


# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Study Session Worksheet

**Presentation Date:** November 10, 2015    **Start Time:**  pm    **Length:** 1.5 hours

**Presentation Title:** 2016 Legislative Agenda Planning Meeting

**Department:** Public and Government Affairs

**Presenters:** Gary Schmidt, Chris Lyons, and Trent Wilson

**Other Invitees:** Department Directors and County Elected Officials

### **WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?**

The Board is asked to review and provide feedback on the draft list of department priorities to help further refine the County's federal & state legislative priorities for 2016.

### **EXECUTIVE SUMMARY:**

As in past years, each department was asked to complete a questionnaire to highlight federal and state policy and funding priorities. This planning session will include a focused discussion of those priorities to help identify and narrow the County's final legislative priorities for the 2016 calendar year. After today's meeting, government affairs staff will work with departments to further refine priorities. Final state and federal legislative agendas will be provided to the BCC for approval on Jan. 12, 2016.

### **FINANCIAL IMPLICATIONS (current year and ongoing):**

N/A

### **LEGAL/POLICY REQUIREMENTS:**

N/A

### **PUBLIC/GOVERNMENTAL PARTICIPATION:**

Public and Government Affairs (PGA) continues to maintain close working relationships with the County's legislative delegation and staff at both the state and federal levels, who will be instrumental in helping to advance the County's legislative priorities.

### **OPTIONS:**

N/A

### **RECOMMENDATION:**

Staff recommends the Board discuss the draft priorities and provide input for County staff to further refine the 2016 state & federal legislative agendas.

In addition, based on prior BCC decisions, and in an effort to implement the jobs and employment lands priorities in the County's Strategic Plan, staff recommends that the Board make a decision on proactive land use legislation at today's policy session in

order to meet state legislative bill deadlines. Because of the controversial nature of land use legislation, especially in a short legislative session, staff is seeking BCC approval to hire a sole source contractor immediately to focus on site-specific Clackamas County land use legislation for the state session, under the policy direction of the BCC and day-to-day oversight of PGA.

**ATTACHMENTS:**

- Key Activities & Dates of 2016 State & Federal Legislative Sessions
- Clackamas County Legislative Process
- Draft Summary of Clackamas County 2016 State & Federal Legislative Priorities

**SUBMITTED BY:**

Division Director/Head Approval \_\_\_\_\_

Department Director/Head Approval s/Gary Schmidt

County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact Gary Schmidt @ 503-742-5908
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# 2016

## Legislative Agenda Planning Meeting

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Tuesday, November 10, 2015  
1:00 p.m. – 2:30 p.m.  
BCC Hearing Room

## 2016 State & Federal Legislative Sessions Key Activities & Dates

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<b>ACTIVITY</b>	<b>DATE</b>
Legislative Days	Sept. 28-30
Distribute Legislative Questionnaire to Departments	Oct. 1
Legislative Questionnaire due to PGA	Oct. 22
Legislative Agenda Planning Session (Department & BCC Priorities) w/ BCC <ul style="list-style-type: none"> <li>• All department directors, or their designated representatives, should be in attendance to present their department's legislative priorities to the BCC.</li> </ul>	Nov. 10
Legislative Days <ul style="list-style-type: none"> <li>• One-on-one meetings with legislators</li> </ul>	Nov. 16-18
AOC Annual Conference	Nov. 16-19
LC Bill Request Deadline	Nov. 24
H3S Legislative Event	TBD
Legislative Trainings w/ Legislative Liaisons	Dec. 7 & 15
Legislative Agenda Study Session (Department & BCC Priorities) w/ BCC - Adoption <ul style="list-style-type: none"> <li>• All department directors, or their designated representatives, should be in attendance to present their department's legislative priorities to the BCC.</li> </ul>	Jan. 12
BillTracker Trainings w/ Department Reviewers	Jan. 12
Legislative Days <ul style="list-style-type: none"> <li>• One-on-one meetings with legislators</li> </ul>	Jan. 13-15
Design/Print Legislative Agenda	Jan. 13-21
Bill Introduction Deadline	Jan. 19
Distribute Legislative Process/Expectations Memo from Don Krupp	Jan. 25
Legislative Breakfast	Jan. 28
Session Begins	Feb. 1
BillTracker Open House Training Availability	Feb. 1-2
Constitutional Adjournment	Mar. 6
Legislative Summary Study Session w/ BCC	Apr. 5

## Clackamas County Legislative Process, Special Operations Committee, & Messaging

### Legislative Process

For Issues on the County's Legislative Agenda:

- PGA coordinates with departments and affiliates, and consults with the Special Operations Committee if needed.
- BCC updated weekly at a minimum, if not more frequently depending on legislative action.

