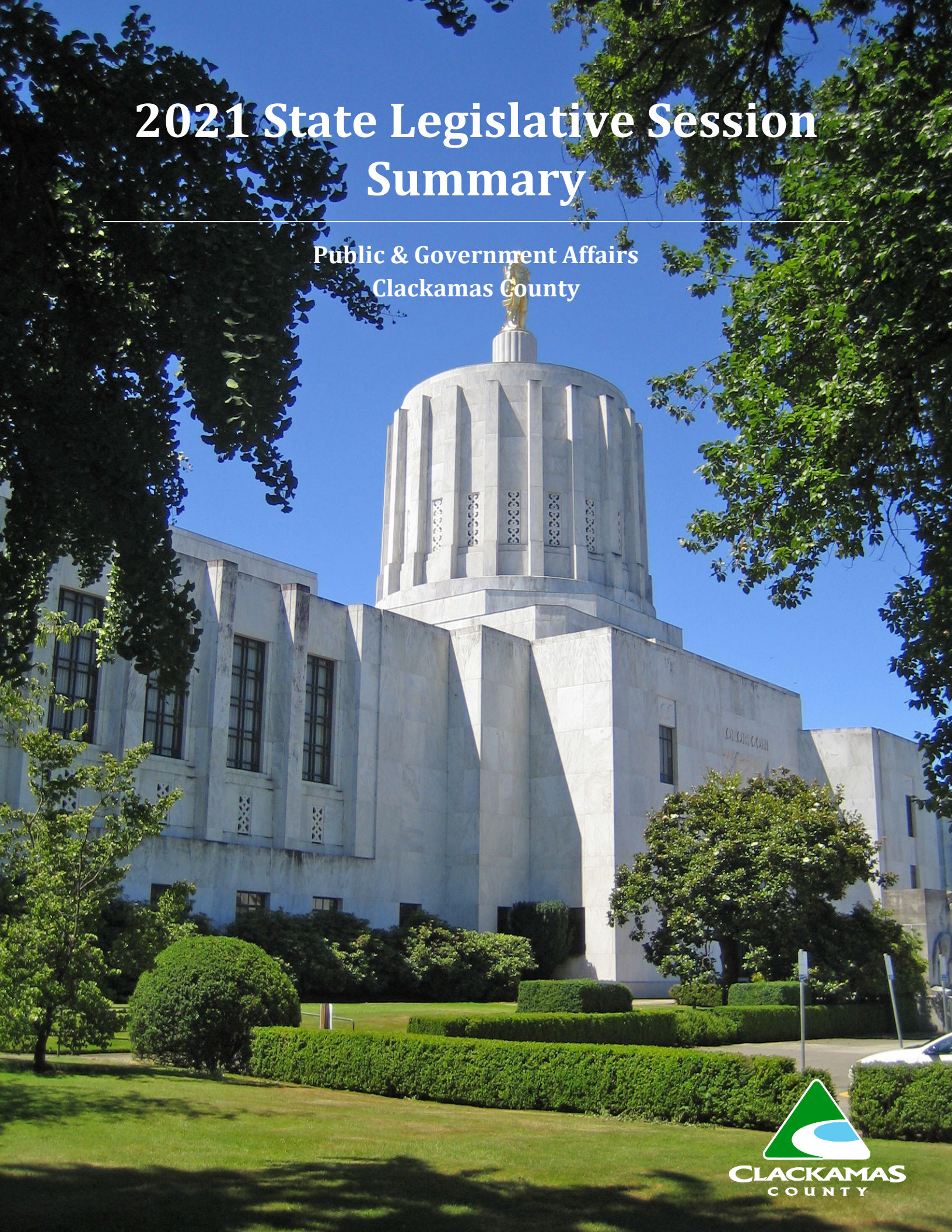


2021 State Legislative Session Summary

Public & Government Affairs
Clackamas County



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2021 LEGISLATIVE SESSION SUMMARY

2021 Session Review and Look Ahead

Prelude to Session

In March of 2020, shortly after the Legislature adjourned the short session, life in Oregon and across the world changed as the COVID-19 pandemic took hold. The legislature quickly formed the first “Special Committee on the Coronavirus Pandemic.” The recommendations from this committee led to the first of three special sessions between the close of the 2020 short session and the beginning of the 2021 long session. Between each of the three special sessions, the Joint Emergency Board met on a near-weekly basis during the pandemic to help appropriate the hundreds of millions in federal aid passed through the CARES Act and, later, the American Rescue Plan Act.

Two other crises then confronted Oregon. First, the murder of George Floyd, which brought nightly protests in Portland and national attention, led to legislative leaders appointing the Joint Committee on Transparent Policing and Use of Force Reform. That committee’s recommendations helped shape the policies passed in the second and third special sessions. Then, over the Labor Day weekend, a monumental wildfire event enveloped Clackamas County and other parts of the state, decimating several small cities and prompting evacuations of thousands of others. The entire state was enshrouded in smoke for over two weeks.

2021 Session Issues

Despite the short time-frame amidst the many crises, the Legislature managed to introduce nearly 3,000 bills. Legislative priorities primarily focused on COVID response and relief, with many bills recommending changes to the healthcare system and extraordinary federal and state investments to address the lingering pandemic. Additionally, the Legislature spent much of the session focused on the racial reckoning reverberating across the country. Significant policies were enacted in the areas of law enforcement, education, and healthcare, following calls for centering equity.

In the midst of a pandemic that rendered Oregon’s economy fragile and difficult to predict, the Governor released her recommended budget calling for \$1.4B in cuts to current service level. In early February, the Ways and Means Tri-Chairs released a high-level budget framework in order to prepare advocates and legislators for significant budget cuts. Their framework cited a \$1.7 billion deficit for the 21-23 biennium. Just two weeks later, the game changed with the March revenue forecast. While the May 2020 revenue forecast showed Oregon was a staggering \$4.4 billion down from previous estimates, by March 2021, Oregon was steadily climbing out of its deficit.

A month later the Tri-Chairs released their budget framework, announcing their intention to maintain current service level, stating they no longer needed to make sweeping cuts to balance the budget. This was due to the fact that Oregon was set to receive \$2.6 billion in one-time funds from the federal American Rescue Plan Act. Shortly after the framework was released, a deal was struck to ensure every part of Oregon received some of the stimulus funding. Money was set aside for each legislator to “spend” in their district, as highlighted throughout this report.

Next, the May Revenue Forecast showed that state revenues were up another \$1.18 billion for the 19-21 biennium and up \$1.25 billion for the next biennium (21-23). Even with the kicker expected to kick, the legislative session ended with an incredible list of investments on top of full funding for current service level, including: \$470 million for behavioral health, \$600 million for wildfire recovery and prevention, and \$765 million for housing, just to name a few. Even with these investments made, the state still held some American Rescue Plan dollars for future use. The Speaker made her intentions for this money very clear, stating her top priority for the remainder of Oregon’s share of federal American Rescue Plan dollars will be “additional support for frontline workers in 2022.”

