sponsor of Bill	Title / Description	Note	Priority	Position	Status
1.		Conservation Incentives						1/24/03: Washington County has indicated that they were pursuing a similar effort. Thus, we will join forces to work on the legislation.
2.		Revenue Task Force						1/24/03: Doug Riggs met with Dennis Mulvahill of Washington County. He believes that his Commissioners would be open to an interim task force on revenue sharing. I will be asking Senator Deckart for a note to have the bill drafted by legislative council today.
3.	HB 2001	Crediting Of Accounts Of Certain Members Of PERS; Creating New Provisions; and amending ORS 238.255	PERS	Prohibits Public Employees Retirement Board from crediting accounts of Tier One members with earnings in excess of assumed interest rate.	N/A	N	N/A	Public hearing held 1/16/03. 1/26/03: Do pass with amendments and be printed A-Engrossed 1/24/03.
4.	HB 2035	Mass Transit Assessments For Transportation Districts; Creating New Provisions; and amending ORS 291.405.	House Interim Committee on Transportation for Lincoln County	Adds service districts established to provide public transportation services to list of districts eligible to receive moneys from mass transit assessments of state agencies.	N/A	N	N/A	Public hearing and work session held 1/20/03
5.	HB 2036	Waste Tires	House Interim Committee on Transportation for Interim Task Force on Tire Recycling	Establishes Waste Tire Recycling Board. Specifies membership and duties. Directs Governor to appoint five members to board. Establishes waste tire recycling goals.	N/A	1	Support	Referred to Environmental and Land use with subsequent referral to Ways and Means 1/14/03.
6.	HB 2037	Waste Tires; Creating New Provisions; amending ORS 459.775 and 459A.115; and Appropriating Money	House Interim Committee on Transportation for Interim Task Force on Tire Recycling	Establishes statewide recycling and recovery goal for waste tires. Modifies purposes for which Waste Tire Recycling Account may be used. Directs Environmental Quality Commission to increase per-ton fee if statewide goal for waste tires is not met.	N/A	1	Support	Referred to Environmental and Land use with subsequent referral to Ways and Means 1/14/03.
7.	HB 2038	Waste Tire Recycling Account; amending ORS 459.775	House Interim Committee on Transportation for Interim Task Force on Tire Recycling	Directs Department of Environmental Quality to use moneys in Waste Tire Recycling Account for waste tire market development and education and outreach.	N/A	1	Support	Referred to Transportation with subsequent referral to Ways and Means 1/14/03.

**2003 – 72<sup>nd</sup> Oregon Legislative Assembly—Regular Session**  
**Metro Review Log as of 1/28/03 10:50 AM**  
**[PROPOSED ] SENATE / HOUSE BILLS**

#	Bill #	Subject / Topic / Relating To	Sponsor of Bill	Title / Description	Note	Priority	Position	Status
8.	HB 2041	Transportation; amending ORS 803.420; and Providing For Revenue Raising That Requires Approval By A Three-Fifths Majority	House Interim Committee on Transportation	Increases registration fees for certain vehicles.				
9.	HB 2097	Public Contracts; Creating New Provisions; and amending ORS 279.312, et. al.	Attorney General Hardy Myers for Department of Justice	Requires certain conditions in public improvement contracts and bid documents. Eliminates certain conditions in other public contracts. Modifies public contract conditions relating to hours of labor.				
10.	HB 2100	Land Use Planning For High Technology Industry	House Special Task Force on Jobs and the Economy	Requires local governments to adopt 20-year forecast of land and public facility needs for high technology industry. Requires corresponding amendments to local comprehensive plans, functional plans and land use regulations to accommodate needs identified in forecast.	N/A	1	N/A	Referred to Environmental and Land Use 1/14/03. 1/26/03: House Environment and Land Use Public Hearing and possible work session, 02/04/03, 8:30 am
11.	HB 2123	Local coordinated comprehensive plans; creating new provisions; and amending ORS 417.775 and 417.797	Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Joint Interim Committee on Health and Human Resources)	Directs State Commission on Children and Families to convene review team to develop processes and criteria for evaluating local coordinated comprehensive plans and reviewing plans for deficiencies. Requires commission and Oregon Progress Board to lead process to identify common outcomes, common measures and common measurement tools for certain programs and to report progress to Joint Legislative Audit Committee.	N/A	1	N/A	1/24/03: House Health and Human Services public hearing 02/03/03, 8:30 am
12.	HB 2130	Health Insurance For Retirees Of Local Government; Creating New Provisions; amending ORS 243.303	Rep. Backlund	Eliminates requirement that retired local government employees be charged health insurance premium according to certain categories				
13.	HB 2131	Governmental Finance; Creating New Provisions; and amending ORS 190.080, 221.410, 223.230, 271.390, 286.061, 287.006, 287.012, 288.165, 288.815, 288.845, 294.326, 294.483, 295.005, 305.410, 305.580, 305.583, 305.587, 305.589, 310.140 and 328.205	State Treasurer Randall Edwards for Oregon Municipal Debt Advisory Commission	Authorizes state and local government issuers of bonds to enter into agreement for exchange of interest rates. Declares obligation of governmental unit, backed by full faith and credit and taxing power, to be enforceable contract and commits governmental unit to raise sufficient revenue to repay obligation. Grants exclusive jurisdiction to tax court to determine whether use of proceeds of bonded indebtedness is authorized. Authorizes expenditure of revenue raised by local option tax beyond period of years during which local option tax may be levied. Modifies authority of state and local governments to issue and administer bonds.	N/A	N	N/A	Referred to General Government 1/14/03. 1/26/03: House General Government Public Hearing 1/28/03, 8:30 am
14.	HB 2136	Investment Maturity; amending ORS 294.135	State Treasurer Randall Edwards	Clarifies maturity date restrictions of certain investments made by local governments.				

**2003 – 72<sup>nd</sup> Oregon Legislative Assembly—Regular Session  
Metro Review Log as of 1/28/03 10:50 AM  
[PROPOSED ] SENATE / HOUSE BILLS**

