



600 NE Grand Ave.
Portland, OR 97232-2736

Council work session agenda

Tuesday, September 12, 2017

2:00 PM

Metro Regional Center, Council Chamber

PACKET REVISED 09/08/17

2:00 Call to Order and Roll Call

2:05 Chief Operating Officer Communication

Work Session Topics:

2:10 2017 Legislative Session Debrief

[17-4849](#)

Presenter(s): Randy Tucker, Metro
Andy Shaw, Metro
Cindy Robert, Rainmakers LLC
Kylie Grunow, Meriwether Strategies

Attachments: [Work Session Worksheet](#)
[2017 Metro Council Legislative Priorities with Outcomes](#)
[Memo: Future Legislative Issues](#)
[Rainmakers 2017 Legislative Session Report](#)

2:55 Metro Attorney Communication

3:05 Councilor Liaison Updates and Council Communication

3:10 Adjourn

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ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានកម្មប្រណឹងរើសអើងសូមចុះទស្សនាគេហទំព័រ www.oregonmetro.gov/civilrights។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

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Work Session Topics:

2:10 Mandatory Commercial Food Scraps Cost Mitigation Options [17-4848](#)

Presenter(s): Paul Slyman, Metro
Jennifer Erickson, Metro
Dan Blue, Metro

Attachments: [Work Session Worksheet](#)

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2017 Legislative Session Debrief

Metro Council Work Session
Tuesday, September 12, 2017
Metro Regional Center, Council Chamber

METRO COUNCIL

Work Session Worksheet

PRESENTATION DATE: September 12, 2017

LENGTH: 45 minutes

PRESENTATION TITLE: 2017 Legislative Session Debrief

DEPARTMENT: GAPD - COO

PRESENTER(S): Andy Shaw, andy.shaw@oregonmetro.gov, 503-797-1763; Randy Tucker, randy.tucker@oregonmetro.gov, 503-797-1512; Cindy Robert, Rainmakers LLC; Kylie Grunow, Meriwether Strategies

WORK SESSION PURPOSE & DESIRED OUTCOMES

- **Purpose:** This work session is an opportunity to debrief the 2017 legislative session and provide a brief preview of legislative issues anticipated to arise during the 2018 legislative session.
- **Outcome:** The Council will understand the outcomes of the 2017 legislative session. Additionally, the Council may wish to discuss specific legislative concepts or direct staff to develop additional concepts for 2018.

TOPIC BACKGROUND & FRAMING THE WORK SESSION DISCUSSION

Beginning in November 2016, Government Affairs and Policy Development (GAPD) staff came before the Metro Council on three separate occasions to develop the agency's legislative principles and discuss and provide input on a variety of legislative issues. Today's work session is for the purpose of reviewing the outcomes of the 2017 legislative session with respect to the Council's adopted priorities and other issues of interest.

Additionally, GAPD staff will have a preliminary conversation with the Council about issues discussed during the 2017 session that are likely to arise again in the 2018 legislative session. Staff will plan to come back later this fall to discuss these issues in more depth, and to work with the Council to develop priorities for the 2018 legislative session.

QUESTIONS FOR COUNCIL CONSIDERATION

- Are there any other topics or issues on which the Council would like to adopt legislative positions for 2018?

PACKET MATERIALS

- Would legislation be required for Council action Yes No
- If yes, is draft legislation attached? Yes No
- What other materials are you presenting today?
 - *Metro Council 2017 legislative priorities (with session outcomes)*
 - *2018 legislative issues*
 - *Rainmakers Session Report*

METRO COUNCIL LEGISLATIVE PRIORITIES (*updated with session outcomes*)
2017 Legislative Session

- **Urban growth management:** Ensure that the Legislature establishes the policy framework and process for local land use decisions and supports the authority of local governments, including Metro, to make specific decisions on local land use matters. Seek flexibility in state statute for the Metro Council to consider mid-cycle UGB adjustments for housing, upon the request of a city.

