

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF INCLUDING A) RESOLUTION NO. 90-1370
LEGISLATIVE PROPOSAL OF THE OREGON)
REGIONAL COUNCIL ASSOCIATION IN THE) Introduced by
DISTRICT'S LEGISLATIVE AGENDA) Councilor Jim Gardner

WHEREAS, The Metropolitan Service District is a member of the Oregon Regional Councils Association (ORCA); and

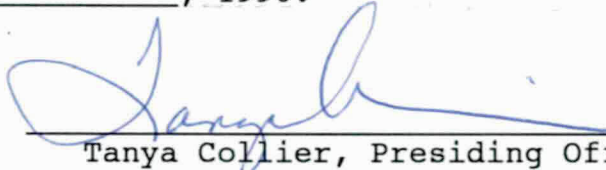
WHEREAS, The ORCA Board of Directors has approved a legislative proposal for submission to the Senate Interim Committee on Government Operations for introduction in the 1991 Legislature; and

WHEREAS, The ORCA legislative proposal provides for State recognition of regional councils and financial support; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District endorses the ORCA legislative proposal attached as Exhibit A for submission to the Senate Interim Committee on Government Operations and includes it in its 1991 legislative package.

ADOPTED by the Council of the Metropolitan Service District this 13th day of December, 1990.



Tanya Collier, Presiding Officer

LC 1625

11/01/90 (JB/bg)JB

D R A F T

SUMMARY

Declares legislative policy of facilitating operation of regional councils through certification and providing financial assistance to such councils.

Allows regional council to request certification by Governor.

Requires certified regional council to provide at least three of ~~seven~~ **NINE** specified services and to include in its membership majority of general purpose local governments with majority of population in its region.

Creates Regional Councils Fund in State Treasury to provide financial aid to certified regional councils.

Allocates \$1 million per annum of lottery revenues to Regional Councils Fund.

~~\$50,000~~
\$75,000

Requires distribution of ~~\$50,000~~ per annum to each certified regional council and distribution of remaining moneys based on population of regional councils.

Requires state agencies administering programs in region to notify regional council of commencement or change in program when program significantly affects residents or local governments in region.

Defines "regional council" and other terms.

A BILL FOR AN ACT

1

2 Relating to regional councils; and appropriating money.

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

4 **SECTION 1.** (1) The Legislative Assembly declares that since the pro-
5 grams of any unit of local government may affect the activities and programs
6 of other nearby local governments within a region, regional councils of local
7 governments constitute an important means for finding solutions to govern-
8 mental problems that transcend local government boundaries. The Legisla-
9 tive Assembly also finds that regional councils are important and
10 appropriate local entities for providing:

11 (a) Regional services in an efficient and effective manner;

12 (b) Implementation of economic development, urban growth management

13 and transportation planning for regions of the state;

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1 (c) Coordination of state government policies and programs with local
2 governments; and

3 (d) Delivery of state programs within regions.

4 (2) Therefore, the Legislative Assembly declares that it is the policy of
5 this state to require state agencies to communicate with the regional coun-
6 cils regarding state programs and policies which affect their members and,
7 to the maximum feasible extent, to coordinate with regional councils in the
8 administration of state programs and policies that affect the regions of this
9 state.

10 (3) The Legislative Assembly by enactment of this Act intends to facili-
11 tate the establishment and operation of regional councils through a certif-
12 ication process and to provide financial assistance to regional councils.

13 **SECTION 2.** As used in this Act, unless the context requires otherwise:

14 (1) "Certified regional council" means a regional council certified by the
15 Governor under section 3 of this Act.

16 (2) "Council of governments" means an entity organized by units of local
17 government under an intergovernmental agreement under ORS 190.003 to
18 190.110, which does not act under the direction and control of any single
19 member government.

20 (3) "Metropolitan service district" means a municipal corporation organ-
21 ized under ORS chapter 268.

22 (4) "Region" means an area consisting of one or more entire and contig-
23 uous counties or an area included within the boundaries of a metropolitan
24 service district.

25 (5) "Regional council" means a council of governments or a metropolitan
26 service district organized and operating within a region.

27 (6) "State agency" has the meaning given that term in ORS 183.025.

28 **SECTION 3.** (1) The governing body of a regional council, by resolution,
29 may ask the Governor to designate that regional council as the certified re-
30 gional council for its region.

31 (2) In order to be designated as the certified regional council for a region,

1 the regional council must include in its membership a majority of the general
2 purpose local governments of the region which include a majority of the
3 population within the region as parties to the intergovernmental agreement
4 ~~or a statute which created the regional council~~ and must provide or agree to
5 provide at least three of the following services and functions for or within
6 its region:

7 (a) Participation as a clearinghouse for reviewing and submitting com-
8 ments on proposed federal grants, direct federal actions or plans for con-
9 struction of federal facilities.