#	Bill #	Subject / Topic / Relating To	Sponsor of Bill	Title / Description	Note	Priority	Position	Status
15.	HB 2137	Compensation For Loss Of Property Value Resulting From Land Use Regulation	Joint Interim Committee on Natural Resources	Allows owner of private real property to claim compensation for land use restriction or reinterpretation that limits or prohibits use of property and decreases fair market value of property by more than 10 percent. Creates exception to right to compensation for certain land use restrictions. Authorizes owner of lawfully created lot or parcel to build single-family dwelling or divide lot or parcel if owner could have built dwelling or divided lot or parcel when owner acquired lot or parcel but is prevented by land use restriction or reinterpretation enacted, adopted or applied before November 7, 2000.	N/A	1	N/A	Referred to Environmental and Land Use, hearing scheduled 1/21/03 8:30 am. Son of Measure 7 1/24/03: We have spoken with several members of the House Environment and Land Use Committee regarding the new M-7 bill, HB2137. We have signed up to testify at each of the first two hearings, but due to the large number of individuals interested in this issue, the Committee did not make it to us yet. I will be in DC next week partly on Metro business, but Paul Phillips and Rashad will speak to the Committee on Metro's behalf. There will be a workgroup formed, and I will speak with Committee Chair Bill Garrard today to request that Metro serve on the workgroup. 1/28/03 8:30 am, New, House Environment and Land Use Public Hearing. 1/26/03: House Environment and Land Use Public Hearing, 1/28/03, 8:30 am
16.	HB 2138	Oregon Plan; amending ORS 541.405	Salmon Recovery Task Force	Defines terms for purposes of Oregon Plan	N/A	N	N/A	Referred to Water 1/14/03.
17.	HB 2139	Studded Tire Permits; and Prescribing An Effective Date	Road User Fee Task Force	Requires permit for use of studded tires. Establishes fees for permit based on county in which vehicle is registered. Punishes use of studded tires without permit by maximum fine of \$75. Dedicates revenue from permit fees to highway preservation. Takes effect on 91st day following adjournment sine die.	N/A	N	N/A	Referred to Transportation with subsequent referral to Revenue 1/14/03.
18.	HB 2158	State Government Recycling Programs; amending ORS 182.375, 279.573, 279.621, 279.630 and 279.635; and Repealing ORS 279.640 and 279.645	Governor Kulongoski for Oregon Dept. of Administrative Services	Revises intent of Legislative Assembly regarding state recycling programs. Authorizes Oregon Department of Administrative Services to contract as necessary for recycling of products collected for recycling by state government. Deletes requirement for separate recycling plan for Legislative Assembly. Deletes	N/A	N	N/A	Referred to Environmental and Land Use with subsequent referral to Ways and Means 1/15/03.

**2003 – 72<sup>nd</sup> Oregon Legislative Assembly—Regular Session**  
**Metro Review Log as of 1/28/03 10:50 AM**  
**[PROPOSED ] SENATE / HOUSE BILLS**

#	Bill #	Subject / Topic / Relating To	Sponsor of Bill	Title / Description	Note	Priority	Position	Status
				provisions concerning use of revenues or savings realized from recycling programs.				
19.	HB 2172	Self-Insurance Programs Managed By Public Employees' Benefit Board; amending ORS 243.105, 243.145, 243.167, 243.285 and 292.051	Governor Kulongoski for Oregon Dept. of Administrative Services	Grants Public Employees' Benefit Board explicit authority to provide self-insurance programs. Permits deductions from state employees' wages to pay for self-insurance benefits under rules, procedures and directions of board.				1/24/03: The City of Portland lobbyists have indicated that they would likely support our bill, as originally drafted.  (SB 906 from 2001 71 <sup>st</sup> Oregon Leg. Assembly and SB 140 from 1999 70 <sup>th</sup> Oregon Leg. Assembly Regular Session)
20.	HB 2187	Urban Renewal; Creating New Provisions; amending ORS 310.150; and Prescribing An Effective Date	Governor Kulongoski for Oregon Dept. of Revenue	Requires urban renewal revenues raised through special levy or through division of tax to be categorized as general government property taxes for purposes of constitutional limitation on property taxes. Applies to property tax years beginning on or after July 1, 2002. Takes effect on 91st day following adjournment sine die.	N/A	N	N/A	Referred to Revenue 1/20/03.
21.	HB 2213	Highway Bonds; Creating New Provisions; amending ORS 286.051, 286.061, 366.542, 367.010, et. al.; Repealing ORS 367.226, et. al.; Appropriating Money; and Declaring An Emergency	Governor Kulongoski for Dept. of Transportation	Authorizes State Treasurer to issue grant anticipation revenue bonds backed by anticipated annual apportionment of federal transportation moneys. Authorizes use of bond proceeds and federal transportation moneys. Changes or repeals provisions related to issuing and selling bonds for building and maintaining highways. Declares emergency, effective on passage.				
22.	HB 2218	Flat Fees; amending ORS 319.690, 366.507, et. al., 376.390, 825.020, et. al. and Repealing ORS 825.480 and 825.482	Governor Kulongoski for Dept. of Transportation	Repeals option for certain persons to pay flat fees instead of weight-mile tax.	N/A	N	N/A	Referred to Transportation 1/20/03.
23.	HB 2219	Railroad-Highway Crossings; Creating New Provisions; and amending ORS 824.236	Governor Kulongoski for Dept. of Transportation	Requires that Department of Transportation and railroad company be given notice when railroad-highway crossing provides only access to land that is subject of land use decision, limited land use decision or expedited land division.	N/A	N	N/A	Referred to Transportation 1/20/03.
24.	HB 2220	Transportation Facility Planning By Department Of Transportation; Creating New Provisions; and amending ORS 197.015 and 197.825	Governor Kulongoski for Dept. of Transportation	Excepts certain transportation facility planning by Department of Transportation from definition of land use decision.	N/A	N	N/A	Referred to Transportation 1/20/03.

**2003 – 72<sup>nd</sup> Oregon Legislative Assembly—Regular Session  
Metro Review Log as of 1/28/03 10:50 AM  
[PROPOSED ] SENATE / HOUSE BILLS**

#	Bill #	Subject / Topic / Relating To	Sponsor of Bill	Title / Description	Note	Priority	Position	Status
25.	HB 2250	Emergency Services; Creating New Provisions; and amending ORS 195.260, 401.025, et. al., 453.307, 453.342, et. al., 465.505, 466.635, 469.533, 824.088 and 837.035 and Sections 12, 13, 14, 15, 16, 17 and 18, Chapter 533, Oregon Laws 1981, and Sections 1, 3, 4, 5, 6 and 9, Chapter 740, Oregon Laws 2001	Governor Kulongoski for Dept. of State Police	Creates Department of Emergency Management. Transfers duties, functions and powers from Office of Emergency Management of Department of State Police to Department of Emergency Management. Abolishes Office of Emergency Management of Department of State Police.	N/A	N	N/A	1 <sup>st</sup> Reading; referred to Speaker's Desk 1/14/03.  1/26/03: House General Government Public Hearing and possible work session, 1/28/03, 8:30 am
26.	HB 2253	Division Of State Lands Fees; amending ORS 196.810, 196.815 and 196.850	Governor Kulongoski for Division of State Lands	Modifies and restructures schedule of fees for Division of State Lands removal and fill program. Exempts habitat restoration projects from removal and fill permit fees. Subjects emergency authorizations for removal and fill to permit fee structure. Allows 45 days to submit payment after emergency authorization. Establishes fee for action taken under general authorization. Declares emergency, effective July 1, 2003.	N/A	N	N/A	Referred to Water with subsequent referral to Ways and Means 1/20/03.
27.	HB 2267	Tourism; Creating New Provisions; amending ORS 285A.255, et. al. and 305.824; Repealing ORS 285A.270, 285A.273, 285A.276 and 285A.285; Appropriating Money; Prescribing An Effective Date; and Providing For Revenue Raising That Requires Approval By A Three-Fifths Majority.	Governor Kulongoski for Economic and Community Development Dept.	Establishes state transient lodging tax. Continuously appropriates moneys for tourism marketing programs. Prohibits new or increased local transient lodging taxes. Excepts new or increased local transient lodging taxes used for tourism promotion or tourism-related facilities. Converts Oregon Tourism Commission to semi-independent state agency status. Revises duties and purposes of commission. Modifies composition of commission. Transfers state transient lodging tax revenues from State Treasury to account managed by commission. Takes effect on 91st day following adjournment sine die.				
28.	HB 2278	Public bodies; creating new provisions; and amending ORS 174.116, 223.001, et. al., 261.010, et. al., 264.110, et. al., 265.010, 265.140, 267.200, et. al., 268.020, 268.300, 268.393,	Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Joint Interim	Provides consistent terminology for public bodies in laws relating to districts.	N/A	N	N/A	1/26/03: House General Government public hearing and possible work session on 1/28/03, 8:30 am.