HB 2095 passed. This was the consensus bill that emerged from the Urban Growth Readiness Task Force that Metro convened in 2016. The bill authorizes Metro to add up to 1000 acres to the UGB for residential use midway through a growth management cycle if a city requests an expansion and has a development plan and an infrastructure finance plan.

SB 186 failed. It proposed several changes to the region's map of urban and rural reserves, including reserves established by the Legislature in 2014.

A proposed amendment to SB 418 failed that would have prohibited Metro from including the development capacity of thousands of acres of land in a future growth management decision.

SB 547 failed. It would have broadly repealed Metro's planning authority, including its land use planning role and its ability to serve as a metropolitan planning organization under federal law. The bill died without a hearing.

- **Transportation funding and policy:** Support enactment of a comprehensive transportation funding and policy package to improve economic competitiveness, community livability, and environmental quality by addressing the needs of all modes of passenger and freight transportation.

HB 2017 passed. This is the transportation package that raises more than \$5 billion over the next decade for investments in all modes of transportation. Highlights include a significant increase in general revenues for road maintenance; full funding to address highway bottlenecks on I-5 (at the Rose Quarter) and OR-217; a new payroll tax to fund improvements to public transit service statewide; permanent funding for ConnectOregon and for Safe Routes to Schools projects; jurisdictional transfer of outer Powell Boulevard (to the City of Portland) and Cornelius Pass Road (to ODOT); value pricing on I-5 and I-205; rebates on purchases of electric vehicles; and variable registration fees based on vehicle fuel efficiency.

HB 3202 passed, authorizing a consolidated land use approval process known as a Land Use Final Order (LUF0) for the Southwest Corridor light rail project.

HB 3231 failed. This was the bill that would have authorized the creation of a district separate and exempt from the region's existing transportation planning process for the financing, construction and operation of limited-access highways.

- **Brownfield cleanup and redevelopment:** Support creation of policy and funding tools to facilitate brownfield redevelopment, including (a) local authority to provide property tax incentives and (b) establishment of a state brownfield cleanup tax credit.

HB 2968 passed, directing DEQ to study ways to streamline or consolidate the federal and state approval processes for brownfield cleanups.

HB 2459 failed. This was placeholder legislation intended to advance the effort to establish a brownfields tax credit. Given the state budget crisis and other factors, the Brownfield Coalition did not actively pursue this legislation.

- **Affordable housing:** Strengthen tenant protections and remove barriers for local governments to address the housing affordability crisis. Support state investments that increase access to and supply of affordable housing units. Increase the range of financial tools available to the metropolitan region by removing statutory restrictions on Metro's authority to levy construction excise taxes.

SB 1051 passed. It includes several provisions intended to facilitate the development of affordable housing and "missing middle" housing, including accessory dwelling units (ADUs): shorter deadlines for action on permits for affordable housing construction, a requirement that communities allow ADUs in single family zones, broader requirements related to clear and objective standards, prohibitions on density limitations below zoned density, etc. SB 2007 failed but many of its provisions were included in SB 1051. Elements that did not survive include a requirement that communities allow duplexes in single family zones and restrictions on the use of historic designation to deter provision of "missing middle" housing.

HB 2004 failed. This was the renter protection bill, which included limits on no-cause evictions and (as introduced) repealed the statutory pre-emption on rent control by local communities.

Significant funding was provided for affordable housing: The Oregon Housing Alliance successfully advocated for nearly \$150 million in general fund, general obligation bond and lottery bond dollars for emergency housing assistance, foreclosure avoidance, construction of new affordable housing and preservation of existing affordable housing, plus an increase in the cap for the Oregon Affordable Housing Tax Credit from \$17 million to \$25 million.

HB 3012 passed authorizing the construction of new homes in rural residential areas (outside UGBs) on parcels that already have a "historic home" built between 1850 and 1945, if the historic home is converted to an ADU.

Several other bills failed that would have authorized ADUs in farm zones, affordable housing development in rural residential zones and on church-owned land outside UGBs, etc.

No legislation was introduced related to Metro's CET authority.