10 (b) Planning services, including development of functional plans for
11 transportation and other programs, coordination of comprehensive land-use
12 planning and technical assistance to individual local government planning
13 programs.

14 (c) Economic development programs and services.

15 (d) Human services, including planning, coordination and supervision of
16 service contracts for human services or direct operating responsibilities for
17 programs.

18 (e) Technical assistance to local governments to meet a variety of com-
19 munity needs.

20 (f) Secure or administer federal, state and other sources of outside finan-
21 cial aid for community development projects and other local purposes.

22 (g) Work force functions, including services to assist the unemployed,
23 job-training and programs to improve utilization of the region's human re-
24 sources.

25 (h) Environmental quality planning and coordination.

26 (3) A regional council that seeks certification from the Governor under
27 this section shall submit a copy of the resolution requesting certification to
28 the Governor. The regional council shall also submit evidence, in a form
29 satisfactory to the Governor, that demonstrates to the satisfaction of the
30 Governor that the regional council meets the requirements of subsection (2)
31 of this section.

{ (i) SOLID WASTE PLANNING OR MANAGEMENT
[3]
(j) FACILITATING RESOLUTION OF INTER GOVERNMENTAL
DISAGREEMENTS.

BE A DISTRICT ORGANIZED UNDER ORS CHAPTER 268

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1 (4) When the Governor receives a resolution for certification from a re-
2 gional council, if the Governor finds that the regional council meets the re-
3 quirements of subsection (2) of this section, the Governor shall, in writing,
4 certify the regional council for the purposes of this Act. The Governor shall
5 deliver a copy of the certification to the regional council and shall notify the
6 Executive Department and all other state agencies that the regional council
7 has been certified under this Act.

8 (5) When a regional council is certified under this Act, it shall remain
9 the certified regional council for its region unless it is decertified by the
10 Governor.

11 (6) When a regional council fails to provide at least three of the services
12 described in subsection (2) of this section or when the regional council no
13 longer includes in its membership a majority of the general purpose local
14 governments of the region which include a majority of the population within
15 the region, the regional council shall notify the Governor of such failure
16 or withdrawal. If the Governor determines that the regional council is no
17 longer qualified for certification under this Act, the Governor shall, in
18 writing, decertify the regional council not later than 60 days after the no-
19 tification required by this subsection. The Governor shall notify the Execu-
20 tive Department and all other state agencies that the regional council has
21 been decertified.

22 (7) The Governor shall certify only one regional council for a region
23 during any specified period of time.

24 **SECTION 4.** (1) Any state agency that administers a program or project
25 that significantly affects the local governments or residents in a region for
26 which a certified regional council exists, shall notify that regional council
27 of the commencement of the program or project or of any significant changes
28 in an existing program or project. A state agency, to the fullest extent
29 practicable, shall communicate information concerning the changes in an
30 agency program or project to the certified regional council for that region.
31 Notification to or communication with a regional council under this sub-

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1 section shall be given by a state agency prior to the commencement or sig-
2 nificant change in a program or project.

3 (2) When notifying a regional council of the commencement or change of
4 program or project under this section, a state agency shall seek comment and
5 suggestions from the regional council concerning the program or project
6 prior to implementation.

7 **SECTION 5.** (1) There is created in the State Treasury, separate and
8 distinct from the General Fund, the Regional Councils Fund, consisting of
9 all moneys credited thereto, including moneys allocated from the Executive
10 Department Economic Development Fund, and all interest earned on the
11 Regional Councils Fund. The moneys in the Regional Councils Fund are
12 continuously appropriated to the Executive Department to be used for grants
13 to regional councils under this Act.

14 (2) Moneys in the Regional Councils Fund shall not be used to pay ad-
15 ministrative expenses of the department or to retire any debt.

16 **SECTION 6.** (1) In each biennium commencing after June 30, 1991, there
17 is allocated to the Regional Councils Fund from the Executive Department
18 Economic Development Fund the sum of \$2 million.

19 (2) The allocation of moneys from the Executive Department Economic
20 Development Fund authorized under this section shall be made at the rate
21 of \$1 million in each fiscal year.

