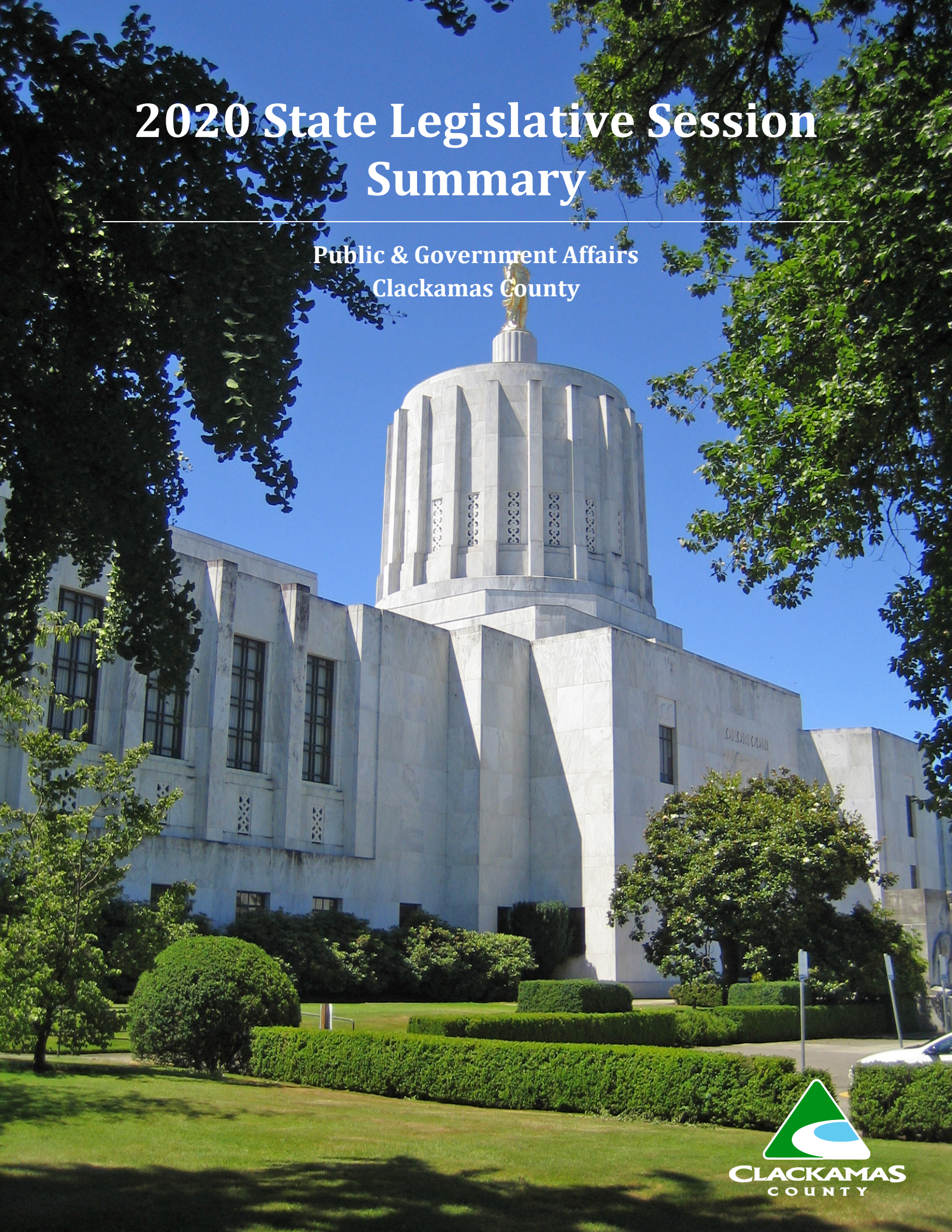


2020 State Legislative Session Summary

Public & Government Affairs
Clackamas County



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2020 LEGISLATIVE SESSION SUMMARY

Legislative Highlights

The 81st Oregon Legislative Assembly began on February 3, 2020, and ended on March 5, three days ahead of the maximum 35 days allowed in the state constitution for even-numbered-year, or “short,” sessions. As in 2019, Democrats controlled the Governor’s office and held supermajorities in both the House and the Senate, and following a successful, albeit contentious, 2019 Legislative Session, the Democrats walked into the Capitol Building with an eye towards passing climate change legislation.

With Democrats prioritizing climate change legislation and Republicans poised for a repeat walkout, many doubted that any legislation would pass in 2020. Those fears were confirmed when the Senate Republicans walked out 14 days into session, and the House Republicans joining them on day 15. Only 3 of the 283 introduced bills passed.

In a historic adjournment of the session, both the House Speaker and Senate President announced three days ahead of *sine die* their unwillingness to concede to Republican offers to return to the capital on the final afternoon of the session to pass only the budget bills, and nothing else. After Republicans in both chambers confirmed they were unwilling to hear *all bills* that reached the floor through the appropriate legislative process, the Speaker and President adjourned session by announcing they would not open any additional floor hearings in the remaining three days.

Over 50 budget bills were left unpassed, leaving many to wonder what happens next. During closing floor speeches, both the House Speaker and Senate President suggested the idea of a special session to conclude the work of the legislature. Governor Brown followed with comments expressing a willingness to convene a special session so long as the legislative process was functional.

On March 9, the day after constitutional *sine die*, the Emergency Board met to pass emergency funding for Umatilla flood relief, coronavirus response, emergency preparedness, and greenhouse gas emission issues. Following that, Governor Brown then announced an executive order on climate change, directing state agencies to “reduce and regulate greenhouse emissions.”

2020 Interim Session and Beyond

The failure of the 2020 Legislature to pass meaningful legislation and funding bills means these issues will be ripe again in 2021.

Key Dates and Deadlines for the 2021 Regular Session are as follows:

- September 25, 2020: Concepts to Legislative Counsel for Drafting
- December 7, 2020: Legislative Counsel Return Draft Deadline
- December 18, 2020: Bill Filing Deadline
- January 18: 2021 Legislative Session Begins

PERFORMANCE CLACKAMAS

Remodeled State Legislative Agenda (Year 2)

In 2019, PGA introduced an improved state legislative agenda designed to highlight the county's primary initiatives (Courthouse Replacement Project and I-205) while prioritizing the county's legislative involvement around the county's five strategic priorities known as Performance Clackamas, with minor adjustments in 2020. Within each priority (Grow a Vibrant Economy; Build a Strong Infrastructure; Ensure a Safe, Healthy, and Secure Community; Honor, Utilize, Promote, and Invest in our Natural Resources; and Build Public Trust through Good Government), the agenda carefully establishes principles to guide the county's advocacy work. In addition, 2020's state legislative agenda prioritized two additional principles: carbon neutrality and improving equity, diversity, and inclusion in our communities. Feedback from legislators in 2019 and 2020 has been positive, as they have appreciated the greater clarity on the county's key issues. Further, PGA staff found the agenda principles allow for greater flexibility and more nimble advocacy in Salem.

Clackamas Caucus

With the support of PGA, Clackamas County's state legislative delegation formed a legislative caucus in 2019 to represent the diverse communities and address key issues impacting county residents. The bicameral and bipartisan caucus is comprised of 16 members from the county's delegation, including 6 Senators and 10 Representatives. The Caucus was particularly active in 2020, with all but 2 members signing a letter of support for an amendment to HB 4017 that would have provided funding to I-205. Caucus members met throughout the legislative session to discuss issues and foster a team-oriented approach to their legislative advocacy.

Department Support and Bill Tracking

PGA both supports and relies on county departments in order to be successful during the legislative session. PGA works collaboratively with each department to designate a primary legislative liaison to work closely with department directors and ensure subject matter experts review each bill relevant to their respective department. This activity requires countless hours to review legislation and amendments, craft and implement legislative strategy, and develop written and spoken testimony.

283 bills were introduced in the 2020 session, of which Clackamas County Government Affairs staff actively tracked 227 (80%) that were related to local government. In addition to providing legislative support to the Board of County Commissioners (BCC) and county departments, Public & Government Affairs (PGA) worked cooperatively with numerous external partners during the session to advance the County's legislative agenda. These groups included state legislators and their staff; legislative committee staff; state agency officials; various state lobby associations, including the Association of Oregon Counties (AOC) and League of Oregon Cities (LOC); and other regional and local government partners.

COUNTY INITIATIVES

Courthouse Replacement Project

Goal: *Promote continued advancement of the Clackamas County Courthouse Replacement Project. The Oregon Legislature has provided \$32.7 million toward replacing the 81-year old, structurally-deficient building, which is supporting the design and engineering phase of the project. Clackamas County looks forward to building a new, modern courthouse that serves the needs of all county residents. The County plans to request the final installment of state matching funds for the project in the coming biennium.*

Result:

No action was necessary in the 2020 session, following the legislature providing \$31.5 million in bond funding during the 2019 session. The county anticipates returning to the legislature in 2021 with a final funding request and continues to keep the Clackamas Caucus updated on the project.

I-205 Bottleneck Funding

Goal: *Advocate for state funding to support a third lane of capacity in each direction of I-205 from Stafford Road to OR 213, including seismic improvements to Abernethy Bridge. The Oregon portion of I-205 is a federally designated High Priority Corridor and is vital to both the Portland metropolitan region and users statewide. Without additional travel lanes, this section of I-205 will be overwhelmed by forecasted traffic volumes and will negatively impact regional freight mobility. ODOT is expected to complete design in 2020, but project construction remains unfunded.*

Result:

I-205 Bottleneck Funding	Position	Result	Action
HB 4017 (-1 amendment)	Support	Mixed	Regional Letter

The Legislature failed to provide additional funding for the I-205 bottleneck project. The County advocated extensively for this priority, as outlined below:

On February 5th, the Clackamas Caucus met to discuss their legislative priorities. Members rallied around a proposed -1 amendment to House Bill 4017, advanced by Rep. Rachel Prusak, to re-allocate Rose Quarter funding to I-205.

Rep Prusak’s primary motivation is the safety of a bridge that is expected to collapse during a major seismic event. There was a consensus agreement that I-205 is nearly ready to go and every year of delay adds \$15 million in additional cost. Caucus members noted that while regional tolling is envisioned, tolling for only Abernethy (as ODOT is contemplating) is unfair to Clackamas residents and will result in traffic diversion that will negatively affect other parts of the region. There is also a belief that more time is needed on the Rose Quarter project to address equity and environmental concerns.

A sign-on letter was circulated with the overwhelming majority of Clackamas Caucus members signing on (Sen. Taylor and Rep. Power abstained). In preparation for a potential hearing, Clackamas County prepared a commissioner, local mayor, and business leader to testify on relatively short notice. Rep. Prusak informed the House Democratic caucus on her effort and she was granted a public hearing in House Rules committee.

On February 25th, Reps Prusak, Reardon, Meek, and Neron testified in support of reallocating stalled Rose Quarter project money to Abernethy Bridge construction. Chair Bernard, the Clackamas County Business Alliance, and Theresa Kohlhoff from Lake Oswego City Council testified in support and shared letters of support from the cities of Wilsonville and West Linn, along with a joint letter signed by the county, every city within the county, and additional chambers of commerce and business communities. Testifying in opposition were the Joint Transportation committee co-chairs Beyer, Johnson, McKeown and McLain, as well as the Oregon Truckers Association, AAA Oregon, AGC, Metro, and the City of Portland, and a letter of opposition from Albina Vision Trust.