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 affecting county residents. The bicameral and bipartisan caucus is comprised of 16 members from the county’s delegation, including 6 Senators and 10 Representatives. Caucus members met throughout the legislative session to discuss issues and foster a team-oriented approach to their legislative advocacy. In 2021, the Caucus adopted 4 policy priorities, which matched county priorities: Funding for the Clackamas County Courthouse, the I-205 Bottleneck Project, and the Sunrise Community Visioning Concept, as well as the formation of a public corporation for the Willamette Falls Locks.

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.

2,519 bills were introduced in the 2021 session, of which Clackamas County Government Affairs staff actively tracked 1,666 (66%) that were related to local government. 127 of those bills were considered high priority legislation that PGA tracked closely, taking a position on 41 of those bills.

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.

Key Dates and Deadlines for the 2021 Interim and 2022 Short Session

A September Special Session to address redistricting has already been scheduled, and dates have been set for interim 'legislative days,' where committees will hold informational hearings. While the 2021 Special Session will take place in person and be open to the public, most offices will be closed due to Capitol renovations. All interim Legislative Days will be virtual.

- September 20-24, 2021: Possible Special Session
- September 22-24, 2021: Legislative Days
- September 27, 2021: Redistricting Deadline
- November 15-17, 2021: Legislative Days
- January 11-13, 2022: Legislative Days
- January 14, 2022: LC Drop Deadline
- February 1-March 8, 2022: Short Session

COUNTY INITIATIVES

Initiatives are policy objectives that lead the Clackamas County’s state advocacy efforts. They will directly affect Clackamas County in a meaningful way, are in the County’s Performance Clackamas Goals, or otherwise might not advance if not for Clackamas County.

The county adopted two initiatives for the 2021 legislative session, including funding for the County Courthouse Replacement Project and the I-205 Bottleneck Project. Details of the work and outcomes related to these initiatives are below.

Courthouse Replacement Project			
BILL	SUMMARY	POSITION	OUTCOME
HB 5012 , SB 5505 , HB 5006	\$94.5 Million for the Clackamas County Courthouse	SUPPORT	PASSED
<p>At the beginning of session, the Oregon Judicial Department (OJD) included a \$65.5 million request for the Clackamas County Courthouse in the Governor’s Recommended Budget as a part of HB 5012. As the design and engineering funding that the county had received in 2019 (\$31.5 million) was unutilized due to consideration of a public-private partnership (P3) financing model, this funding needed to be incorporated into the initial OJD figure for a total request of \$94.5 million. This figure represents the state’s 50% match toward the project.</p> <p>The Clackamas lobbying team coordinated closely with OJD and Legislative Fiscal Office (LFO) staff throughout session and kept them informed of the evolving nature of the project as it related to Board decision making about the P3 approach. The team also executed a round of legislative outreach canvassing both the Public Safety Subcommittee and Capital Construction Subcommittee of Ways & Means. Chair Smith, Commissioner Fischer, and Judge Steele participated in these meetings.</p> <p>On April 9, the Capital Construction Subcommittee held a public hearing on the state bonding bill (SB 5505). Judge Steele, Commissioner Fischer, and Gary Barth testified on behalf of the Clackamas courthouse replacement project. In stark contrast to the other projects, which each generally got about ten minutes, and because so few of the subcommittee members had an opportunity to be personally briefed on the P3 financing model, the hearing turned into 45+ minutes of questions and answers about the requested \$94.5 million and the use of a P3.</p> <p>On May 4, the Clackamas Board of Commissioners formally approved a P3 to finance the county’s portion of the courthouse. PGA moved quickly to advise legislators of this decision and met with LFO together with OJD staff to discuss the implications in more detail. From that meeting, the county</p>			

developed an extensive memo that further explained the P3 approach and responded to a number of questions. The document emphasized that regardless of the finance model, the State's legal position on a courthouse remained unchanged and the county would always remain the owner of the building.

The last outstanding matter was to secure a Department of Justice legal opinion that it was legal for the State to participate in a P3 courthouse project. The final legal analysis found that a P3 was legal and it identified the benefits of risk transfer found in a P3.

The Clackamas Caucus was critical in securing Courthouse funding. In addition to a support letter sent to leadership, individual members of the Caucus were part of the county's coordinated campaign of contact with members of the Capital Construction subcommittee. In the closing days of session, the Caucus did a lot of member-to-member lobbying including:

- Rep. Meek and Rep. Prusak to Co-Chair Holvey
- Sen. Kennemer to Co-Chair Girod
- Rep. Power to Speaker Kotek
- Judge Lininger to Speaker Kotek and other House members on Capital Construction

On June 24, the Capital Construction Subcommittee approved SB 5505 that [authorizes the full funding request of \\$94.5 million](#). Prior to the legislature's consideration to approve the expenditure limitation on the funds, [Budget Note #7 in HB 5006](#) requires OJD and Clackamas County to submit a report on the P3 agreement in advance of the 2022 legislative session as follows:

HB 5006 BUDGET NOTE #7 – Oregon Judicial Department

The Oregon Judicial Department (OJD), in coordination with Clackamas County, is requested to submit a report to the Joint Committee on Ways and Means, prior to the legislative session in 2022, on the design, build, finance, operation, and maintenance public-private partnership (P3) agreement(s) for the Clackamas County Courthouse, as well as the funding agreement between OJD and Clackamas County, related to constitutional and statutory requirements for state support and local matching funds for the Oregon Courthouse Capital Construction and Improvement Fund (OCCCIF). The report is to include, but not be limited to:

- *the legal sufficiency of the Clackamas County public-private partnership agreement(s), from the state's perspective, pertaining to funding agreement requirements;*
- *estimated total cost of ownership to construct, occupy, and maintain the Clackamas County Courthouse;*
- *affirmation of county ownership of the Clackamas County Courthouse building and property;*
- *a final master funding agreement; and*
- *a long-term flow-of-funds for state and local matching deposits into, and withdrawals from, the OCCCIF.*

The report may also include recommendations for statutory changes related to public-private partnership agreement(s) and the OCCCIF. The submission of this report is a prerequisite for the consideration of supplemental Other Funds expenditure limitation for the Clackamas County Courthouse project.

I-205 Bottleneck Funding

BILL	SUMMARY	POSITION	OUTCOME
HB 3055	“Flexible Penny” for the I-205 Bottleneck Project	SUPPORT	PASSED

Following a failed legislative effort in the 2020 short session to divert the “Rose Quarter penny” to I-205 by members of the Clackamas Caucus, Clackamas County initiated a carefully coordinated outreach campaign to remind legislators and stakeholders that the I-205 project was a prioritized bottleneck project in the 2017 Transportation Package.

As the Rose Quarter project continued to struggle gaining traction, I-205’s project readiness was difficult to ignore. In the months leading up to session, the new ODOT Office of Mobility began to talk about “a system wide approach” to the metro area region’s congestion woes and proposed a finance package that included a “regional penny” and expanded ability for short-term financing (increase from \$100 million to \$600 million). Messaging was carefully developed to avoid pitting one project against another, developing a system wide approach, and maintaining a commitment to the 2017 transportation package.

Joint Transportation Co-Chairs Susan McLain and Lee Beyer introduced HB 3055 as the transportation omnibus bill. Speaker Kotek also introduced this financing package as a part of HB 3065 and initiated a work group that included a series of meetings with local government representatives including Clackamas County to negotiate specifics about the regional penny and congestion pricing. To provide direction on this work, the Clackamas County Board adopted a set of values on transportation funding solutions.