22 **SECTION 7.** (1) On July 1 and January 1 in each year, the Executive
23 Department shall certify the amount of money available in the Regional
24 Councils Fund for distribution to regional councils under this Act. Not later
25 than 30 days after such certification, the Executive Department shall dis-
26 tribute the available moneys, but not exceeding a total amount of ~~\$500,000~~^{\$750,000},
27 to certified regional councils as follows:

28 (a) ~~\$25,000~~^{\$37,500} to each certified regional council; and

29 (b) All the remaining moneys to certified regional councils in such shares
30 as their respective populations bear to the total population of all the certi-
31 fied regional councils in this state.

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1 (2) Moneys received by a regional council under this section may be ex-
2 pended for any purpose for which moneys may lawfully be expended by a
3 regional council under the statute or intergovernmental agreement which
4 created the regional council.

5

Chair:
Sen. GLENN OTTO

Members:
Sen. JIM BUNN
Sen. JANE CEASE
Sen. DICK SPRINGER
Sen. EUGENE TIMMS

Staff:
GAIL RYDER
SYLVIA LOPTUS

SENATE COMMITTEE ON
GOVERNMENT OPERATIONS
453 I State Capitol
Salem, Oregon 97310
(503) 378-5781

AGENDA

Date: 12/18/90
Time: 9:00 A.M.
Place: HR A

Work Session

I. COUNCILS OF GOVERNMENT

Request for introduction of LC 1625 - Regional councils
--Alan Hershey, Mid-Willamette Valley Council of Govt.
--Don Carlson, Metro

II. COUNTY POPULATION STUDY

Status report and work session
--Committee Staff

III. BUSINESS LICENSING

Request for introduction of LC 1263 - Business licenses
--B. J. Smith, League of Oregon Cities and Advisory Task
Force on Business Licensing

IV. CHARITABLE CONTRIBUTIONS

Request for introduction of LC 326 - State charitable
contributions program
Request for introduction of LC 327 - Payroll deductions
--Executive Department
--Justice Department

V. LUNCH

VI. EMERGENCY PREPAREDNESS

Introduction of additional legislation (if necessary)

VII. BUILDING OFFICIALS ASSOCIATION

Request for introduction of legislative concept
--Michael Cliburn, Oregon Building Officials Association

VIII. DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES (DOGAMI)

Presentation of legislative package
--Don Hull, State Geologist, DOGAMI
--John Beaulieu, Deputy State Geologist, DOGAMI



METRO

Memorandum

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

Date: December 4, 1990
To: Intergovernmental Relations Committee
From: Councilor Jim Gardner ^{IG.}
Regarding: RESOLUTION NO. 90-1370: OREGON REGIONAL COUNCILS
LEGISLATIVE PROPOSAL

As Metro's representative on the Board of the Oregon Regional Council's Association, I am submitting ORCA's legislative proposal to the Committee for inclusion in Metro's legislative package. The proposal attached to Resolution No. 90-1370 does the following:

- o establishes legislative policy recognizing the importance of regional councils,
- o authorizes regional councils to apply for certification by the Governor based on specified criteria,
- o creates a regional council fund of \$1,000,000 each year (lottery funds) to provide financial aid to certified regional councils in the amount of \$75,000 per council per year with the balance to be distributed on a population basis, and
- o requires State agencies to notify regional councils of new or changes in existing programs which will significantly affect residents in local governments in the region.

It should be noted that the attached draft of LC 1625 is marked up with changes authorized by the ORCA Board at its last meeting. This legislative proposal is the culmination of several years' discussion by ORCA members. It is a significant step for the organization and is worthy of our support.

DEC:gpwb
a:\901370.cr

attachment

Agenda Item No. 8.4
Meeting Date: December 13, 1990

INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT

RESOLUTION NO. 90-1370, INCLUDING A LEGISLATIVE PROPOSAL OF THE OREGON REGIONAL COUNCILS ASSOCIATION IN THE DISTRICT'S LEGISLATIVE AGENDA

Date: December 12, 1990 Presented by: Councilor Gardner

COMMITTEE RECOMMENDATION:

At its December 11, 1990 meeting, the Intergovernmental Relations Committee voted 5 - 0 (Councilors Bauer, Devlin, Gardner, Hansen and McFarland in favor) to recommend Council adopt Resolution No. 90-1370.

EXPLANATION

Resolution No. 90-1370 endorses an O.R.C.A. Legislative proposal to the Senate Interim Committee on Government Operations.

The proposal (LC 1625, 11/1/90) declares a legislative policy of facilitating operation of regional councils through certification and providing financial assistance to such councils, and implements that policy with specific provisions.

A copy of LC 1625 (11/1/90) is attached to the Resolution as Exhibit A.

COMMITTEE DISCUSSION/ISSUES:

There was no Committee discussion.