Opposition to the bill was specifically troubling for several reasons. First, the testimony by opposing legislators suggested evidence contrary to the history of the 2017 session – namely, that I-205 was slated for construction after the Rose Quarter, when in fact many legislative records show it was first because of project readiness. Second, Metro’s vocal opposition was disappointing given that I-205 is one of their legislative priorities. Third, legislators that testified against the bill primarily live outside of the greater Portland area, which reinforces the void of Clackamas voices that were in a leadership position both when HB 2017 was crafted, and now.

Despite the bill’s failure upon adjournment, the concept proposed by Rep. Prusak further elevated the issue and will allow us to continue advancing this priority objective.

COUNTY PRIORITY: GROW A VIBRANT ECONOMY

The county supports legislation that incentivizes businesses to grow and prosper. Successful legislation will ensure the county has dedicated resources for attracting and growing industries, and has access to an adequate supply of shovel-ready employment lands to expand economic development opportunities.

Results:

County Fairs	Position	Result	Action
N/A	Support	Mixed	Monitored

Outcomes: The Association of Oregon Counties and the Oregon Fair Association jointly supported two funding requests during the 2020 legislative session, including a \$900,000 request for operations funding and \$250,000 that would have been dedicated to a study for capital construction needs, economic impact, and staff needs statewide. These funding priorities did not make the priority lists at the end of the session, and the funding died upon adjournment.

Opportunity Zones	Position	Result	Action
HB 4010	None	Adjourn	Monitored

Outcomes: HB 4010 gained momentum as a means to detach Oregon from Federal opportunity zones, of which Clackamas County has 6. The county did not take a position on this bill, but was prepared to oppose in order to protect investments in existing federal opportunity zones.

Transient Lodging Tax	Position	Result	Action
HB 4047	None	Adjourn	Monitored

Outcomes: HB 4047 sought to remove the sunset for the increased rate of transient lodging taxes established to fund the anticipated track and field games in 2021. The bill passed the House and died by adjournment in the Senate.

COUNTY PRIORITY: BUILD A STRONG INFRASTRUCTURE

The county supports legislation that encourages long-term investments in major infrastructure projects to improve the quality of life of county residents. Successful legislation will ease congestion, spur economic growth in employment areas including the Sunrise Gateway Corridor, broaden telecommunication access, and promote science-based and ratepayer-minded water quality protections.

Results:

Accessory Dwelling Units	Position	Result	Action
SB 4014	None	Adjourn	Monitored

Outcomes: Originally drafted to exempt dog training facilities from state structural specialty codes, HB 4014 was quickly amended to allow for increased flexibility on ADUs. The bill passed the House, and died upon adjournment in the Senate.

Water Pipes	Position	Result	Action
HB 4043	Oppose	Failed	Meetings

Outcomes: Intended to relax standards for pipe materials, HB 4043 would have set a nationwide standard in Oregon for pipe material to be used in all development, rather than give preference to a local authority for setting design needs. The county opposed, and the bill died in committee.

Willamette Falls Locks	Position	Result	Action
HB 4150	Support	Adjourn	Policy Statement
HB 5202 - \$7m	Support	Adjourn	Monitored

Outcomes: HB 4150 would have established a new public corporation called the Willamette Falls Locks Authority to receive ownership of the Locks from the Army Corps of Engineers. The bill passed the House unanimously, despite being held up in a 3rd reading lay-over. The bill was scheduled to be heard for a 2nd hearing in the Senate on the day of the Senate Republican walkout and the bill died in adjournment. This bill had strong support by the Clackamas Caucus, and sponsorship that extended beyond the borders of Clackamas County.

HB 5202 – Willamette Falls Locks was on a short list to receive just over \$7 million from the Ways & Means Capital Construction Subcommittee as a compliment to HB 4150. The funds would provide essential repair and retrofit construction to Willamette Falls Locks once the new authority took ownership. The total anticipated costs for capital needs is over \$14.04 million. A budget bill was never passed due to adjournment.

COUNTY PRIORITY: HONOR, UTILIZE, PROMOTE AND INVEST IN OUR NATURAL RESOURCES

The county supports legislation that ensures effective and sustainable management and conservation of our abundant natural and agricultural resources. Successful legislation will stimulate and preserve the integrity of our natural resource-based economy, incentivize the production of mass timber, reduce and sequester carbon emissions, and adhere to the public process of Oregon’s land use system.

Results:

Cap & Invest – Including CLT	Position	Result	Action
HB 1530	Neutral	Adjourn	Monitored
HB 4159	None	Adjourn	Monitored
SB 1504	None	Adjourn	Monitored

Outcomes: Three bills were introduced relating to “greenhouse gas emissions”, but ultimately SB 1530 emerged as the leader in this group as the bill that would represent the Cap and Invest effort. Following the Senate Republican walk-out in 2019 over cap and trade legislation, another attempt was made in 2020 with a revised bill. It soon became apparent there was no willingness by either side to move on partisan priorities, and that Senate Republicans were planning to walk as soon as the bill was sent to the Senate floor. Their stated preference was for the bill to include language that would allow a statewide vote for passage of Cap and Invest laws, which Democrats felt was not timely, given the present climate emergency, and not likely to pass. Senate President Courtney provided a critical vote to advance the bill to the floor, and the Republican Senators walked within the hour. House Republicans walked the next day. The bill received 67 proposed amendments.

Clackamas County primarily tracked the evolution of this bill for its impact to transportation funding and climate strategies, though the bill was quite complex and included many other issues. The bill’s failure could be relatively positive for the county, which now has more time to adopt its own Climate Action Plan, a notable criteria for directly receiving transportation funding that would have resulted from Cap and Invest allocations. The county did not take an official position on SB 1530, but instead weighed in with regional partners on language that would have benefited the county if the bill passed.

COUNTY PRIORITY: ENSURE SAFE, HEALTHY, AND SECURE COMMUNITIES

The county supports legislation that improves the health, safety, and wellbeing of all county residents and communities. Successful legislation will support access to community assets, such as parks and libraries, and assist vulnerable populations including residents who are facing homelessness, substance abuse and addictions, behavioral health challenges, and public health threats. Legislation also should help to reduce the crime rate and recidivism, promote and sustain best practices for justice-involved individuals, improve emergency communications and disaster preparedness, and protect survivors of domestic violence.

Results:

Ambulance Fees	Position	Result	Action
HB 4060	Neutral	Adjourn	Monitored

Outcomes: Bill would have provided reimbursements to ambulance providers for certain trips related to Medicaid and Medicare recipients. The county tracked this legislative concept in advance of the session, but it failed to move and died in committee.

Community Corrections Funding	Position	Result	Action
HB 5204	Support	Adjourn	Monitored

Outcomes: Bill would have provided \$25 million to community corrections programs statewide. Legislators largely supported the effort, and it was prioritized by the Clackamas Caucus, but funding for these programs shared the same fate with all other budget items in the 2020 session – death upon adjournment.

Community Dispute Resolution Funding	Position	Result	Action
HB 5204	Support	Adjourn	Policy Statement

Outcomes: Bill would have provided \$349,000 to the University of Oregon’s Office of Community Dispute Resolution (OOCDR) to disperse to programs statewide. This funding was provided in the budget bill, but died upon adjournment.

Community Mental Health Funding	Position	Result	Action
HB 5204	Support	Adjourn	Monitored

Outcomes: Bill would have provided \$9 million for mental health programs statewide. Though the budget bill died in adjournment, this funding was in good company and supported by many letters sent to the Ways and Means Human Services Subcommittee Chairs. OHA Director Pat Allen also shared with the committee about how the Agency agreed the current forecast methodology is insufficient and does not accurately capture all of the mandated populations served by Community Mental Health Programs. This funding is considered a strong candidate if the legislature convenes a special session.

Driver’s License Suspensions	Position	Result	Action
HB 4036	No position	Adjourn	Monitored

Outcomes: The County took no position on this controversial legislation that would have removed collection of financial penalties for minor traffic violations. Proponents argued that

suspension of licenses over minor financial penalties created a barrier for low-income residents to commute to work or meet other essential family needs, while opponents argued it removed an enforceable deterrent for unsafe driving. In Clackamas County, the Justice court received at least one refusal to pay a fine pending the outcome of the legislation. Like most other bills, this one died upon adjournment after being referred to Ways and Means.

Family Treatment Court	Position	Result	Action
HB 4040	Support	Adjourn	Policy Statement

Outcomes: Bill would have provided \$3 million and created a pilot program in select counties in Oregon, including only Clackamas and Douglas after amendments, forming family treatment courts to support parents with untreated substance abuse disorders. Bill moved from House Judiciary Committee to Joint Ways and Means, where it died upon adjournment.

Homeless Shelters	Position	Result	Action
HB 4001	Support	Adjourn	Provided Information

Outcomes: Bill was a priority of the House Speaker in the first week of session, receiving much attention and almost daily amendment drafts. PGA worked closely with H3S and DTD to ensure amendments were not overly cumbersome to county business, and at times included other departments such as BCS and County Counsel for additional input. This bill undoubtedly required more work from staff than any other, aside from Cap and Trade and NCPRD. Despite the momentum and amount of work put into the crafting of this legislation, it died upon adjournment having never passed out of the House.

Housing (Urban Growth Boundary Expansions)	Position	Result	Action
HB 4095	No Position	Adjourn	Monitored

Outcomes: Known as the Zika bill during the session because of amendments by Rep. Jack Zika (Deschutes County area) to include a pilot project allowing for UGB amendments to accommodate affordable housing. The bill sparked initial concerns in the Metro area, but those concerns were met by a proposal to carve Metro’s UGB out of the bill, which would have still allowed the county’s rural cities to participate in the pilot program if they wished. The bill died in adjournment.

Intellectual and Developmental Disabilities (I/DD) Funding	Position	Result	Action
HB 5204	Support	Adjourn	Monitored

Outcomes: Would have provided \$5 million statewide to prorate the rest of the biennium after being underfunded in 2019. This program funding was a high priority for many legislators, but ultimately died in adjournment.

Juvenile Detention Education Program	Position	Result	Action
HB 5204	Support	Adjourn	Monitored

Outcomes: Sought funding to redirect justice involved youth towards education pathways, seeking to curb K-12 dropout rates within this population. Efforts died in adjournment, and this

funding was not mentioned in late session priority lists which anticipated the return of floor sessions.

Long-term Care Facilities	Position	Result	Action
HB 4016 C	No position	Adjourn	Monitored

Outcomes: HB 4016 C was a prime example of a “gut and stuff” bill, when midway through the session it was amended in a way that did not match the original language but still fell within the broad “relating to” clause. The amendment attempted to resolve a longstanding dispute between a long-term care facility in McMinnville and the city itself, and was proposed by the Oregon Health Care Association (OHCA) via the Speaker’s office. The amendment included prohibitive exemptions that would have disallowed counties from regulating services in some long-term care facilities. This was resolved by an easy grammar fix described by legislators as the “Clackamas Comma,” in which an entirely new amendment to the bill was adopted where the only change was the single punctuation. While the “Clackamas Comma” eased concerns, the death of the bill upon adjournment was a welcome reprieve and will allow the county an opportunity to work with OHCA to clean up otherwise vague language in the bill for future consideration.

