

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

SUPPORTING LEGISLATIVE CONCEPTS)	Resolution No. 90-1353
IN RELATION TO THE)	
1991 LEGISLATIVE SESSION)	Introduced by the Inter-
)	governmental Relations
		Committee

WHEREAS, The 1991 session of the Oregon State Legislature will convene on January 14, 1991; and

WHEREAS, The Council of the Metropolitan Service District in Resolution No. 90-1339 transmitted housekeeping legislation providing as follows:

- o LC 178-1: amends ORS 251.285 to provide for judicial review of Metro explanatory statements in the Voters Pamphlet in Multnomah County Circuit Court.
- o LC 178-2: makes permanent the existing process for appointing members of the Boundary Commission.
- o LC 178-3: clarifies Council authority to reapportion the District into 13 subdistricts as of 1-4-93.
- o LC 1568: amends ORS 268.360 to provide that an ordinance may become effective 90 days after adoption.

WHEREAS, The Council has received from its Solid Waste Committee legislative concepts which would:

- o support expanding the Recycling Information Center statewide (Exhibit "A");

- o support seeking Metro / State funding of a mobile facility for household hazardous waste collection (Exhibit "A");
- o support enacting standards for coding plastic consumer packaging (Exhibit "B");
- o support establishing a revenue source for the Resource Conservation Trust Fund;
- o support uniform purchasing policies specifying recycled content and establishing a preference for purchase of recycled materials (Exhibit "B");
- o support requiring certain landlords to provide collection for principal recyclables (Exhibit "B");
- o support the concept of incentives for recycling businesses to locate in Oregon (Exhibit "B");
- o support the concept of incentives to encourage environmentally friendly business to locate in Oregon (Exhibit "B");
- o support the concept of requiring that packaging be labeled with compatible material (Exhibit "B");
- o establish a comprehensive civil penalty system to reduce illegal dumping (Exhibit "C");
- o establish a task force to develop legislation based on revisions to Ballot Measure #6;
- o direct DEQ to draft regulations relating to limited purpose landfills; and,

WHEREAS, The Council has received from its Finance Committee

legislative concepts which would:

- o request State funding at the rate of \$60,000 per biennium for increased staff support for the Bi-State Policy Advisory Committee (Exhibit "D") (Also referred by the Bi-State Policy Advisory Committee); and
- o introduce legislation which will amend ORS 268.160 to enable the Council to provide medical and dental benefits for Councilors (Exhibit "G"); and,

WHEREAS, The Council has received from its Intergovernmental Relations Committee legislative concepts which would:

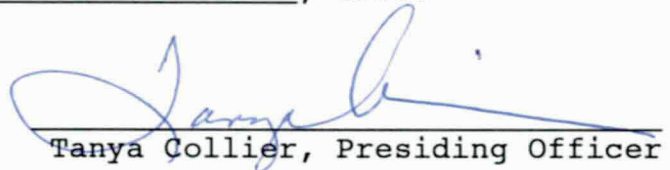
- o allow ODOT to incur debt for the local match to LRT funding (LC 875) (Exhibit "E");
- o provide revenue from cigarette tax to retire debt for local match to LRT funding (LC 1204) (Exhibit "E");
- o expand scope of "passport" business licensing (LC 1263) (Exhibit "F");
- o endorse the recommendations of the Bi-State Policy Advisory Committee regarding air quality protection (Resolution 90-1352) (Agenda item No. 8); [~~and~~]
- o with respect to Ballot Measure #5, monitor and respond as appropriate to implementing and other related legislation; and,

WHEREAS The Council seeks to indicate its support for these

legislative concepts; now, therefore,

BE IT RESOLVED, The Council of the Metropolitan Service District indicates its support for the legislative concepts summarized above, pending review of bills which may be drafted in reference to these concepts.

ADOPTED by the Council of the Metropolitan Service District this 29th day of November, 1990.


Tanya Collier, Presiding Officer

INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT

RESOLUTION NO. 90-1353, SUPPORTING LEGISLATIVE CONCEPTS IN RELATION TO THE 1991 LEGISLATURE

Date: November 14, 1990

Presented by: Councilor Devlin

COMMITTEE RECOMMENDATION:

At the November 13, 1990 meeting of the Intergovernmental Relations Committee, Councilors Bauer, Gardner, Hansen, McFarland and myself voted unanimously to recommend Council adopt Ordinance 90-1353, as amended.

COMMITTEE DISCUSSION/ISSUES:

The Government Relations Officer told the IGR Committee that the Otto Committee will meet on December 5th, when it is expected to consider the four Metro housekeeping bills. The Otto Committee may also take up the business license bill. The IGR Committee asked the current Government Relations Officer to represent Metro at this meeting.

The IGR Committee did not discuss and take a position on each legislative concept referenced in Ordinance No. 90-1353. The Committee deferred to the judgment of the standing committees which had previously considered these legislative concepts, with briefings from departmental staff, and had recommended them to Council for approval, through the IGR Committee.

The IGR Committee did anticipate that Council would debate each of the legislative concepts, since all standing committee members could be present.

The IGR Committee amended revised draft Ordinance No. 90-1353 in two particulars:

- o to add a provision, as follows: "with respect to Ballot Measure #5, monitor and respond as appropriate to implementing and other related legislation; and,"

- o to clarify that Council should "introduce legislation which will" enable the Council to provide itself medical and dental benefits.

The Bi-State Policy Advisory Committee recommendation regarding air quality protection, which is referenced in Ordinance 90-1353, is also recommended to Council in a separate Resolution: No. 90-1352.

The IGR Committee did not recommend a policy of not introducing legislation this year beyond housekeeping matters. Councilor Devlin said that the Council should have only a short list of legislative concepts which it seeks to introduce, as opposed to support, during the session.

BACKGROUND & EXPLANATION

At the Council retreat September 8, 1990, Councilors present agreed the IGR Committee would compile Metro's proposed 1991 legislation and legislative positions for Council adoption and transmittal to the Legislature by the end of 1990.

At the retreat, it was further agreed that Committees should submit their recommendations to IGR in time for its first meeting in November. The Chair of the IGR Committee distributed a request, dated September 13, 1990, to the Council, the Executive Officer and the Department Heads that recommendations and materials be made available to the IGR Committee by November 5, 1990.

At the October 23, 1990 IGR meeting, the Government Relations Officer advised the IGR Committee that Metro refrain from introducing legislation in 1991 beyond housekeeping items, though Council could express its support for legislation proposed by others.

SHARRON KELLEY
Multnomah County Commissioner
District 4



606 County Courthouse
Portland, Oregon 97204
(503) 248-5213

1991 Legislative Proposal

I. Program or Issue Summary

ORS 164.775, 164.785, 164.805, 818.300 and 818.310 as well as portions of Chapters 459 and 466 should be amended to establish a comprehensive civil penalty system to reduce illegal dumping (disposal):

Dumping of hazardous and medical wastes should remain subject to criminal penalties.

Penalties for illegal disposal of other forms of waste and recyclable materials should be changed to a civil fine with a minimum of \$500 and a maximum of \$999. Additionally, the enforcing agency should be entitled to recover its costs for clean up and disposal of the materials.

The state should adopt the evidentiary presumption contained in Section 5.800(3) of the Lane County Code to assist enforcement of the new civil penalty.

The state should adopt the mandatory load cover regulations contained in Section 9.035 of the Lane County Code except to broaden this regulation to also include recyclable materials. The civil penalty should be set with a minimum of \$100 and a maximum of \$300.

The state should establish a reward for information leading to the imposition and collection of a fine under the civil illegal disposal and mandatory cover regulations (for non-public employees) of up to 51 percent of the fine collected by the enforcing agency.