**2003 – 72<sup>nd</sup> Oregon Legislative Assembly—Regular Session  
Metro Review Log as of 1/28/03 10:50 AM  
[PROPOSED ] SENATE / HOUSE BILLS**

#	Bill #	Subject / Topic / Relating To	Sponsor of Bill	Title / Description	Note	Priority	Position	Status
		285A.603, et. al., 310.140, 357.261, 371.060, et. al., 372.140, 401.842, 440.320, et. al., 450.075, et. al., 451.410, et. al., 478.300, 478.990, 523.030, et. al., 543.660, 545.057, 545.257, 547.045, 552.113, 552.305, 552.320, 553.010, et. al., 565.275, 568.210, et. al., 777.005, et. al., and 838.035 and section 19, chapter 607, Oregon Laws 1987	Committee on Judiciary for Oregon Law Commission)					
29.	HB 2293	Wetlands; Creating New Provisions; and amending ORS 196.620	Former Rep. Al King	Allows local governments and riparian landowners to create and use mitigation banks. Authorizes local governments to compensate riparian landowners.				
30.	HB 2300	Economic and Community Development Department; creating new provisions; amending ORS 285A.090, et. al., and section 19, chapter 607, Oregon Laws 1987; and repealing ORS 285A.343 and section 20, chapter 607, Oregon Laws 1987	Governor Kulongoski	Expands duties of Economic and Community Development Department to include advising local governments on telecommunications development. Modifies requirements for and uses of certain economic development grant and loan funds. Removes requirement for independent evaluation of business assistance services to small businesses. Renames Oregon Ports Advisory Council to Oregon Ports Representation Group. Changes membership requirements. Increases debt limit requirement for loans from Oregon Port Revolving Fund. Deletes cap on loan amount. Repeals sunset on transfers from Oregon Port Revolving Fund to Port Planning and Marketing Fund. Authorizes Employment Department to release certain employment information to Economic and Community Development Department.	N/A	1	N/A	1 <sup>st</sup> Reading; referred to Speaker's desk 1/15/03.
31.	HB 2310	Security Measures; amending ORS 192.660	Rep. Williams for League of Oregon Cities	Authorizes governing body of public body to discuss security measures in executive session.				
32.	HB 2336	Hazardous Substances; amending ORS 453.402, 453.414, 465.381, 466.357, 468.220 and 468.501; and Repealing ORS 465.003, et. al.	Rep. Butler	Repeals Toxics Use Reduction and Hazardous Waste Reduction Act.	N/A	1	N/A	1 <sup>st</sup> Reading; referred to Speaker's desk 1/15/03. 1/26/03: Referred to Environment and Land Use /24/03.
33.	HB 2345	Bonds	Gov. Kulongoski for Oregon Dept. of Administrative Services	Limits proceeds from and issuance of general obligation bonds during 2003-2005 biennium. Limits proceeds from and issuance of direct revenue bonds and pass through revenue bonds during 2003-2005 biennium. Allocates amounts to various agencies for private activity bonds. Declares emergency, effective July 1, 2003.	N/A	N	N/A	1s Reading; referred to Speaker's desk 1/17/03. 1/26/03: Referred to Ways and Means 1/24/03.

**2003 – 72<sup>nd</sup> Oregon Legislative Assembly—Regular Session**  
**Metro Review Log as of 1/28/03 10:50 AM**  
**[PROPOSED ] SENATE / HOUSE BILLS**

#	Bill #	Subject / Topic / Relating To	Sponsor of Bill	Title / Description	Note	Priority	Position	Status
34.	HB 2363	Limits on technical assistance funds from Special Public Works Fund; amending ORS 285B.455	Rep. G. Smith	Increases size of municipality eligible for technical assistance grant or loan from Economic and Community Development Department from 5,000 to 15,000 residents.				
35.	HB 2367	Highway Funding; Creating New Provisions; amending ORS 319.020, 319.530, 366.524, 818.225, 825.476 and 825.480; and Providing For Revenue Raising That Requires Approval By A Three-Fifths Majority	AAA of Oregon, Associated Oregon Industries, Oregon Concrete and Aggregate Producers Association	Increases certain vehicle related taxes. Dedicates part of proceeds to payment of highway user bonds for bridge and highway modernization work and rest of proceeds to be split among cities, counties and state.	N/A	N	N/A	1 <sup>st</sup> Reading; referred to Speaker's desk 1/17/03. 1/26/03: Referred to Transportation with subsequent referral to Revenue 1/24/03.
36.	HB 2369	Farm Dwellings In Exclusive Farm Use Zones; amending ORS 215.213 and 215.283	Rep. T. Smith	Requires Land Conservation and Development Commission to adopt certain rules for authorization of dwellings in areas zoned for exclusive farm use. Provides that, when establishing standards for authorization of dwelling in conjunction with farm use, commission must adopt rules that take into consideration capability of lot or parcel, including size and soil class, agricultural activities on adjacent lots or parcels and other relevant factors.	N/A	N	N/A	1 <sup>st</sup> Reading; referred to Speaker's desk 1/17/03. 1/26/03: Referred to Environment and Land use 1/24/03.
37.	HB 2375	Public Employee Retirement; and Declaring An Emergency	Rep. Kruse	Provides that person who establishes membership in Public Employees Retirement System on or after effective date of Act has no contract rights in system. Declares emergency, effective on passage.				
38.	HB 2389	Residential construction claims	Rep. Butler; Close, Knopp, Schaufler, Scott, Sen. MORSE (at the request of Oregon Building Industry Association, Professional Insurance Agents of Oregon/Idaho)	Establishes notice of condition procedure as prerequisite to compelling arbitration or commencing court action to recover damages for residential construction defect.				
39.	HB 2396	Pesticide use reporting; creating new provisions; and amending sections 4 and 8, chapter 1059, Oregon Laws 1999	Rep. Close	Provides that pesticide use reports shall identify location of use by zip code. Provides for publication of summary of use on basis of areas comprised of one or more zip codes. Applies to data reported for pesticide use that occurs on or after January 1, 2004. Requires State Department of Agriculture to allow filing of pesticide use reports in paper form.				