For Issues **NOT** on the County's Legislative Agenda that require County action:

- PGA Director determines if issue is major or minor.
  - If major, PGA swiftly convenes Special Operations Committee to assess issue and craft County position. Special Operations Committee may defer decision to full BCC if desired. Special Operations Committee provides ongoing direction to staff on issue.
  - If minor, PGA Director approves County position.
- BCC informed of any new County positions and is updated weekly after that at a minimum.

### Special Operations Committee

The Special Operations Committee will be comprised of two commissioners and representatives from Administration, County Counsel, PGA, and the appropriate department director. The purpose of this Committee is to provide swift action on policy matters so that PGA staff can carry out lobbying activities quickly and effectively.

PGA recommends the following specific individuals to serve on the Committee during the 2016 session:

1. Chair of the County Commission
2. Vice Chair of the County Commission
3. County Administrator
4. County Counsel
5. Strategic Policy Administrator
6. PGA Government Affairs Staff
7. Relevant Department Director (varies based on issue of focus)

## **Messaging**

### Policy Statements/Letters:

Per feedback from legislators, PGA is minimizing the use of formal County letters and will instead communicate official County positions using concise policy statements that will be emailed or hand delivered by the County lobbyist. These policy statements will be vetted and approved by PGA, in consultation with appropriate county department director or designee, and will adhere to the County's legislative agenda or other board approved positions. Should a letter be written, it will be signed by the Chair on behalf of the entire BCC without need for formal approval from all BCC.

### Testimony:

- Testimony will adhere to the county's legislative agenda or other board approved positions
- Testimony will be vetted and approved by PGA, in consultation with appropriate county department director or designee
- Testimony may be given without need for approval from all BCC
- Testimony will be available for review by all BCC

## **Individual Commissioner Letters/Testimony**

- Individual commissioners may sign letters and/or provide testimony in support or opposition to non-county legislative agenda issues
- Individual commissioners will not write a dissenting letter or provide dissenting testimony that is in opposition to the county's legislative agenda or other board approved positions
- Letters/testimony will note that opinion is that of individual commissioner, not the entire BCC
- Letters/testimony does not need prior approval from all BCC
- Signed letter/testimony will be shared with BCC and PGA

# Summary of State Legislative Priorities

## Business and Community Services

- **Industrial Lands:** Support legislation to increase the supply of available land ready for industrial development; Support state financing and incentives to assist local governments in constructing infrastructure and preparing shovel-ready industrial sites.
- **Enterprise Zones:** Support the creation of additional Enterprise Zones in Oregon; Oppose measures that would mandate prevailing wage requirements on private industries within Enterprise Zones.
- **Brownfields:** Support legislation that facilitates redevelopment of vacated industrial sites, through measures such as recapitalizing the state Brownfields Redevelopment Fund, creating local land banks, offering tax abatements, and creating state tax credits.
- **Parks:** Support legislation related to System Development Charges, land use and development policies promoting local parks, recreation, and natural areas.
- **Willamette Falls Locks:** Support legislation aligning with the County's resolution to see the Willamette Falls Locks repaired and reopened.

## Community Corrections

- **Justice Reinvestment:** Preserve funding for the Justice Reinvestment grant program.

## C-COM

- **NextGen 9-1-1:** Support new spending authority to allow for the installation of the Next Generation 9-1-1 network; Support funding allocated to frame relay network upgrades.
- **9-1-1 Consolidation:** Oppose state-mandated consolidation of 9-1-1 centers and preserve local control of consolidation decisions.

## Employee Services

- **Veterans' Preference:** Support legislation within Veterans' Preference rules clarifying the flexibility in the public hiring process while still honoring the intention of the Veterans' Preference rule.
- **Public Employees Retirement System (PERS):** Support legislation reducing the volatility of employer contributions and maintaining an adequate retirement program for employees.
- **Collective Bargaining:** Oppose legislation affecting interim bargaining negotiations that reduce employer flexibility between contract periods and threaten scare public resources.
- **Definition of a supervisor:** Oppose legislation permitting bargaining units of only supervisory personnel.