The statute should expressly authorize local enforcement by county and city governments and by Metro. The statute should also expressly authorize the use of hearings officers for enforcement. Additionally, the statute should expressly authorize inter-governmental agreements to combine enforcement procedures.

II. Needs Statement or Policy Rationale

Illegal disposal is a major problem. Fine levels are outdated and are imposed through expensive criminal procedures by public employees with more pressing priorities. A task

force with representatives from Multnomah, Clackamas, and Washington Counties, Metro, the Port of Portland, the City of Portland, and the State of Oregon has concluded that this system should be shifted into the civil realm with higher fines, use of a hearings officer, easier burdens of proof, and no need for counsel and juries at public expense.

III. Required Statutory Change

See I above.

IV. Legislative History

Unknown.

V. Effect of Proposal on Multnomah County Operations, Citizens, Clients

This would relieve pressure on DA to pursue such cases and would free District Court judges for more serious criminal matters. A hearings officer would probably be shared. Employees pursuing dumpers would need to testify.

VI. Budget Information (if applicable):

No initial effect. Eventually, County should pick up a share of a hearings officer as needed to enforce the statute.

VII. Groups Likely to Initiate, Support or Oppose

SOLV (Stop Oregon Litter and Vandalism).

**METRO**2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

TO: Councilor Jim Gardner
Chair, Council Intergovernmental Relations Committee

FROM: Karla Forsythe, Council Analyst *KLF*

DATE: November 2, 1990

SUBJ: Council Solid Waste Committee - Legislative Proposals

At the October 30, 1990 Solid Waste Committee meeting, Solid Waste Director Bob Martin discussed ideas for legislation currently under consideration by various groups. Based on information he presented, Committee members asked me to convey to the IGR committee their support for two legislative proposals.

First, the committee supports efforts to expand the Recycling Information Center statewide. Although it appears the expansion would cost approximately \$600,000, the Committee believes that both Metro and other areas of the state would benefit from an enlarged base of information about recycling activities and markets.

Second, the Committee supports joint state/Metro funding of a mobile household hazardous waste collection facility. Both the Metro region and the state have been mandated to establish permanent receiving depots for household hazardous waste. Rather than establishing permanent facilities at all transfer stations, it appears it would be more cost effective to fund a "station on wheels" which would supplement fixed facilities. Joint funding would allow the state to use the mobile facility to carry out its responsibility to provide household hazardous waste collection in other areas of the state.

The Committee will be reviewing several other legislative proposals at its November 6, 1990 meeting. The Committee will be considering a proposal from Multnomah County Commissioner Sharron Kelley for a comprehensive civil penalty system to address illegal dumping. The Committee will also review suggestions presented to it by the Plastics Recycling Advisory Task Force last July. I will let you know as soon as possible if the Committee decides to refer any of these proposals to the IGR Committee for further review.

cc: Council Solid Waste Committee
Don Carlson, Council Administrator
Bob Martin, Solid Waste Director

KF:pa
K2:IGR

LEGISLATIVE PROPOSALS
Exhibit B

RECOMMENDATIONS TO SOLID WASTE COMMITTEE FOR
LEGISLATIVE SUPPORT BY METRO IN 1991

- 1) Designate plastics as a principal recyclable.

Recommended by: Plastics Recycling Advisory Task Force

Background: According to Task Force member Sara Vickerman, making plastics a principal recyclable would bring plastics into the curbside recycling program. Although the Opportunity to Recycle Act is based on the assumption that materials pay for themselves, in reality very few do so consistently, due to market fluctuation. In her view, plastics are comparable to the volume of mixed waste paper and newspaper with regard to cost effectiveness of recycling. A Nature Conservancy poll showed overwhelming public support for recycling materials even if they do not pay for themselves, and even if fees must be increased, or a packaging surcharge imposed.

- 2) Establish statewide plastic coding identification standards for consumer packaging.

Recommended by: Plastics Recycling Advisory Task Force

Background provided by the Task Force: The national society for the plastics industry has established seven codes which can be used on plastics packages to facilitate sorting. Approximately 50 percent of plastic packages brought to drop-off centers are coded.

Reason offered for Metro to support: Sorting is critical to plastics recycling, and coding is necessary before proper sorting can occur.

- 3) Create incentives to encourage the industry to attach labels which are made of a material compatible with the package to which they are attached. Incentives could include tax abatement or credits.

Recommended by: Plastics Recycling Advisory Task Force

Reason offered for Metro to support: Unless labels are of the same type of material as the package to which they are attached, they must be detached before the package can be processed for recycling. This increases the processing cost and the market price.

- 4) Support funding for the Oregon Resource Conservation Trust Fund.

Recommended by: Plastics Recycling Advisory Task Force

PLASTICS RECYCLING TASK FORCE
Legislative Proposals
Page 2

Background: According to Task Force member Sara Vickerman, although the Trust Fund was created during the last legislative session, it was not funded. The Trust Fund includes a habitat conservation account to protect wildlife habitat (currently the state has no comprehensive approach to habitat protection), and to provide recreational opportunities and environmental education programs. There is also a requirement that the Department of Environmental Quality (DEQ) perform a statewide assessment of the need to improve recycling programs in Oregon. The DEQ has distributed questionnaires to businesses and environmental organizations in all wastesheds asking their views on this topic. Various funding mechanisms have been explored, including a three quarter of 1 percent surcharge on packaging. Task Force members believe the Trust Fund would encourage more public/private partnership in researching, developing and improving the infrastructure for recycling in Oregon.

Also according to Ms. Vickerman, if the funding mechanism were a packaging surcharge, approximately \$50 million annually would be collected, with half used to build Fund principal; \$10 to \$12 million for recycling; and another \$10 to \$12 million for land conservation.

Reason offered for Metro to support: Metro supported the legislation which established the Trust Fund. Unless it is funded, it will not be able to accomplish its mission. Funding will help stem the tide of failing recycling markets in Oregon; will help provide financial incentives to encourage recycling; and will permit grants and matching funds for new environmental technologies.

- 5) Support legislation to develop incentives to reward entities that divert, collect and pre-process recyclables for final introduction into industrial processes for paper, plastics, glass, oils, and other consumer and commercial product processes.

Recommended by: Plastics Recycling Advisory Task Force

Background: According to the Task Force, Oregon markets presently consist mainly of sole source buyers currently saturated with diverted materials. Because of this saturation, and because Oregon wastes are diverted from other major population sectors for processing in Oregon pulp and other industries, markets have declined.

Reason offered for Metro to support: Since Metro has been active in rewarding recycling, it is appropriate for Metro to work with state government to establish economic incentives to encourage continued diversion.

PLASTICS RECYCLING TASK FORCE
Legislative Proposals
Page 3

- 6) Support legislation to encourage siting of environmentally friendly services industries and commerce within the Metro area, through enterprise zones, tax abatement and tax credits.

Recommended by: Plastics Recycling Advisory Task Force

Reason offered for Metro to support: As an agency involved in transportation, natural areas, regional services, and solid waste and recycling, it is appropriate for Metro to support the establishment and development of new environmental industries in the Portland Metro region. Incentives of this type could make the difference in attracting these industries to the area.

- 7) Metro should become involved with the work of the Western Legislative Assembly Waste Reduction and Recycling Coalition to establish uniform purchasing and secondary materials procurement policies for the 13 western states, and should support legislation introduced as a result of the work of this group.

Recommended by: Plastics Recycling Advisory Task Force

Background: The Coalition will be a governmental and industry support group formed to establish uniform purchasing and secondary materials procurement policies for the 13 western states. The Task Force supports the work of the Coalition towards specifying recycling content and establishing a preference for purchase of recycled materials as an important boost to the recycling industry. Last July, the Task Force anticipated that the Western Governors conference would be taking action on this issue at its fall conference in Anchorage.

