

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF IDENTIFYING)	RESOLUTION NO. 93-1761
LEGISLATIVE ISSUES FOR SUPPORT,)	
OPPOSITION, AND MONITORING IN THE)	INTRODUCED BY THE
1993 LEGISLATIVE SESSION)	GOVERNMENTAL AFFAIRS
)	COMMITTEE

WHEREAS, The Metro Council adopted Resolution No. 93-1747A on January 28, 1993, establishing the 1993 Legislative Task Force and directing that the preparation of Metro's 1993 Legislative Agenda be coordinated by the Governmental Affairs Committee; and

WHEREAS, The Legislative Task Force, the Governmental Affairs Committee, and other standing committees of the Council have reviewed proposed legislation for the purpose of making recommendations to the Council on Metro's position on legislative items; and

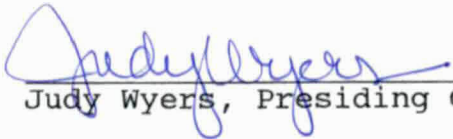
WHEREAS, The Metro Council intends to submit and actively support legislation necessary to further Metro's interests and implement the 1992 Metro Charter, to oppose legislation not in Metro's interests, and to monitor the activities of the 1993 Oregon State Legislative session; now, therefore,

BE IT RESOLVED,

That the Metro Council:

1. Endorses the legislative bills and proposals listed in Exhibit A, and directs that they receive Metro's active support.
2. Opposes the legislative bills and proposals listed in Exhibit B, and directs that they receive Metro's active opposition.
3. Identifies the legislative bills and proposals listed in Exhibit C as those to be monitored by Metro staff.
4. Authorizes the Governmental Affairs Committee and the Legislative Task Force to direct the bills and proposals in the "Monitor" category to receive active support or opposition as circumstances warrant.
5. Directs the Governmental Affairs Committee and the Legislative Task Force to report to the full Council any actions taken under item number 4., above.

ADOPTED by the Metro Council this 25th day of February, 1993.



Judy Wyers, Presiding Officer

Exhibit A

1993 Legislative Bills and Proposals for Metro Support

House Bills

- HB2419 Allows DEQ emission fee in the Portland region. (Fees collected from this would be programmed by Metro and are a critical part of meeting federal air quality standards.)
- HB2248 Provides for sending of Tort Claim notices to government designee. Defines notice.
- HB2415 Increases gas tax from \$.24 to \$.28 as of 1/1/94 (and increases 4 cents per year for 3 more years to a total of \$.40 cents) and corresponding weight mile taxes. Allocates money to counties and cities.
- HB2420 Allows transit and transportation districts to levy payroll taxes without approval by voters.
- HB2426 Establishes system to finance High Speed and Light Rail mass transit systems; describes legislature policy and declares financing to be an appropriate use of lottery funds.
- HJR7 Amends constitution to allow for use of emissions fees for alternative modes of transportation.

Senate Bills

- SB27 Amends financial assurance requirements for solid waste disposal sites to conform to federal rules to allow for Oregon assumption of primacy for enforcement. (May possibly need amendment to allow metropolitan service districts to qualify as self insurer.)
- SB67 Clarifies duties of Department of Environmental Quality concerning household hazardous waste.
- SB392 Provides system for land use planning by metropolitan service districts. (Puts Metro goals and objectives into compliance with state land use law.)
- SB357 Requires the Legislature to set an election date for a statewide vote on a constitutional amendment to remove property taxies levied for repayment of urban renewal bonded debt from the limitations imposed by Ballot Measure 5, with local voter approval.
- SJR2 Constitutional amendment to authorize use of gas tax for transit or other traffic reducing alternatives.
- SJR10 Proposes a constitutional amendment to remove property taxes levied for repayment of urban renewal bonded debt from the limitations imposed by Ballot Measure 5, with local voter approval.