**2003 – 72<sup>nd</sup> Oregon Legislative Assembly—Regular Session**  
**Metro Review Log as of 1/28/03 10:50 AM**  
**[PROPOSED ] SENATE / HOUSE BILLS**

#	Bill #	Subject / Topic / Relating To	Sponsor of Bill	Title / Description	Note	Priority	Position	Status
40.	HB 2400	Benefits Payable To Members Of Public Employees Retirement System	PERS Committee	Allows active or inactive member of Public Employees Retirement System to transfer amounts credited to member in Public Employees Retirement Fund to any new defined contribution plan established by Legislative Assembly after January 1, 2003. Provides that upon transfer by member, Public Employees Retirement Board transfers to credit of member under new plan additional amount equal to ___ percent of account, to be paid from employer contributions. Specifies that member making transfer is entitled only to benefits provided under new defined contribution plan.				
41.	HB 2421	PERS	Rep. Backlund; Brown, Doyle, T Smith, Williams, Zauner	Allows public employer participating in Public Employees Retirement System to employ retired member of system for period not to exceed five years without limitation on number of hours worked by retired member in calendar year. Requires that retired member contribute six percent of salary for deposit to employer reserves. Prohibits employer contributions for retired members so employed. Limits number of retired members that may be employed to 10 percent of all employees of public employer.				
42.	HB 2425	Disclosure of information about security; creating new provisions; amending ORS 1.760, 9.568, 161.390, 192.501, 192.502, 192.690, 418.747, 469.030, 469.080, 469.410 and 757.720; and declaring an emergency	Judiciary Committee	Exempts from disclosure under public records law public body's plan in connection with threat against individual or public safety. Exempts from disclosure under public records law records or information that would identify measures pertaining to security of individual or property and about review or approval of security programs for sources of energy, communications and dangerous substances. Excepts from public meetings law portions of meetings that discuss information about review or approval of security programs for sources of energy, communications and dangerous substances. Declares emergency, effective on passage.				
43.	HJR 9		Rep. Shetterly, Williams	Proposes amendment to Oregon Constitution relating to proposed initiative amendments to Constitution. Directs ballot for initiative amendments to Constitution to allow voters to approve, reject or direct proposed initiative amendment to Legislative Assembly. Allows Legislative Assembly to refer, reject or take no action on proposed initiative amendment, or to refer alternative proposed law or constitutional amendment to people. Directs Secretary of State to place proposed initiative amendment to Constitution on ballot if Legislative Assembly rejects or takes no action on proposed initiative amendment or refers alternative law or alternative constitutional amendment to people.				

**2003 – 72<sup>nd</sup> Oregon Legislative Assembly—Regular Session**  
**Metro Review Log as of 1/28/03 10:50 AM**  
**[PROPOSED ] SENATE / HOUSE BILLS**

#	Bill #	Subject / Topic / Relating To	Sponsor of Bill	Title / Description	Note	Priority	Position	Status
				Specifies that if both proposed initiative amendment to Constitution and referred alternative law or referred alternative constitutional amendment appear on ballot in same election, measures must be identified as alternatives to each other. Further specifies that if both measures are approved by vote of people, only measure receiving highest number of affirmative votes is enacted. Provides for modification of certain effective date provisions contained in proposed initiative amendments to Constitution. Refers proposed amendment to people for their approval or rejection at next regular general election.				
44.	SB 017	Rights Of Persons With Disabilities To Public Services	Joint Interim Committee on Judiciary for Oregon Advocacy Center	Makes public bodies and officers, employees and agents of public bodies subject to action under Title II of Americans with Disabilities Act.				
45.	SB 040	Independent Contractors; amending ORS 576.306 and 670.600	Joint Interim Committee on Judiciary for the Oregon State Bar Taxation Section	Modifies factors used to determine status of worker as employee or independent contractor.				
46.	SB 061	Taxation By Units Of Local Government; and Prescribing An Effective Date	Sen. Beyer for Oregon Restaurant Assoc.	Prohibits unit of local government from imposing industry-specific sales tax. Permits collection of otherwise prohibited tax if ordinance or other law imposing tax took effect or became operative before January 1, 2003. Takes effect on 91st day following adjournment sine die.				
47.	SB 062	Taxation By Units Of Local Government; and Prescribing An Effective Date	Sen. Beyer for Oregon Restaurant Assoc.	Prohibits unit of local government from imposing sales tax on meals prepared and sold inside boundaries of unit of local government. Permits collection of otherwise prohibited tax if ordinance or other law imposing tax took effect or became operative before January 1, 2003. Takes effect on 91st day following adjournment sine die.				
48.	SB 073	Family Leave; Creating New Provisions; and amending ORS 659A.156, 659A.159, 659A.162 and 659A.165	Joint Interim Committee on Judiciary for Sen. Courtney	Requires granting of school activity leave to full-time employees in same manner as provided for family leave. Requires granting of 25 hours of school activity leave within one-year period but not exceeding three hours per month. Requires that employee give notice of leave to employer. Sunsets January 1, 2008.				
49.	SB 082	Use Of State-Owned Lands; Creating New Provisions; and amending ORS 274.040	Sen. Messerle, Rep. Verger	Requires Division of State Lands to grant easement or license over submersible lands to person with permit from Water Resources Director if proposed use in permit is for irrigation or domestic use.				

**2003 – 72<sup>nd</sup> Oregon Legislative Assembly—Regular Session  
Metro Review Log as of 1/28/03 10:50 AM  
[PROPOSED ] SENATE / HOUSE BILLS**