Reason offered for Metro to support: As a regional agency, it is appropriate for Metro to participate in and support these efforts.

- 8) Support legislation to close a gap in SB 405 by requiring landlords who provide garbage collection to provide recycling collection for principal recyclables; consider including commercial landlords as well as residential.

Recommended by: Recycling Advocates (Rob Guttridge)



Draft Common Ordinance about Illegal Dumping
(SECOND REVISION)

Chapter One - HEARINGS OFFICER

.005 Purpose

The purpose of this Chapter is to provide for the prompt, effective, and efficient enforcement of the _____ County Code. (Compare Lane County Code ("LCC") 5.010; City of Portland Code ("PC") 22.01.010.)

.010 Establishment

The office of Code Hearings Officer is hereby created. The Code Hearings Officer shall act on behalf of the Board of Commissioners in considering and applying regulatory enactments and policies set forth in the Code. The Code Hearings Officer shall be appointed by the Board of Commissioners. The Board of Commissioners may enter into an intergovernmental agreement to share a hearings officer with other jurisdictions. The Board may designate more than one hearings officer with each such hearings officer performing the functions of the Code Hearings Officer for the sections of the Code designated by the Board. (Compare LCC 5.010; PC 22.02.010.)

.015 Jurisdiction

The Code Hearings Officer shall have jurisdiction over all cases submitted to him in accordance with the procedures and under the conditions set forth in this Code. (See PC 22.02.020.)

.020 Enforcement

The County may institute appropriate suit or legal action, in law or equity, in any court of competent jurisdiction to enforce the provisions of any order of the Code Hearings Officer, including, but not limited to, its suit or action to obtain judgment for any civil penalty imposed by an order of the Code Hearings Officer pursuant to Section .050 and/or any assessment for costs imposed under the authority of the County Code. (Compare PC 22.02.040.)

.025 Generally

(a) In addition to any procedure set forth elsewhere in this Code, Code enforcement proceedings before the Code Hearings Officer shall be conducted in accordance with the procedure set forth in this Chapter.

(b) The Code Hearings Officer may promulgate reasonable rules and regulations, not inconsistent with this Chapter, concerning procedure and the conduct of hearings. The proposed rules or regulations shall not be effective until approved by the Board of Commissioners. In conducting its review, the Board of Commissioners may amend the proposed rules or regulations as it deems appropriate.
(Compare PC 22.03.010, LCC 5.015.)

.030 Initiation of Proceeding

(a) A proceeding before the Code Hearings Officer may be initiated only as specifically authorized in the Code.

(b) A proceeding before the Code Hearings officer shall be initiated only by a county department filing a complaint with the Code Hearings Officer in substantially the following form:

COMPLAINT REGARDING COUNTY CODE VIOLATION

_____ County, petitioner,

v.

_____ respondent(s)

1. Name and address of respondent(s).

2. Address or location of the alleged violation.

3. Nature of violation including Code section violated.

4. Relief sought.

5. Department initiating procedure.

Dated: _____

Signed

Title

(Compare PC 22.03.020, LCC 5.020.)

.035 Notice of Hearing

The Code Hearings Officer shall cause notice of the hearing to be given to the respondent(s) either personally or by United States Mail. The notice shall contain a statement of the time, date, and place of the hearing. A copy of the Complaint shall be attached to the notice. (Compare PC 22.03.020 - 030, LCC 5.020.)

.040 Answer

(a) A respondent who is sent a Complaint and notice of hearing for a Code violation shall answer such Complaint and notice of hearing by (1) personally appearing to answer at the time and place specified therein, or (2) mailing or otherwise delivering to the place specified on or before the assigned appearance date, a signed copy of the Complaint and notice of hearing, together with a check or money order in the amount of the scheduled fine listed therein. If the violation is admitted, an explanation of mitigating circumstances may be attached. If the violation is denied, a hearing date will be assigned by the Code Hearings Officer.

(b) If the person alleged to have committed the violation fails to answer the Complaint and notice of hearing by the appearance date indicated thereon, which shall be no sooner than seven days from the date of the notice of hearing, or appear at a hearing as provided herein, a default shall be entered for the fine established for the Code section identified in the Complaint.
(Compare LC 5.025.)

.045 Hearing

(a) Every hearing to determine whether a violation of the County Code has occurred shall be held before the Code Hearings Officer. The County must prove the violation occurred by a preponderance of the admissible evidence.

(b) Unless precluded by law, informal disposition of any proceeding may be made, with or without a hearing, by stipulation, consent order, agreed settlement, or default.

(c) The Code Hearings Officer shall place on the record a statement of the substance of any written or oral ex parte communications made to the Code Hearings Officer on a fact in issue during the pendency of the proceedings. The Code Hearings Officer shall notify the parties of the communication and of their right to rebut such communications.

(d) The Code Hearings Officer has the authority to administer oaths and take testimony of witnesses. Upon the request of the person alleged to have committed the violation, or upon his or her own motion, the Code Hearings Officer may issue subpoenas in accordance with the Oregon Rules of Civil Procedure, which shall apply to procedural questions not otherwise addressed by this Chapter. If the person alleged to have committed the violation desires that witnesses be ordered to appear by subpoena, he or she must so request in writing at any time before five days prior to the scheduled hearing. A \$15 deposit for each witness shall accompany each request, such deposit to be refunded as appropriate if the witness cost is less than the amount deposited. Subject to the same five-day limitation, the complaining County official or County Counsel, as appropriate, may also request that certain witnesses be ordered to appear by subpoena. The Code Hearings Officer may waive the five-day limitation for good cause. Witnesses ordered to appear by subpoena shall be allowed the same fees and mileage as allowed in civil cases. If a fine is declared in the final Order, the Order shall also provide that the person ordered to pay the fine shall also pay any witness fees attributable to the hearing.

(e) The person alleged to have committed the violation shall have the right to cross-examine witnesses who testify and shall have the right to submit evidence on his or her behalf, but cannot be compelled to do so.

(f) After due consideration of the evidence and arguments, the Code Hearings Officer shall determine whether the violation alleged in the Complaint has been established. When the violation has not been established, an Order dismissing the Complaint shall be entered. When the determination is that the violation has been established, or if an Answer admitting the infraction has been received, an appropriate Order shall be entered in the records. A copy of the Order shall be delivered to the person named in the Order personally or by mail or to their attorney of record. Any motion to reconsider the Order of the Hearings Officer must be filed within 10 days of the

original Order or it may not be heard.

(g) Fines and costs collected pursuant to the provisions of this Chapter shall be paid to the Department which issued the Complaint. Fines and costs collected shall be credited to the General Fund except where the Code provides for distribution of the fine in a different manner.

(h) Hearings shall be conducted at locations determined by the Code Hearings Officer.

(i) A tape recording shall be made of the hearing unless waived by both parties. The tape shall be retained for at least 90 days following the hearing or final judgment on appeal. (Compare LCC 5.030, PC 22.03.050.)

.050 Fines and Costs

When the Code Hearings Officer makes a determination that a violation has been established, he or she shall impose the fine and costs established in the Code for that violation. The Order issued by the Code Hearings Officer shall contain the amount of the fine and costs imposed and appropriate instructions regarding payment. (See LCC 5.035.)

.055 Representation by Counsel

The County shall not be represented before the Code Hearings Officer by County Counsel or hired counsel except in preparation of the case or as provided below. A person charged with a Code violation may be represented by his or her retained attorney provided that one day's written notice of such representation is received by County Counsel; in such cases the County may have County Counsel or hired counsel represent it. The Code Hearings Officer may waive this notice requirement in individual cases or reset the hearing for a later date. (See LCC 5.040.)