## Finance

- **Financial Sustainability:** Monitor and influence proposed legislation to ensure adequate and stable funding of county programs and services.
- **State/County Shared Revenue Agreements:** Preserve counties' share of tobacco, liquor, video lottery, and recreational vehicle fee revenue.
- **Preemption and Local Control:** Oppose preemption of local tax sources and other efforts to restrict local government authority.
- **Public Contracting:** Support considerations to the Public Contracting Code (ORS 279) that promote responsible use of public resources for local agencies.

## Health, Housing and Human Services (H3S)

- **Funding for Health and Human Services:** Preserve state funding levels for health and human services programs – behavioral health, social services, public health, children, youth & families, community solutions, developmental disabilities – to enable Clackamas County programs to continue at current service levels and, in some cases, provide additional prevention, support, and treatment services to vulnerable individuals and families.
- **Affordable Housing and Support Services:** Support efforts to create and preserve affordable housing and support services for moderate, low, and very low income residents and those experiencing homelessness.
  - Preserve state funding levels for the Emergency Housing Account (EHA) and State Homeless Assistance Program (SHAP);
  - Preserve state funding levels for senior programs, including Oregon Project Independence, Health Promotion activities, abuse prevention activities through the Gatekeeper program, and the Options Counseling program;
  - Increase funding for veterans' housing needs to meet the rise in the number of homeless veterans in Clackamas County; and
  - Support legislation "requiring" Oregon Housing and Community Services to distribute National Housing Trust Funds to local jurisdictions.
- **Recreational Marijuana:** Support efforts to regulate accessibility, marketing, and packaging of cannabis products targeting young consumers.
- **Future of Public Health Services Task Force:** Support legislation that implements recommendations of the Task Force on the Future of Public Health Services, which was established by the Legislature in 2013.
- **Mental Illness:** Support legislation pertaining to alternatives to incarceration for people with mental illness.

## Juvenile

- **Juvenile Crime Prevention Funding:** Advocate for Juvenile Crime Prevention (JCP) funding from the Youth Development Council at the highest funding level possible, which provides approximately \$206,000 annually to the County Juvenile Department.
- **Oregon Juvenile Code:** Oppose any statutory change to the Oregon Juvenile Code until adequate exploration of best practices by juvenile justice experts.



## Tourism

- **Transient Lodging Tax (TLT):** Ensure fee and policy adjustments to the Transient Lodging Tax (TLT) are consistent with their original intention; Retain local capacity within the TLT to meet countywide needs; Maintain legislatively-established levels of funding for Regional Cooperative Marketing Programs (RCMPs) across the state; Support collaborative information sharing by the State to positively affect enforcement across jurisdictions.

## Transportation and Development

- **Roadway Policy and Funding:** Advocate for state transportation policy and funding that supports the maintenance and construction of roads in order to improve the reliability and safety of our transportation system and meet the needs of our interconnected economy.
- **Sunrise Phase II Funding:** Advocate for state funding to support extension of the Sunrise System from 122<sup>nd</sup> Ave. to 172<sup>nd</sup> Ave. or other operational enhancements that contribute to the entire Sunrise System. The Sunrise Phase II project is the County's top transportation priority and is listed as a Federal Highway Administration Project of National and Regional Significance. This project is vital to improving access to thousands of acres of employment lands, many of which are ready for development.
- **I-205 Expansion Funding:** Advocate for state funding to support an additional lane of capacity in each direction of I-205 from Stafford Road to OR 99E. The I-205 expansion project is listed as a Federal Highway Administration Project of National and Regional Significance and is of vital importance to the Portland metropolitan region. Without additional travel lanes, this section of I-205 will be overwhelmed by forecasted traffic volumes and will negatively impact regional freight mobility.
- **Marijuana:** Monitor and influence legislation affecting adjustments to time, place, and manner ordinances affecting Clackamas County.
- **Subregional Land Needs:** Advocate to restore Metro's ability to amend the Urban Growth Boundary to meet important local and subregional land needs.
- **Clackamas County Employment Lands:** In light of Clackamas County's shortage of 1,100 acres of employment land within the Urban Growth Boundary and the need to provide areas for longer-term employment growth, advocate to remove the following three areas from Rural Reserve:
  1. An area south of Wilsonville, bounded by Arndt Road to the south, Airport Road; to the east, Boones Ferry Road to the west, and Miley Road to the north;
  2. An area of approximately 400 acres east of the City of Canby; and
  3. An area of approximately 425 acres along Springwater Road southeast of Carver.