On May 11, a public hearing was held on the Speaker’s plan, which proposed the regional penny that could be used to fund the Rose Quarter project, I-205 Bottleneck Project, Boone Bridge project, and implementation of regional tolling. Speaker Kotek testified that tolling would be to both manage demand and raise revenue for construction projects. Critical to Clackamas County was that revenue could be used to address diversion on adjacent, connected, and parallel roads. ODOT presented the [CCMMP Pre-Tolling Finance Plan](#) to get construction started on I-205 in 2022. Chair Tootie Smith [testified in support](#) of the regional penny and moving forward on the I-205 Improvement Project, while expressing opposition to tolling. The other local jurisdictions also supported while the Oregon Trucking Association and AAA “were still digesting” the proposal and environmental interests pushed for pricing to curb congestion.

Ultimately, HB 3065 was tabled due to Senate opposition to some provisions of the bill. However, the Transportation Co-Chairs incorporated most elements of the bill including the flexible penny into the omnibus transportation bill (HB 3055), which passed with bipartisan support in the House 34-24 and Senate 18-8.

Throughout the interim and legislative session, Clackamas County met regularly with key stakeholders and legislators to build the necessary support for this outcome. This also included frequent coordination with the Clackamas Caucus, resulting in the Caucus making the I-205 project one of its 2021 priorities. Coordination with ODOT was critical during the session as well, which included Commissioners building relationships with the Oregon Transportation Commission. Lastly, an “I-205 Kitchen Cabinet” convened monthly to coordinate and share information between key jurisdictions, including Metro, Oregon City, West Linn, Clackamas County, in addition to Rep. Prusak and Rep. Meek.

COUNTY PRIORITIES

Priorities are policy objectives that are elevated because of their impact to Clackamas County, or that directly affect the work, residents, or businesses of Clackamas County. Priorities are often (not always) different from initiatives because of their scale or broader inclusion of other stakeholders impacted by the policies, yet still affecting Clackamas County.

The county adopted five priorities for the 2021 regular legislative session. Those included support for funding and relief from the COVID-19 pandemic, support for policies and funding to ensure a quick and robust recovery from the 2020 wildfires and prevention of future wildfires, supporting the repair and reopening of the Willamette Falls Locks, support for funding to establish a vision plan for the Sunrise Gateway Corridor, and support for policies and funding to address the housing crisis and improve housing stability for low income households. Details of the work and outcomes related to these priorities are below.

Responding to the COVID-19 Pandemic			
BILL	SUMMARY	PRIORITY	OUTCOME
N/A	COVID-19 Pandemic Funding	SUPPORT	PASSED
<p>As mentioned in the session summary above, three special sessions were held between the close of the 2020 short session and the beginning of the 2021 long session. In addition, the Joint Emergency Board met on a near-weekly basis throughout the Interim to appropriate hundreds of millions in federal aid.</p> <p>During the 2021 session, Congress passed the American Rescue Plan Act that allocated \$2.6 billion to in one-time funds to the state of Oregon. These funds will be used in a variety of ways to help the state recover from the COVID-19 pandemic and address other public health threats. Some of the monies were set aside for each legislator to “spend” in their district, details of which are provided throughout this report.</p>			

Responding to the 2020 Wildfires

BILL	SUMMARY	PRIORITY	OUTCOME
HB 3127 , See List Below	Wildfire Recovery	SUPPORT	PASSED

Throughout session, the House Special Committee on Wildfire Recovery worked on issues to support recovery from the 2020 wildfires. Many policy bills were passed (below) that provided financial and regulatory relief to impacted homeowners. Meanwhile, a comprehensive funding bill (HB 3127) was developed that initially included a wide range of earmarks for projects, including in Clackamas County. Upon passage in committee, the bill was amended to [fund only those items](#) associated with needs resulting from destruction, damage, and other impacts from the 2020 wildfires, removing [items that are forward-facing in nature](#). Components of this bill were incorporated into other end-of-session funding bills as outlined in the funding allocation section below.

- [SB 405](#) - helping Oregonians who lost their homes to wildfires last year with rebuilding
- [SB 464](#) - authorizes counties impacted by the 2020 wildfires to prorate and cancel property taxes imposed on taxable properties that suffered losses in real market value as a result of the wildfires
- [HB 2247](#) - allows counties to waive interest on late property tax payments for Oregonians impacted by the 2020 wildfires for the 2020-21 property tax year
- [HB 2289](#) - authorizes a property owner to alter, restore, or replace certain nonresidential structures destroyed by the 2020 wildfires without additional applications to local government and requires local government to approve applications for dwellings
- [HB 2341](#) - authorizes the proration of property taxes on land that has been destroyed or damaged by wildfires
- [HB 2607](#) - provides construction tax exemptions on residential housing built to replace homes destroyed or damaged by the wildfires
- [HB 2809](#) - allows temporary siting of RVs on properties with homes that natural disasters have made uninhabitable

SB 762	Wildfire Preparedness	SUPPORT	PASSED
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In the remaining days of session, the legislature passed the omnibus wildfire bill (SB 762), which coordinates a comprehensive statewide response to plan for and mitigate future wildfires with a focus on community preparedness and public health. The bill's provisions include:

- Develops statewide, publicly available, map of wildfire risk incorporating information such as risk-classes and wildland urban interface (WUI) interaction;
- Creates wildfire prevention policies, including community driven restoration of forests and rangelands, and ignition resistant materials requirements for new construction within high-risk zones;

- Directs new defensible space standards;
- Requires electric utilities to operate in compliance with a wildfire mitigation plan;
- Requires the Department of Environmental Quality to monitor for wildfire smoke, the Oregon Health Authority to create clean air shelters for the public, and OHA to increase the availability of smoke filtration systems;
- Requires wildfire to be included in the definition of “emergency” and for the Oregon Office of Emergency Management to update its statewide emergency plan to prepare for wildfire;
- Increases firefighter capacity, including air defense resources;
- Creates the Oregon Conservation Corps to engage youth and young adults in reduction of risk wildfire poses to communities and critical infrastructure, and to help create fire-adapted communities;
- Requires stakeholder engagement from public boards and advisory committees in development and review of the wildfire map, defensible space stands, building code safety measures and land use recommendations;
- Appoints a Wildfire Programs Advisory Council composed of stakeholders and members of the public to advise a new State Wildfire Programs Director, provide recommendations on implementation and community engagement;
- Invests \$188 million to implement these policies and support essential workforce and local communities on the frontlines, managing and mitigating wildfires.