.060 Review

Any aggrieved party, including the County, may appeal a final adverse ruling by Writ of Review as provided by ORS 34.010 through 34.100. (See LCC 5.050, PC 22.04.010.)

.065 Enforcement

Fines and costs are payable upon receipt of the final Order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County and may be collected in the same manner as any other debt allowed by law. (See LC 5.060.)

Chapter Two - CHANGES IN SUBSTANTIVE LAW

1.00 Refuse Hauling Regulations and Penalty

No person shall transport or carry solid waste or recyclable materials in or on a motor vehicle or trailer, upon a public road in the County, unless such refuse is either:

(a) Completely covered on all sides and on the top and bottom thereof and such cover is either a part of or securely fastened to the body of such motor vehicle or trailer; or

(b) Securely tied to the body of such motor vehicle or trailer so that no piece, article, item or part of such refuse is not fastened to the body of such motor vehicle or trailer; or

(c) Contained in the body of the transport vehicle in such a way as not to cause any part of the hauled refuse to be deposited upon any roadway or driveway in the County.

Any person who violates this section shall be subject to a civil fine of no less that \$100 and no more greater than \$500 for each violation. The County may prosecute any violation of this section before the Code Hearings Officer, pursuant to Chapter ___ of this Code.

(See LCC 9.035.)

2.00 Dumping, Littering and Penalty

(a) No person shall throw or place, or direct another person to throw or place, other than in receptacles provided therefor, upon the private land or waters of another person without the permission of the owner, or upon public lands or waters, or upon any public place, any rubbish, trash, garbage, debris or other refuse.

(b) Any person who violates this section shall be subject to a civil fine of no less that \$500 and no more greater than \$999 for each violation. Additionally, any person who violates this section shall be subject to an award of costs to reimburse the County for the actual expenses of clean-up and disposal caused by the violation. The County may prosecute any violation of this section before the Code Hearings Officer, pursuant to Chapter ___ of this Code and/or the County may prosecute a violation as a criminal or civil offense to the extent permitted under state law.

(c) Evidence of a name found on an item in a deposit of illegally dumped rubbish, which would ordinarily denote ownership of the item, such as the name of an addressee on an envelope, shall constitute prima facie evidence that the person whose name appears on the item has violated this section.

(See LCC 5.800.)

3.00 Rewards

Any person other than a County employee who provides information leading to the imposition and collection of a fine under Sections 1.00 or 2.00 of this Code shall receive a reward of up to fifty-one percent of the amount of the fine collected by the County. (See LCC 6.997.)

LEGISLATIVE PACKAGE

Chapters 459, 466 and 818 of the Oregon Revised Statutes currently provide penalties for certain activities related to littering and illegal dumping. Because of the decision in City of Portland v. Lodi, 308 Or 468 (1989), state legislation amending these statutes is needed to provide local governments with the authority to impose civil fines higher than the fines provided in these statutes. The statutes can be amended by adding a sentence which would provide local jurisdictions with express authority to impose overlapping and higher fines. Local jurisdictions would retain the option to prosecute any violation as provided under state law in lieu of or in addition to the civil fine imposed by a hearings officer.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: October 30, 1990
TO: Metro Council Finance Committee
FROM: Councilor Lawrence Bauer *LB/cs*
RE: State Support for Bi-State Policy Advisory Committee

At its October 26, 1990 meeting, the Bi-State Policy Advisory Committee approved a Resolution recommending that Metro and the Intergovernmental Resource Center of Clark County (IRC) forward requests for Bi-State funding assistance to their respective state governments. As outlined in the attached report, "Bi-State Policy Advisory Committee Scope of Work," Bi-State's activities are increasing as the Committee becomes more involved in the seven issue areas it has identified, with the current level of staff support becoming inadequate to meet Bi-State's needs. The Committee believes that the states of Oregon and Washington will continue to benefit from Bi-State's work in fostering communication and cooperation between elected officials in the two states, and it is therefore appropriate that they be asked to provide some financial support.

The level of support Bi-State is seeking is \$30,000 per year from each state for the 1991-93 biennium. Our request to the Oregon Legislature will be for a General Fund grant to be administered by Metro's Finance & Administration Department. The \$30,000 from each state will enable Bi-State to increase its staff support from the current 0.5 FTE to 1.0 FTE, shared equally between Metro and IRC. The total budget for Bi-State in the proposal will be \$75,000, composed of \$30,000 from each state and \$7,500 each from Metro and IRC.

The Bi-State Committee considers that its work load for the coming biennium easily justifies two half-time support staff. In the past year, we have adopted by-laws, expanded our membership, increased the frequency of our meetings, and approved an ambitious slate of issues. Of the seven issues we have chosen to pursue, we have already become actively involved in three: Columbia River Resource Management; Air Quality; and Telecommunications. The work required for these three issues alone will consume the staff resources currently available to Bi-State. If we are to address the remaining issues on our agenda, those staff resources must be increased.

MEMORANDUM

October 30, 1990

Page 2

The Bi-State Policy Advisory Committee is a creation of Metro and IRC. The Metro Council has shown its support of Bi-State in approving its continued operations and its by-laws. The Council has reviewed Bi-State's agenda and approved part-time staffing in order to act on this agenda. The Council now has the opportunity to help Bi-State implement its work program by including Bi-State's request for state funding in Metro's legislative package; - should Council approve this request, Senator Glenn Otto has offered to have Legislative Counsel draft a Bi-State funding bill, which he will sponsor in the 1991 session. Such funding will provide substantial benefits to the citizens of our four-county region through furthering our goals of intergovernmental cooperation in addressing the issues before us.

cs:lbfincm.mem

BI-STATE POLICY ADVISORY COMMITTEE
RESOLUTION 10-02-1990

For the purpose of recommending that Metropolitan Service District and Intergovernmental Resource Center secure funding support for the Bi-State Policy Advisory Committee.

WHEREAS, Metropolitan Service District and Intergovernmental Resource Center (formerly Regional Planning Council) established the Bi-State Policy Advisory Committee by joint resolution on September 24, 1981, to promote communication and development of cooperative programs among governments and citizens of the Portland-Vancouver metropolitan area; and

WHEREAS, Metropolitan Service District and Intergovernmental Resource Center have devoted resources to staff and coordinate the activities of the Committee; and

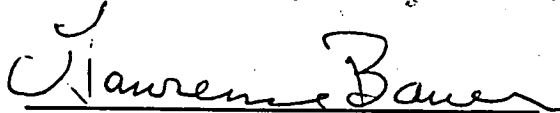
WHEREAS, the activities of the Committee have increased substantially during 1989 and 1990, straining the resources available to support the Committee; and

WHEREAS, the Committee has the structure and ability to play a more active role in addressing regional issues, but lacks adequate stable funding to support its operation; and

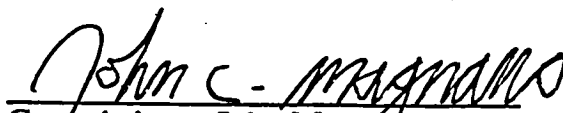
WHEREAS, staff for the Committee has developed a funding proposal, entitled Bi-State Policy Advisory Committee Scope of Work (a copy of which is appended to this Resolution), which demonstrates how the Committee will further local and state public policy development.

NOW THEREFORE BE IT RESOLVED that Metropolitan Service District and Intergovernmental Resource Center be encouraged to submit the Bi-State Advisory Committee Scope of Work to their respective state legislative representatives.