Metro Temporary Income Tax Increase	Position	Result	Action
HB 4164	Neutral	Failed	Monitored

Outcomes: Would have expanded Metro’s authority to assess an income tax at 2% (currently limited to 1%). The bill failed due to issues related to timing and implementation.

Rabies Vaccinations	Position	Result	Action
HB 4053	Support	Adjourn	Policy Statement

Outcomes: Failed in adjournment, the bill would have removed an unnecessary barrier to pet licensing without compromising the original intent of the law requiring pets to receive and maintain current rabies inoculations, which would have increased licensing of pets.

Speed Limits	Position	Result	Action
HB 4103	No position	Adjourn	Monitored

Outcomes: Bill would have allowed cities and certain counties to have authority for setting their own speed limits. County staff preferred the authority remained with the state, and took no position on this bill. Despite reaching the Senate Floor after passing the house, the bill died upon adjournment.

Tobacco Retail Licensing	Position	Result	Action
HB 4078	NA	Failed	Monitored
SB 1577	Support	Adjourn	Provide Information
SB 1559	Support	Failed	Monitored

Outcomes: Several tobacco bills were introduced aimed at curbing use, including a bill prohibiting flavors for certain tobacco delivery methods (**SB 1559**) and one prohibiting internet sales for vaping products (**HB 4078**). However, the bill that gained momentum was SB 1577, which proposed a statewide tobacco retail license, among other things. The bill was amended

mid-session to solely cover retail licensure, and also an amendment submitted by the grocers association that included language to protect pharmacies from being treated different than other tobacco retailers – which has occurred in other states. Clackamas County supported the statewide retail licensure while weighing in heavily on other amendments that preempted county regulation, though the bill died in adjournment.

Worth adding that **SB 1577** also included a grandfather clause which allowed existing local retail licensure to continue outside any restrictions proposed in the bill. The bill had broad support and is likely to reemerge in 2021.

COUNTY PRIORITY: BUILD PUBLIC TRUST THROUGH GOOD GOVERNMENT

The county supports legislation that allocates sufficient resources to enable delivery of effective, reliable, and equitable services to county residents. Successful legislation will maintain the county’s financial sustainability, provide funding for county needs including the Courthouse Replacement Project, preserve state/county shared revenue agreements, support county efforts to attract and retain qualified employees, , and not preempt local tax sources or restrict local government authority.

Results:

NCPRD	Position	Result	Action
HB 4106	Support	Passed	Policy Statement

Outcomes: A leading priority for Clackamas County for many reasons, the county took swift action working with legislators to advance this bill on the future of the North Clackamas Parks and Recreation District (NCPRD). HB 4106 was crafted in partnership with the City of Happy Valley and Representatives Bynum and Meek. In anticipation of a potential – and then realized – walkout, HB 4106 was fast-tracked for passage. The bill was the first to pass both chambers, and one of only three bills to pass the entire session.

Rhododendron Centennial	Position	Result	Action
HCR 202	Support	Adjourn	Policy Statement

Outcomes: While it had strong support and passed the House unanimously, the bill died upon adjournment in the Senate. The county provided a policy statement in support.

2020 State Legislative Summary

Appendix A

Clackamas County 2020 State Legislative Agenda

2020 Clackamas County

State Legislative Policy Agenda



Oregon counties and the state are partners in delivering vital public services

Clackamas County is truly urban, suburban, rural, and wild. We are dedicated to welcoming new residents and businesses, and committed to delivering community services that are dependable, accessible, and equitable to the public.



Clackamas County Board of Commissioners

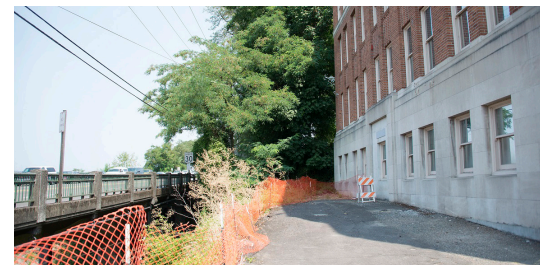
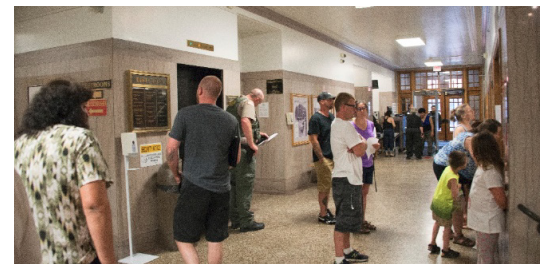
Jim Bernard – Chair Sonya Fischer Ken Humberston Paul Savas Martha Schrader

COUNTY INITIATIVES



I-205 Bottleneck Funding

Advocate for state funding to support a third lane of capacity in each direction of I-205 from Stafford Road to OR 213, including seismic improvements to the Abernethy Bridge. The Oregon portion of I-205 is a federally designated High Priority Corridor and is vital to both the Portland metropolitan region and users statewide. Without additional travel lanes, this section of I-205 will be overwhelmed by forecasted traffic volumes and will negatively impact regional freight mobility. ODOT is expected to complete design in 2020, but project construction remains unfunded.



Courthouse Replacement Project

Promote continued advancement of the Clackamas County Courthouse Replacement Project. The Oregon Legislature has provided \$32.7 million toward replacing the 81-year old, structurally-deficient building, which is supporting the design and engineering phase of the project. Clackamas County looks forward to building a new, modern courthouse that serves the needs of all county residents. The County plans to request the final installment of state matching funds for the project in the coming biennium.

COUNTY PRIORITIES

- Support the repair and reopening of the **Willamette Falls Locks**
- Support funding for **community corrections** that provides sufficient resources to sustain county programs
- Support a narrowly-crafted bill, in partnership with the City of Happy Valley, that removes Happy Valley from the **North Clackamas Parks and Recreation District (NCPRD)**
- Support policies and funding for **behavioral health** that sustains county programs and services for residents
- Support \$5 million in funding to sustain county programs and services that support residents with **intellectual and developmental disabilities (I/DD)**
- Support policies and funding to address the **housing crisis** and improve housing stability for low income households, including supportive housing services
- Support the restoration of funding for **community dispute resolution**
- Support tax relief for **disabled veterans and surviving spouses**



LEGISLATIVE PRINCIPLES

Clackamas County's policy positions will be guided by the five strategic goals listed below. The County also will guide all policy decisions through a lens of carbon neutrality and improving equity, diversity, and inclusion in our communities.



Grow a Vibrant Economy

The county supports legislation that incentivizes businesses to grow and prosper. Successful legislation will ensure the county has dedicated resources for attracting and growing industries, and has access to an adequate supply of shovel-ready employment lands to expand economic development opportunities.



Build a Strong Infrastructure

The county supports legislation that encourages long-term investments in major infrastructure projects to improve the quality of life of county residents. Successful legislation will ease congestion, enhance seismic resiliency, spur economic growth in employment areas including the Sunrise Gateway Corridor, broaden telecommunication access, and promote science-based and ratepayer-minded water quality protections.



Honor, Utilize, Promote & Invest in our Natural Resources

The county supports legislation that ensures effective and sustainable management and conservation of our abundant natural and agricultural resources. Successful legislation will stimulate and preserve the integrity of our natural resource-based economy, incentivize the production of mass timber, reduce and sequester carbon emissions, and adhere to the public process of Oregon's land use system.



Ensure Safe, Healthy, and Secure Communities

The county supports legislation that improves the health, safety, and wellbeing of all county residents and communities. Successful legislation will support access to community assets, such as parks and libraries, and assist vulnerable populations including residents who are facing homelessness, substance abuse and addictions, behavioral health challenges, and public health threats. Legislation also should help to reduce the crime rate and recidivism, promote and sustain best practices for justice-involved individuals, improve emergency communications and disaster preparedness, and protect survivors of domestic violence.



Build Public Trust through Good Government

The county supports legislation that allocates sufficient resources to enable delivery of effective, reliable, and equitable services to county residents. Successful legislation will maintain the county's financial sustainability, provide funding for county needs including the Courthouse Replacement Project, preserve state and county shared revenue agreements, support county efforts to attract and retain qualified employees, and not preempt local tax sources or restrict local government authority.

2020 State Legislative Summary

Appendix B

Policy Statements, Letters, and Factsheets



February 3, 2020

**Clackamas County Board of Commissioners
Policy Position
HB 4053: Related to Rabies Inoculations**

Clackamas County supports HB 4053: The Board of County Commissioners supports HB 4053, which removes the requirement of agencies to suspend or withhold issuing a dog license if their pet does not have a rabies inoculation.

HB 4053 removes an unnecessary barrier to dog licensing without compromising the original intent of the law requiring they receive and maintain current rabies inoculations. Both dog licensing and rabies inoculations are important for public health and safety. Removal of this barrier is likely to increase licensing, which will provide identification for more animals, making it easier to facilitate reunions when dogs are lost. Increasing licensing of dogs also will provide valuable data for public health officials to have more accurate accounting of dogs in our region. One additional benefit is the potential increase in revenue, which will help with staffing of dog facilities that serve these animals and the general public. Should this legislation become law, it will still require compliance with rabies inoculations, while at the same time providing additional flexibility that could lead to increased pet licensure.

Clackamas County Dog Services provides dog sheltering, education, complaint resolution, licensing, protection, and enforcement services to the public so they can reunite with lost dogs, benefit from the companionship of a well-matched adoption or placement, and experience a healthy, safe and livable community. Dog licensing supports all aspects of the dog services program by helping us provide for nearly 1,000 dogs in our shelter each year and respond to over 1,500 requests for service for our officers. With over 23,000 active dog licenses, we anticipate that this number would initially increase by 12% followed by additional increases after education and compliance efforts.

We urge a “YES” vote for HB 4053.

Please contact Chris Lyons at clyons@clackamas.us for more information.



Support House Bill 4106

HB 4106 is necessary to effectuate an agreement to settle longstanding legal dispute and provide certainty to our shared residents

For the past two years, the Clackamas County Board of Commissioners, acting as the Board of Directors for the North Clackamas Parks and Recreation District (NCPRD), and the City of Happy Valley have been involved in a legal dispute over parks and recreation services. The parties have recently come to a comprehensive agreement that will resolve all legal claims between them. The agreement is contingent upon the successful passage of HB 4106 in the 2020 legislative session.

The Clackamas County Board of Commissioners and Happy Valley City Council ask for your support in passing HB 4106, which will withdraw Happy Valley from NCPRD. As a result, it will put an end to two years of costly litigation resulting in savings to taxpayers, certainty to residents, and a renewed focus on building new parks and providing great recreation programs and services for their respective residents.

The comprehensive agreement, which includes passage of HB 4106, will put an end to multiple lawsuits, appeals, unnecessary legal fees, and years of uncertainty and potential risks for both parties.