Exhibit B

1993 Legislative Bills and Proposals for Metro Opposition

House Bills

- HB2534 Creates procedure for establishing urban services boundaries between cities. Defines "urban service boundary." Requires election in affected territory prior to establishment of urban services boundary. (Attempts legislative remedy for Beaverton-Portland urban services boundary dispute. Metro's regional coordination authority as it applies to conflicts between city comprehensive plans would be reduced in favor of a process by the city planning commissions that could yield a result in conflict with regional policy.)
- HB2490 Attempts to move work by small in-house labor force to public contracting arena. (Would require Metro to contract with ESB's before contracting with others; would add administrative burden and also possibly impact zoo and MERC.)
- HJR11 Eliminates in-house construction, repair and/or maintenance of real property. (Could impact Zoo and MERC also.)

Senate Bills

- SB19 Authorizes Ethics Commission to add officials required to file statements of Economic Interest to include those whose duties involve management of public funds.
- SB55 Creates Public Purchasing Cooperative. Would streamline purchases of selected goods and services. (Could increase procurement costs and interface costs).

Exhibit C

1993 Legislative Bills and Proposals for Metro to Monitor for Support or Opposition

Possible Support

House Bills

- HB2040 Broadens definition of re-employment reserve to conform to actual practice.
- HB2068 Expands powers of construction contractors board.
- HB2149 Establishes program for delineation and protection of ground water areas that are sources of public drinking water.
- HB2191 Requires LUBA notice of mediation opportunity.
- HB2215 Establishes new program for coordinated watershed management. Encourages agency and intergovernmental cooperation. (Possible Greenspaces tie-in.)
- HB2221 Maintains confidentiality of employee information.
- HB2276 Extends the prohibition on political activity of public employees during working hours to the gathering of signatures for initiatives referendums and recalls; prohibits the use of public facilities, equipment and supplies by public employees for political activities. (Puts into law policies Metro already follows.)
- HB2427 Imposes tire/battery tax with proceeds to go to mass transit.
- HB2503 Amends state election statues to require primary elections to be conducted by mail ballot (Could reduce Metro's election costs, but do not know if primary elections by mail would help or hinder Metro measures.)
- HB2701 Extends requirements for beverage container deposit to include all containers with liquid for human consumption except milk and other drinks derived from dairy products.

Exhibit C

Legislative Proposals To Monitor

Senate Bills

SB124 Regional Economic Strategy Program. (Introduced for Oregon Tourism Alliance. Metro a member of Alliance.)

Possible Opposition

- HB2328 Extends requirement that blind persons operate vending facilities for counties, cities, and office buildings of higher education. (Impacts Metro, Zoo and MERC.)
- HB2408 Allows compensation for land use decision which reduces economic value.
- HB2472 Eliminates prevailing wage requirements for contracts not exceeding \$50,000.
- HB2554 Amends ORS 192.630 to require all decisions of a governing body to take place in a public meeting; prohibits individual consultation by a quorum of governing body members on matters leading toward a decision; and also requires all electronic communication of a public meeting to be oral. (It would probably make it more difficult to communicate on matters before the Council.)
- HB2715 Limits LCDC to "matters of statewide concern" emphasizing concerns of private landowners. Section 3 lists areas of authority for LCDC. (Could possibly be applied similarly to Metro in the future if there were efforts to limit Metro authority. Secondary lands issue included which could affect Metro urban reserves work.)
- HB2735 Modifies composition of LCDC, taking the appointment of a majority of members away from the Governor. Also changes the limit of two LCDC members from Multnomah County to one member. (May reduce metropolitan area impact on LCDC decisions. Would also slow rulemaking as all 4 regional committees could hold hearings on new rules.)

Legislative Proposals To Monitor

Monitor no Position As Yet

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- HB2084 Increases judicial salaries. (Would affect salary levels of Metro Executive Officer, Presiding Officer and Auditor.)
- HB2171 PERS Definition. Defines "credible service," "retirement credit," member," "active member," "inactive member" and "retired member" for purpose of Public Employee Retirement Act. Establishes uniform usage of those terms. Allows use of proper service in establishing eligibility for certain benefits.
- HB2217 Provides additional procedure for annexation to a city or district from within urban growth boundary and provides procedures for adoption of annexation plan.
- HB2421 Imposes \$200 transportation access fees on new motor vehicles.
- HB2430 Provides for bicycle registration fee. (Excise tax has been opposed previously so this may be an acceptable substitute.)
- HB2533 Boundary Commission Annexation. Allows double majority and triple majority city and district annexations to be submitted for approval to elections in affected territory when that territory is within the jurisdiction of the local government boundary commission.
- HB2546 Limits annual percentage in public employer compensation to the average annual increase in the private sector.
- HB2548 Prohibits public agency from paying professional membership fees or dues for public employees unless part of a written employment agreement.