Adopted this 26 day of October, 1990, by the Bi-State policy Advisory Committee.



Councilor Lawrence Bauer
Co-Chair



Commissioner John Magnano
Co-Chair

BI-STATE POLICY ADVISORY COMMITTEE SCOPE OF WORK

The Bi-State Policy Advisory Committee is a cooperative consultative body composed of ten elected officials from state and local governments in metropolitan Portland and Clark County. The Committee acts in an advisory capacity to the Metropolitan Service District and the Intergovernmental Resource Center of Clark County. Its mission, embodied in its bylaws, is "to enhance understanding between Oregon and Washington policy-makers of metropolitan issues of mutual concern; to promote recognition of the commonality of problems and encourage cooperative mutually beneficial solutions."

The goal of the Bi-State is to become recognized as the logical institution to which matters affecting the four-county region should be referred for information gathering and policy recommendations. No other such agency exists, and the development of the Bi-State into such a body would serve to fill the existing void which must now be filled with ad hoc committees, often at considerable cost. A minor investment in the Bi-State from the respective state legislatures would recognize its potential value as an impartial advisor, while likely producing long-term savings.

BACKGROUND

The Bi-State Policy Advisory Committee had its origins in a Bi-State Task Force on Transportation, established by the governors of Oregon and Washington in 1980. Following the completion of its work in May, 1981, the Task Force included in its final report a recommendation to establish a bi-state policy coordination committee to foster communication and address issues affecting Oregon and Washington jurisdictions.

On September 24, 1981, the Council of the Metropolitan Service District and the Regional Planning Council of Clark County established the Bi-State Policy Advisory Committee by joint resolution. That resolution provided that Metro and the Regional Planning Council (later renamed the Intergovernmental Resource Center, or IRC) would provide necessary staff support to the Committee, and charged the Committee as follows:

- To provide a forum at which policy-makers from the two states can express views and discuss metropolitan problems of mutual concern;
- To provide a forum for the creation of ad hoc committees as needed to resolve specific problems of mutual concern;
- To develop recommendations for consideration by the Metro Council and the RPC.

In its first years, the Bi-State concentrated on transportation and solid waste issues. Its scope and stature were limited by a lack of clarity of its role in raising and addressing broader issues, which resulted in minimal committee activity. The last couple of years, however, have been markedly different. The Bi-State has broadened its membership, adding representatives from the two state legislatures and from the cities of east Clark and Multnomah counties to its original six members. It has refined its scope and vision, identifying a set of issues which it has developed into a work plan for the future.

ISSUES

The Bi-State has identified seven issues for its investigation in the upcoming biennium. In developing these issues, the Committee determined that its focus should be on issues of concern to both Oregon and Washington which are not being specifically addressed in other forums. (Transportation issues, for example, are within the purview of IRC's Transportation Policy Committee and Metro's Joint Policy Advisory Committee on Transportation, both of which include bi-state representation.) The Committee further recognized that its role is as facilitator and advisor to substantive bodies, and developed its work plan accordingly. It consists of the following issues:

1. **Columbia River Resource Management.** The Bi-State Committee was quite interested in seeing the Columbia River included in the National Estuary Program, and spent considerable time in 1989 advocating for its inclusion. Governors Gardner and Goldschmidt elected not to nominate the Columbia for the program, recommending instead the creation of a Lower Columbia River water quality study program; the Committee is monitoring the progress of this study. The Bi-State Committee maintains an active interest in Columbia River water quality issues and sees this as a focal point for its continued involvement.

2. **Land Use.** Growth management is an issue of increasing concern in the urban and urbanizing areas of Oregon and Washington. The Bi-State Committee is interested in ensuring that growth management is coordinated among metropolitan Portland jurisdictions in both states. Specific issues include the relationship of land-use planning with transportation planning; for example, how do we ensure that discussions of interstate access include land use implications on both sides of the river? Other issues that the Bi-State has touched on include the implementation of House Bill 2929, which mandates the development of urban growth plans in Washington's urban areas including Clark County. The Bi-State has sponsored a tour of Metro's Urban Growth Boundary for southwest Washington officials, to help promote understanding of the issues and process involved in creating growth management plans. Further coordination of growth management issues and processes is an important ongoing piece of the Bi-State's agenda.

3. **Air Quality.** The Committee has established a subcommittee on air quality, which is encouraging both states to standardize air quality regulations for stationary and mobile pollution sources. The Bi-State will work with both state legislatures in 1991 to encourage the development of uniform enhanced air quality standards for both sides of the Columbia River, recognizing that the Portland area's airshed does not respect political boundaries.

4. **Economic Development.** The Bi-State is interested in encouraging communication between Oregon and Washington economic development agencies, in order to promote the development of mutually beneficial strategies for strengthening the Pacific Northwest economy. Inherent in such efforts is the need to minimize direct competition between the Clark County and Oregon portions of the metro area in their efforts to diversify their economic bases, and attract and retain jobs and businesses. The Bi-State could support the efforts of existing agencies to disseminate information, which would be a valuable tool in promoting interstate cooperation in economic development activities.

5. **Household hazardous waste disposal.** Coordinating programs between the states for the safe disposal of household hazardous wastes would provide the opportunity for citizens to make use of such programs close to their homes. The Bi-State could promote the development of complementary programs in Clark County and Metro's area. It could also serve as an information clearinghouse to help coordinate existing programs and encourage increased participation in household hazardous waste clean-up days on both sides of the river.

6. **Telecommunications.** The Bi-State has initiated investigations into the possibility of establishing Extended Area Service between the Portland region and all or part of Clark County, which would promote business opportunity and public convenience by eliminating the toll charge on Portland-Vancouver phone calls. Both the Oregon Public Utility Commission and the Washington Utilities & Transportation Commission have been consulted about the possibility of establishing an interstate Extended Area Service network, and development of a proposal for Bi-State consideration is progressing.

7. **Tourism.** The Bi-State has had discussions with, and presentations by, tourism agencies of both states. Its direction is toward coordination of tourism marketing strategies for the Southwest Washington/Northwest Oregon region which will complement and not conflict with the states' individual strategies. Such Bi-State efforts are expected to include region-wide distribution of information on tourist attractions in both areas, and promotion of new marketing opportunities such as the Mt. St. Helens Visitor Center and the "Friendship Flotilla" being planned for the 1992 bicentennial of Captain Gray's christening of the Columbia River. To quote an Oregon Tourism Alliance report: "Cooperative efforts such as these will establish communications networks and begin to institutionalize long term marketing relationships for building a larger, more comprehensive regional marketing program in the future."

BUDGET AND STAFFING

The Bi-State Committee's bylaws specify that the Metro and IRC representatives shall co-chair the Committee, and further stipulate that the two agencies shall provide clerical support. Professional staff support is to be provided as necessary according to the terms of an intergovernmental agreement on Bi-State staffing. IRC has historically housed Bi-State operations and files, and provided most of the needed professional staff support, while Metro has helped fund this support. The current intergovernmental agreement provides for both agencies to provide equal staff support, not to exceed .25 FTE each.

Both IRC and Metro have limited discretionary General Fund capacity to support Bi-State's operations at the increased level anticipated for the next two years. After June 30, 1991, the combined .5 FTE will be inadequate, and fiscal constraints will make it difficult to sustain even this minimal level of support. Without new dedicated funds to support Bi-State, adequate staff support will become problematic.