- **Air Quality:** Support proposals to reduce greenhouse gases and air pollution by establishing emissions requirements and incentives to reduce diesel particulate emissions, increasing the use of clean diesel engines, and reducing diesel engine idling.

SB 1008 passed, albeit in severely scaled-back form. This was the diesel bill that began as a relatively comprehensive proposal that included phaseouts of older diesel engines, a 1% set-aside in public contracts for diesel emissions reduction, local authority to impose idling

restrictions and registration of non-road diesel engines (e.g., construction vehicles, etc.). As introduced, the bill also diverted 25% of state CMAQ dollars to diesel emissions reduction programs, but that provision was removed early on. The final bill merely allocates moneys from the national Volkswagen settlement to reducing diesel emissions from school buses; however, the Legislature also provided \$500,000 for an inventory of non-road diesel engines in a separate bill.

- **Industrial site readiness:** Support allocation of funds to implement 2013 legislation which created state financial tools to help make land inside the urban growth boundary available for industrial development and job creation through infrastructure investment, brownfield cleanup, land aggregation, and other means. Support statutory changes to make 2013 legislation clearer and easier to implement.

SB 333 passed making changes to clarify the 2013 legislation and make the Oregon Industrial Site Readiness Program more attractive to communities and easier to administer. No funding was allocated, but these statutory changes should facilitate limited implementation of the program.

- **Household hazardous waste:** Support legislation establishing a program based on producer responsibility and product stewardship principles to manage household hazardous waste.

HB 3105 and SB 199 failed. These bills, identical when introduced, would have established a product stewardship program for household hazardous waste. Hearings were held on both bills and HB 3105 was approved by its original committee but died in Ways and Means.

- **Recreational Immunity:** Support legislation to restore recreational immunity in order to continue to promote public access to land for recreational use and enjoyment.

SB 327 passed, clarifying that recreational immunity applies not only to the owner of land on which the public is invited to participate in recreational activities free of charge, but also to employees of the owner acting within the scope of their assigned duties.

- **Condor Funding:** Support state funding to hire an ODFW condor coordinator and lead ammunition outreach position.

Funding was not provided.

- **Disaster preparedness:** Support legislation aimed at improving preparedness for a major seismic event.

No activity.

OTHER OUTCOMES OF INTEREST (bills in *italics* are bills Metro opposed):

- Passage of HB 2576, which modified the wildlife trafficking initiative passed in 2016. The bill as introduced inadvertently created a situation where the Oregon Zoo would have been restricted in its ability to engage in routine veterinary, breeding, conservation, research and education activities. Metro offered an amendment that addressed this problem.

- Failure of *HB 3429*, which would have modified the wildlife trafficking initiative to weaken protection for sharks and skates.
- Failure of *SB 114* and *SB 258*, which would have repealed legislation passed in 2016 bypassing, in certain circumstances, local requirements that annexations be approved by voters.
- Failure of *HB 2213*, which would have created the Oregon Conservation and Recreation Fund to support conservation and wildlife protection efforts of the Oregon Department of Fish and Wildlife.
- Failure of *HB 2386* and *HB 2645*, which would have created a product stewardship program for pharmaceuticals.
- Failure of *SB 450* and *HB 2700*, which would have withdrawn the Boring CPO from Metro’s boundary. Both bills died without a hearing.
- Failure of *SB 602*, *SB 608*, *SB 618*, and *SB 620*, which were aimed at weakening land use laws in various ways; *SB 618*, arguably the most extreme, allowed local governments to waive land use goals by simply declaring a “land use emergency.”
- Passage of *SB 481*, *HB 2101* and *SB 106*, all on public records. *SB 481* establishes deadlines for acknowledging and responding to public records requests. *HB 2101* creates an “Oregon Sunshine Committee” to review all exemptions from disclosure for public records. *SB 106* creates a “Public Records Advocate” to facilitate disputes between requesters of public records and state agencies or cities (apparently not between requesters and other local governments, though the Advocate may provide training and advice to state agencies or local governments more broadly), as well as a “Public Records Advisory Council” to monitor public records practices of public bodies and recommend statutory changes as appropriate.