HB 5006	Additional Funding Allocations	SUPPORT	PASSED
<ul style="list-style-type: none"> • \$23.2 million for grants to counties for the reimbursement of lost tax revenue related to the 2020 wildfires. For 2020-21, Clackamas County will receive \$116,831. Funds will be provided for multiple years. • \$2 million for Clackamas Fire District for firefighter apprentices • \$228,300 for Canby Fire District COVID Response Supplies (Sen. Kennemer, Rep. Drazan) • \$280,900 for Estacada Rural Fire District #69 wildfire fire & emergency medical response equipment (Sen. Kennemer, Rep. Drazan) • \$385,000 for Molalla Rural Fire Protection District for Wildland Fire Protection • \$150 million reserved in a special purpose appropriation to address natural disaster preparedness, response and recovery activities • \$150 million for wildfire recovery housing supply and land acquisition • \$75 million for food and shelter for wildfire-impacted communities • \$20 million for grants for fire hardening and energy efficiency during rebuilding 			

Supporting the Repair and Reopening of the Willamette Falls Locks

BILL	SUMMARY	PRIORITY	OUTCOME
HB 2564	Willamette Falls Locks Public Corporation	SUPPORT	PASSED
<p>Establishes a Willamette Falls Locks Public Corporation, as envisioned by the Willamette Falls Locks State Commission. The Public Corporation has comparable authority to the State Fair and the Oregon Health & Science University. The Governor will appoint Board Members to the Public Corporation in the coming months who will then be tasked with establishing a transfer of the Locks from the U.S. Army Corps of Engineers. This bill was sponsored by Representatives Meek and Prusak, and championed by the Clackamas Caucus as well as legislators outside of Clackamas.</p>			
SB 5534	Willamette Falls Locks Funding	SUPPORT	PASSED
<p>The lottery bond bill included \$7.25 million for restoration of the Willamette Falls Locks and Canal, among other things. This funding amount represents roughly half of the recommended funding needed to restore the Locks to operational status.</p>			

Funding for the Sunrise Gateway Corridor

BILL	SUMMARY	PRIORITY	OUTCOME
HB 5006	Sunrise Gateway Corridor Community Visioning Concept Funding	SUPPORT	PASSED
<p>Provides \$4 million to Clackamas County for the Sunrise Gateway Corridor Community Visioning Concept. This project was championed by Representatives Drazan and Bynum and enjoyed the support of the Clackamas Caucus. Throughout session, Clackamas County worked closely with Metro and the City of Happy Valley to advocate for this funding request. Coupled with an additional \$1.5 million in local match, the county can move forward on this 2-year project.</p>			

Responding to the Housing Crisis

This was another big session for housing funding and policy. The looming expiration of the state eviction moratorium drove two major bills, the first (SB 282) extending the payback period for unpaid rent during the COVID period, and the second (SB 278) extending the moratorium by 60 days for tenants who have applied for but not received rent assistance.

The Senate Housing Committee was chaired by newly appointed Senator Jama (D-Portland) who showed strong leadership. Most impressive was the way he and Rep. Fahey (D-Eugene) worked directly with landlord associations, leading negotiations that paved the way for the two proposals mentioned above to be done with limited opposition.

Significant, historic investments in housing were made this session that will directly impact the work of Social Services and the Housing Authority. Details on these proposals and other important policy bills and housing related investments are below.

Houselessness and Tenant Protections

BILL	SUMMARY	PRIORITY	OUTCOME
HB 5011	Emergency Housing Funding	NONE	PASSED
<p>The Legislature allocated \$40 million in general funds to emergency housing and shelter programs. This amounts to current service level. This allocation is dwarfed by the ARPA rent assistance programs the state is passing through via the Emergency Rental Assistance Program (ERAP). An additional \$25 million in one-time funds for emergency shelter was allocated via HB 5011, the OHCS budget.</p>			
SB 282	Tenant Protections during the 'COVID Period'	NONE	PASSED
<p>Creates a grace period for rent missed during the COVID emergency period (April 2020 - June 2021). Back rent now must be paid by February 28, 2022. Bill also provides an opportunity for tenants to expunge any evictions that happened during COVID, and allows people to double up, and provides additional protections from retaliatory evictions.</p>			
SB 278	60-day Eviction Prevention	NONE	PASSED
<p>Demand for emergency rent assistance is far beyond anything the state has previously experienced. Federal resources are immense, but will take time to distribute. SB 278 attempts to prevent evictions for anyone who has applied for assistance by giving them an additional 60 days from the date they notify their landlord that they applied.</p>			

HB 2544	Youth Homelessness Funding	NONE	PASSED
Provides \$3.6 million for grants to prevent and end youth homelessness.			
HB 2163	Long-Term Rent Assistance for Homeless Youth	NONE	PASSED
Creates a long term rent assistance pilot for youth experiencing homelessness. \$4.5 million for rent assistance is allocated for two to three pilot programs to be dispersed around the state.			
HB 3115	Regulation of Homelessness on Public Property	NONE	PASSED
The bill will reduce the criminalization for people experiencing homelessness by requiring cities to stop enforcement of illegal camping bans. It also clarifies where people experiencing homelessness can safely sleep.			
SB 291	Rental Housing Access	NONE	PASSED
The bill aims to increase access to rental housing. Calls on landlords to conduct individualized assessments for people with criminal histories.			
HB 2100	OHCS Role in Administering Federal Antipoverty Programs	NONE	PASSED
<p>Makes statutory changes to homeless services delivery policy in Oregon. Originally, the bill would have changed how funding is distributed, moving from a direct allocation to community action agencies (a designation enjoyed by Clackamas County) to a combination of direct allocation and competitive grant. Following negotiations, an amendment was drafted that holds off on changing statutes related to allocation. As amended, the bill does the following:</p> <ul style="list-style-type: none"> • Defines culturally responsive organization • Allows OHCS to define culturally specific organization in rule. • Makes changes to broaden who can advise OHCS on agency policy. • Creates a task force on changes to funding structures and systems as it relates to racial disparities in addressing homelessness. 			
HB 2427	Rental Applications and Screening	NONE	FAILED
Would have created a universal rental application and allowed tenants to provide their own screening report. An interim workgroup prior to the 2022 session is likely.			
HB 2006	Emergency Shelters	NONE	PASSED
Development of shelters has been slowed and in some cases blocked, by what housing advocates refer to as NIMBYism (NIMBY = Not In My Back Yard). To address this, Speaker Kotek (D-Portland)			

introduced HB 2006, which temporarily removes some current barriers to siting shelters. It requires local governments to approve applications for emergency shelter (with some sideboards) until July 1, 2022.

[SB 330](#)

Tax Forgiveness for Landlords

SUPPORT

FAILED

Creates a new income tax credit for landlords equal to the amount of unpaid rent forgiven by the landlord as a condition of accessing the Landlord Compensation Fund.

See List Below

Additional Significant Legislation

NONE

PASSED

- [SB 850](#) - Statewide reporting of deaths of people experiencing homelessness.
- [HB 3026](#) - Identification cards for people experiencing homelessness.
- [HB 3124](#) - Changes to notice periods before removing camps of people experiencing homelessness.
- [HB 3261](#) - Removing land use barriers to converting Project Turnkey motels into affordable housing.
- [HB 2583](#) - Limits to the ability of local governments to create or enforce maximum occupancy limits.
- [HB 5011](#) - Included \$1.2 million to invest in HMIS capacity and centralized management of HMIS.
- [HB 5011](#) - Included \$2 million for technical assistance for shelter providers to develop shelters across the state.
- [HB 5011](#) - Included \$3 million for sub-grantees to increase capacity to administer emergency rental assistance. This funding is for operational capacity to organizations who are providing outreach particularly to BIPOC renters, rural communities.
- [HB 2004](#) - Included an additional \$9.7 million to Project Turnkey.
- [HB 5006](#) - Included \$5 million for housing navigation services for domestic and sexual violence survivors, and \$1 million for housing related legal assistance.