The Bi-State serves the two states, so it would be appropriate for the states to consider providing some financial support for its ongoing operations. A preliminary budget summary follows:

Personnel	
Salary - 1 FTE	\$38,000
Benefits	14,000
Clerical Support	2,000
Mileage (Staff & Committee members)	1,000
Office Supplies	500
Indirect Costs	19,500

TOTAL	\$75,000

The salary proposed above falls within the pay range of Senior Management Analyst at Metro and Principal Planner at IRC. The incumbent staff for Bi-State occupy comparable positions, earning comparable salaries. (The Metro staff person is a Senior Management Analyst, and the IRC staff is a Program Manager, which is one step above Principal Planner.) The figure for benefits is approximately 37% of salary, which reflects actual or projected benefits costs for both agencies.

Indirect costs are calculated at 37.5% of wage and benefit expenditures, which is the rate used by IRC for its grants; Metro's indirect cost rates vary among its funds, but Finance & Administration staff is of the opinion that the 37.5% rate is justifiable for this proposal. Indirect costs include such items as rent, insurance, utilities, postage, and administrative overhead functions such as accounting and reception.

Each state would be asked to provide \$30,000 annually to support Bi-State's ongoing operations. IRC and Metro would provide some \$7,500 each for Bi-State support.

SUMMARY

The Bi-State Policy Advisory Committee exists to promote communication and the development of cooperative programs between the governments and citizens of the two-state Portland/Vancouver metropolitan area. Its work plan focuses on providing a forum for clarifying issues and recommending solutions to problems faced by communities in both states. The Bi-State has a structure and an ability to play a more active role in such issues in the future. In order to do so, however, it needs to identify a stable funding source for its near-term operations so that it can establish a record of achievement. The need for an active Bi-State Committee is clear, and the willingness to fill that need exists among the current participants. This is an excellent opportunity for the states of Oregon and Washington to strengthen their ties and help forge a brighter future for the Pacific Northwest.

cs:wkscope.bis
10/30/90



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503 221-1646

Memorandum

Date: July 24, 1990

To: Mike Ragsdale

From:  Andrew C. Cotugno, Transportation Director

Regarding: LEGISLATIVE PROPOSALS FOR LRT FUNDING

Attached for your information are legislative proposals now under consideration by ODOT and the Governor's office for the state's share of LRT funding. The two proposals are companion pieces as follows:

1. LC #875 allows ODOT to incur debt up to \$100 million for the local match. This number will likely be reduced to \$62.5 million per Goldschmidt's initial commitment. The lower funding level, however, does not recognize the cost of the Hillsboro extension and is in 1988 dollars rather than being inflated to 1998 according to the construction schedule. We will have to seek legislative action to get this number increased.
2. LC #1204 provides a \$10 million per year revenue stream from the cigarette tax to retire the debt described above. This is the "first" \$10 million out of the state's 22¢ cigarette tax (which generates \$60 million per year) and thus avoids any problem with needing a 2x coverage factor that would otherwise be required by the bond markets. This funding level is sufficient to retire a \$100 million debt; it would simply retire a \$62.5 million debt faster.

✓ ACC:mk

Attachment

bcc: Richard Brandman

Legislative Concept

Oregon Department of Transportation
Central Services Division

Concept Number 731-8

Subject/Title: Increase Statutory Bond Limits

REVISED 6/20/90

Contact Person: Maur Horton/Virlena Crosley

Phone: 373-7354

Budget Impact: No

LEG

Housekeeping: No

PURPOSE:

Increase the Department of Transportation's authority to issue bonds by enlarging the Department's statutory limit on bonds for highways and by establishing statutory limitation for the Department to issue bonds for the regional light rail extension program.

LEGISLATIVE CONCEPT:

Increase the limit on Highway Division revenue bonds to \$ 155 million by amending ORS 367.620. Also increase the limit on general obligation bonds to \$ 195 million by amending ORS 367.555. It is necessary to amend both in order to give the Department the flexibility to chose the least expensive and most advantageous kind of bonds. Bonds issued as Revenue Bonds count against the total authority granted for General Obligation bonds to prevent issuing twice the amount of bonds authorized.

Oregon Department of Transportation

62.5-

Create statutory authority for the ~~Public Transit Division~~ to issue revenue bonds up to \$ 100 million to fund the Regional Light Rail Extension Construction Fund by amending ORS 391.110 and ORS 391.120. This would provide a financing structure for the West Side Light Rail Extension project. In separate legislation, concept 732-6, the Department of Transportation would be authorized to pledge up to the first \$10 million in State cigarette tax revenues annually to pay bonds issued to finance the West Side Light Rail project.

- Pledged revenues and any other legally available revenues could be collected in a special debt service fund to pay off the revenue bonds.
- The revenue bonds would not be debt of the State nor pledge the full faith and credit of the State.
- The exact timing and amount of the bonds, as well as the methods of sale and payback period would be approved by The Transportation Commission and the State Treasurer.

POLICY IMPLICATIONS:

This concept directly furthers the mission and goals of the Department's financial

Legislative Concept

Oregon Department of Transportation
Central Services Division

Concept Number 731-8-1

Page 2

Oregon Department of Transportation

management strategy. It allows Highway Division to implement its Six-Year Highway Program as currently planned and allows the ~~Public Transit Division~~ to provide state matching funds for a large transportation facility while avoiding a large one-time General Fund appropriation.

This concept affects programs of two of the Department's divisions. It allows

(1) the Highway Division to fund up to \$75 million of the proposed Six Year Improvement Program with bonds. At least two projects are in the program with discretionary federal dollars as their first source of funding. If that becomes unavailable, it may be necessary to bond in order to pay for the projects. This legislative concept gives the Department the necessary statutory authority to do this.

Oregon Department of Transportation

(2) the ~~Public Transit Division~~ to bond up to \$100 million to provide state matching funds for the West Side Light Rail Extension, as mentioned in ORS 391.120 (2)(a). Local Governments in the Portland metropolitan area have agreed to provide one-half, or 12.5 percent, of the funds necessary to match federal funds. The State has agreed to provide the other half. Depending on the projected cost of the project, the State share could vary from a low of \$62.5 million to as much as \$100 million.

AGENCIES AFFECTED:

Department of Transportation
Department of Revenue
Treasury Department
Executive Department

PUBLICS AFFECTED:

Governments in the Portland Metropolitan Area
Tri-Met
Metropolitan Service District
Oregon Transit Association
The municipal finance industry

GOVERNOR'S OFFICE APPROVAL INFORMATION:

CONCEPT APPROVED FOR DRAFTING:

YES

NO: _____

SIGNED: _____

Kathleen Carter

DATE: _____

6/20/90

Legislative Proposal

2

Oregon Department of Transportation
Public Transit Division

Proposal 732-6
LC #1204

Subject/Title: Light Rail Funding

Contact Person: Victor Dodier / Denny Moore

Phone: 378-8201

Budget Impact: Yes

Housekeeping: No

Purpose:

This proposal finances one-half of the local share of the Westside Light Rail Transit (Westside LRT) project. The proposal diverts the first \$10 million of cigarette tax revenue earmarked for the state's General Fund into the Regional Light Rail Extension Construction Fund. This money will be used by the Fund to re-pay revenue bonds issued by the Department of Transportation to finance the state's share of the project.

Money not required to meet project expenses or annual debt service requirements will revert to the state General Fund.

Background

The 1989 Legislature created the Regional Light Rail Extension Construction Fund to finance the several light rail transit projects proposed for the Portland metro area. The Legislature provided revenue for the Fund by linking it to the Video Games Lottery.

The Video Games Lottery was not implemented. The Fund does not have a revenue source.

The state levies 28 cents of tax on each pack of cigarettes sold. The state's General Fund receives 22 cents of the tax, amounting to about \$60 million per year. Cities, counties, and the Elderly and Disabled Special Transportation Fund receive two cents each from the remaining six cents.