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To: Metro Council
From: Randy Tucker
Re: Future legislative issues
Date: August 29, 2017

As always, I plan to schedule time to speak with you in work sessions this fall about your priorities for the 2018 legislative session. In this memo, I would like to offer a brief preview of issues discussed during the 2017 session that are likely to arise again in the future, as well as others that we know are forthcoming.

Household Hazardous Waste Stewardship

Our bill to create a statewide HHW stewardship program attracted some enthusiastic support but died in the Ways and Means Committee. Legislators are interested in introducing it again in 2018.

Climate

At the end of the 2017 session, a group of more than 30 legislators led by Sens. Dembrow and Beyer and Rep. Helm introduced SB 1070, a “marker bill” representing the then-current state of a proposed carbon “cap and invest” bill to be pursued in 2018. You supported the “invest” portion of this legislation in 2017, as well as related legislation in 2016, and we will discuss the new proposal with you this fall.

Housing

While progress was made on housing in 2017, several proposals did not pass and are likely to appear again in 2018. Specifically, we anticipate renewed efforts to enact tenant protections and to increase the document recording fee to raise funds for affordable housing. We also expect the Legislature to refer a constitutional amendment to the ballot to relax certain limitations on the use of local general obligation bonds for affordable housing. After the 2018 session, we anticipate a conversation about a more comprehensive approach to ensuring that all communities implement land use and permitting practices that accommodate housing development and affordable housing.

Transportation

As you know, the passage of a transportation package (HB 2017) was a major success of the last legislative session, but unfinished business remains. Specifically, HB 2017 calls for cost estimates for improvements to I-205 to be delivered early next year, and there could be a conversation about how to fund those improvements in 2018. The value pricing provision of HB 2017 is another element that that could be the subject of legislative refinement. Finally, we can discuss any next steps on CMAQ funding following the OTC’s recent decision about how to reallocate those federal dollars to include two newly eligible urban regions.

Air Quality

As noted in the attached summary of session outcomes, legislation passed in 2017 that allocates funds from the national Volkswagen settlement, but most of the other elements of the original bill were stripped out before final passage and a renewed effort to enact some of those elements is likely. Other improvements to air quality management could also be the subject of legislation given the Legislature's failure to enact such improvements in 2017.

Land Use

We expect to be asked to testify in September about two issues: the status of urban and rural reserves, and the relationship between our urban growth management process – specifically, our capacity analysis – and areas like Damascus that have been in the UGB for some time but have failed to develop. Both of these issues were raised in 2017, and while no problematic legislation moved forward, we continue to need to educate legislators about them. Meanwhile, we anticipate continued legislative efforts to modify the adopted reserves map and/or to rezone particular properties like the so-called Red Barn property south of Wilsonville.



2017 Legislative Session in Fewer than 1,000 Words

Amazingly, 2,827 bills were introduced in the 79th assembly of Oregon legislators, more than 1,000 passed, but just eight will be used by the public and the press to measure their success.

Four that passed: transportation package, health provider tax, pay equity and a statewide work schedule mandate.

Four that did not: revenue reform, tenant protections, paid family leave and PERS fixes.

With a \$1.8 billion expected shortfall in meeting current service levels for state agencies, finding new revenue was a central conversation throughout the interim and during the session. Even with the House makeup of 35 Democrats to 25 Republicans, and the Senate at 17 Democrats to 13 Republicans, the margins were not large enough to let the majority party pass taxes. Because the Oregon Constitution requires a 3/5 vote for new taxes, one Republican in both the House and Senate would need to support a revenue reform package. That certainly was not going to happen unless Republicans achieved some of their agenda items, and they (Senators and Representatives alike) remained firm and united throughout session. Democrats seemed to have a harder time bridging the gap between the two chambers and to the Governor's office.