#	Bill #	Subject / Topic / Relating To	Sponsor of Bill	Title / Description	Note	Priority	Position	Status
50.	SB 083	Fees For Pilot Programs Of Department Of Transportation; amending Section 3, Chapter 862, Oregon Laws 2001; & Prescribing An Effective Date	Sen.-Elect Starr for Road User Fee Task Force	Authorizes Department of Transportation to structure fees for certain pilot programs to take account of highway congestion. Takes effect on 91st day following adjournment sine die.	N/A	N	N/A	Referred to Transportation and Economic Development, then to Revenue 1/16/03.
51.	SB 094	Applications for action by city; amending ORS 227.178 and 227.179	Sen. Ferrioli	Adds criteria for determining when application to city for discretionary permits and zone changes is deemed complete for purposes of time limit for action by city.				
52.	SB 095	Infectious Waste Disposal; amending ORS 459.386	Sen. Beyer	Exempts reusable syringes used in animal husbandry from infectious waste disposal requirements.				
53.	SB 096	Public Agencies; Creating New Provisions; and amending ORS 279.015, 279.027, 279.322, 279.323 and 279.722	Sen. Beyer	Exempts contracts between certain public agencies from competitive bid and proposal requirements. Requires bid submitted to public contracting agency by state agency to include all costs associated with bid.	N/A	N	N/A	1/26/03: Referred to General Government 1/24/03.
54.	SB 161	Vending Facilities On Public Property; Creating New Provisions; and amending ORS 346.520	Gov. Kulongoski for the Commission for the Blind	Prohibits state agencies from charging Commission for the Blind for costs of rent or utilities for vending facilities operated by commission.				
55.	SB 188	Fees For Vehicle Title Transactions; amending ORS 803.090	Gov. Kulongoski for Dept. of Transportation	Changes title fees for certain vehicles.	N/A	N	N/A	Referred to Transportation and Economic Development 1/20/03.
56.	SB 196	Hazardous Waste; Creating New Provisions; amending ORS 466.068, 466.165 and 466.990; Appropriating Money	Gov. Kulongoski for Dept. of Environmental Quality	Establishes Hazardous Waste Technical Assistance Fund. Specifies that certain penalties collected by Department of Environmental Quality be deposited into fund. Directs fund to be used for technical assistance and information program. Requires generators of hazardous waste to pay one-time processing fee for obtaining United States Environmental Protection Agency identification number. Directs Department of Environmental Quality to enter into negotiations with United States Environmental Protection Agency for purpose of gaining acceptance of technical assistance services as part of authorized program. Sets annual fee for hazardous waste generators based on metric tons of waste generated. Declares emergency, effective on passage.	N/A	N	N/A	Referred to Agriculture and Natural Resources, then Ways and Means 1/20/03.
57.	SB 215	Economic Development; Creating New Provisions; amending ORS 285A.206, 285B.050, et. al.; Repealing ORS 285B.153, 285B.374 and 285B.377	Gov. Kulongoski for Economic and Community Development Dept.	Eliminates requirements to preserve portions of Oregon Business Development Fund for loans to certain small businesses. Eliminates requirement for local government approval of loan application. Authorizes Economic and Community Development Department to transfer specified amounts to certain loan loss reserve accounts. Repeals authority to issue bonds for certain projects secured in part by Oregon Economic and Community Development Fund.	N/A	N	N/A	Referred to Business and Labor.

**2003 – 72<sup>nd</sup> Oregon Legislative Assembly—Regular Session  
Metro Review Log as of 1/28/03 10:50 AM  
[PROPOSED] SENATE / HOUSE BILLS**

#	Bill #	Subject / Topic / Relating To	Sponsor of Bill	Title / Description	Note	Priority	Position	Status
58.	SB 223	Local Budget Law; Creating New Provisions; amending ORS 190.083, 294.311 and 294.316; and Repealing ORS 294.930	Gov. Kulongoski for Dept. of Revenue	Excludes intergovernmental entities and councils of governments from Local Budget Law, unless entity or council proposes to impose property tax. Eliminates Department of Revenue oversight of council of governments budget process. Applies to fiscal years and budget periods beginning on or after July 1, 2004.	N/A	N	N/A	Referred to Revenue 1/20/03.
59.	SB 239	System development charges; creating new provisions; and amending ORS 223.299	Sen. Schrader	Adds schools and classrooms providing primary and secondary education to definition of capital improvement for which system development charges may be imposed. Allows system development charges collected as school improvement fee to be used to acquire land and construct school buildings and classrooms for development from which fee is collected. Allows exemption for affordable housing.				
60.	SB 243	Discontinuance Of Cemeteries; amending ORS 97.440 and 97.450	Gov. Kulongoski for State Parks & Recreation Dept.	Modifies notification requirement for discontinuance of certain cemeteries. Requires prior approval of Oregon Pioneer Cemetery Commission for discontinuance of pioneer cemeteries.	N/A	N	N/A	Introduction and 1 <sup>st</sup> Reading; referred to President's desk 1/16/03.
61.	SB 251	Applicability Of Needed Housing Requirements Based On Population Of City; amending ORS 197.296	Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for DLCD)	Applies provisions related to needed housing within urban growth boundary to cities outside metropolitan service district with population of fewer than 25,000.				
62.	SB 254	School facility planning; amending ORS 195.110	Sen. Schrader	Removes provision providing that school capacity cannot be sole basis for approval or denial of residential development application.				
63.	SB 257	Expedited land divisions; amending ORS 197.360 and 197.380	Sen. Schrader	Limits requirements for expedited land divisions to qualified land divisions within metropolitan service districts.				
64.	SB 258	PERS	Sen. Ferrioli and Knopp	Allows member of Public Employees Retirement System who is vested but inactive to receive 150 percent of member account balance if member withdraws account on or after _____, _____ and before _____				

**2003 – 72<sup>nd</sup> Oregon Legislative Assembly—Regular Session  
Metro Review Log as of 1/28/03 10:50 AM  
[PROPOSED ] SENATE / HOUSE BILLS**

#	Bill #	Subject / Topic / Relating To	Sponsor of Bill	Title / Description	Note	Priority	Position	Status
65.	SB 259	Notice to public body about request to inspect public record that relates to claim against public body; creating new provisions; and amending ORS 192.420	Sen. Burdick (at the request of City of Portland)	Requires person requesting inspection of public record that person knows relates to claim against public body to notify attorney for public body of request.				

## LC \_\_\_\_\_ - Talking Points

This bill amends ORS 197.626 to provide that all large expansions of the Metro urban growth boundary (UGB) (100 acres or more) would be reviewed by the Land Conservation and Development Commission (LCDC) rather than the Land Use Board of Appeals (LUBA).

### Why the Change?

State law currently sends larger UGB expansions, except those by Metro, to LCDC rather than LUBA. ORS 197.626 requires LCDC review of UGB expansions by cities 2,500 population or larger if the expansion is 50 acres or larger. Metro successfully asked to be excluded from this law when it was adopted in 1999. Experience gained since that time has convinced Metro that review by LCDC is better. For that reason, Metro asks the Legislature to amend the law to include Metro. Here is why review by LCDC is better:

- The LCDC process is more open and available to participants than the LUBA process, which is generally accessible only by lawyers. This leads to greater acceptance of the result by people who participate in the local process.
- The LCDC process is less structured than the LUBA process. LCDC has greater flexibility to adjust the process to the needs of participants.
- At LUBA, procedural obstacles are more likely to prevent participants from getting to the real issues and reaching a real resolution. Motions, disagreements over “the record”, challenges to the standing of participants and many other procedural matters can make the LUBA process much slower than the LCDC process.
- LCDC has more flexibility in fashioning a satisfactory remedy than LUBA has. For example, LCDC can approve one part of a UGB expansion even if another part is flawed.
- LUBA is at its best reviewing “quasi-judicial” decisions (single or few properties, few people affected) by local governments, where procedural safeguards are important to protect the rights of parties and to which standards and criteria apply. LCDC is better suited to review “legislative” decisions, such as larger UGB expansions, that involve many people and many properties and require the weighing of factors, such as those in Goal 14 (Urbanization). The focus in LCDC review is on the merits of the local government decision and the policy content of the decision.

