



Metro | Agenda

Meeting: Metro Council Work Session
Date: Thursday, Jan. 9, 2014
Time: **2:30 p.m. or immediately following the regular meeting**
Place: Council Chamber

CALL TO ORDER AND ROLL CALL

2:30 PM 1. THE METRO COUNCIL'S 2014 STATE LEGISLATIVE AGENDA - INFORMATION / DISCUSSION Randy Tucker, Metro

3:15 PM 2. ADJOURN

EXECUTIVE SESSION HELD PURSUANT WITH ORS 192.660.2(h). TO CONSULT WITH COUNSEL CONCERNING THE LEGAL RIGHTS AND DUTIES OF A PUBLIC BODY WITH REGARD TO CURRENT LITIGATION OR LITIGATION LIKELY TO BE FILED.

Metro's nondiscrimination notice

Metro respects civil rights. Metro fully complies with Title VI of the Civil Rights Act of 1964 that bans discrimination on the basis of race, color or national origin. For more information on Metro's civil rights program, or to obtain a Title VI complaint form, visit www.oregonmetro.gov/civilrights or call 503-797-1536.

Metro provides services or accommodations upon request to persons with disabilities and people who need an interpreter at public meetings. All Metro meetings are wheelchair accessible. If you need a sign language interpreter, communication aid or language assistance, call 503-797-1536 or TDD/TTY 503-797-1804 (8 a.m. to 5 p.m. weekdays) 7 business days in advance of the meeting to accommodate your request. For up-to-date public transportation information, visit TriMet's website at www.trimet.org.

Agenda Item No. 1.0

**THE METRO COUNCIL'S 2014 STATE
LEGISLATIVE AGENDA**

Metro Council Work Session
Thursday, Jan. 9, 2014
Metro, Council Chamber

METRO COUNCIL

Work Session Worksheet

PRESENTATION DATE: January 9, 2014 **TIME:** 2:30 PM **LENGTH:** 45 minutes

PRESENTATION TITLE: 2014 State Legislative Agenda

DEPARTMENT: Government Affairs and Policy Development

PRESENTER(S): Randy Tucker, (503) 797-1512, randy.tucker@oregonmetro.gov

WORK SESSION PURPOSE & DESIRED OUTCOMES

- **Purpose:** This work session is for the purpose of discussing the 2014 legislative session and the Metro Council's objectives for the session. A proposed legislative agenda will be presented for discussion. Amendments to the Metro Council's legislative principles will also be proposed.
- **Outcome:** The Council may wish to discuss specific legislative concepts or principles, direct staff to develop additional concepts, and give preliminary approval to a 2014 legislative agenda.

TOPIC BACKGROUND & FRAMING THE WORK SESSION DISCUSSION

2014 marks the second time since the passage in 2010 of a constitutional amendment mandating annual legislative sessions that the Legislature will meet in a regular session in an even-numbered year. This year's session begins on February 3rd. The even-year session is constitutionally limited to 35 calendar days and legislative leadership has imposed strict limits on the number of bills that can be introduced by individual legislators and by legislative committees. Because of the time limits on the even-numbered year sessions, they are most appropriate for legislation that is either (a) extremely time-sensitive and can't wait for the longer session in the following year, or (b) limited in scope, complexity, and contentiousness. In 2012 Metro brought forward and passed three pieces of legislation in the latter category. However, we also had to respond to new, controversial legislation, and that may occur again in 2014.

Staff has not submitted any Metro-led legislation for drafting for the 2014 session. However, we have been monitoring legislation that is likely to come forward and recommend that the Council take positions on several specific concepts. These concepts are briefly described in the annotated draft version of Resolution 14-4500, Exhibit A, attached. Some of these items were part of the Council's agenda in 2013 but did not pass (or passed but were affected by subsequent events, as in the case of HB 2800 creating conditions for funding Oregon's share of the I-5 bridge replacement project) and are likely to come forward again in 2014. Others are new items being brought forward by other parties; staff is recommending that the Council adopt positions but in general is not suggesting that Metro play a lead role.

Legislation that arose in the 2013 session has led staff to discuss whether to recommend revisions to the Council's legislative principles. Some suggested revisions are found in an annotated draft version of Exhibit B, also attached.