Development, Land Use, and Preservation for Multifamily Housing

BILL

SUMMARY

POSITION

OUTCOME

[SB 5505](#)

Affordable Housing Funding

SUPPORT

PASSED

Allocates \$410 million in Article XI-Q General Obligation Bonds for development of new affordable housing. This session, both the Low-Income Fast Track (LIFT) multifamily housing development program and Permanent Supportive Housing were funded.

HB 5006	Preservation of Affordable Housing	SUPPORT	PASSED
Allocates \$100 million in lottery bonds to preserve and maintain existing affordable housing.			
HB 5011	Rent Assistance Funding	NONE	PASSED
Allocates \$12.2 million for rent assistance and services for projects funded during the 2019-21 biennium, and \$1.6 million for rent assistance and services for projects funded during the 2021-23 biennium.			
SB 8	Allowance of Affordable Housing in Non-Residential Zones	NONE	PASSED
Allows affordable housing to be built on land currently zoned for commercial use as well as, publicly owned land, and religiously owned land. It creates a statewide density bonus for affordable housing, and broadens eligibility for SB 8 (2019) to allow more affordable housing developments to be eligible for attorney's fees when projects are challenged to LUBA.			
HB 2433	Oregon Affordable Housing Tax Credit	NONE	PASSED
Makes several technical changes to and increases the cap for the Oregon Affordable Housing Tax Credit. The new cap is \$35 million per year.			
HB 2456	Local Option Property Tax Exemptions	NONE	PASSED
Updates two local option property tax exemptions to align with federal income averaging sideboards. It also broadens the exemption by allowing exemptions to remain in place even if the incomes of residents of the units rises to 80% AMI.			
HB 2446	Affordable Housing Exemption	NONE	PASSED
In 2015, the Legislature allowed affordable housing projects that had previously qualified under ORS 307.130 to maintain their exemption in order to maintain affordable housing in communities across Oregon. The Legislature extended the sunset on this exemption to 2028.			
HB 2918	Surplus Lands Database	NONE	PASSED
Requires local jurisdictions to report surplus lands and to create a database operated by Department of Land Conservation and Development. In addition, the bill requires local jurisdictions to develop a process for using surplus lands for affordable housing.			

HB 3113	Rent Increase Notices	NONE	PASSED
Removes the exemption for affordable housing from the 2019 rent regulation law passed through SB 608. Requires that affordable housing developers comply with maximum rent increase limits with two exceptions - when the rent is based on the tenant's income, and the increase is as a result of an increase to the tenant's income, or the rent can be increased without changing the tenant's portion.			
See List Below	Additional Significant Legislation	NONE	PASSED
<ul style="list-style-type: none"> ● HB 5011 - Included \$10 million for OHCS to develop with the Early Learning Division a grant proposal to support the colocation of affordable housing and early learning or child care centers. The budget note language on this proposal requires OHCS and ELD to develop the grant program before the release of funds. ● HB 5011 - Included \$5 million for gaps in affordable housing projects due to higher than expected construction costs. ● HB 2095 – Makes technical changes to the publicly supported housing preservation work, and require tenants to be notified if a building is opting out of affordability requirements. ● HB 2008 – Allows by right affordable housing on land owned by religious institutions, and provides property tax exemptions for housing on land owned by religious institutions. ● HB 5006 – Included \$100 million for wildfire recovery including housing development, construction, infrastructure, rebuilding, down payment assistance, loans, and more. ● HB 5006 – Included \$30 million for land acquisition or naturally occurring affordable housing acquisition. ● HB 5006 – Included \$2 million for DLCDC for planning and capacity building related to housing needs and \$1.3 million for DLCDC to incorporate RHNA findings into state and local planning processes. ● HB 5006 – Included \$4.8 million for fair housing. 			
Homeownership and Foreclosure Protections			
BILL	SUMMARY	POSITION	OUTCOME
SB 458	Automatic Lot Divisions	NONE	PASSED
Allows an automatic lot division to allow all homes to be purchased. It builds on work done in 2019 when the legislature changed ORS to allow duplexes, triplexes, quads, and cottage clusters in cities of a certain size to increase housing options in urban areas.			
HB 3335	ADU Pilot Program	NONE	PASSED
HB 3335 will build Accessory Dwelling Units (ADUs) through a Pilot Program. It allocates \$1 million to build 15 new small homes in ten urban areas and five in rural areas.			

HB 2456	Home Ownership Limited Tax Exemption	NONE	PASSED
<p>The Home Ownership Limited Tax Exemption (HOLTE) is a local option property tax exemption authorized by the legislature for owner-occupied single unit housing for purchase. Includes a technical fix to address problems with implementation. Amends statute to allow a city to grant a case-by-case extension of up to 24 months for construction.</p>			
HB 2094	Definition of Veteran	NONE	PASSED
<p>Expands definition of veterans in statute. The existing definition of ‘veteran’ is narrow and excludes many who need assistance and served in the military. Allows OHCS to define “veteran” for OHCS programs in rule.</p>			
HB 2842	Funding for Home Repairs	NONE	PASSED
<p>Allocates \$10 million to fund basic health and safety repairs for homeowners with low incomes who need assistance to maintain their home’s safety.</p>			
See List Below	Additional Significant Legislation	NONE	PASSED
<ul style="list-style-type: none"> • HB 5011 - Included \$10 million for down payment assistance tied to the Department’s new mortgage lending product. This down payment assistance will be considered a secondary loan and is expected to revolve. There is an additional \$10 million in one-time only dollars to be sub-granted to culturally responsive organizations for down payment assistance. • HB 5011 - Included \$2 million to provide technical assistance and outreach to culturally specific organizations to reduce barriers to communities accessing homeownership. • HB 5011 - Included \$4.5 million for manufactured home park acquisition and preservation loan program. • HB 5011 - Included \$20 million in one-time only general funds for homeownership development, including alternative ownership models such as co-operatives, and affordable single family housing. • SB 79 - Updated definitions related to the Home Owner Assistance Program (HOAP) and definitions of communities of color. • SB 391 - Allows ADUs on rural residential lands in certain circumstances. • SB 805 - Creates a voluntary master builder certification program for vertical homeownership (condos). 			

OTHER SIGNIFICANT LEGISLATION

Clackamas County tracks other significant legislation based on a set of principles approved in the county’s annual State Legislative Agenda. Principles inform the county how to respond to legislative issues that might not be captured by the set Initiatives or Priorities, but still affect the communities or operations of the county.