Here are the revisions Metro proposes to bring Metro under the coverage of current law:

**197.626 Expanding urban growth boundary and designating urban reserve area subject to periodic review. [A] If Metro, or any city with a population of 2,500 or more within its urban growth boundary, [that] amends [the] its urban growth boundary to include more than 100 acres in the case of Metro or more than 50 acres in the case of a city, or [that] designates urban reserve areas under ORS 195.145, it shall submit the amendment or designation to the Land Conservation and Development Commission in the manner provided for periodic review under ORS 197.628 to 197.650.**

**HB 2100 - Talking Points - draft**

Overall Point: There is no problem that HB 2100 will fix.

- The Goal 9 (Economy of the State) rule already requires local governments to provide a 20-year supply of industrial and commercial land (OAR 660-009-0025(2)).
- LCDC interprets Goal 14 (Urbanization) to require local governments to include a 20-year supply of land for industrial and commercial use when they update their urban growth boundaries.
- Metro interprets Goals 9 and 14 to require Metro to include a 20-year supply of land for industrial and commercial use when it updates the region's UGB.
- The Metro UGB has a new 20-year supply of commercial land as a result of expansions done in December, 2002. Metro also added 2,400 acres of industrial land, recognizing that it was 1,800 acres less than a 20-year supply. Metro asked LCDC for more time to complete its UGB expansion to accommodate a full 20-year supply of industrial land.
- The 20-year supply requirement should remain in Goal 9 rather than fixed in statute because it is much easier to revise a rule than a statute. Flexibility is very important in a fast-changing industrial environment.
- There is a group of interests (commercial real estate, realtors, home builders, 1000 Friends, cities, Economic and Community Development Department) that has begun meeting to determine what, if anything, should be done in statute to address short and long-term shortages of industrial land. That group has concluded that fixing the 20-year supply requirement in statute is not a good idea. The work of this group should guide the Legislature on possible changes to the law on industrial land.

**Legislative team has not reviewed this at length**

## How Legislation is Processed in Council Office A Tip Sheet for Councilors

### Initiating Legislation

1. Contact the Chief Operating Officer (COO) to discuss your proposed legislation. The COO will be able to direct you to the appropriate staff for the subject area of your proposed legislation.
2. Your assigned staff will work directly with you to research and draft the proposed legislation.
3. When your proposed legislation and the background research and analysis is completed to your satisfaction, staff will initiate the legislative submission and review process outlined below, to ensure that your legislation moves forward in a timely and organized manner

### How Legislation is Processed

1. Staff contacts the Council Clerk to have a resolution or ordinance number assigned.
2. Staff prepares a Blue Sheet, Routing Sheet, Staff Report, legislation, and any exhibits or attachments. All documents (including attachments or exhibits) are formatted using guidelines and/or readily available electronic forms for consistency in appearance and content.
3. If any prior legislation is cited in the resolution, ordinance, or staff report, it is the responsibility of the department to ensure that citations are correct. Required information can be obtained by accessing TRIM on the Intranet: <http://metrotrim>
4. Staff obtains all required signatures for the Blue Sheet packet, and submit it to the Council Clerk by Thursday at 5:00 pm, including one single-sided paper copy of all materials and electronic copies of all available documents.
5. Once the Blue Sheet and packet are received in Council Office, a review of materials is conducted by several staff to ensure consistent formatting, citations, completeness of packet, etc. If there are any corrections to be made, the materials will be returned to the staff person responsible for drafting the legislation. Council Office strives to turn-around legislation within 24-48 hours after receipt. Please note that legislation will not be considered for scheduling at future Council meetings until this initial review is completed, and corrected documents (if applicable) are returned to Council Office.
6. Staff use the following **Schedule for Processing Legislation** as a guideline – remembering to plan ahead if there is a deadline by which a contract or legislation must be approved. Most legislation will take at least 2 to 3 weeks after it has been submitted to the Council Office before it will be scheduled for consideration by Council. The amount of time will depend upon the type of legislation and Council's meeting schedule.
7. Once the legislation is reviewed, it is considered by the Council President for placement on an upcoming Council meeting.



### Schedule for Processing Legislation

Council normally meets in the Council Chamber every Thursday at 2:00 pm. Evening and off-site meetings are also occasionally called. The most current schedule can be accessed through Metro's internal website at: <http://mazama.metro-region.org/calendar/>.

Please note that legislation normally takes anywhere from 2 to 3 weeks after its initial submission to Council Office to be considered by Council -- plan ahead if you know you have a deadline to meet for review or approval of a contract or legislation by Council, using the process calendar below:

Week of Process	Monday	Tuesday	Wednesday	Thursday	Friday
1				Deadline to file materials with COO	Materials reviewed by COO and Council Office
2	Materials finalized by Council Office	Deadline to submit Public Notice to Oregonian	Agenda packets assembled and distributed		Public Notice published (Saturday)
3				<u>Ordinances</u> first read at Council  <u>Resolutions</u> considered by Council	
4				<u>Ordinances</u> second read at Council	

If you or staff are unsure of how quickly your proposed legislation will get processed, or if you have questions about how the process works, please contact Chris Billington (Clerk of the Council) or Peggy Coats (Council Operations Officer) for help.

## A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
 TEL 503 797 1542 | FAX 503 797 1793



**METRO**

**Agenda**

MEETING: METRO COUNCIL REGULAR MEETING  
 DATE: January 30, 2003  
 DAY: Thursday  
 TIME: 2:00 PM  
 PLACE: Metro Council Chamber

**CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATIONS**

**3. CONSENT AGENDA**

**3.1 Consideration of Minutes for the**

- January 23, 2003 Metro Council Regular Meeting,
- November 19, 2002 Community Planning Committee
- November 20, 2002 Community Planning Committee
- November 26, 2002 Community Planning Committee
- December 3, 2002 Community Planning Committee
- November 13, 2002 Budget and Finance Committee
- November 6, 2002 Solid Waste and Recycling Committee
- December 3, 2002 Governmental Affairs Committee
- December 4, 2002 Natural Resources Committee
- December 5, 2002 Transportation Committee

**3.2 Resolution No. 03-3270, For the Purpose of Confirming the Reappointment of Herbert Plep and Leroy Patton to the Investment Advisory Board.**

**4. PUBLIC HEARING - 2002 URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN COMPLIANCE REPORT**

**5. RESOLUTIONS**

**5.1 Resolution No. 03-3271, For the Purpose of Endorsing a Regional Position on Reauthorization of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21).**