- HB2595 Adds a limitation on standing to appeal to LUBA that would eliminate advocacy groups standing if no affected property owner is their client. (Could possibly reduce the number of challenges to Metro from advocacy groups.)
- HB2628 Relates to the transfer of certain solid waste disposal site rehabilitation and enhancement moneys.

Legislative Proposals To Monitor

Senate Bills

- SB17 Authorizes Ethics Commission to obtain information without a subpoena prior to investigating a public official, but only to determine if there is cause to investigate.
- SB18 Allows an individual 3 working days to register as lobbyist after exceeding the \$50/16 hour per quarter limits.
- SB56 Requires local governments to adopt intergovernmental agreements, standardized information systems and technology. (State, county and city representatives are working on replacement bill)
- SB59 Eliminates use of property taxes levied by certain taxing units in specified metropolitan area for construction, operation, repair and maintenance of facilities and works for water supply or waste water disposal.
- SB88 Establishes certain crimes for unlawful waste disposal.
- SB122 Allows LCDC to enforce urban services boundaries. Companion bill to HB2217.
- SB389 Amends Oregon law to allow proposed amendments (to Metro Charter) to be put on the special election dates prescribed by law. (This bill makes it possible to propose charter amendments each year rather than twice every two years. However is also opens up charter amendment process which can be good or bad for Metro.)
- SB116 Protects agricultural activities on specified lands from certain civil actions and local government ordinances.
- SB189 Allows citizen lawsuits relating to violations of certain state solid waste statutes, rules and orders.

- SB315 Would prohibit the aeration of petroleum contaminated soils inside urban growth boundaries.
- SB388 Extends Metro dues assessments.
- SB431 Provides for election, rather than appointment, of directors of certain mass transit districts. Requires elected directors to succeed appointed directors not later than July 1, 1995.

Legislative Proposals To Monitor

Concepts Which May Be Introduced As Legislation

Senate Resolution memorializing Congress to support earthquake mitigation planning.

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 93-1761, IDENTIFYING LEGISLATIVE ISSUES FOR SUPPORT, OPPOSITION, AND MONITORING IN THE 1993 LEGISLATIVE SESSION

Date: February 23, 1993

Presented by: Councilor Gardner

COMMITTEE RECOMMENDATION: At its February 18, 1993 meeting the Governmental Affairs Committee voted 4-0 to recommend Council adoption of Resolution No. 93-1761. Voting were Councilors Gates, Gardner, Hansen, and Moore. Councilor Wyers was excused.

COMMITTEE DISCUSSION/ISSUES: Resolution No. 93-1761 includes three exhibits, listing legislative bills to support, oppose, or monitor. The "monitor" list has four separate categories; monitor with possible support; monitor with possible opposition; monitor with no position; and monitor concepts which may be introduced as legislation. The listing of individual bills by category in the Draft Resolution before the committee resulted from direction given at the February 4 Governmental Affairs Committee meeting, at which representatives of Western Advocates reviewed a list of bills which could affect Metro, directly or indirectly. The committee review of those bills indicated which bills should fall into each category for purposes of establishing tentative positions, with many bills being dropped from Western Advocates' original list. Those tentative positions were reviewed at the February 18 meeting. In addition, the Solid Waste Committee forwarded recommendations to Governmental Affairs through a February 17 memorandum from Solid Waste Chair Councilor Buchanan, which reflected that committee's discussion at its February 16 meeting. The Planning Committee was scheduled to review legislation at its February 23 meeting, with its recommendations coming to Council when it considers Resolution No. 93-1761 on February 25.

Committee discussion focused on the bills listed in the Draft Resolution. The first bills discussed were House Bill (HB) 2217 and Senate Bill (SB) 122, which are companion bills concerning revisions to annexation procedures. Councilor Moore proposed moving those two bills from Support to Monitor/Possible Support. The committee concurred.