Once the Council has the annotated versions of Exhibits A and B, the annotation will be removed and the "clean" exhibits will become part of the resolution.

QUESTIONS FOR COUNCIL CONSIDERATION

- Does the Council wish to endorse all or part of the proposed agenda, or modify particular elements of that agenda?
- Are there other topics on which the Council would like to adopt legislative positions?
- Does the Council wish to make changes to the Legislative Principles that guide the actions of staff on issues that may arise during the 2014 session?

PACKET MATERIALS

- Would legislation be required for Council action Yes No
- If yes, is draft legislation attached? Yes No
- What other materials are you presenting today?
 - Draft of Res. 14-4500
 - Draft of Res. 14-4500, Exhibit A (summary of agenda, annotated discussion version)
 - Draft of Res. 14-4500, Exhibit B (legislative principles, version noting changes from previously adopted principles)

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF PROVIDING) RESOLUTION NO. 14-4500
DIRECTION TO METRO CONCERNING BILLS)
BEFORE THE 2014 OREGON LEGISLATURE) Introduced by Council President Tom Hughes
)
)

WHEREAS, Metro has an interest in bills before the 2014 Oregon Legislature; and

WHEREAS, the Metro Council and Metro staff will represent Metro’s interest during the upcoming legislative session; and

WHEREAS, the Metro Council wishes to establish a united position on important legislative proposals and provide direction to its staff in order to represent the will of the agency; and

WHEREAS, the attached Exhibit “A” of this resolution lists specific expected and potential 2014 issues that are of concern to Metro and the metropolitan region and gives guidance to staff on the Metro Council’s position on these issues; and

WHEREAS, the attached Exhibit “B” states the Metro Council’s principles regarding categories of potential legislation in order to provide guidance to staff in representing Metro; and now therefore

BE IT RESOLVED that the Metro Council hereby directs the Metro Chief Operating Officer, the Metro Attorney, and Metro staff to communicate the agency’s position on a variety of legislative proposals to the 2014 Oregon Legislature consistent with Exhibits “A” and “B” attached hereto.

ADOPTED by the Metro Council this _____ day of January, 2014.

Tom Hughes, Council President

Approved as to Form:

Alison Kean, Metro Attorney

This document is a staff-generated draft to guide discussion of the Metro Council's potential agenda for the 2014 Oregon legislative session. It has not been adopted or approved by the Metro Council.

METRO COUNCIL LEGISLATIVE PRIORITIES 2014 Legislative Session



I-5 Replacement bridge over the Columbia River: Support adoption of an equitable state finance package that reflects the importance of this project to the state while protecting the interests of the Portland region and addressing the project's impacts on the local community.

As you know, the Washington Legislature failed to fund that state's share of this project. Your inclusion of the term "equitable" in this agenda item leading up to the 2013 session was intended in part to ensure that Washington paid its "fair share" of the project. It can be argued that the Oregon-led alternative remains equitable in that (a) Oregon's contribution will only fund improvements in Oregon; (b) tolls (likely to come largely from Washington residents) will cover the Washington "landing" of the bridge and its connection with SR-14; and (c) the rest of the project elements in Washington will only be built when Washington provides funding for them.

Urban growth management: Ensure that the Legislature establishes the policy framework and process for local land use decisions but does not take actions that determine the outcome of local land use processes. Support legislative actions to ensure that LUBA and the Oregon appellate courts have sufficient guidance and resources to allow for timely processing of land use appeals.

Legislation is expected in 2014 that would declare final the Metro Council's 2011 urban growth boundary expansion and moot all appeals of that decision. Staff believes that this and other legislation that seeks to determine the outcome of ongoing land use processes can create a problematic precedent.

The expected legislation is spurred, in part, by the time it is taking to get from designation of urban and rural reserves to land actually being available for development after a subsequent UGB expansion. The second sentence of the proposed agenda item is intended to address this concern should the opportunity arise.

Local Improvement Districts: Ensure that legislation occasioned by a single atypical circumstance does not create undue barriers to the use of this important local funding tool.

An unusual chain of events in Keizer has led to the inability of particular landowners to pay an LID assessment greater than the value of their property and could lead to foreclosure. This atypical case has created pressure for statutory changes that could unduly undermine even the responsible use of LIDs to fund needed improvements.