Specifically, the agreement includes:

- Clackamas County and Happy Valley will jointly develop and support narrowly-crafted legislation in the 2020 session that withdraws Happy Valley from the District, thereby allowing the City to become its own parks and recreation provider. (The legislation will not create a new pathway for cities to withdraw from special districts or county service districts in Oregon).
- NCPRD payment of \$14.3 million to the City of Happy Valley. The funds for this payment will come from one-time development fees generated in Happy Valley as well as a portion of the Hood View Park sale proceeds.
- Transfer of the following parks to the City of Happy Valley, relieving NCPRD of ongoing maintenance and management costs: Southern Lites, Village Green, Ashley Meadows, District owned properties adjacent to Mt. Talbert, Hidden Falls, and Mt. Scott Creek Trail.
- Agreement from City not to withdraw properties currently inside NCPRD boundaries if or when they annex to Happy Valley. This will lock in NCPRD's current tax base, giving the District greater certainty to make long-term financial decisions.

Please join us in supporting HB 4106

For questions or more information, contact:
Chris Lyons: clyons@clackamas.us
Michael Van Dyke: michael@proxygr.com
Inga Deckert: inga@proxygr.com



February 3, 2020

**Clackamas County Board of Commissioners
Policy Position**

HB 4150: Related to Forming a Public Corporation for the Willamette Falls Locks

Clackamas County supports HB 4150: The Board of County Commissioners supports HB 4150, which creates a new public corporation to assume ownership of the Willamette Falls Locks and Canal from the U.S. Army Corps of Engineers for the purpose of repairing and reopening the locks for improved navigation on the Willamette River.

The Willamette Falls Locks are located in Clackamas County, on the banks of the Willamette River within the City of West Linn. The Locks provide a historic, economic, and recreational connection between the upper- and lower-Willamette River. Access to these significant connections has been absent since the closure of the Locks in 2011 due to safety issues. Meanwhile, the desire of the U.S. Army Corps of Engineers to dispose of the Locks leaves a lingering need to address the long-term local goals for the Locks.

As a member of the Willamette Falls Locks State Commission, established by SB 256 (2017), Clackamas County endorses the Commission's recommendation to establish a public corporation to serve as the new owner. This action will provide a clear signal to the U.S. Army Corps of Engineers and Oregon's congressional delegation that the State is serious about preserving this historic water infrastructure resource and ensuring the Willamette River remains one navigable waterway.

Clackamas County backs the findings of the 2018 ECONorthwest Local Economic Potential Report that estimates the Willamette Falls Locks can produce true economic benefit to the Willamette Valley, including commercial, recreational, tribal, and historic use of the river both within and beyond the boundaries of Clackamas County.

We urge a "YES" vote for HB 4150.

Please contact Chris Lyons at clyons@clackamas.us for more information.



February 3, 2020

**Clackamas County Board of Commissioners
Policy Position
HCR 202: Commemorating the Centennial of Rhododendron**

Clackamas County supports HCR 202: The Board of County Commissioners supports HCR 202, commemorating the centennial anniversary of the town of Rhododendron.

Clackamas County is proud to be home to the end of the Oregon Trail and the beginning of many stories that began in the Northwest. Rhododendron served as a near final resting spot for many travelers navigating the trail past Mt. Hood and preparing to enter the Willamette Valley. As the resting place turned into a destination and built its first major inn in 1905, called the Rhododendron Inn, the community grew and eventually received a post office that was dedicated in 1920 for the area that would come to be named Rhododendron.

Today, Rhododendron is a vibrant mountain community home to nearly 2,000 residents, and it also serves as a travel destination for people visiting the scenic and wild areas of Clackamas County.

We urge a “YES” vote for HCR 202.

Please contact Chris Lyons at clyons@clackamas.us for more information.



February 4, 2020

**Clackamas County Board of Commissioners
Policy Position
HB 4040: Related to Family Treatment Court**

Clackamas County supports HB 4040: The Board of County Commissioners supports HB 4040, which establishes a Family Treatment Court (FTC) Program in certain counties – including Clackamas – to improve outcomes in child welfare cases resulting from parent’s or caregiver’s alleged substance use disorder.

FTC programs are voluntary, and designed to support parents with untreated substance use disorder, and who need to receive treatment, counseling, and other support services. FTC participants will benefit from accountability through regular court appearances.

Over 500 Clackamas County children spent time in foster care during 2018, and we estimate a Clackamas FTC could serve 40-45 families per year. Safety concerns arising from a parent’s substance use disorder contribute to 70% of placements in foster care in Oregon. HB 4040 will help reduce the numbers of children being put into the foster care system, and keep families together while also keeping them safe.

We urge a “YES” vote for HB 4040.

Please contact Chris Lyons at clyons@clackamas.us for more information.

February 5, 2020

**OREGON
COUNTIES
ASK FOR
YOUR
SUPPORT IN
FUNDING
COMMUNITY
MENTAL
HEALTH
PROGRAMS**

Joint Committee on Ways and Means Subcommittee on Human Services
Oregon 2020 Legislative Session

**RE: Support for Release of \$9 million of 2019 Special Appropriation
Funds for Community Mental Health Programs**

Dear Co-Chairs Beyer, Nosse and Members of the Subcommittee:

We respectfully request that the 2020 Legislature release \$9 million of special appropriation funds to support community mental health programs.

As part of HB 5050 (Christmas Tree Bill) at the end of the 2019 Session, the Legislature appropriated \$6 million to partially address an initial \$15 million cut made to community mental health programs as contained in the Oregon Health Authority (OHA) budget, HB 5525. This reduction was linked to an apparent decline in the mandated caseload of civil commitment services. The 2019 Legislature also passed a budget note to create a workgroup to study this issue and earmarked a \$9 million special appropriation to be available to fill the remainder of this funding hole in community mental health programs.

The workgroup that met to explore this issue has identified several issues with the current caseload forecasting model. More work needs to be done to ensure this methodology accurately captures all populations that community mental health programs are mandated to serve. In the meantime, our communities need adequate support to respond to the incredible need for behavioral health services.

The release of this \$9 million will help restore critical safety net services for individuals suffering from serious mental health issues who are at risk of civil commitment, justice system involvement, homelessness and potential placement in the Oregon State Hospital (OSH). The release of this special appropriation would support the continuing work being done by the budget note workgroup to realign the Community Mental Health Caseload Forecast and to establish more reliable data mechanisms.

Without restoration of these funds, our community mental health system will be weakened at exactly the same time we are launching CCO 2.0 and raising hopes of improved behavioral health-physical health integration.

We appreciate the opportunity to be part of the budget note workgroup with OHA and other state partners on this issue and remain committed to developing better data collection initiatives. We strongly believe that the \$9 million to support community mental health programs should be restored



UNITED COUNTIES. UNITED OREGON.

without any further delay. Community mental health services act as a primary tool to divert people from having to go to the OSH.

It is also important to note the 60/40 match (or even higher match) of federal funds that comes with community-based care, as opposed to the 100 percent general fund obligation that comes with OSH care. We look forward to updating the civil commitment caseload formula to ensure that community-based care is incentivized.

Thank you for the opportunity to provide testimony on this important issue.

A handwritten signature in black ink, appearing to read 'AS', with a long horizontal stroke extending to the right.

Andy Smith
Legislative Affairs Manager
Association of Oregon Counties



ASSOCIATION OF COMMUNITY CORRECTIONS DIRECTORS



Problem

The current capitated rate of \$12.067 per day does not cover the costs of the services required to facilitate positive change such as treatment, housing, mentoring, and cognitive programming.

Solution

Our jurisdictions and associations respectfully request a **\$25 million** investment in Community Corrections. This additional funding will bring the daily rate closer to the Actual Cost of providing services as incurred by the counties that provide them.

This additional funding can be allocated in one of two ways:

- Adopt the Actual Cost Study by investing \$25 million to fund one year of the 2019-2021 biennium beginning July 1, 2020. This option fully funds community corrections and “rebases” the rates used to set and distribute community corrections funding to counties. We collectively prefer this approach.
- Apply \$25 million to the entire 2019-2021 biennium. The additional funding will bring the rate closer to the actual cost of providing services as incurred by the counties, but does not fully fund the community corrections system.

Results

Community Corrections will remain on the cutting edge of what works in providing behavioral interventions and wrap around services to create lasting change in the lives of justice-involved individuals while providing focused interventions and accountability where it is needed most. Funding provides alternatives to incarceration, access to treatment, housing, parenting, employment and other essential services that decrease the likelihood of recidivating by those on supervision, and create safer communities for us all.

For additional information contact: Lara Smith 503-804-9750



February 10, 2020

Clackamas County Board of Commissioners
Policy Position
HB 4043: Related to Materials for Local Water Projects

Clackamas County opposes HB 4043: The Board of County Commissioners opposes HB 4043, which removes local authority from the development process and increases the likelihood of using unsuitable piping materials for water infrastructure.

Establishing mandates for consideration of piping that meets national standards appears reasonable on the surface, and in theory could lower the cost of development by using materials that can be produced at a lower cost than more durable piping materials. However, water infrastructure needs vary across the United States, and within Oregon itself. As a result, local codes and review processes have been established in Oregon so that engineers familiar with development specifications, local geological conditions, and treatment capacity (present and forecasted) have a key role in the development review process. Municipalities and utilities rely on engineers to identify and deploy the right solutions for their particular circumstances – decisions that are based on more than just the cost of construction. Part of the engineer’s normal process is to evaluate different materials to meet the stated objectives, which would include evaluation of all piping materials for suitability. This legislation is a solution in search of a problem that does not exist.

Creating a new statutory requirement that second-guesses the professional judgment of local engineers will create a process that allows out of state manufacturers to challenge the designs created by state and local governments that represent the community. Developers outside of Oregon looking to build inside the state will review development plans with a lens toward utilizing their products rather than meeting local needs. This could challenge conditions on the ground in the name of piping that meets a “national standard,” creating risks to Oregon communities through the delivery of suboptimal services at higher life cycle costs.

HB 4043 removes a vital element of local authority and the professional judgment of engineers in a landscape that changes mile to mile.

We urge a “NO” vote for HB 4043.

Please contact Chris Lyons at clyons@clackamas.us for more information.



HOUSE OF REPRESENTATIVES

February 18, 2020

Dear Speaker Kotek, President Courtney, and Chair Holvey,

We are writing to you today to request the attached amendment to HB 4017 be considered in the House Rules Committee. We believe that this legislation would solve critical transportation issues that are top priorities for the Oregon Transportation Commission. The concept presents a win-win opportunity that puts Oregonians to work, demonstrates fiscal responsibility, solves congestion and safety concerns of statewide importance on I-205, and gives stakeholders the opportunity to develop a robust and environmentally conscious plan on how to move forward with the Rose Quarter.

Currently, the I-5 Rose Quarter Improvement Project is earmarked for state bond funding, yet the project is years away from being 'construction-ready'. A proposed Environmental Impact Statement, coupled with public concern about equity and climate impacts, could push the project back even further.

Meanwhile, the I-205 Widening and Seismic Improvements Project, which would address bottleneck congestion, add rapid bus transit, and make the Abernethy Bridge earthquake-ready, is nearly 'shovel-ready'. Per ODOT, I-205 would likely be used as part of the traffic diversion plan when the Rose Quarter is under construction. If I-205 is not improved prior to this work, the added congestion in the bottleneck will lead to even more traffic diversion into communities and their local roads, thereby decreasing safety and increasing costs to those jurisdictions to maintain their infrastructure.