Discussion then centered on HB 2472, which would increase the contract price amount from \$10,000 to \$50,000 for projects exempt from prevailing wage requirements. Metro staff and the Executive Officer proposed opposing this bill. Noel Klein of Western Advocates asked that it be moved to Monitor, to give Western Advocates the opportunity to consult with other local governments regarding their position on it. Councilor Wyers spoke in favor of Metro opposing this bill, saying that Metro's position should be to oppose any easing of prevailing wage requirements. Councilor Monroe said the Special Districts Association (SDAO) had taken a position in support of this bill, and he did not want

Metro to oppose this bill that SDAO supports. Councilor Gardner said Metro should not take any position on this bill because it does not directly affect Metro's operations. Councilor Monroe said agencies in the Portland area, including Metro, observe prevailing wage rates, but the question is whether the minimum contract amount should be raised for all agencies including small rural special districts. Larry Shapiro, Metro's Labor Compliance Officer, said the bill would have little effect on Metro but he recommended opposition because Metro should take a pro-active stance in support of workers and the rights of workers. Councilor Hansen said she would support listing the bill in the "Monitor - Possible Opposition" category. A majority of the committee agreed, with Councilor Wyers dissenting. Councilor Monroe said he would carry Metro's position to the Special Districts Association.

The committee then discussed SB 389, which would allow Metro Charter amendments to go before the voters at any election, not just primary and general elections. The discussion centered around Metro's role in having the legislation introduced; the committee and staff clearly understood that Metro did not request this bill. The committee's conclusion was that Metro's position should be to monitor the bill only, in order to send a clear message to local governments that Metro did not request this bill and is not asking for legislation without advising others.

Chair Gates summarized the recommendations of the Solid Waste Committee, contained in a February 17 memo to him from Councilor Buchanan, Solid Waste Committee Chair. The committee agreed to incorporate those recommendations into the resolution, with the exception of HB 2701, which would extend the bottle bill to all beverage containers except dairy products. Councilor Gardner proposed moving this bill from "Monitor/No Position" to "Monitor/Possible Support." He said Metro's mandated role to reduce waste argued for that move. The committee agreed with Councilor Gardner's proposal.

Planning Director Andy Cotugno discussed bills related to planning and transportation. He suggested adding Senate Joint Resolution (SJR) 2 to the list of bills to be monitored with no position. That bill would refer a constitutional amendment to the voters allowing the use of gas tax revenues for transit. Councilor Gardner said he hoped Metro would support SJR 2, but that decision could come at a later time. The committee agreed to add SJR 2 to the list of bills to be monitored.

Mr. Cotugno said he had heard that Senator Cease was considering introducing a Resolution which would support earthquake mitigation planning, and he encouraged such a concept to be included among measures to be monitored. In response to a question from Chair Gates, Mr. Cotugno said Senator Cease's concern probably stems from his participation on the Oregon

Seismic Safety Policy Advisory Committee. The committee agreed to add this item to the "Monitor" list, under the heading "Concepts which may be introduced as legislation."

Councilor Monroe said SB 431 had recently been introduced, at the request of the Amalgamated Transit Union, which would require an elected board of directors for Tri-Met. The committee agreed to add it to the "Monitor/No Position" list.

Councilor Moore asked that HB 2430, the bicycle registration fee, be moved from "Support" to "Monitor/No Position" because there has not yet been Council discussion of the policies involved. She asked to move HB 2548 from "Oppose" to "Monitor/No Position." This bill would prohibit public agencies from paying professional membership fees and dues for public employees except under certain circumstances; she didn't think Metro should oppose this bill because she wasn't convinced it's a bad bill and thought it should be more carefully considered before the Council takes a position on it. She asked to move HB 2084 and HB 2595 from "Monitor/Possible Support" to "Monitor/No Position." HB 2084 would increase judicial salaries and consequently increase Metro elected officials' salaries, and she didn't think the Council should take a position on the bill. HB 2595 would require that a person appealing a local land-use decision to LUBA have standing. Councilor Moore didn't want to take a position on this bill without further discussion. The committee agreed to move all four of the above bills to "Monitor/No Position."