Lacking any new revenue, it took trimming, taxes, foolery and good fortune to overcome the expected deficit. Because the Oregon economy improved, so did our revenue forecast adding back \$400 million to the budget. A cost containment bill, including a hiring freeze, meant \$94 million more, and the elimination of some tax credits (including for solar projects) added another \$20 million to this biennium and could boost future budgets by \$100 million. While corporate tax rates did not increase, taxes on hospitals and insurance plans passed, bringing \$550 million to state coffers, helping to protect one million people on the Oregon Health Plan and extend health coverage to 15,000 children. At the ballot box last November, voters chose to dedicate lottery dollars to veterans, outdoor school and high school dropout prevention and career-technical education programs, but the Legislature voted to take some of those dollars back. Democrats also eliminated a small businesses tax break that Republicans had fought for during the "Grand Bargain" of 2013, raising another \$200 million.

While not as large as originally proposed, the overdue statewide transportation package passed with bi-partisan leadership and support. The package raises \$5.3 billion in the next decade and is dedicated to reducing congestion, increasing alternate transportation options, investing in maintenance and preservation, improving safety of existing infrastructure, and ensuring ODOT accountability. A gas tax is at the heart of the package that comes with some twists:

- A phased in gas tax increase that adds 4 cents January 2018, and 2 cent additions in 2020, 2022, and 2024.
- A tiered increase in title and registration fees based on vehicle fuel efficiency, including a surcharge of \$110 for electric vehicles (reasoning is that vehicles that use less fuel still do the same damage to roads but do not pay their share through gas tax; however, the package also provides incentives for the purchase of electric vehicles).
- A statewide payroll tax of 0.1 percent to pay for mass transit.
- A tax of \$15 on bicycles costing more than \$200.
- A dealer privilege tax of 0.5 percent on new vehicle purchases.

Seismic improvements for the state's bridges and culverts, ConnectOregon multimodal funding, and Safe Routes to School programs are also funded in the package. And to help secure Republican support, caps on fuel cost increases resulting from the Clean Fuels program were added.

Leadership had workers in mind when they sought extension of the State's new paid sick leave benefits to encompass paid family leave. While that did not pass, pay equity, predictable scheduling for the hospitality and retail industries and restrictions on overtime did pass. HB 2005 makes it an unlawful employment practice to discriminate in payment of wages or other compensation on the basis of protected classes, including race, color, religion, sex, sexual orientation, national origin, marital status, disability, age, and veteran status. Beginning July 1 2018, SB 828 requires retail, hospitality and food service employers with 500 or more employees worldwide to provide good faith estimates of employees' work schedules at the time of hire and provide current employee with seven days notice of work schedule. Beginning July 1, 2020, it extends advance notice requirements to 14 days and requires an employer to compensate employees for schedule changes without seven days advance notice. Finally, HB 3458 modifies daily overtime payment by employers in the manufacturing and food processing sectors to require calculation on both daily and weekly basis and payment of the larger of the two amounts. In addition, the measure prohibits employers from requiring employees to work more than 55 hours in a work week.

Oddly, having Democrats in control of the House, Senate and Governor's office did not lead to success on environmental issues: a carbon cap and trade program, extension of Cleaner Air Oregon funding, and an ambitious workgroup bill to cut diesel engine emissions all failed (though a severely scaled-back version of the diesel bill did eventually pass).

Finally, a \$1.3 billion bonding bill passed that provides for seismic upgrades to schools and emergency buildings, community college and state university improvements, affordable housing construction and preservation, two new veterans' homes, multiple economic development projects across the state and the retention of the Elliot State Forest in public hands.

Obviously, fewer than 1,000 words cannot convey all that occurred in this challenging and contentious session so in the coming pages I have detailed issues specific to your legislative agenda, while keeping in mind that, "*Brevity is a great charm of eloquence.*" – Cicero

Metro

Representing Metro on a temporary basis was not only an honor but also a relationship building opportunity. The issues we advocated for opened doors to Democrats with whom we had not yet had an opportunity to do much work, and, we believe, our solid relationships with Republicans forged new lines of conversation, understanding and respect for Metro.