How we pay for the I-205 Project is also uncertain and with every year this project is delayed, we add an additional \$15 million to the project cost due to inflation. ODOT states the Oregon Legislature has directed them to use tolling revenue to pay for I-205 improvements. Yet estimates suggest tolling on I-205 is insufficient to cover total project costs, and additional revenue will be needed to complete the project. ODOT has made multiple unsuccessful attempts to lower the cost burden on the state by seeking roughly \$160 million in federal funding, with the strength of the grant application being hindered by a lack of state investment. We are requesting that the House Rules Committee consider the amendment to reallocate the HB 2017 funds dedicated to the Rose

Quarter Project to pay for the Abernethy Bridge and I-205 Project - prioritizing funding for a project of statewide significance that is ready to go. This would not increase new funding or take away from other projects that are already planned and contracted out by ODOT. It makes prudent fiscal sense to reprioritize state investments to 'construction-ready' projects.

Thank you for your consideration,

Representative Prusak

Representative Reardon

Representative Dragan

Senator Fagan

Senator Olsen

Senator Thatcher

Senator Thomsen

Senator Wagner

Representative Bynum

Representative Lewis

Representative Meek

Representative Neron

Representative Salinas

Representative Williams

Tobacco Retail Licensure

2020

SB 1577A

Please support SB 1577A which creates a statewide Tobacco Retail Licensure (TRL) to ensure that all retailers who engage in the sale of tobacco and e-cigarette products will be licensed by the Department of Revenue (DOR).

Why does Oregon need a statewide Tobacco Retail License?

- **Compliance with Current Law:** Without a statewide retail license, compliance and enforcement of existing laws is difficult, and results in higher rates of underage tobacco sales in Oregon.
- **Fairness:** Tobacco retailers in Oregon should be required to secure a license just like retailers of other age restricted products. Oregon currently lacks a statewide license for all sellers of tobacco and inhalant delivery systems.
- **Supporting Local Businesses:** SB 1577A gives Local Public Health Authorities the authority to engage with local businesses to educate and train them to comply with the law.

What does SB 1577A do?

License all businesses that sell tobacco and inhalant delivery system (e-cigarette) products:

- Requires the Department of Revenue (DOR) to license all businesses that sell tobacco products and inhalant delivery systems, and to renew licenses annually.
- Requires that fees associated with the license are set in rule and not to exceed the costs of administration and enforcement of the license.

Enforcement:

- Allows the DOR to suspend, revoke or refuse to issue a tobacco retail license when violations of federal, state or local law, or for providing the DOR false information, occur. DOR may impose a civil penalty for violation of federal or state law.
- Allows the Oregon Health Authority (OHA) to enforce state license; requires OHA to ensure one inspection per year and effective administration.
- Allows Local Public Health Authorities to enter into an agreement with the Oregon Health Authority to enforce state TRL standards within their jurisdiction.

Local Control:

- Local Public Health Authorities may:
 - a. Adopt an ordinance that requires additional standards for acquiring a tobacco retail license
 - b. Provide education and outreach to tobacco retailers regarding local, state and federal tobacco retail regulations
 - c. Impose a fee on retailers for administration, education and enforcement of a local standard
- Grandfathers in current cities and counties tobacco retail licensure.

Please support SB 1577A



For more information please contact Morgan Cowling, Executive Director
morgan@oregonclho.org | 503-329-6923 | oregonclho.org



Tobacco Retail Licensure

SB 1577A Supporters

2020



Tobacco Retail License is an evidence-based policy that will help Oregon enforce laws that prevent youth from developing dangerous addictions.



For more information please contact Morgan Cowling, Executive Director
morgan@oregonclho.org | 503-329-6923 | oregonclho.org



February 25, 2020

Co-Chairs Johnson, Rayfield, and Steiner Hayward:

As you know, in recent years counties have made it a priority to improve the outcomes of our local justice systems: we have seen the deployment of mobile crisis teams, the expansion of drug courts, a focus on community treatment instead of sending individuals to the state hospital, and overall reducing recidivism rates. While there was much conversation during the 2019 legislative session regarding juvenile justice, via SB 1008, there was a piece of the system not adequately addressed: education.

Many youths are considered drop-outs of the K-12 system by the time they come into juvenile detention. We have a unique opportunity to get them back on an educational pathway while they are in our care, and we believe this an important step in reducing the future adult corrections population. But we need the funds to serve these students *at least* as well as they would be served in a traditional school district.

Youth in county juvenile facilities receive schooling through the Juvenile Detention Education Program (JDEP), which is run by a local school district (or ESD) via contract with the Oregon Department of Education. For many of us, these contracts prove insufficient to serve the youth in our care.

The contract amounts are based on average daily membership (ADM), similar to a standard school district. Much like small school districts, for our smallest juvenile facilities, per-student funding is not enough to run a full program with a licensed teacher. On the other end of the spectrum, some of our larger facilities lack the funding to ensure a licensed teacher in every class at all times due to the fluctuating number of youth in custody dictating the number of classrooms needed on any given day. Additionally, our sites operate a school year 20% longer than a standard district – without any additional funds to do so.

Recently, ODE has used carry-over funds to supplement the contracts in our smallest sites to ensure they can hire at least one full-time licensed teacher. We have heard that the department can only do this for another year and a half at the current rate. Our smallest sites cannot afford to run out the clock on ODE's carryover funds without a solution. In addition, ODE does not have enough supplemental dollars to meet all of the need. Larger sites that struggle to have a teacher in each classroom do not get any supplemental funding from ODE and have no way to fund their shortfall.

However, looking for a future fix to the funding model does not help us in the remainder of this biennium. In order to get through the 20-21 school year, we hope to have guaranteed funding for

each of our programs, and to not be reliant upon whatever additional funding ODE is able to cobble together. All of these students deserve to have access to a licensed teacher, regardless of the size of the county's facility.

To fund our county sites at the same level as their OYA counterparts, as well as to account for the longer school year would cost roughly \$820,000 more than ODE spent in 19-20. To provide OYA sites with funds to cover the longer school year would be an additional \$954,000, for a total one-time, 20-21 request of \$1.77 million in General Fund.

We appreciate your consideration of this request on behalf of some of our most at-risk youth.

Sincerely,

Clackamas County Board of Commissioners
Lane County Board of Commissioners
Multnomah County Board of Commissioners
Washington County Board of Commissioners
Commissioner Claire Hall, Lincoln County
Commissioner Kelley Minty Morris, Klamath County



February 25, 2020

We are local jurisdictions and organizations living with debilitating congestion that is plaguing our state's highway system. Millions depend on a functioning and seismically-resilient I-205 corridor that is safe and promotes a healthy economy accessible to all. It is therefore incumbent upon the state to identify a funding solution that prioritizes this critical need.

We call on the Legislature to pass the proposal being brought by more than a dozen legislators to reallocate transportation dollars for construction of this nearly shovel-ready project.

Community Support and Readiness: There is broad community support for fixing the Abernethy Bridge and widening I-205. The Legislature long ago identified the I-205 bottleneck between Stafford Road and OR 213 as a signature congestion relief project for the state.

I-205 will be fully designed this year thanks to ODOT's early investment of \$53 million for planning and design. But under current plans, construction will be delayed until 2023 at the earliest due to a lack of funding. The total cost of the project is \$460 million, and each year that we wait the estimated project cost increases by \$15 million.

This transportation project reflects several important values that Oregonians expect:

Safety – As a designated statewide north-south lifeline route, I-205 will be called upon to provide supplies and services to the region shortly after a disaster. Immediate action is needed to seismically upgrade the Abernethy Bridge and eight other bridges in the project area to withstand a major earthquake.

Economic Opportunity – The federal government has designated I-205 as a High Priority Corridor in the Portland metropolitan area. It connects employers, the traveling public, and businesses to the Portland International Airport, the State of Washington, and numerous local jurisdictions. This corridor serves as vital infrastructure for the economic health of both the region and the entire State of Oregon.

Quality of Life – When the Governor's Transportation Vision Panel met with communities statewide in 2016 seeking input on a transportation package, the public and businesses from all corners of Oregon sent a clear message about the need to address highway congestion in the Portland region, and in particular the I-205 bottleneck. Fixing this bottleneck will not only reduce the congestion caused by daily commuters dependent on this route, but it also prepares the corridor to accommodate transit alternatives such as future bus service. Advancing this project now also ensures that I-205 will have the needed capacity to manage traffic diversion related to the anticipated construction of the Rose Quarter project and replacement of the I-5 Bridge. These projects and the region are dependent upon a diversion route that will not fail and further stall mobility in the region.

We can't let these critical capacity and seismic upgrades languish. The project is ready and action is needed now. We support the legislative proposal to reprioritize state transportation investments to address the I-205 bottleneck.

Our communities are ready to go.

2020 SPECIAL LEGISLATIVE SESSION #1 (JUNE) SUMMARY

Legislative Highlights

The 81st Oregon Legislative Assembly opened the first Special Session of 2020 on June 24, and ended *sine die* on June 26. The special session came on the heels of an incomplete legislative session in February 2020, and was called primarily to address impacts of COVID-19 and calls for increased accountability in public safety.

After enduring two walkouts in the past two sessions, the Oregon Legislature found ways to get along. In a moment of solidarity, Republicans symbolically made motions to adopt meaningful “Whereas” clauses drafted by the People of Color Caucus to the police reform bills. All noted the importance of recognizing decades of harm, mistrust, and discrimination. Republicans also consented to rules suspension so the Legislature could efficiently conduct business. Finally, as can be seen in the vote counts, the overwhelming majority of bills passed unanimously.

Following the conclusion of the session, the Governor stated that she will convene a second special session, which took place on August 10, to take up issues related to the state budget, “holding off for a few weeks to give Congress time to step in with additional federal support.”

The first special session of 2020 also established a new way of doing business at the legislature, but not for the better. Bill language was released less than 48 hours from the first hearing, and all 23 bills were passed within 72 hours. While there was public testimony in the first session, it was limited and benefited mostly those who had advanced notice of bill topics and impacts of proposed legislation. Most, and perhaps all public agencies felt left out of a process that has historically included them – especially on topics that largely impact work at the local level.

Surrounding Events

It is impossible to look at the first 2020 special session in a vacuum. The State received roughly \$1.3 billion in federal dollars from the Coronavirus Relief Fund (CRF) of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, 45% of which was intended for local governments. Clackamas fell under the 500,000 population threshold for direct allocation from the U.S. Treasury, and has since advocated to the state for a share of funding from the CRF proportional to the rest of the region, which collectively received \$247 million. If it had received direct federal funding, Clackamas’ proportional amount would have totaled roughly \$72 million. To date, the state has only promised roughly \$18m.

Shortly after receiving funds from the U.S. Treasury, the Legislative Joint Emergency Board (E-Board) met a number of times to allocate funding to needs across the state relating to the pandemic. A major element of the June Special Session was intended to codify both budgetary and policy decisions set by the Governor and E-Board.

Additionally, the special session happened on the heels of the death of George Floyd (May 25) by

police officers in Minnesota, which launched national and international protests calling for the end of systemic racial injustice and police reform. Six of the 23 bills in the June Special Session focused on police accountability, led by the People of Color Caucus.

COUNTY INITIATIVES

Clackamas County COVID-19 Agenda

Anticipating special session and receiving numerous legislative requests, PGA proactively proposed a Joint State and Federal Legislative Agenda specific to COVID-19, which the BCC adopted on May 5, 2020. This is the first time in recent history, perhaps ever, that Clackamas has adopted such an agenda. Similar to the standard state and federal agendas, this COVID-19 agenda focuses on principles, including: predictable and supplemental revenue for county operations, equity and inclusion, housing and social services delivery, public health and safety, and economic recovery.