Clackamas County Principle: Grow a Vibrant Economy			
BILL	SUMMARY	POSITION	OUTCOME
SB 623	Workforce legislation	SUPPORT	PASSED
Establishes the Committee for Continuous Improvement to coordinate efforts between the State Workforce and Talent Development Board, state agencies involved in workforce development, and local workforce development boards to respond to the COVID-19 pandemic and establish an ongoing evaluation framework for the state's public workforce development system.			
HB 2820	Workforce Development Pilot Program	NONE	FAILED
Establishes Prosperity 1,000 Pilot Program to provide career coaching, occupational training and job placement services for at least 1,000 low-income job seekers residing in areas of concentrated poverty. As written, it would have precluded counties from being an eligible sub-grantee. The county worked with Rep. Reardon on an amendment that would ensure Clackamas County would be an eligible subgrantee. The bill moved to Ways & Means where such an amendment could be adopted if needed, but the bill was never scheduled and died in Ways and Means.			
SB 5534	Brownfields Redevelopment Fund	SUPPORT	PASSED
The Brownfields Redevelopment Fund (BRF) was recapitalized at its full requested level of \$10 million in the lottery bond bill (SB 5534).			
HB 2518	Oregon Brownfield Properties Revitalization Fund	SUPPORT	PASSED
HB 2518 creates a new Oregon Brownfield Properties Revitalization Fund (BPRF) that will support cleanup grants (forgivable loans) to brownfield owners; the bill was funded at the full requested level of \$5 million.			

HB 2070 , HB 2357 , HB 2379 , HB 2389 , HB 2430 , HB 2598	Harvest and Severance Taxes on Timber	OPPOSE	FAILED
Bills that impose harvest or severance taxes on timber failed to pass.			
HB 5006	Additional Funding Allocations	SUPPORT	PASSED
<ul style="list-style-type: none"> • \$700,000 for Clackamas County Business Recovery Centers (Sen. Kennemer) • \$3.335 million for Wilsonville Chamber in conjunction with 3 other cities (Sen. Thatcher) • \$2.021 million for North Clackamas Chamber Business Recovery Center (Sen. Jama, Sen. Thomsen) • \$500,000 for West Linn Business Recovery Center (Rep. Prusak) • \$600,000 for Oregon City Chamber Business Recovery Center (Rep. Meek) 			

Clackamas County Principle: Build a Strong Infrastructure			
BILL	SUMMARY	PRIORITY	OUTCOME
HB 5006	Broadband Funding	SUPPORT	PASSED
Provides Business Oregon \$120 million for the State Broadband Fund to develop a grant program to support communities in building broadband infrastructure.			
HB 2344	Flushable Wipes	SUPPORT	PASSED
Requires manufacturers, wholesalers, or retailers who sell single use wipes to label such products as “non-flushable.”			
SB 5534	County Fairs Capital Improvements	SUPPORT	PASSED
Provides \$10 million in lottery bonds for a new County Fair Capital Improvement Fund, which will be administered by Business Oregon to provide grants for capital improvements to county fair facilities.			
HB 2342	Road User Fee	NONE	FAILED
Establishes a mandatory per-mile road usage charge for registered owners and lessees of passenger vehicles model year 2027 or later beginning July 1, 2026.			

HB 5006	Additional Funding Allocations	SUPPORT	PASSED
<ul style="list-style-type: none"> • \$500,000 to Clackamas and Washington counties to help fund a shuttle between Bridgeport Village and Clackamas Town Center on I-205 (Rep. Prusak) • \$14.7 million for a City of Sandy wastewater treatment plant • \$4.79 million for the Clackamas County Fairgrounds Livestock Barn and RV Park/Emergency Housing Center (Sen. Kennemer, Rep. Drazan) • \$900,000 for Lake Oswego/Hillsdale trail work to OPRD and PBOT (Sen. Wagner, Rep. Salinas) 			

Clackamas County Principle: Honor, Utilize, Promote, & Invest in our Natural Resources			
BILL	SUMMARY	PRIORITY	OUTCOME
SB 582	Recycling Modernization	SUPPORT	PASSED
<p>The bill makes significant changes to Oregon's recycling system that include, but are not limited to: requiring that covered producers become a member of a producer responsibility organization which insures that products collected are recycled by responsible end markets; establishing statewide recycling rates for plastic and recycling contamination reduction goals; and addressing the development and implementation of educational resources and promotional campaigns.</p>			

Clackamas County Principle: Ensure Safe, Healthy, and Secure Communities			
BILL	SUMMARY	PRIORITY	OUTCOME
HB 5024	OHA Budget: Behavioral Health Funding Priorities	SUPPORT	PASSED
<p>The 2021 legislative session was a historic session for behavioral health with a \$470 million investment. Prior to session the Governor's Recommended Budget (GRB) held some bad news for Community Mental Health Programs (CMHPs). While her budget made some investments in new behavioral health initiatives, Governor Brown recommended a cut to inflation for CMHPs and a reduction to the CHOICE program funding. Given this and the indications from legislative leadership that this would be a session to defend existing funding rather than push for substantial new</p>			

investments, the following were adopted as the top behavioral health funding priorities:

- Funding of community mental health programs at current service level,
- Filling the substantial budget holes in existing mental health and substance use disorder treatment programs created by Measure 110
- Pushing for no cuts to essential programming
- OHA's modest Aid & Assist Community restoration policy option package (\$19M investment)

From the outset it was clear that despite a lack of state dollars, there was substantial legislative interest in behavioral health issues this session. After the first economic forecast of the session and the passage of the American Rescue Plan Act (ARPA), the conversation shifted significantly. When the Speaker's office asked legislators for their ideas on how to best spend the ARPA dollars, partners worked with Representative Nosse on a proposal for an infusion of resources for behavioral health residential infrastructure/services and the workforce.

From this work, Sen. Lieber and Rep. Nosse began putting together a package and the counties provided detailed information on need. Following the positive May Revenue Forecast, Nosse and Lieber presented their proposed Behavioral Health Package totaling just over \$500 million. While the package ultimately passed in several bills (more on the other investments below) the OHA budget included substantial investments for the Behavioral Health system and CMHPs specifically. HB 5024 included:

- No cuts to inflation for CMHPs or to the CHOICE program as recommended by the Governor's budget
- \$70.2 million to completely backfill marijuana revenue dedicated to behavioral health that was redirected by M110
- \$21.5 million for "aid and assist" community restoration and clinical services, rental assistance and wraparound support, the majority of which will be allocated to CMHPs
- \$6.5 million for mobile response and stabilization to expand a service for children and adolescents experiencing behavioral health crises.
- \$50 million for the "Transformation and System Alignment" special purpose appropriation for "investments that align outcomes, roles, responsibilities, risk and incentives in Oregon's behavioral health system." (*See description and associated budget note below*)
- \$130 million for the "Regional Development and Innovation" special purpose appropriation for "capital, start-up, and operational costs related to increasing statewide capacity of licensed residential facilities and housing for people with behavioral health needs." (*See description and associated budget note below*)

Additionally, the OHA budget allocated \$31 million for the opening of two secure residential treatment facility units at Junction City as anticipated. It also set aside an additional \$20 million for the Emergency Board to address OSH staffing issues in the near future once a sustainable plan is developed. See budget note below where CMHPs are called out as a required stakeholder in these conversations.

Finally, LFO recommended a budget note that requires LFO to work with DAS in the interim to develop a new agency budget structure for OHA that will provide for more transparency and clarity.