Damascus planning: Support legislation clarifying responsibility of all communities to comply with state comprehensive planning requirements.

Exhibit A to Resolution 14-4500 – ANNOTATED DISCUSSION DRAFT

ORS 197.757 requires all new cities to have acknowledged comprehensive plans within four years of incorporation. In May of 2011, Damascus voters voted to reject a comprehensive plan that had been passed by the City Council but placed on the ballot via referendum. Then, in March of 2012, they approved a charter amendment requiring voters to approve any ordinance or plan before it could be submitted to the state. There is no accommodation for this voter approval requirement in state law, and Damascus has failed to meet its responsibility under the law despite extensions of the statutory deadline. Staff recommends seeking an opportunity to attach language to a bill clarifying that compliance with the requirements of state law that apply to all cities is not subject to the approval of local voters.

Infrastructure investment: Support legislation creating Infrastructure Investment Oregon (I²O) and establishing criteria for evaluating large projects for innovative financing.

The 2013 Legislature established a task force to examine creation of a structure analogous to BC Partnerships to facilitate innovations in the delivery of major infrastructure projects. Proposed 2014 legislation would establish I²O; require projects of \$50 million or more, with \$20 million or more in state funds, to undergo a nonbinding evaluation about whether innovative procurement approaches are appropriate; and authorize Oregon's participation in the West Coast Infrastructure Exchange.

Gain Share: Support legislation extending sunset of program and clarifying appropriate allocation of increased revenues associated with Strategic Investment Program projects.

"Gain share" refers to the sharing between the state and local governments of incremental income tax revenues generated by manufacturing jobs attracted or retained through property tax caps provided by the local governments as part of the Strategic Investment Program. Higher than expected tax revenues associated with SIP projects have led to questions from certain legislators about how generous the program should be in distributing tax revenues to local governments. Legislation is expected that would implement a compromise with respect to the distribution formula for these revenues; extend the sunset on the program by five years, to 2024; and make other technical changes.

Allocation of RV fees: Support change in the formula for allocation of recreational vehicle fees to increase percentage allocated to county parks, including Multnomah County parks owned and operated by Metro.

Part of your 2013 legislative agenda. Failed in 2013 but subsequent negotiations have produced an agreement that should be ratified in 2014 legislation.

Toxics: Support legislation requiring disclosure and removal of toxic chemicals in children's products.

Part of your 2013 legislative agenda. Passed the House but failed in the Senate in 2013 and is likely to appear again in 2014.

Clean Fuels Program: Support legislation lifting the sunset on Oregon's Clean Fuels Program.

Part of your 2013 legislative agenda. Passed the House but failed in the Senate in 2013 and is likely to appear again in 2014.

Exhibit A to Resolution 14-4500 – ANNOTATED DISCUSSION DRAFT

Brownfields: Support creation of policy and funding tools to facilitate brownfield redevelopment.

*Part of your 2013 legislative agenda (I have modified the language here to be more general).
A loose coalition continues to pursue a politically viable path forward.*

DRAFT

METRO COUNCIL 2014 LEGISLATIVE PRINCIPLES

(indicating proposed changes from 2013 Legislative Principles, available for comparison at www.tinyurl.com/kpwg7mq)

| | |
|--|---|
| LOCAL AUTHORITY | |
| 1. Pre-emption: The Legislature should remove existing restrictions on local and regional revenue-raising authority and avoid enacting new limitations or pre-emptions. With respect to issues related to solid waste management, land use, and other matters of regional concern, Metro’s authority should not be pre-empted or eroded. | Amended |
| 2. Funding: State mandates should be accompanied by funding. | |
| LAND USE AND URBAN GROWTH MANAGEMENT: | “And Urban Growth Management” added |
| 3. Local Authority: The Legislature should take no actions that undermine Metro’s land use and urban growth management authority. | New, reiterates Principle 1 |
| 4. Successful Communities: Metro supports legislation that facilitates the achievement of the region’s six desired outcomes for successful communities: vibrant, walkable communities; economic competitiveness and prosperity; safe and reliable transportation choices; leadership in minimizing contributions to global warming; clean air, clean water and healthy ecosystems; and equitable distribution of the burdens and benefits of growth and change. | Moved higher but otherwise unchanged |
| 5. Local Land Use Decisions: Management of the urban growth boundary is a complex undertaking that involves extensive analysis, public input, and a balancing of many factors. Urban growth management decisions have profound impacts not just on land at the boundary, but on communities within the boundary and on farms and other rural lands outside the boundary. For these reasons, the Legislature should establish the process and policy framework for local land use decisions but should not take actions that determine the outcome of specific local land use processes. | New |
| 6. Efficiency: Land within the urban growth boundary should be used efficiently before the boundary is expanded. | Amended (non-substantive) |
| 7. Need: The UGB should not be expanded in the absence of demonstrated need. | |
| 8. Transportation: Land use and transportation planning should be coordinated so land uses do not undermine the efficiency and reliability of the transportation system and transportation investments do not lead to unintended or inefficient land uses. | Amended (minor: added “or inefficient”) |
| 9. Annexation: Cities are the preferred governing structure for providing public services to urban areas, and the inability to annex | Amended |