LEGISLATION SPECIFIC TO COVID-19

Prior to the beginning of the session, it was announced that there would be three tracts of bills that the legislature would consider: COVID-related, police accountability, and holdover measures from the 2020 session. There was some overlap between the COVID-related bills and holdover measures, as will be seen below.

Results:

Omnibus COVID-19 “catch-all”	Position	Result	Action
HB 4212	NA	Passed	Monitored

Summary: Authorizes governing bodies of public bodies, other than the State of Oregon, to conduct all public meetings using telephone or video conferencing technology or through other electronic or virtual means.

Action: Numerous amendments were adopted. The majority of the discussion centered on liability protections for businesses, schools, and other entities. Although the Speaker announced that the bill would add the -26 (which removes certain low-income utility bill assistance and also removes OSHA infectious disease standards) and not take up the -38 (liability protections), Rep. Drazan introduced the amendment in the work session. The amendment failed on a party-line vote with a plethora of discussion on the best way to address liability concerns. A workgroup will take up the matter after the special session. The Committee adopted the following amendments to the bill:

Dash-7: Emergency shelter siting from the 2020 session. Temporarily waives all local siting, design, and zoning regulations and the land use appeals process, for approving the siting of emergency shelters for a 90-day period

- **County Impact:** Will impact DTD if emergency shelters are needed/cited in Clackamas. Bypasses local agency zoning regulations, but not safety regulations.

Ends late September (90 days from passage). Largely a policy impact, with little to no impact anticipated on departmental budget.

[Dash-8](#): Adds flexibility to allowable use of Individual Development Account (IDA) savings

[Dash-23](#): Adjustment to electronic public meeting notice requirement for public bodies

- **County Impact:** County already doing much of this, legalizes process.

[Dash-26](#): Removes LIHEAP language and OSHA infectious disease standards

- **County Impact:** Risk Management will be monitoring, but expecting little to no impacts.
- **County Impact:** Impacts won't be known and/or understood fully until language finalized
- **County Impact:** Impacts related to policies (i.e., PPE, BBP, immunizations, vaccinations ,etc.), as well as minimal budget (i.e., medical screening, testing, potential work comp claims, training)

[Dash-27](#): Related to emergency shelter siting

[Dash-30](#): Data collection requirement for healthcare providers during COVID

[Dash-33](#): Allows physician's assistants to practice at the top of their scope, adjusts board paperwork requirements

[Dash-34](#): Protects CARES Act recovery rebate payments from garnishment

[Dash-36](#): Extension of allowable pretrial detention of individuals charged with a person crime during COVID

Outcome: The bill passed 47-10 out of the House and 21-4 out of the Senate.

Residential and Commercial Eviction Extension	Position	Result	Action
HB 4213	NA	Passed	Letter

Summary: Prohibits residential and commercial evictions under specified conditions during emergency period.

Action: Extends the moratorium on both commercial and residential no-cause evictions through September 30, 2020 and creates a six-month repayment grace period after the moratorium ends for tenants to repay their back rent accrued during the moratorium. Clackamas County, together with Multnomah and Washington Counties, requested this extension in a letter to legislative leadership the week before session.

Outcome: The bill passed out of the House 43-14. The bill passed off the Senate floor 18-9, with Sen. Boles voting in favor and Sen. Johnson voting against.

County Impact: Compliments BCC priorities for eviction protection during pandemic/emergency declaration.

Indian Child Welfare Act	Position	Result	Actions
HB 4214	NA	Passed	Monitored

Summary: Declares Oregon policy regarding Indian children

Action: HB 4214 modifies Oregon's dependency code to conform to the federal Indian Child Welfare Act and promote continued connection to culture, family, and tribe. Corrine Sams, elected member of the Board of Trustees of the Confederated Tribes of the Umatilla presented powerful testimony in support, citing how the need for the preservation of native families and Tribal government, through the connection of native children to their Tribe, is critical as Tribes face another foreign disease.

Outcome: The bill passed both the House & Senate unanimously.

LEGISLATION SPECIFIC TO POLICE ACCOUNTABILITY

*Prior to Special Session the People of Color Caucus demanded action on police accountability following the murder of George Floyd, including the passage of legislation to bar labor arbitrators from overturning police discipline decisions if they conform with disciplinary guidelines and to require the Attorney General to investigate deadly use of force cases in local jurisdictions. **The BCC supported these policy changes and sent a letter to the Clackamas Caucus noting our position.** As session approached more bills were put on the table, including banning chokeholds and tear gas, creating a database of police discipline, and requiring officers to intervene with other officers. In the end, leadership struck a deal to pass pared back versions of most of this legislation and create a special Joint Committee to take on police accountability issues more deliberately after special session. The bills were passed on the anniversary of the first bill passed by the Oregon territory excluding Black people from Oregon.*

Results:

Joint Committee on Transparent Policing and Use of Force Reform	Position	Result	Action
SB 4201	NA	Passed	Monitored

Summary: Establishes a committee to examine policies to improve transparency in investigations and police protocols and to examine use of force policies. The committee will make recommendations by December 31, 2020.

Action: -1 amendment deleted the original bill and created the Joint Committee on Transparent Policing and Use of Force Reform. The amendment was adopted unanimously.

Outcome: The bill passed 55-2 out of the House and passed 24-1 out of the Senate.

Outlaw the Use of Respiratory Restricting Restraints	Position	Result	Action
HB 4203	NA	Passed	Monitored

Summary: Declares that a peace officer may not use physical force that limits ability of person to breathe, including but not limited to choke holds.

Action: The -4 amendment prohibits use of physical force that impedes breathing except when an officer is allowed to use deadly force, as described in ORS 161.239. The amendment eliminates training of choke holds by DPSST. The -5 amendment is a “whereas” statement that details the experiences of BIPOC Oregonians and Americans at the hands of law enforcement. Both the -4 and -5 amendments were adopted unanimously.

Outcome: The bill passed the House 52-5 and the Senate 24-1.

Duty to Report and Intervene	Position	Result	Action
HB 4205	NA	Passed	Monitored

Summary: Directs Department of Public Safety Standards and Training to adopt rules requiring police and reserve officers to intervene to prevent or stop another officer from engaging in an act that is unethical or that violates law, rules or policy.

Action: The -4 amendment, which made a few changes to the language on reporting and intervening, was adopted unanimously. The -5 amendment is a “whereas” statement that details experiences that BIPOC Oregonians and Americans have faced at the hands of law enforcement.

Outcome: The bill passed out of the House 55-2 and passed the Senate unanimously.

Transparency of Policy Discipline Records	Position	Result	Action
HB 4207	NA	Passed	Monitored

Summary: Directs Department of Public Safety Standards and Training to establish a statewide online public database of police officer discipline records.

Action: The -6 amendments alter the requirements and clarify that revocations and suspensions of certifications must be reported. The amendment clarifies other points that were not included in the original bill and brings the rules from DPSST from rule into statute. The -5 amendment is a “whereas” statement that details the experiences of BIPOC Oregonians and Americans with law enforcement. Both amendments were adopted unanimously.

Outcome: The bill passed the House 54-3 and passed the Senate unanimously.

Protecting Freedom of Speech and Assembly from Excessive Force	Position	Result	Action
HB 4205	NA	Passed	Monitored

Summary: Prohibits law enforcement agencies from using tear gas or from using long range acoustic devices or sound cannons.

Action: The -2 amendment, adopted unanimously, removes tribal governments from definition of “law enforcement agency” and limits the use of tear gas to “riots” with crowd notification requirements. The -3 amendment, also adopted unanimously, is a “whereas” statement that details the experiences of BIPOC Oregonians and Americans with law enforcement.

Outcome: The bill passed out of the House 53-4 and passed 25-1 out of the Senate.

Discipline Guidelines and Arbitration Decision	Position	Result	Action
SB 1604	NA	Passed	Monitored

Summary: Requires an arbitrator to uphold a discipline decision should they agree that misconduct occurred, as long as the discipline lines up with the discipline guide. The disciplinary guide or matrix would be a mandatory subject of collective bargaining.

Action: The bill was widely supported by a large coalition, except police unions. No amendments were posted to the bill and it passed out of committee unanimously.

Outcome: The bill passed both chambers unanimously.

County Impacts: May trigger a deep review of CCSO policies and the county’s Just Cause processes to ensure they are clear and that misconduct is clearly defined and convincing.

LEGISLATION HOLDOVERS FROM 2020 REGULAR SESSION

Some of these bills were holdover issues from last session, others were peripherally related to COVID-19, and others were just things that the state needed to get done.

Results:

Statewide Transportation Improvement Fund (STIF) Fix	Position	Result	Action
SB 1601	NA	Passed	Monitored

Summary: Upon passage, allows Statewide Transportation Improvement Fund moneys to be used to maintain existing public transportation services. The bill merges the Elderly and Disabled Transportation fund with the Statewide Transportation Improvement Fund.

Activity: The bill incorporated the changes recommended by the work group of transit providers that met to provide recommendations to the legislature during the last session and will provide stable funding for the vulnerable populations served with STF funds in the past. The -2 amendment prohibits law enforcement from citing individuals with expired credentials (e.g. an expired handicapped pass) in various instances. The -2 amendment was adopted.

Outcome: The bill passed out of the Senate 27-0 and passed the House 55-2.

County Impacts: Should allow transit providers to use HB 2017 funds for service, which was not previously allowed. A provision was included in the bill regarding repayment of distributions by qualified entities (QEs), which will undergo a rulemaking process through the OTC. Concerns this may create barriers in contractual relationships with TriMet and Small Transit Providers. The funding of STF projects from the STIF pool will result in an overall reduction of funding for state transit projects in excess of \$10M per year. STIF projects will have a proportionate decrease in funding available, although this change ensures the continuation of STF funded projects that benefit seniors and other vulnerable residents.

Forestry	Position	Result	Action
SB 1602	NA	Passed	Monitored

Summary: Requires Governor to facilitate mediation sessions between forest industry and environmental interest representatives.

Activity: Timber and environmental interests testified jointly in support of this legislation to create a pesticide spray notification system and fund mediated talks to reform the Oregon Forest Practices Act. The bill flew through the process and was moved out of committee unanimously.

Outcome: The bill passed out of the Senate 24-2 and unanimously passed the House.

County Impacts: Will require the county to fund any mediation with environmental interest representatives, rather than cost-share mediation. (Financial)

Broadband Investments	Position	Result	Action
SB 1603	NA	Passed	Monitored

Summary: Modifies definitions applicable for purposes of universal service surcharge. The bill establishes the Broadband Fund to support projects for planning or developing broadband service infrastructure. It expands the Oregon Universal Service Fund to include cell phone users in the fee pool, which will create a sustainably-funded broadband grant program within the state's

newly established Broadband Office to help jurisdictions pay for broadband planning and/or infrastructure projects.

Activity: The bill did not have any amendments and moved out of committee on a party-line vote.

Outcome: The bill passed 16-10 on the Senate floor with Sens. Beyer & Johnson voting against the bill alongside all of their Republican colleagues. The bill passed the House 38-19.