**FOR REFERENCE**

**BCC Land Use Principles from 2015 Session:**

1. Undesignate that portion of Area 4J Rural lying east of Interstate 5 and west of Airport Road.
2. Designate the Lanphere property as rural-industrial land with retail restrictions.
3. Acknowledge the Borland area between the Tualatin River and I-205 as Urban Reserve.
4. Include the Advance Road area into the Urban Growth Boundary.
5. Support Boring's interest to not be separated by the Metropolitan Service District Boundary and encourage a Work Group discussion on the topic.
6. Clackamas County is still working with partners to assess land needs, and is presently not ready to accept a broad confirmation of the Reserves Map.
7. If the Reserves Map is confirmed, allow Clackamas County and Metro to revise urban and rural reserves to add additional land suitable for employment (permissive reopener).

# Summary of Federal Legislative Priorities

## Business and Community Services

- **Federal Forest Management and Oregon & California (O&C) Lands:** Support legislation for responsible management of federal forest lands, including O&C Lands, which improves the financial stability of counties and creates a predictable, long-term solution to county revenue needs.
- **Secure Rural Schools & Community Self-Determination Act:** Support future reauthorization or extension of the Secure Rural Schools and Community Self-Determination Act (County Payments) or similar legislation.
- **Stewardship Contracting:** Support reauthorization of Stewardship Contracting within the Healthy Forests Restoration Act that would include payments to counties as part of the retained receipts generated from stewardship contracts for the management of federal forests.
- **Cross Laminated Timber:** Support efforts to develop the Cross Laminated Timber industry in Clackamas County, in coordination with partners in the Pacific Northwest Manufacturing Partnership.
- **Land and Water Conservation Fund:** Support funding for the Land and Water Conservation Fund.
- **Wildfire Disaster Funding:** Support necessary funding for the Department of the Interior and the U.S. Forest Service for essential fire suppression activities so that the agencies may continue efforts to improve forest resilience and reduce wildfire risk.

## C-COM

- **First Responder Network Authority (FirstNet):** Support FirstNet, which was created by Congress in 2012 and is working to build, operate, and maintain the first high-speed, nationwide wireless broadband network dedicated to public safety. This network will be an essential tool to first responders on life-saving missions.
- **NextGen 9-1-1:** Oppose federal mandates potentially stemming from the Federal Communications Commission Committee study of NextGen 9-1-1 infrastructure needs, including the Committees' investigation of the necessity and feasibility of national PSAP Consolidations.
- **Prepaid Wireless Taxing Mechanism:** Support the development of a monitoring and enforcement mechanism to prevent loss of prepaid wireless taxing revenue.

## Community Corrections

- **Federal Financial Participation:** Support statutory clarifications to allow insurance coverage for individuals housed within Community Corrections Centers but who are not inmates.

## Emergency Management

- **Emergency Management Performance Grant:** Support continuation of grant funding for the Emergency Management Performance Grant (EMPG) Program as a stand-alone grant and process, which provides approximately \$208,000 annually to the County's emergency management program. EMPG is the backbone of the nation's emergency management system and provides key assistance in building and implementing the county's emergency management capabilities. The grant includes funding for staff and program materials for emergency management plan updates, relationship building, response, and recovery. It is important that funding continue in order to support local emergency management as the number and frequency of natural disasters in the United States continue to rise.

### Health, Housing and Human Services (H3S)

- **Funding for Housing Programs:** Support increased funding for the housing choice voucher, public housing, Rental Assistance Demonstration, and capital fund programs, which is critical to maintaining a sustainable level of operations for the Clackamas County Housing Authority.
- **Public Housing and Housing Choice Voucher Program Regulatory Relief:** Support reform of the Public Housing and Housing Choice Voucher Programs to reduce administration, streamline process, and benefit clients.
- **National Housing Trust Fund (HTF):** Support funding for the National Housing Trust Fund (NHTF) to support local production, preservation, rehabilitation, and operation of rental housing. Prevent efforts to combine HTF with the HOME Investment Partnerships Program.
- **Community Development Block Grant (CDBG) and HOME Funding:** Support funding for the Community Development Block Grant (CDBG) program and the HOME Investment Partnerships Program (HOME). CDBG funds are the only funds available to the County to construct infrastructure improvements in low income areas, while the HOME program is a keystone in the development of any affordable housing project in the County.
- **Older Americans Act (OAA):** Support reauthorization of the Older Americans Act, which is the major vehicle for the organization and delivery of social and nutrition services to seniors.
- **Weatherization and Energy Assistance Programs:** Oppose funding reductions to the Department of Health & Human Services' Low Income Home Energy Assistance Program (LIHEAP) and the Department of Energy's Low Income Weatherization Assistance Program.
- **Supplemental Nutrition Assistance Program (SNAP) Funding:** Oppose funding reductions to the U.S. Department of Agriculture's Supplemental Nutrition Assistance Program (SNAP), formerly known as the Food Stamp Program.
- **Moving to Work (MTW) Program:** Support expansion of the Moving to Work (MTW) Program, which provides public housing authorities with the opportunity to test innovative, locally-designed strategies with the aim of using federal dollars more

efficiently while helping residents find employment and increasing housing choices for low-income families.