| | |
|---|------------------------------|
| <p>land brought into the urban growth boundary to accommodate urbanization prevents efficient development of livable communities. For these reasons, Metro supports reforms that will facilitate, or reduce barriers to, orderly annexation and incorporation.</p> <p>10. Rules/Statutes: Administrative rules should not be adopted into statute.</p> | |
| <p>11. Non-Regulatory Tools:</p> | |
| <p>12. Fiscal Responsibility: Funding to support urban development should be generated at least in part by fees on those who directly benefit from that development.</p> | |
| <p>SOLID WASTE:</p> | |
| <p>13. Product stewardship: Metro supports efforts to minimize the health, safety, environmental, economic and social risks throughout all lifecycle stages of a product and its packaging, and believes that the producer of the product has the greatest ability, and therefore the greatest responsibility, to minimize those adverse impacts.</p> | |
| <p>TRANSPORTATION:</p> | |
| <p>14. Transportation Governance: The Legislature should take no actions that undermine Metro’s or JPACT’s authority in the areas of transportation policy and funding.</p> | New, reiterates Principle 1. |
| <p>15. Transportation Funding: Metro supports an increase in overall transportation funding, investments in a balanced multimodal transportation system, and flexibility in the system to provide for local solutions to transportation problems.</p> | |
| <p>PARKS AND NATURAL AREAS:</p> | |
| <p>16. Parks and Natural Areas: Metro supports measures to increase local and regional authority to raise revenues to support parks and natural areas and to increase the level of state funding distributed to local governments for acquisition, capital improvements, and park operations.</p> | |
| <p>SUSTAINABILITY:</p> | |
| <p>17. Climate Change: Metro supports efforts to combat and adapt to climate change and to meet the state’s goals for reducing greenhouse gas emissions.</p> | |
| <p>18. Conservation Education: Metro supports efforts to provide stable and reliable funding to conservation education.</p> | |
| <p>ECONOMIC PROSPERITY:</p> | |
| <p>19. Infrastructure Finance: Metro supports measures, including funding or revenue measures, that facilitate state, regional or local</p> | |

| | |
|--|--|
| <p>investments in the public structures needed to accommodate population and economic growth in a way that helps the region achieve its six desired outcomes for successful communities.</p> | |
| <p>20. Metro Venues: Because the Oregon Convention Center, Expo Center, Portland Center for the Performing Arts and Oregon Zoo are assets that contribute millions of dollars to the state and regional economies, Metro supports legislative measures that facilitate the success of these venues in attracting visitors and enhancing the quality of their experiences.</p> | |
| <p>AGENCY OPERATIONS:</p> | |
| <p>21. Firearms and public facilities: Metro supports legislation that increases Metro’s authority to regulate the carrying of firearms on Metro properties, and opposes legislation that limits or reduces that authority.</p> | |

DRAFT

Materials following this page were distributed at the meeting.

Possible amendment to Res. 14-4500, Exhibit A

- **I-5 Replacement bridge over the Columbia River:** Support adoption of an equitable state finance package that reflects the importance of this project to the state while protecting the interests of the Portland region and addressing the project's impacts on the local community.

In the context of a possible Oregon-led approach to the project, continue to focus on the project's impact, broadly defined, on the region's transportation, development, livability, economic prosperity and environmental quality, while acknowledging that questions related to the financial risk to the state of such an approach are outside Metro's purview.