Oregon Promise for Foster Children	Position	Result	Action
SB 1605	NA	Passed	Monitored

Summary: Modifies Oregon Promise program to extend eligibility to certain Oregon foster children who attain their highest level of education while in out-of-state placements.

Activity: The bill moved out of committee without objection.

Outcome: The bill unanimously passed the Senate and the House.

Intellectual and Developmental Disabilities	Position	Result	Action
HB 5204	NA	Passed	Monitored

Summary: Prohibits hospital from conditioning admission or treatment, or suggesting that treatment is conditioned, on patient having Physician Orders for Life-Sustaining Treatment (POLST) or executing advance directive or other instruction regarding administration, withholding or withdrawing of life-sustaining procedures or artificially administered nutrition and hydration.

Action: Sen. Gelser championed this bill that would implement various protections for individuals experiencing intellectual and developmental disabilities (I/DD) in hospital and healthcare settings. Disability rights groups, including Disability Rights Oregon, were staunchly in support of this bill, while the hospitals and other healthcare groups raised concerns. The bill was amended to focus primarily on allowing individuals experiencing I/DD to have a support person with them in the hospital to help make end-of-life decisions. It became a near-consensus bill and was moved out of committee unanimously.

Outcome: The bill passed the Senate 27-0 and unanimously passed the House.

School Funding for Foreign Exchange Students	Position	Result	Action
SB 1607	NA	Passed	Monitored

Summary: Extends for one year small school district grants and school district funding for foreign exchange students.

Action: Only one group signed up to testify, and there was no committee discussion. It was moved out of committee without objection.

Outcome: The bill passed both chambers unanimously.

Corporate Activities Tax (CAT) Fix	Position	Result	Action
HB 4202	NA	Passed	Monitored

Summary: Modifies administrative provisions of corporate activity tax.

Action: After failing to pass in the 2020 legislative session, the Corporate Activities Tax (CAT) technical fix bill came back. Most of the changes were extremely technical, and the bill moved out of committee without objection.

Outcome: The bill passed the House unanimously and passed the Senate 26-1.

Foreclosure Protections	Position	Result	Action
HB 4204	NA	Passed	Monitored

Summary: Enacts a moratorium on residential and commercial foreclosures until September 30, 2020 and gives homeowners an opportunity to roll payments plus interest to the end of their loan.

Action: Republicans on the committee disagreed with the premise of the bill and argued that “balloon” payments at the end of the loan-term was not the best way to proceed. Many Republican legislators spoke against the bill, with Rep. Zika questioning its legality.

Outcome: The bill passed out of the House 39-18 on a bipartisan vote, and passed out of the Senate on a 19-8 bipartisan vote.

County Impacts: Similar to the BCC evictions priorities, the bill protects land owners from entering foreclosure.

Meat	Position	Result	Action
HB 4206	NA	Passed	Monitored

Summary: Authorizes State Department of Agriculture to adopt rules establishing program of state inspection for processing and sale of meat products from amenable species, including but not limited to cattle and sheep.

Action: Several Republican members of the House spoke in support of the bill, but there was limited discussion and it passed out of committee without objection.

Outcome: The bill passed out of both the House and Senate unanimously.

Eastern Oregon Border Economic Development Board	Position	Result	Action
HB 4209	NA	Passed	Monitored

Summary: Allows Eastern Oregon Border Economic Development Board to enter into agreement with third-party administrator to operate programs for awarding grants and making loans that enhance and expand workforce development and economic development in Eastern Oregon Border Economic Development Region.

Action: This was mostly a minor fix bill that was supported by the legislators from Eastern Oregon. There was limited discussion in committee.

Outcome: The bill passed out of both the House and Senate unanimously.

Driving Privilege Suspension	Position	Result	Action
HB 4210	NA	Passed	Monitored

Summary: Repeals driving privilege suspension and eliminates imposition of driving privilege restrictions for failure to pay fine.

Action: This bill was a reprisal of the same legislation introduced in the 2020 session intended to end the practice of suspending an individual’s driver’s license due to their inability to pay a fine. At the hearing Rep. Gorsek, Oregon Law Center, CAPO, Oregon Foodbank and others testified in support. The Debt Collectors Association, Lane County, and several judges testified in opposition. Though the bill had strong bipartisan sponsorship and substantial Republican support in 2020, many House and Senate Republicans expressed concerns with the bill during its public hearing and the bill moved out on an 8-6 party line vote.

Outcome: The bill ultimately passed out of the House 44-13 and out of the Senate 20-7.

County Impacts: County departments were on both sides of this issue. While this action has proven to reduce barriers for low-income and minority drivers, who can lose driving privileges

over minor infractions when fines can't be paid, it is also expected to reduce incentives for safe-driving, and could diminish social impact/expectation of fines for minor infractions. A financial impact may be the reduction of revenue from fine-payers who are not often impacted by the aforementioned barrier.

Student Success Fix	Position	Result	Action
HB 4211	NA	Passed	Monitored

Summary: Clarifies timing of when Department of Education is required to make transfers from Fund for Student Success.

Action: The bill was a technical fix to ensure that money could still be put into the Student Success Accounts if money was available. There was limited discussion and the bill was moved out of committee unanimously.

Outcome: The bill passed out of the House 52-5 and passed the Senate unanimously.

Appropriations	Position	Result	Action
SB 5711	NA	Passed	Monitored

Summary: Appropriates moneys from General Fund for biennial expenses.

Action: This bill funds the Forestry MOU, new meat inspection at Dept. of Ag, and licensing and monitoring out-of-state child-caring agencies at DHS.

Outcome: The bill passed 25-1 out of the Senate and unanimously passed the House.

Sine Die	Position	Result	Action
SCR 211	NA	Passed	Monitored

Summary: Adjourns sine die 2020 special session of Eightieth Legislative Assembly.

Action: Closes the Capitol doors on the first Special Session and was described by the Senate Republican Leader as “the special session’s best bill.”

Outcome: Passed both chambers unanimously.

2020 Special Legislative Session #1 Summary

Appendix C

Clackamas County 2020 COVID-19 Agenda

Clackamas County's policy positions and funding priorities relating to the COVID-19 pandemic will be guided by the following legislative principles. Support in these areas from the state and federal government will enable the county and its residents to more effectively respond to, reopen, and recover from the Novel Coronavirus.



Predictable and Supplemental Revenue for County Operations

The county supports legislation that provides essential service dollars to local governments where state and federal partnerships exist and limits liability to public services related to the pandemic. Successful legislation should maintain existing funding levels, and will also provide direct and flexible funding to local governments in the wake of anticipated revenue loss caused by the pandemic. Legislation also should make local governments eligible for payroll tax credits for employee's emergency paid leave, and honor the up to 75% reimbursement by FEMA for local dollars spent under emergency declarations.



Equity and Inclusion

The county supports legislation that prioritizes response, reopening, and recovery investments for those most impacted by the pandemic, including historically marginalized communities, communities of color, and poverty-stricken individuals and families. Successful legislation will offer dedicated relief for households, communities, and local businesses with diverse or marginalized representation.



Housing and Social Services Delivery

The county supports legislation that helps people who are homeless or in need of housing services, including residential needs for mental health patients and justice involved youth. Successful legislation will provide funding for additional shelter beds, increase vouchers for housing, and fund additional capacity for local governments and non-profit agencies to provide supportive housing services. Successful legislation will also increase funding for behavioral health programs to expand crisis services once social distancing measures are lifted and ease barriers of entry for mental health professionals to more readily serve communities.



Public Health and Safety

The county supports legislation that provides adequate funding and supplies for public health and safety professionals responding to the pandemic. Successful legislation will support testing and contact tracing programs, ensure local agencies have adequate supply of personal protective equipment and space to provide critical services, and reinforce safe community practices such as social distancing to help flatten the curve. Successful legislation will also meet public safety needs that are amplified by the pandemic, including resources to respond to domestic and family violence.



Economic Recovery

The county supports legislation that enables a return to a healthy and vibrant economy during and after the pandemic. Successful legislation will support individuals suffering from job loss, relieve renters of rent obligations accrued during the pandemic, promote retention of local ownership of rental properties, support independent contractors and self-employed individuals, help small businesses rehire and reopen, and ensure access to construction loans to public agencies. Successful legislation also should stimulate job creation by funding shovel-ready public infrastructure projects including but not limited to transportation, public housing, broadband, wastewater, surface water, and brownfield remediation, with an emphasis on carbon neutrality.

2020 Special Legislative Session #1 Summary

Appendix D

Policy Statements, Letters, and Factsheets



June 18, 2020

To: Governor Kate Brown
Senate President Peter Courtney
House Speaker Tina Kotek

From: Clackamas County Chair Jim Bernard
Multnomah County Chair Deborah Kafoury
Washington County Chair Kathryn Harrington

Re: Extending Statewide Residential and Commercial Eviction Moratorium

Dear Governor Brown, President Courtney, and Speaker Kotek:

We are writing to urge you to extend Oregon's residential and commercial eviction moratorium in order to alleviate the economic and public health consequences of tenant displacement during the COVID-19 outbreak. State and federal funding to assist businesses and households has been flowing into our communities, however the majority of public funding targeted specifically to address the economic impact of COVID-19 on people's ability to remain housed did not start arriving until late May. In addition, as part of any extension, we also urge you to consider providing support to mortgage holders and landlords who are an integral component in the state's housing system.

Residential Needs

Many households seeking assistance for rent owed prior to June 30th will not have received assistance before the repayment deadline. Our housing safety net programs have seen a significant increase in calls for rent assistance, notably in the first two weeks of June. As more families see the June 30th deadline approaching and are not able to pay their accrued rent, more families are seeking assistance.

Additionally, many households who have not returned to work, have not yet received a full month of pay, have not yet received unemployment benefits, or were not eligible for unemployment benefits will not have enough income to afford July's rent. Extending the moratorium and instituting a six-month repayment grace period will relieve the stress community members are experiencing, allow more time for community-based organizations to distribute the funds, and prevent a significant increase in newly houseless individuals and families in our counties and across the state.

Prior to COVID-19, tens of thousands of residents in our counties earning less than \$50,000 per year were housing cost burdened. Since March 2020, over 100,000 individuals in our counties



have filed for unemployment insurance. Most of those job losses have been concentrated in low-wage industries including hospitality, construction, health care and social assistance, and retail. Workers in these industries were housing cost burdened prior to the pandemic and are least likely to have had savings to help weather a financial emergency.

These job losses have resulted in dramatic increases in requests for rent assistance:

- In Clackamas County, requests for rent assistance increased by 158% from an average of 137 per month in the first four months of 2020 to 354 requests in May.
- In Washington County, Community Action fielded rent assistance requests from callers 931 callers in April, 1,907 in May, and 1,274 in the first ten business days in June alone.
- In Multnomah County, 211 received over 13,000 calls for rent assistance from May 1st to May 20th.

Our jurisdictions are committed to local action in the limited statutory authority that we have to prevent evictions. The Housing Authorities of Washington and Clackamas County are allowing for a six-month repayment period for any rent arrearages accumulated during the eviction moratorium. The Housing Authorities will be as flexible as possible to anyone with rent arrears living in the properties the agencies own. Multnomah County included a six-month repayment period in its eviction moratorium ordinance.