- **Institutions for Mental Disease (IMD) Rule:** Support elimination of the Institutions for Mental Disease (IMD) Rule for addictions and mental health treatment facilities, which are currently prohibited from receiving Medicaid reimbursements for persons between the ages of 22 and 64 if the facility has more than 16 beds
- **Privacy Protections for Addictions:** Support careful revision of federal regulations relating to privacy protections of alcohol and drug abuse patient records to enable improved information sharing for people with addictions.
- **Public Health Funding:** Support funding increases to the Centers for Disease Control and Prevention's Public Health Emergency Preparedness (PHEP) and the U.S. Department of Health & Human Services' Prevention and Public Health Fund. These programs are critical to assisting public health departments with prevention activities, as well as efforts to prepare for responding to a range of public health threats.

## Juvenile

- **Juvenile Justice Grant Funding:** Support continued federal funding of juvenile justice programs, including the Juvenile Justice and Delinquency Prevention Act (JJDNA) Title II State Formula Grants Program, JJDNA Title V Local Delinquency Prevention Grants Program, and the Juvenile Accountability Incentive Block Grants. The latter provides approximately \$115,000 annually to the County Juvenile Department for youth services.
- **Juvenile Justice and Delinquency Prevention Act (JJDNA):** Support reauthorization of JJDNA, which established the Office for Juvenile Justice and Delinquency Prevention to support local efforts to prevent delinquency and improve the juvenile justice system.

## Transportation and Development

- **Sunrise Phase II Funding:** Advocate for federal funding to support extension of the Sunrise System from 122<sup>nd</sup> Ave. to 172<sup>nd</sup> Ave. or other operational enhancements that contribute to the entire Sunrise System. The Sunrise Phase II project is the County's top transportation priority and is listed as a Federal Highway Administration Project of National and Regional Significance. This project is vital to improving access to thousands of acres of employment lands, many of which are ready for development.
- **I-205 Expansion Funding:** Advocate for federal funding to support an additional lane of capacity in each direction of I-205 from Stafford Road to OR 99E. The I-205 expansion project is listed as a Federal Highway Administration Project of National and Regional Significance and is of vital importance to the Portland metropolitan region. Without additional travel lanes, this section of I-205 will be overwhelmed by forecasted traffic volumes and will negatively impact regional freight mobility.
- **Transportation Reauthorization:** Advocate for Congress to fix the Highway Trust Fund and pass a multi-year surface transportation authorization bill that adequately funds the maintenance and construction of roads in order to improve the reliability and safety of the transportation system and to meet the needs of an interconnected economy.

Insolvency of the Highway Trust Fund threatens the viability of numerous transportation projects in Clackamas County that could receive funding through the Statewide Transportation Improvement Program (STIP) and regional flexible funds.

- **Mt. Hood Cooper Spur Land Exchange:** Support efforts to finalize the Mt. Hood Cooper Spur land exchange at Government Camp.
- **Waters of the United States:** Oppose the Waters of the U.S. rule that seeks to clarify federal jurisdiction under the Clean Water Act, which has the potential to greatly expand the scope of federal jurisdiction and subject Clackamas County to new rules, standards, and significant new costs.

## WES

- **Great Lakes Blending:** Oppose “sweeping” rules on storm water blending, which has the potential to greatly expand the scope of federal regulation on storm water treatment and subject waste water service districts in Clackamas County to new rules, standards, and significant new costs.

## Willamette Falls

- **Willamette Falls Legacy Project:** Support efforts to aid in the redevelopment of the 23-acre former Blue Heron paper mill site adjacent to Willamette Falls in Oregon City.
- **Willamette Falls Locks:** Support continued operation and restoration of the Willamette Falls Locks.
- **Willamette Falls Heritage Area:** Support federal designation of the Willamette Falls National Heritage Area.