Appropriation Descriptions and Budget notes:

1. **Regional Development and Innovation:** The budget includes \$65 million in one-time funds available under the American Rescue Plan Act and \$65 million General Fund for capital, start-up, and operational costs related to increasing statewide capacity of licensed residential facilities and housing serving people with behavioral health conditions. The Subcommittee approved this investment with the understanding the Department of Administrative Services (DAS) will unschedule all but \$7 million until projects are identified and OHA demonstrates in a report to the Joint Ways and Means Subcommittee on Human Services by March 1, 2022 the additional residential and housing capacity that will be created. The Subcommittee also included the following instruction:
 - a. **Budget Note:** The Oregon Health Authority (OHA) shall award up to \$5 million to community mental health programs, tribes, Regional Health Equity Coalitions, and other community grantees by September 1, 2021 for identifying community needs, assessing the feasibility and sustainability of potential projects, and other planning activities necessary to increase residential facility and housing capacity with a focus on reducing health inequities. OHA, in consultation with Oregon Housing and Community Services and OHA’s advisory councils, including, but not limited to, the Oversight and Accountability Council, the Oregon Consumer Advisory Council and the System of Care Advisory Council, shall issue a Request for Proposals by December 31, 2021 and a recommendation for how to invest available funds for increasing culturally and linguistically appropriate residential treatment and housing capacity to the legislature by March 1, 2022. ***Note: while counties were asked for our estimation for reasonable planning grant amounts, the budget note does not specifically instruct the agency to provide planning grant monies to the CMHPs through the CFAAs.***
2. **Transformation and System Alignment:** \$1 million General Fund and two positions (2.00 FTE) for contract planning efforts to transform Oregon’s behavioral health system. In addition to the \$1 million General Fund for OHA for this effort, HB 5024 creates a \$49 million Special Purpose Appropriation to the Emergency Board to be allocated to OHA to transform Oregon’s behavioral health system into one that aligns outcomes, roles, responsibilities, risk and incentives. To further address this issue, the Legislative Policy and Research Office will convene a workgroup to address health inequities. The workgroup will make recommendations to equitably distribute non-Medicaid funding for behavioral health services to align contract provisions with the goals of preventing hospitalizations, criminalization and homelessness, while also eliminating health inequities. The Subcommittee approved the following budget note:
 - a. **Budget Note:** The Oregon Health Authority (OHA) shall contract with a third-party evaluator to evaluate current behavioral health programs with respect to budget, staffing, data and metrics analysis and tracking, and contracts. The evaluator shall

submit a roadmap to increasing financial transparency, accountability and ongoing reporting on Oregon’s behavioral health needs and outcomes. As part of this work, County Financial Assistance Agreements should align with coordinated care organization contracts by addressing roles and responsibilities, and ensuring Oregon is maximizing federal funding. The contract shall also recommend risk alignment addressing liability concerns, administrative support, and oversight required of community mental health programs in monitoring treatment services, safety and compliance, and abuse and neglect investigations, as well as overseeing corrective plans, site reviews, crisis services, civil commitment process, and discharge transitions. OHA may request funding to operationalize these recommendations.

3. **Aid and Assist Services:** \$18,652,326 General Fund and \$2,336,352 Federal Funds expenditure limitation for counties to provide community-based restoration services for individuals unable to aid and assist in their own defense at trial (Aid and Assist patients). This funding continues a \$2.25 million General Fund investment made by the legislature during 2019-21. The goal of funding community-based restoration services is to serve individuals at the least restrictive, lowest level of care wherever possible in order to avoid more costly care in more restrictive settings such as the Oregon State Hospital. The Subcommittee approved the following budget note related to community-based Aid and Assist services:
 - a. **Budget note:** The Oregon Health Authority shall report to the Department of Administrative Services Chief Financial Office and Legislative Fiscal Office on February 1, 2022 and February 1, 2023 on the number of aid and assist clients served at the Oregon State Hospital and through community restoration, amount of funding awarded to communities and providers, and actual expenditures by community mental health program or direct contracts from the funding available in the agency’s budget for community restoration services, case rate payments, and housing and wraparound services. The reported dollar amounts shall be detailed according to specific service. For amounts expended or obligated on housing and rental assistance, the report shall identify the number of individuals placed in housing as a result of the investments.

Other budget notes:

4. **Certified Community Behavioral Health Clinics** The Oregon Health Authority (OHA) shall administer the certified community behavioral health clinic (CCBHC) demonstration program and evaluate whether CCBHCs: 1) increase access to behavioral health treatment for residents of this state; 2) provide integrated physical and behavioral health care; 3) offer services that result in improved health outcomes, lower overall health care costs and improved overall community health; and 4) reduce the cost of care for coordinated care organization members. No later than February 1, 2023, OHA shall report its findings to the interim committees and subcommittees of the Legislative Assembly related to health and mental health and to the interim subcommittee of the Joint Committee on Ways and Means with authority over human services agencies’ budgets.

5. **CCO Contracts** The Oregon Health Authority shall report to the Legislature on its plans for the next round of coordinated care organization contracting. The report shall include: 1) anticipated milestones and deadline dates; 2) an outline of how the process will provide public transparency and communication; and 3) the anticipated resources the agency will need to perform the next round of CCO contracting. The report shall be delivered to the Joint Committee on Ways and Means by January 1, 2023

6. **State Hospital Staffing Special Purpose Appropriation** The Oregon Health Authority (OHA) shall consult with relevant stakeholders to resolve staffing shortfalls at the Oregon State Hospital. The relevant stakeholders OHA shall consult with include, but are not limited to, managerial and direct care staff employed by the Oregon State Hospital; community mental health programs; and hospital and other health care providers. No later than November 1, 2021, OHA shall submit a financially and programmatically sustainable plan to the Emergency Board or Interim Joint Committee on Ways and Means that provides solutions for maintaining appropriate daily staffing levels to ensure the safety of both patients and staff.

7. **Appropriation Structure** The Oregon Health Authority shall work with the Department of Administrative Services Chief Financial Office and Legislative Fiscal Office to establish a more detailed agency appropriation structure for its primary biennial budget bill. At a minimum, this structure shall detail the amount of funding budgeted for Medicaid, non-Medicaid behavioral health, the Public Health Division, Health Policy and Analytics Division, Oregon State Hospital, the Public Employees’ Benefit Board, Oregon Educators Benefit Board, and central administrative functions. This new budget structure shall be recommended and prepared prior to the 2023 legislative session.

HB 5529	Intellectual and Developmental Disabilities Case Management - DHS Budget	SUPPORT	PASSED
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In 2019-2021, the goal was to dramatically increase the number of FTE funded for I/DD Case Management for counties across the state, including Clackamas. The program faces disproportionate growth compared to other social service programs due to the K Plan, and has been chronically underfunded for the last half decade. When session began, all aspects of the budget looked bleak, but as revenue forecasts improved and one-time federal funds became available, the county adjusted its strategy accordingly. The greatest challenge was the rapid growth of the program, and the tri-chairs’ hesitancy to invest state general fund in base budgets of on-going programs (like CDDPs), as opposed to one-time investments with federal funds.

After months of coordinated work, the legislature funded 91% of the positions indicated as necessary by the workload model. The state will now provide CDDPs with 95% of the funding for those positions per statute.