Efforts are underway to secure the federal, local and state resources for the construction of the Westside LRT. In August 1989, the Governor pledged to seek one-half of the 25 percent local match as the state share to a maximum \$500 million Westside Light Rail project. This pledge will require \$62.5 million, provided over a number of years. The Governor's commitment was made shortly after the Legislature had approved a video games lottery program.

The video lottery was projected to generate \$10 million a biennium for light rail and other transit capital improvement projects.

Legislative Proposal

Oregon Department of Transportation
Public Transit Division

Proposal 732-6
LC #1204
page 2

Subject/Title: Light Rail Funding

Preliminary legislative language:

Amend ORS 323.455 to:

- (1) direct the first \$10 million in revenue from the 22 cents of cigarette tax earmarked for the state's General Fund into the Regional Light Rail Extension Construction Fund and reduce the General Fund's share accordingly.
- (2) authorize the Department of Transportation to pledge this share of cigarette tax for the Regional Light Rail Extension Construction Fund's debt service.
- (3) sunset the diversion of cigarette tax revenue when the revenue is no longer needed for debt service on the bonds of the Regional Light Rail Extension Construction Fund.

Amend ORS 391.120 to:

- (1) authorize the Director of the Department of Transportation to determine the elements of the Westside LRT toward which the state will contribute local matching funds and to develop an estimate of the state's local match obligation to the project.
- (2) permit the Regional Light Rail Extension Construction Fund to use revenues for debt service.
- (3) require any income derived from ORS 323.455 which is not required for to meet the state share of project expenses as determined in (1) or annual debt service to revert to the General Fund.

These amendments should become effective July 1, 1991.

Policy implications:

This proposal, in effect, is a long term commitment of state General Fund revenues for the Westside LRT. It avoids a large one-time General Fund appropriation which would be required to meet the state's commitment for Westside LRT otherwise.

This proposal requires that the Department of Transportation have the legal authority to issue revenue bonds for public transportation using the cigarette tax revenue stream for debt service. The department does not now have this authority. The department has submitted a related proposal, 731-8, which increases highway bonding authority and creates bonding authority within the Regional Light Rail Extension Construction Fund.

This proposal requires the department to review the Westside LRT. The department will determine a "baseline" project for the purpose of calculating the amount of state

Legislative Proposal

**Oregon Department of Transportation
Public Transit Division**

**Proposal 732-6
LC #1204
page 3**

Subject/Title: Light Rail Funding

participation in the Westside LRT. This implies that some elements of the project may be included for purely local reasons and that the state will not contribute toward their cost.

The proposal will not affect the state's transfers to the cities, counties and the Elderly and Disabled Special Transportation Fund.

This proposal will not assist public transportation operators outside of the Portland area. Further, it will assist Tri-Met only with construction of the Westside LRT. State assistance for other Portland area LRT projects and for bus transportation will be decided as a separate issue.

Affected agencies:

Department of Revenue
Executive Department
Department of Transportation, Public Transit Division

Affected publics:

Positively affected or in support / Negatively affected or in opposition

Oregon Transit Association
Tri-Met
Metropolitan Service District

General Fund interests

Concept approved for drafting by Kathleen Carter on June 20, 1990.

LC 1263
8/23/90 (JB/lb)

DRAFT

SUMMARY

Expands scope of business licensing by metropolitan service district to include as contractors all contractors instead of contractors who only engage in residential work.

Increases from \$100,000 to \$125,000 gross receipts amount that subjects contractor to business license tax of city which is not contractor's principal place of business.

Repeals previous definition of "builder."

Declares emergency, effective July 1, 1991.

A BILL FOR AN ACT

1
2 Relating to business licenses; creating new provisions; amending ORS
3 701.015; repealing ORS 701.007; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** It is the intent of the Legislative Assembly to reduce the
6 number of city business licenses that construction contractors and landscape
7 contractors are required to obtain in order to conduct business in the
8 Portland metropolitan area. It is the purpose of this Act to enable con-
9 struction contractors and landscape contractors to secure from the metro-
10 politan service district one business license that will permit the conduct of
11 business by such contractors in cities in which the contractors perform a
12 limited amount of work and in which they do not have a principal place of
13 business. Furthermore, it is also the intent of the Legislative Assembly that
14 this Act apply only to contractors engaged in the building trades and crafts
15 and to landscape contractors without regard to any subsequent expansion of
16 the jurisdiction of the Construction Contractors Board over other trades and
17 crafts. It is declared to be the policy of this state that, to the maximum ex-
18 tent possible consistent with the requirements of this Act, the cities within
19 the boundaries of the metropolitan service district be allowed to control the
20 imposition of business license taxes and to maintain the level of revenues

NOTE: Matter in bold face in an amended section is new; matter (*italic and bracketed*) is existing law to be omitted.

1 obtained from those taxes. The amount and trends of revenue produced
2 distributed to each city is intended to reflect the construction business ac-
3 tivity within the participating cities.

4 **SECTION 2. ORS 701.015 is amended to read:**

5 701.015. (1) A [*builder*] contractor or landscape contractor shall pay di-
6 rectly to any city within the boundaries of a metropolitan service district
7 any business license tax imposed by the city when:

8 (a) The principal place of business of the [*builder*] contractor or the
9 landscape contractor is within the city; or

10 (b) The principal place of business of the [*builder*] contractor or the
11 landscape contractor is not within the city but the [*builder*] contractor or
12 landscape contractor derives gross receipts of [~~\$100,000~~] \$125,000 or more
13 from business conducted within the boundaries of the city during the calen-
14 dar year for which the business license tax is owed.

15 (2) A [*builder*] contractor or landscape contractor who conducts business
16 during any year in any city within the boundaries of the metropolitan service
17 district other than a city to which the [*builder*] contractor or landscape
18 contractor has paid a business license tax for that year may apply for a
19 business license from the metropolitan service district.

20 (3) When a [*builder*] contractor or landscape contractor obtains a busi-
21 ness license from the metropolitan service district under subsection (2) of
22 this section, if a city within the boundaries of the metropolitan service dis-
23 trict other than a city to which the [*builder*] contractor or landscape con-
24 tractor is required to directly pay a business license tax under subsection (1)
25 of this section demands payment of a business license tax by the [*builder*]
26 contractor or landscape contractor, the city shall waive such payment upon
27 presentation of proof by the [*builder*] contractor or landscape contractor
28 that the [*builder*] contractor or landscape contractor has a business license
29 issued by the metropolitan service district. Possession by the [*builder*] con-
30 tractor or landscape contractor of a current business license issued by the
31 metropolitan service district under subsection (2) of this section shall be

of sufficient to obtain the waiver described in this subsection.

2 (4) The metropolitan service district shall issue a business license to a
3 **[builder] contractor** or landscape contractor when:

4 (a) The **[builder] contractor** or landscape contractor presents proof to the
5 district that the **[builder] contractor** or landscape contractor has paid the
6 business license tax imposed by each city within the boundaries of the dis-
7 trict to which the **[builder] contractor** or landscape contractor must directly
8 pay a business license tax under subsection (1) of this section; and

9 (b) The **[builder] contractor** or landscape contractor pays a license fee
10 to the district. The license fee charged under this paragraph shall be twice
11 the average business license tax charged **[builders] contractors** by cities
12 located within the metropolitan service district plus an amount that is suf-
13 ficient to reimburse the district for the administrative expenses of the dis-
14 trict incurred in carrying out its duties under this section.