Park

**6. COUNCILOR COMMUNICATION**

**ADJOURN**

**Cable Schedule for January 30, 2002 Meeting (PCA)**

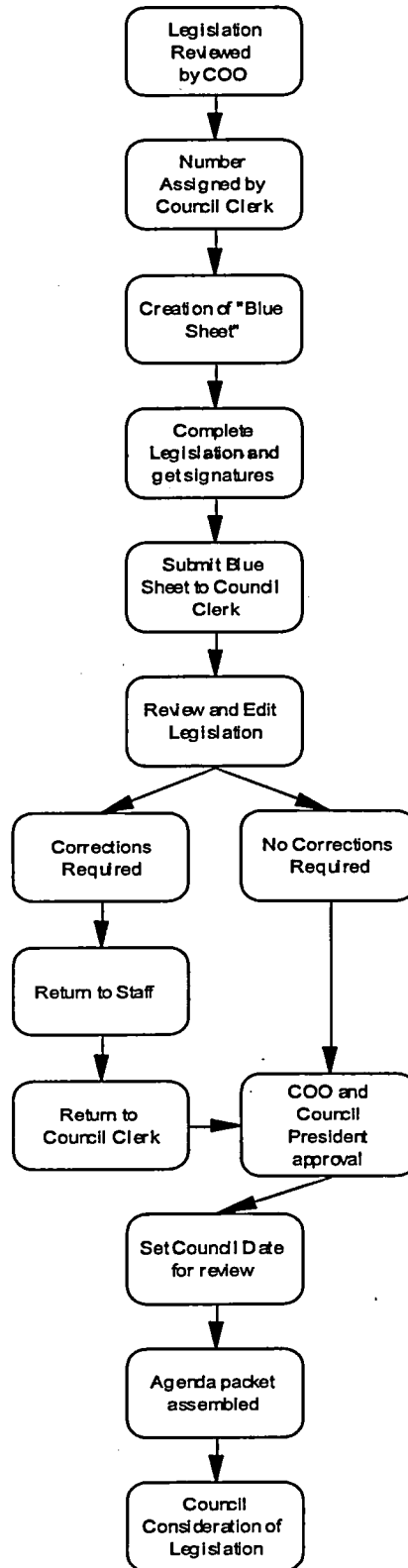
	Sunday (2/2)	Monday (2/3)	Tuesday (2/4)	Wednesday (2/5)	Thursday (1/30)	Friday (1/31)	Saturday (2/1)
CHANNEL 11 (Community Access Network) (most of Portland area)							
CHANNEL 30 (TVTV) (Washington County, Lake Oswego)							
CHANNEL 30 (CityNet 30) (most of City of Portland)	8:00 AM		12:00 PM	7:00 PM			
CHANNEL 30 Willamette Falls Television (West Linn, Rivergrove, Lake Oswego)	4:00 PM						10:00 AM
CHANNEL 23/18 Willamette Falls Television (23 -- Oregon City, West Linn, Gladstone; 18 -- Clear Creek)	4:00 PM						10:00 AM
CHANNEL 23 Milwaukie Public Television (Milwaukie)							

**PLEASE NOTE THAT ALL SHOWING TIMES ARE TENTATIVE BASED ON THE INDIVIDUAL CABLE COMPANIES' SCHEDULES. PLEASE CALL THEM OR CHECK THEIR WEB SITES TO CONFIRM SHOWING TIMES.**

<i>Portland Cable Access</i>	<a href="http://www.pcatv.org">www.pcatv.org</a>	<i>(503) 288-1515</i>
<i>Tualatin Valley Television</i>	<a href="http://www.tvca.org">www.tvca.org</a>	<i>(503) 629-8534</i>
<i>Willamette Falls Television</i>	<a href="http://www.wftvaccess.com">www.wftvaccess.com</a>	<i>(503) 650-0275</i>
<i>Milwaukie Public Television</i>		<i>(503) 652-4408</i>

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. Public Hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by email, fax or mail or in person to the Clerk of the Council. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

### Legislative Review Process





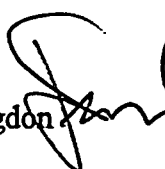
**METRO**

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
 TEL 505 797 1540 | FAX 503 797 1793

**Council President David Bragdon**

**Date:** January 6, 2003

**To:** Councilor Rex Burkholder  
 Councilor Carl Hosticka  
 Councilor Susan McLain  
 Councilor Rod Monroe  
 Councilor Brian Newman  
 Councilor Rod Park

**From:** Council President David Bragdon 

**Subject:** Organizing Ourselves to Get Things Done

With the consolidation of the Executive and Council offices, and the new accountability that the agency will have directly to the Council for the first time, now is the opportunity for the Council to organize ourselves in a more effective fashion. In the past, particularly with 12 and 13 member volunteer Councils, it was necessary to have standing formal committees which reviewed departmental work, especially since the work was produced by an independent executive branch which was often the object of mistrust by the Council. Luckily, those days are over. Along with many of our respected outside advisors and regional partners, I believe such a cumbersome committee structure now should be replaced with something that will work better for us as Councilors, for our staff, and for the public.

I propose we take advantage of this great new opportunity to organize ourselves in a more agile and collaborative way. We need to change our approach so that we enable Councilors to be involved more directly in policy development in the early stages, rather than waiting for packaged staff reports to percolate to a formal committee late in the game. We also need to enable Councilors to pursue creative policy initiatives appropriate to the year, rather than be shackled by organizational lines drawn in yesteryear. Additionally, we need to reduce the duplicative comment requirements our past structure has imposed on a baffled public. Citizens (as well as staff) have expressed confusion to me about why Metro asks them to testify once to a "committee" and then to a "Council" which is composed three-sevenths or five-sevenths (or even seven-sevenths!) of the "committee" they already have addressed. Identical presentations are being done twice, often for the same listeners, at great cost of staff and Councilor time. This may be efficient in a legislative body of 30 or 60 members, but it is the opposite of efficient for a legislative body of seven members.

To seek an improved way of doing business, I have sought and closely studied the advice of public and private leaders we all respect, who served on our Transition Advisory Task Force, whose report we accepted in December 2001. The report submitted by Jeff Condit with the experienced endorsement of members as diverse as Mayor Rob Drake, Mayor Judie Hammerstad, County Commissioner Michael Jordan, and Mr. Matt Hennessee and others, included this advice for us (original punctuation and emphasis is their own):

**The Council should eliminate the Council standing committee structure.**  
**Analysis:** As of January 6, 2003, the last vestiges of the legislative model will disappear. The Council standing committee structure was necessary to get any work done when there were thirteen Metro councilors. With a seven-member Council, many have criticized the committee structure as needlessly delaying decisions and creating unnecessary staffing expense. Since doling out committee memberships and chairships will no longer be needed as the primary coin for election as presiding officer, MTATF recommends that the Council abolish all standing committees and meet as a Council of the whole. If there is a need for a greater level of process, the Council can hold informal sessions or workshops to get input. From time to time, certain projects of issues may arise that would benefit from the focused attention of a Council subcommittee; when this occurs, we recommend that the Council President appoint a Council task force with specific goals and a sunset date.  
*(Metro Transition Advisory Task Force, December 2001)*

I agree with the wisdom of this expert panel, and have incorporated it into the organizing resolution for 2003. I strongly suggest we accept their advice. Furthermore, successfully implementing their advice is going to require more than a resolution. It will require our cooperation and communication all year, and the design of a new, less cumbersome system which finally puts Council members in the role of policymakers where we belong.

Accomplishing that is also going to require all of us to discard the old ways of thinking about gavels and chairs – and recognizing that in reality, gavels and chairs are simply inanimate objects. The true power is the power of the seven of us to work together.