Several major bills Metro advocated for - flexibility in managing growth and development, a major transportation package, industrial site readiness and recreational immunity - all passed. Our household hazardous waste bill passed the policy committee but could not escape Ways & Means.

An excellent coalition worked on HB 2095, the region's bill that authorizes mid-cycle UGB expansions. While it passed both houses by overwhelming margins, Republicans who voted for the bill made a point of saying they expected support for their rural "land use changes" in the future.

With respect to the transportation package, Andy Shaw was the master of all details. Andy was an insider on the process, confidant to the Senator leading the charge and most knowledgeable person in the room for multiple sub-committee and full committee hearings. Metro should be incredibly proud of the role Andy played in developing and passing this legislation.

Both CMAQ dollars and authority for Metro to assess a construction excise tax for affordable housing were discussed and are well situated for success in the next legislative session. Metro was also active on the diesel emission bill: a pilfering of CMAQ funds led us to oppose the bill as first drafted, but after meeting with and convincing Senator Dembrow, changes were made that led to Metro's support. Unfortunately, the bill was whittled down dramatically.

Every land use change we opposed failed and bills on accessory dwelling units and trafficking in wildlife and animal parts were amended to meet Metro concerns.

Definitely a successful session with a great "leave position" for the interim and future legislative assemblies. This absolutely could not have been done without the incredible leadership, knowledge and advocacy work done by Andy Shaw on the ground and the additional documents produced and support provided by Randy Tucker. Scott Klag and Jim Quinn turned two rural farm girls into hazardous waste disposal crusaders. And Frankie Lewington was the glue that held us all together and kept us on task. Great Team – Great Time. We thank you!

Materials following this page were distributed at the meeting.



Metro

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September 12, 2017

First. Last
Company or agency
Address
City, State ZIP

RE: Support for DACA Legislation

Dear (Federal Delegation):

We are deeply concerned by the recent decision of the United States Justice Department to end the Deferred Action for Childhood Arrivals program (DACA). This decision impacts nearly 800,000 young people in our nation.

In Oregon, we have 11,000 of these young people attending our schools and universities, working in our workplaces and serving in the military. We are very disappointed in this decision because it impacts the families of these Dreamers and all of us who are honored to be their classmates, neighbors and coworkers.

We urge you to take a strong stand and pass comprehensive legislation that will restore DACA immediately and address the growing injustices targeting immigrants in our country. And we urge you to make this a high priority. Every day that passes with these young people living in limbo is one more day of living in fear for their futures.

As you may know, Oregon has benefited tremendously from the contributions of immigrants. Immigrant workers, including undocumented immigrants, have contributed more than \$2.5 billion in state and federal taxes including funding our schools, parks and roads. And over 71,000 working Oregonians are employed in firms owned by immigrant owned firms.¹ The leaders of our premier universities and colleges have also called on you to quickly address this issue and prevent the uprooting of these Dreamers from our state.²

There is no legitimate economic or security reason for revocation of the DACA program.³ In fact, in January 2017, the Cato Institute found that ending DACA will cost the American economy as much as \$280 billion in economic growth.

Morally, we find it untenable to target Dreamers when this nation is their only home and the place they have chosen to contribute their talents and skills. We cannot sit back as elected leaders in our region and watch the federal government take these cruel actions.

¹ <http://oregonfb.org/wp-content/uploads/2016/08/ImmigrationOregonReportFeaturesAngiBailey.pdf>

² <https://president.uoregon.edu/statement-daca-and-support-students>

³ https://www.washingtonpost.com/outlook/five-myths/five-myths-about-daca/2017/09/07/e444675a-930c-11e7-8754-d478688d23b4_story.html?utm_term=.bbe2f5c03827

President Trump has given Congress a timeline to act. We urge you to support legislation that provides immediate protections for undocumented youth who have arrived in the U.S. before the age of 18, and establishes a clear and timely process for attaining permanent status in our country. Our young people need an end to uncertainty and fear. We look forward to hearing from you and how we as Metro councilors can aid in your efforts.

Sincerely,