15 (5) The metropolitan service district shall distribute the business license
16 fees collected by the district under this section, less administrative expenses,
17 to the cities that are located wholly or partly within the district and that
18 collect a business license tax. In any year, each such city shall receive such
19 share of the license fees as the number of residential building permits that
20 it issued during that year bears to the total number of residential building
21 permits that were issued during that year by all of the cities located wholly
22 or partly within the district. Distribution of moneys under this subsection
23 shall be made at least once in each year. The metropolitan service district
24 shall determine the number of residential building permits issued by cities
25 within the district from statistics and other data published by the [*Con-*
26 *struction Contractors Board*] State Housing Council.

27 (6) As used in this section:

28 [(a) "*Builder*" means a person who is registered under ORS 701.055 while
29 engaging in residential work only.]

30 [(b)] (a) "Business license tax" means any fee paid by a person to a city
31 or county for any form of license that is required by the city or county in

1 order to conduct business in that city or county. The term does not inclu
2 any franchise fee or privilege tax imposed by a city upon a public utility
3 under ORS 221.420 or 221.450 or any provision of a city charter.

4 [(c)] (b) "Conducting business" means to engage in any activity in pursuit
5 of gain including activities carried on by a person through officers, agents
6 and employees as well as activities carried on by a person on that person's
7 own behalf.

8 [(d)] (c) "Landscape contractor" means a person or business who is li-
9 censed under ORS 671.510 to 671.710 as a landscape contractor.

10 [(e)] (d) "Principal place of business" means the location in this state of
11 the central administrative office of a person conducting business in this
12 state.

13 **SECTION 3.** ORS 701.007 is repealed.

14 **SECTION 4.** This Act being necessary for the immediate preservation of
15 the public peace, health and safety, an emergency is declared to exist, and
16 this Act takes effect July 1, 1991.

17

**METRO**2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: November 26, 1990

TO: Intergovernmental Relations Committee

FROM: Councilor George Van Bergen
Finance Committee Chair

RE: FINANCE COMMITTEE RECOMMENDATIONS ON POTENTIAL DISTRICT
LEGISLATION

The Finance Committee recommends two items for inclusion in Metro's legislative package. The first (draft bill attached as Exhibit A) is a proposed legislation which would authorize Councilors to receive the same medical and dental benefits provided to District employees. This matter was approved on September 6, 1990, for recommendation to the Intergovernmental Relations Committee by a three to one vote. Voting yes were Councilors Collier, Van Bergen and Wyers. Voting no was Councilor Gardner. Councilor Devlin was excused from the meeting.

The second (information attached as Exhibit B) is support for legislation which will be introduced by Senator Otto requesting potential state funding for the activities of the Bi-State Policy Advisory Committee. The total proposed expenditure level of the Bi-State Committee for the next two years is \$75,000 per year. This legislative program calls for the states of Oregon and Washington to contribute \$30,000 each for each of the next two years and the Intergovernmental Resource Center (Clark County COG) and Metro to match these contributions with \$7,500 each. The Committee voted unanimously at its November 1, 1990, meeting to recommend this action to the Intergovernmental Relations Committee. Voting yes were Councilors Collier, Gardner, Van Bergen and Wyers. Councilor Devlin was excused.

GVB:DEC:aeb
Attach.

A:\3003



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: November 26, 1990
TO: Finance Committee
FROM: Donald E. Carlson, Council Administrator
RE: SECOND DRAFT OF LEGISLATION FOR COUNCILOR MEDICAL AND DENTAL BENEFITS

Please find attached a second draft of the proposed legislation authorizing Councilors to receive paid medical and dental benefits. This draft differs from the initial draft in that the phrase "in the same manner as employees of the District" is added at the end of the sentence. This language clarifies that the benefit would cover Councilors and their families just as is the case with employees.

The second change is that life insurance benefits are deleted because the benefit provided employees is based on their salaries and the Councilors serve in non-salaried positions.

For your information, the current rates per employee for medical and dental coverage are as follows:

BENEFIT	<u>ODS</u>	<u>KAISER</u>
Medical & Vision	\$221.67	\$219.55
Dental (ODS)	<u>56.26</u>	<u>56.26</u>
TOTAL	\$277.93	\$275.81

The District pays the composite rate to the respective providers for each eligible employee. This rate covers employees as singles, married or with families.

DEC:aeb
Attachment
3000

DRAFT

COUNCILOR HEALTH BENEFITS
August 28, 1990

A BILL FOR AN ACT

Relating to health benefits for Councilors; amending ORS 268.160.
Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 268.160 is amended to read:

268.160 Rules of procedure; officers; compensation and expenses. The Council may adopt and enforce rules of procedure governing its proceedings in accordance with this chapter. At its first meeting after January 1 of each year, one Councilor shall be elected by the Council to serve as its presiding officer for the ensuing year. The Council shall meet upon the request of the presiding officer or that of a majority of the Council. Notwithstanding the provisions of ORS 198.190, Councilors shall receive no other compensation for their office than a per diem for meetings, plus necessary meals, travel and other expenses as determined by the Council. In addition the Council may provide medical and dental benefits for Councilors in the same manner as employees of the District.

COUNCIL STAFF REPORT

RESOLUTION NO. 90-1353, SUPPORTING LEGISLATIVE CONCEPTS AND TRANSMITTING LEGISLATIVE PROPOSALS TO THE 1991 LEGISLATIVE SESSION

Date: November 5, 1990

Presented by: Martin Winch

BACKGROUND

At the Council retreat September 8, 1990, Councilors present agreed the IGR Committee would compile Metro's proposed 1991 Legislation and legislative positions for Council adoption and transmittal to the Legislature by the end of 1990.

At the retreat, it was further agreed that Committees should submit their recommendations to IGR in time for its first meeting in November. The Chair of the IGR Committee distributed a request, dated September 13, 1990, to the Council, the Executive Officer and the Department Heads that recommendations and materials be made available to the IGR Committee by November 5, 1990.

At the October 23, 1990 IGR meeting, the Government Relations Officer advised the IGR Committee that Metro refrain from introducing legislation in 1991 beyond housekeeping items, though Council could express its support for legislation proposed by others.

SUMMARY & ANALYSIS

- * Natural Resources Trust Fund. The 1989 Legislature, with Metro support, created this Fund, but did not fund it. Efforts to create a funding mechanism for the Fund are currently centered in the Cease Committee. Supporters of some mechanism include the Association of Oregon Industries, League of Oregon Cities, Oregon Parks Association, State Parks Division, and Defenders of Wildlife.
- * The Otto Committee will meet on December 4th, when it is expected to consider the four Metro housekeeping bills. The first three (LC 178-1, 2, and 3) are already filed; the fourth (LC 1568) is new but is not expected to be troublesome. The current Government Relations Officer will represent Metro at this meeting, and will ask that the four bills be combined into one. The Committee may also take up the business license bill (Exhibit "F").
- * At this writing, the referenced solid waste concepts (Exhibits "A", "B", and "C") have not been forwarded by the Solid Waste Committee, which will consider them at its November 6th meeting.
- * The Bi-State Policy Advisory Committee recommendation regarding air quality protection appears as a separate Resolution (90-1352) on this IGR agenda.
- * The Transportation concepts (Exhibit "E") are coming before IGR for approval for the first time.

* The "passport" business license bill came before IGR at its October 23, 1990 meeting, when the Committee severed it from the list of Metro housekeeping bills because it was appropriate for Metro to support the bill (which the Committee did) but not to introduce it.

ISSUES WHICH THE COUNCIL MAY WANT TO CONSIDER

* Does the Council want to follow a policy of not introducing legislation this year beyond housekeeping matters? Is there a guideline other than "cold turkey" the Council should consider? Should Metro always seek in this Session to have legislation it favors be introduced other than by Metro?

* How does the new Office of Government Relations affect the Council's process on legislative issues?

* How does the Committee want to establish working understandings with the new Government Relations Officer?