Our staff and partner organizations continue to assist individual and family tenants to apply for existing rent assistance dollars from the federal Community Development Block Grant (CBDG) and Emergency Solutions Grants (ESG) funds, and from the Oregon rent assistance funds that the state legislative emergency board released in April and again in June. Still, given the time it takes to get the needed dollars into the right hands, coupled with the likelihood that the COVID-19 pandemic will persist into fall 2020 or even into 2021, we would welcome extension of the moratorium and would begin our repayment period following its new end date.

Commercial Needs

Our counties continue to field requests for rent assistance and an extension of the eviction moratorium from commercial tenants, too. Ongoing requests for direct assistance reflect that even with partial reopening, businesses that have storefronts are concerned that they will not be able to make sufficient funds to pay all their bills regardless of reopening. Providing regulatory or financial relief will allow for breathing room for our businesses because even though revenue is down, many business owners are keeping all staff members on payroll. Again, our jurisdictions are doing what we can for this sector, too.

Businesses that are evicted don't often survive and employees are let go, which is why this reprieve will be so helpful – they didn't have to choose between paychecks and rent.



Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Jim Bernard".

Jim Bernard
Chair, Clackamas County Board of Commissioners

A handwritten signature in black ink that reads "Deborah Kafoury".

Deborah Kafoury
Chair, Multnomah County Board of Commissioners

A handwritten signature in blue ink that reads "Kathryn Harrington".

Kathryn Harrington
Chair, Washington County Board of Commissioners



June 24, 2020

Dear Clackamas Caucus:

I am writing today to express Clackamas County's support for the initiatives in police accountability proposed by the People of Color Caucus for the Special Legislative Session.

Following the needless murder of George Floyd by the Minneapolis Police Department, Clackamas County issued a resolution condemning violence and racism directed at Black, African Americans, and all People of Color. We believe that systemic racism comes in many forms, but that solutions to begin restoring justice can happen today through increased police accountability.

We support the below policy changes, which can be found in many of the following police accountability bills under consideration during the Special Session – SB 1604, HB 4201, HB 4203, HB 4205, HB 4207, and HB 4208:

- Prohibit arbitrators from lessening disciplinary action against a law enforcement officer that has committed misconduct;
- Authorize and require Oregon's Attorney General to investigate and prosecute, if the evidence dictates, any death or serious physical injury resulting from the use of force by a law enforcement officer; and
- Convene a bipartisan work group to recommend changes to state laws regarding use of physical force or deadly physical force in making an arrest or in preventing an escape, to be considered by the legislature in 2021.

Today, we express our support of the People of Color Caucus by echoing their call that "in this historical moment, words are not enough." As these policy changes arise during the Special Session, you can vote in favor of these issues knowing Clackamas County supports improved police accountability.

Thank you for advancing justice, improving equity, and protecting the people of Clackamas County and Oregon.

Sincerely,

Jim Bernard, Chair

On behalf of the Clackamas County Board of Commissioners

2020 SPECIAL LEGISLATIVE SESSION #2 (AUGUST) SUMMARY

Legislative Highlights

The 81st Oregon Legislative Assembly opened the second Special Session of 2020 on August 10, and ended *sine die* on the same day, 15 hours after commencing. The special session came on the heels of an incomplete legislative session in February 2020 and a prior special session that occurred June 24-26. The second special session was called primarily to address budget impacts of COVID-19, with one policy topic about the use of force by public safety officials.

Unlike the first special session in June, the tone of the second special session was noticeably more pointed and partisan. Ultimately, the budget committee passed 10 out of 11 bills on their docket. The only measure to die was SB 1702, which would have directed the Employment Department to forego adjudication in processing unemployment claims for part-time education employees furloughed in the summer.

Following the conclusion of the session, rumors continued that a third special session was on the horizon to focus on policy issues.

In addition to the notable failure of SB 1702, this special session may be remembered for its near-complete lack of transparency. Bill language released less than 24 hours from the first hearing – on a Sunday – and no testimony was allowed at committees.

COUNTY INITIATIVES

Clackamas County COVID-19 Agenda

Anticipating special session and receiving numerous legislative requests, PGA proactively proposed a Joint State and Federal Legislative Agenda specific to COVID-19, which the BCC adopted on May 5, 2020. This is the first time in recent history, perhaps ever, that Clackamas has adopted such an agenda. Similar to the standard state and federal agendas, this COVID-19 agenda focuses on principles, including: predictable and supplemental revenue for county operations, equity and inclusion, housing and social services delivery, public health and safety, and Economic recovery.

LEGISLATION SPECIFIC TO BUDGETS

Prior to the beginning of the session, it was announced that the special session would largely focus on addressing gaps in the state budget resulting from declining revenues due to COVID-19.

Results:

Mining Fees	Position	Result	Action
HB 4302	NA	Passed	Monitored

Summary: Establishes and modifies fees and requirements relating to permits for mineral exploration, mining operations, exclusion certificates, gas and oil drilling and exploration and geothermal well drilling operation.

Action: Increases statutory limits on permitting fees charged by the Department of Geology and Mineral Industries (DOGAMI), effective January 1, 2021 the Mined Land Regulation and Reclamation (MLRR) program.

Outcome: The bill passed out of the House 34-23. The bill passed off the Senate floor 24-3

Schools Rainy Day Fund	Position	Result	Action
HB 4303	NA	Passed	Monitored

Summary: Directs State Treasurer to transfer moneys from Education Stability Fund to State School Fund. Declares emergency, effective on passage.

Outcome: The bill passed 53-7 out of the House and passed the Senate 23-1.

Statutory Amendments for Budget Rebalance	Position	Result	Actions
HB 4304	NA	Passed	Monitored

Summary: Program change bill; this bill implements statutory changes necessary to support the 2019-2021 legislatively adopted budget and to clarify the application of statutes.

Action: Establishes, modifies and repeals certain transfers of moneys from funds and accounts to General Fund. Modifies law relating to costs for Oregon transparency website. Directs Oregon Department of Administrative Services to report on certain terms in certain collective bargaining agreements. Modifies authorized debt service payments. Directs Public Employees Retirement Board to submit proposals for crediting amounts to funds or accounts. Repeals transfers of certain moneys to certain funds. Establishes and modifies programs for economic development. Modifies procedure for payment to children's advocacy centers. Modifies permissible uses for certain moneys allocated to Housing and Community Services Department. Transfers moneys for department purposes. Provides for distribution of certain federal moneys by department. Repeals certain pilot programs within Housing and Community Services Department and Department of Human Services. Abolishes Wildfire Damage Housing Relief Account. Modifies operative date for provisions relating to in-home care. Modifies procedure for expenditures from Water Supply Development Account. Authorizes use of Early Learning Account for construction of facilities. Specifies amounts transferred to education accounts. Authorizes contract for study related to wildfire costs. Encourages recipients of grants from Student Investment Account to prioritize use of grant moneys for purpose of meeting students' mental or behavioral health needs. Authorizes school district or public charter school that submitted grant application or entered into grant agreement for moneys from Student Investment Account for 2020-2021 school year to submit

amended grant application or amended grant agreement. Declares emergency, effective on passage.

Outcome: The bill passed out of the House 42-15, and passed the Senate 24-0, with 6 excused.

Fund Adjustments	Position	Result	Action
HB 5221	NA	Passed	Monitored

Summary: Modifies amounts of lottery funds allocated from Administrative Services Economic Development Fund to state agencies. Modifies amounts allocated from Veterans' Services Fund. Modifies amounts allocated from Criminal Fine Account.

Outcome: The bill passed the House 33-24 and the Senate 20-6.

Capital Culture Rules	Position	Result	Action
HCR 221	NA	Passed	Monitored

Summary: Modifies obligation to make conduct reports under rule.

Outcome: The bill passed out of the House 54-3 and passed the Senate 23-3.

Unemployment Insurance – Part Time Workers	Position	Result	Action
SB 1701	NA	Passed	Monitored

Summary: Provides that unemployed individuals receiving unemployment insurance benefits who have earnings from less than full-time employment may earn greater of \$300 or one-third of an individual's weekly benefit amount before the weekly benefit is reduced.

Outcome: The bill passed the Senate 21-6 and passed the House 52-5.

Unemployment Insurance – Public Employees	Position	Result	Action
SB 1702	NA	Failed	Monitored

Summary: Temporarily authorizes payment of unemployment insurance benefits to individuals performing services in other than instructional, research or principal administrative capacity for educational institution or institution of higher education in circumstances in which payment is currently denied.

Outcome: The bill died in committee.

Unemployment Insurance – Records Access	Position	Result	Action
SB 1703	NA	Passed	Monitored

Summary: Provides that during a statutorily declared state of emergency, the Governor may authorize the Director of the Department of Revenue to disclose certain information set forth in a tax report or return to any state agency, including the Employment Department, if the director determines that disclosing such information would enable OED/other agencies to verify identity or income of claimants.

Outcome: The bill passed out of the Senate 24-3 and passed the House 52-5.

Bonds	Position	Result	Action
SB 5721	NA	Passed	Monitored

Summary: Modifies amounts and purposes authorized for issuance of general obligation bonds and revenue bonds for biennium. The bill increases bond authorizations for the 2019-21 biennium and makes changes to previously approved bonds authorizations.

Outcome: The bill passed out of the Senate 23-4 and passed the House 50-7.

County Impact: Two county courthouse projects were removed from the bond schedule, even though the projects were approved in 2019. Lane and Linn County projects were not able secure required local matching funds prior to the 2019-21 bond sale. This moves Clackamas County’s courthouse project to the front of the courthouse state-matching program.

Capital Construction	Position	Result	Action
SB 5722	NA	Passed	Monitored

Summary: Modifies limits on payment of expenses from specified funds by certain state agencies for capital construction.

Outcome: The bill passed out of the Senate 22-5 and passed the House 50-7.

Omnibus Budget Adjustments	Position	Result	Action
SB 5723	NA	Passed	Monitored

Summary: Reduces certain budgets, makes changes in funding allocation to certain programs, appropriates moneys from General Fund to Emergency Board for allocations during biennium.

Outcome: The bill passed out of the Senate 20-7 and passed the House 35-22.

County Impacts: A couple items of note: 1) the bill eliminates the \$3 million appropriation for grand jury recordation expenses, but includes an appropriation of \$500,000 per the negotiated 2019 budget note; and 2) there are no prison closures in the final adopted bill. While not direct impacts to the county, these actions will have peripheral implications to public safety work.

LEGISLATION SPECIFIC TO POLICE REFORM

Results:

Use of Force	Position	Result	Action
HB 4301	NA	Passed	Monitored

Summary: Provides that a peace or corrections officer may not use force that impedes normal breathing or circulation of blood of another person by applying pressure on throat or neck except in specified circumstances.

Activity: Modifies justification defenses available to peace officer who uses physical force or deadly physical force upon another person. Requires peace officer to give verbal warning, and reasonable opportunity to comply, before using physical force or deadly physical force if reasonable opportunity to do so exists. Requires peace officer to consider alternatives to physical force or deadly physical force if reasonable opportunity to do so exists. Declares emergency, effective on passage. Note: the bill adds corrections officers to the ban on using ‘chokeholds’ except in specified circumstances (when physical force is justified under ORS 161.209 and ORS 161.215).

Outcome: The bill passed out of the House 55-2 and passed the Senate 22-5.