SUMMARY OF GOVERNMENTAL AFFAIRS COMMITTEE ACTIONS

<u>Bill #</u>	<u>Position in Draft Resolution</u>	<u>Position in Final Resolution</u>
HB 2217	Support	Monitor/Support
SB 122	Support	Monitor/Support
HB 2472	Oppose	Monitor/Oppose
SB 389	Oppose	Monitor/Neutral
SB 67*	Monitor/Neutral	Support
HB 2701*	none	Monitor/Support
HB 2628*	none	Monitor/Neutral
SB 88*	none	Monitor/Neutral
SB 189*	none	Monitor/Neutral
SB 315*	none	Monitor/Neutral
SJR 2	none	Monitor/Neutral
SB 431	none	Monitor/Neutral
HB 2430	Support	Monitor/Neutral
HB 2548	Oppose	Monitor/Neutral
HB 2084	Monitor/Support	Monitor/Neutral
HB 2595	Monitor/Support	Monitor/Neutral
n/a	none	Monitor/Neutral
(Possible Senate Resolution supporting earthquake preparedness planning.)		

* denotes solid waste bills forwarded from Solid Waste Committee



METRO

2000 SW First Ave.
Portland, OR 97201-5398
(503) 221-1646

Memorandum

DATE: February 24, 1993

TO: Metro Council
Interested Parties

FROM: Gail Ryder, Council Analyst

RE: Metro Legislative Package -
Planning and Transportation Legislation

At the February 23 Planning Committee meeting, the committee reviewed the list of bills, that relate to planning and transportation issues, that was approved by the Council Governmental Affairs Committee as the Metro Legislative Package. The committee voted to agree with recommendations on the list with the following changes:

1. SJR 2, a constitutional amendment authorizing gas tax for transit, should be moved to the "monitor with possible support" category.
2. HB 2533, which allows double and triple majority annexations to go to a vote after Boundary Commission approval, should be moved to the "monitor only" category.
3. HB 2217, which creates a new form of annexation procedure within the UGB, should be moved to the "monitor only" category.
4. SB 122, a companion bill to HB 2217, which allows LCDC to enforce urban services boundaries, should be moved to the "monitor only" category.

c: Casey Short
Merrie Waylett



METRO

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

Memorandum

To: Councillor Mike Gates, Chair, Governmental Affairs Committee

From: Councillor Roger Buchanan, *R* Chair Solid Waste Committee

Date: February 17, 1993

Re: Resolution No. 93-1761, Metro's Legislative Issues

At the February 16 Solid Waste Committee meeting, several legislative bills were reviewed for possible inclusion in the exhibits attached to Resolution No. 93-1761 relating to Metro's support, opposition or monitoring of legislation. As a result of this review, the committee is making the following recommendations:

SB 27 -- the bill is included among legislation that Metro should support. The committee concurs with this recommendation.

SB 67 -- the bill is listed as legislation to be monitored. The committee recommends that Metro support the bill, particularly those provisions that would establish an annual fee to be paid to the DEQ by locations that sell products resulting in household hazardous waste. It is staff's assumption that Metro could qualify to receive up to one-half of the funds generated by such fees to support our household hazardous waste education and disposal programs.

The committee recommends that the following bills be added to the list of legislation to be monitored with no position as yet:

SB 88 -- establishes certain crimes for unlawful waste disposal.

SB 189 - allows citizen lawsuits relating to violations of certain state solid waste statutes, rules and orders.

SB 315 - would prohibit the aeration of petroleum contaminated soils inside urban growth boundaries.

HB 2628- relates to the transfer of certain solid waste disposal site rehabilitation and enhancement moneys. Does not appear to affect Metro, but the intent and effect are somewhat unclear.

HB 2701- would significantly expand the bottle bill to include all drink containers except milk and other drinks derived from dairy products.

Exhibit A

1993 Legislative Bills and Proposals

for Metro Support

House Bills

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- HB2553 Amends ORS192.620 (The Oregon Open Meetings Law) to prohibit members of a government body to contact other members (the total of which constitutes a quorum) in private on matters which will come before the body for a a vote. (This will make it much more difficult for members of a governing body to reach legislative decisions.)
- HJR11 Eliminates inhouse construction, repair and/or maintenance of real property. (Could impact Zoo and MERC also.)

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- SB19 Authorizes Ethics Commission to add officials required to file statements of Economic Interest to include those whose duties involve management of public funds.
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Exhibit C
Legislative Proposals
To Monitor

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