We have a lot of work to do this year, and there is more than enough of it for every Councilor of good will to have a large share. With regard to the final sentence of the MTATF recommendation, and to design a work plan for 2003, I ask that we use our time at the upcoming January 15 retreat to identify the goals and issues that the Council or Councilors wish to work on. It is my intent to then schedule items either for informal work sessions or appoint issue-based sub-committees (as the case may be) and to deputize interested Councilors to take the lead on particular issues and report back to the Council as a whole on a realistic timeframe. Another appeal of this approach is that the sub-committees could and should include staff and outside stakeholders. The new centers team is an example of that potential – but it ought to have a Councilor on it!

My first cut at the number of issues we need to address are appended below. I expect that other Councilors will add to this list:

- Centers Strategy – work with staff-based centers team and local governments
- Transportation Finance Task Force Follow-up – evaluate/pursue their recommendations made in December 2002
- Industrial Land requirements
- Agricultural Strategy – work with industry to establish critical mass requirements
- Green Ribbon recommendations and next steps
- Organics Recycling Proposal
- Oregon Legislature relations and lobbying
- Fish and Wildlife Protection and related technical/economic matters: (a) ESEE step (b) Regulatory and incentive program step.
- Sub-regional transfer station tonnage caps
- Visitor facilities initiatives (Expo expansion, recovery of Civic Stadium, etc.)
- Regional Fiscal Equity and financial benefits/burdens of growth

It would be my expectation that one or more Councilors would be willing to take responsibility for some of these issues from the very early stages of policy development, and report back to the body as a whole as needed frequently. I think we will all find this a far more rewarding and effective structure than a static array of committees.

Making the new system work, like making the new Metro work, is going to require good will and faith among the seven of us. It will also require me, as Council President, to maintain scheduling and legislative flow in a transparent and inclusive way. You have my pledge to do that. In return, I ask for your cooperation.

Most of all, this new system will require our willingness to discard old ways of doing business which, while now out-moded and ineffective, are comfortable and familiar. Working that out will not be without its challenges as we try new things. But unless we do try, and have good faith in one another, we will not achieve the potential presented by the new organization approved by the voters.

Thank you for your consideration as we get organized for the future today!

cc: Mark Williams, Acting COO  
Department Directors

**Testimony of Paul Phillips**  
**On Behalf of Metro Regional Services**  
**Tuesday, January 28, 2003**  
**House Committee on Environment and Land Use**  
**HB2137**

Mr. Chairman and members of the Committee:

My name is Paul Phillips, with Pac/West Communications. We represent Metro, the voter-created regional agency tasked with coordinating and managing some of the metropolitan area's most important services.

These include: coordinating land-use planning for the region with our local partners, coordinating a comprehensive regional transportation policy, administering the region's solid waste program, running the Oregon Zoo, Convention Center and Expo Center, and working with our local partners on regional parks and open space issues.

Metro is governed by a six member council elected by district, and a council president elected regionwide. This is a new structure effective January 1, 2003, and it replaces the old system which included not only a council but also a separate executive agency. Metro believes that the new system - - which was recommended by a citizens task force and overwhelmingly approved by the voters - - will be more efficient and allow for better coordination and cooperation with our local partners, including cities, counties, the business community and local citizens.

I appreciate the Committee's willingness to dive into what is arguably the most vexing issue facing the state, its local governments, citizens and the private sector. Last session, we worked closely with Representative Max Williams in an attempt to craft a solution to the Measure 7 challenge. In the end, we could not reach agreement on the issue. But over the course of five months the workgroup met more than 40 times, and made great progress on the issue.

Let me make two quick points on the bill before you today.

- 1) We are worried that the bill might unintentionally hamper efforts in the metro area to ensure an adequate supply of land for industrial purposes. For instance, the Metro Council recently voted to add more than 18,000 acres of land to the region's urban growth boundary. The council specifically added acreage in the Washington County area in response to those concerned that the County was running out of large, contiguous sites for high-tech development. But under this draft, a decision by local governments to zone a particular site - - such as the 200 acre parcel on Shute Road and Evergreen Parkway - - for a specific purpose, could be interpreted as a taking. In such a case, the local government would be powerless to prevent the parcel from becoming a strip mall or a big-box retail shop without "compensating" the owner of the property.



- 2) The bill also appears to interfere with the ability of cities to make specific zoning changes in response to public pressure. For instance, if the City of Tigard decided to enact zoning regulations to allow only low-density housing in a single-family neighborhood they might be subject to these taking provisions. The bill needs much more clarity in this regard.

These are initial reflections on this bill. One of the most difficult tasks will be to identify a funding source for local governments which are required by state law to make zoning and urban growth boundary decisions on a regular basis.

But we look forward to working with the Committee on this bill or others which address critical land-use issues.

Thank you.

REVIEWED BY THE LEGISLATIVE TEAM ON JANUARY 21, 2003

## MEMO

**To:** Jeff Stone/Dan Cooper, Metro  
**From:** Doug Riggs, Pac/West  
**Re:** Summary of HB2137/Origins and Debate  
**Date:** January 19, 2003

HB2137 was adopted on December 10, 2002 by the Interim Committee on Natural Resources by a 6-3 vote.

The bill was offered by Representative Betsy Close as bill-draft 1037. It was apparently not listed on the Committee's schedule until the morning of the hearing. Instead, two items were on the advance schedule:

- 1) A presentation on "The Land Use System" by Harlan Levy of the Realtors. (Harlan did not reference the bill during his presentation, which was very general in nature).
- 2) A notation of introductions of Committee drafts.

No other hearings or work sessions were held on the bill during the interim.

Even members of the Committee were surprised by the bill. Senator Shields asked "Why move forward so fast when we got ahold of it just before the Committee?" He asked if there had been any discussion of the bill by the interim Committee? Chair Close answered that "We had a hearing scheduled during the 5<sup>th</sup> Special Session, but it was cancelled" when "we ran out of time." [We were aware of that hearing, met with legislators and worked to get the issue delayed.] Close noted that "extensive discussion" was held on the topic during the 2001 Session. In fact, the only hearings she pointed to were held by the Land Use and Regulatory Fairness Committee during the 2001 Session. As you recall, this Committee did not have jurisdiction on the issue at that time.

Representative Tomei expressed concerns over the process as well. She noted that she "did not get this bill and did not have much time to look at it. I feel very concerned and at a loss." She also expressed great concern over cities going bankrupt as a result.

Representative Al King noted that he hadn't "seen any way to make this work," and also expressed concerns about the speed of the process.

Even Republicans expressed concern. Representative Kropf and Representative Jenson both gave a "courtesy" vote to move the bill ahead, but assured their colleagues that there would be "plenty of opportunity for the bill to be heard and thoroughly discussed."

Senator Ted Ferrioli noted that "This is only a step to allow staff more time to work on this issue. We need a vehicle so we can get a fiscal analysis."

There were actually supposed to be two versions of the bill, a straight enactment, and a referral. But the referral, which was offered as Draft 1037-1, was offered and then withdrawn by Representative Tootie Smith following the rather contentious debate that had just occurred.