This increased investment is \$87.6 million above the 2019-2021 funding levels and is a 42% increase over the appropriated budget in 2019-2021. The total funds budget for the 2021-2023 biennium is

\$295.7 million. While this is not full funding, this is a significant increase in a budget cycle where one-time funds were plentiful, but ongoing investments, like I/DD, were harder to secure. This level of investment is exciting, and champions emerged in the legislature that will partner with the county moving forward.

One other note in the DHS budget re: I/DD is that the \$1.4 million allocation for family-to-family networks, which was cut during last year’s second special session, has been restored.

HB 3073	Early Care and Education Governance	NONE	PASSED
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This legislation builds on Oregon’s work to increase access to affordable, high-quality early learning experiences and supports for children and families by establishing a new early learning agency. The new agency, the Department of Early Learning and Care (DELIC), will consolidate all early child care services into one state agency, including licensing, registration, and the distribution of state and federal child care funds, including Employment Related Day Care (ERDC). Most of these key functions currently exist in ELD, which is part of the Oregon Department of Education. HB 3073 creates DELIC beginning January 1, 2023 and the transfer of ERDC from Oregon Department of Human Services to DELIC by July 1, 2023.

HB 2166	Establishing the Early Childhood Suspension and Expulsion Prevention Program	NONE	PASSED
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This \$5.8 million General Fund investment funds a statewide system for early care and education (ECE) programs to provide mental health consultation services to ECE providers, support stable and inclusive placements for children and families, and reduce expulsion or suspension in birth-five programs. These funds will be available to the ELD based on a progress report during the 2022 Legislative Session.

HB 5513	Early Childhood Budget	NONE	PASSED
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All ELD programs were funded at current service levels for the 21-23 biennium. Some programs received an additional investment from the legislature. Those investments are:

- Preschool Expansion - \$68 million for preschool program expansion. The expansion totals around 4,000 slots for Preschool Promise, Oregon Prekindergarten and Early Head Start and Healthy Families Oregon. \$38 million of those funds will be available to the ELD based on a report to the legislature in the 2022 Legislative Session.
- Early Childhood Equity Fund - The Early Childhood Equity Fund received an additional \$3 million investment to ensure continued expansion of culturally-responsive early childhood and family engagement programming across the state.
- Relief Nurseries - Relief Nurseries received an additional \$2 million investment from the legislature for pay parity. Parenting Education
- The Parenting Education budget was increased by \$2 million

- Restored \$1.4 million to the Early Learning Hubs lost during the 2020 Second Special Session.

HB 5024	Public Health Modernization	SUPPORT	PASSED
HB 5024 funds modernization at \$60 million for the 2021-23 biennium, adding \$45 million in additional funds to advance OHA’s public health modernization efforts. This funding will largely support the work of local public health authorities, community-based organizations, and tribes to improve health outcomes in the areas of communicable disease control, emergency preparedness and response, health equity, and environmental health.			
HB 2239, HB 2899	Veterans Courts	SUPPORT	FAILED
Bills sought to provide a centralized veterans treatment court that counties may opt into and also provide funding for county veterans courts.			
HCR 12	Honoring Larry Dahl	SUPPORT	PASSED
Recognizing and honoring Medal of Honor recipient Specialist Four Larry Gilbert Dahl for his service to his country. Specialist Four Larry Dahl is the only Medal of Honor recipient from Clackamas County.			
SB 5513	Juvenile Funding	SUPPORT	PASSED
Invests the Juvenile Detention Education Program at \$5.2 million, and the Youth Corrections Education Program.			
SB 231	Juvenile Funding Study	SUPPORT	FAILED
Directed Oregon Department of Education to study and propose alternative funding models for Youth Corrections Education Program and Juvenile Detention Education Program prior to 2023.			
SB 587	Tobacco Retail License	SUPPORT	PASSED
Prohibits the sale of tobacco products and inhalant delivery systems in Oregon unless the retailer is licensed by the Department of Revenue.			
HB 2508	Telemedicine	SUPPORT	PASSED
Expands coverage of, and reimbursement for, telemedicine services in Oregon.			

HB 5006	Family Treatment Court	SUPPORT	PASSED
Provides \$10 million for Family Treatment Court Programs.			
SB 425	Telecommunicators are First Responders	SUPPORT	PASSED
Finds and declares that telecommunicators are first responders.			
HB 3296	Privilege Taxes on Alcohol	OPPOSE	FAILED
Increases privilege taxes imposed upon manufacturer or importing distributor of malt beverages, wine, or cider.			
HB 5004 , SB 497 , SB 620	Community Corrections Funding	NONE	PASSED
The Department of Corrections budget (HB 5004) included \$32.7 million statewide for Community Corrections. SB 497 requires counties to assume responsibility for community-based supervision for designated domestic violence misdemeanors, with \$7 million provided for this work. Finally, SB 620 repeals the authority of community corrections programs and other local supervisory authorities from imposing a monthly fee to offset the costs of supervising an individual's probation, parole, post-prison supervision, or other supervised release. \$10 million statewide is provided to backfill these dollars.			
HB 2935 , HB 2167 , HB 2168	Equity	NONE	PASSED
Rep. Bynum's Crown Act (HB 2935) bans employers and public schools from discriminating against hairstyles associated with a person's race or sexual orientation.			
Under HB 2167, the Racial Justice Council is codified into state law, ensuring its existence into the future. This Council provides advice and recommendations to the Governor on strategies to institutionalize racial justice in the conduct of state government.			
HB 2168 establishes Juneteenth (June 19) as an official state holiday.			
HB 5006	Additional Funding Allocations	SUPPORT	PASSED
<ul style="list-style-type: none"> • \$100,000 for a Clackamas County Public Health outreach van (Rep. Neron) • \$600,000 for Clackamas Volunteers in Medicine (Rep. Meek, Rep. Salinas) • \$3.5 million for Parrott Creek Child & Family Services building renovation (SB 5534) • \$600,000 for Parrott Creek Child & Family Services (Rep. Meek) 			

- \$500,000 for Clackamas County to help fund the Gladstone Library project (Rep. Meek)
- \$750,000 for Clackamas County to help fund the Oak Grove Community Center (Rep. Power)
- \$1 million for City of Milwaukie Neighborhood Park Development (Rep. Power)
- \$1.25 million for City of Milwaukie Bowman Brea Park & Scott Park (Sen. Taylor)
- \$3 million for Lake Oswego/SW Portland Habitat for Humanity for land purchases for housing (Sen. Wagner, Rep. Salinas)

Clackamas County Principle: Build Public Trust through Good Government

BILL	SUMMARY	PRIORITY	OUTCOME
HB 3055	Speed Setting	SUPPORT	PASSED
<p>The transportation omnibus bill was amended to grant speed setting authority to Clackamas County, which will enable the county to conduct speed setting on county roads.</p>			
NONE	State/County Liability	NONE	NONE
<p>Two issues this session arose as concerns of the county with a common theme. When the state contracts with the county to perform services that are the obligation of the state, the state often pushes all liability for the program onto the county, and does not share in any of the risk, even when they set parameters that could influence risk. The first example from this session revolved around Aid and Assist; the second was regarding software that OHCS mandates contractors use for emergency rental assistance (OERAP). This issue will need further work prior to and during the 2022 session to address concerns more broadly.</p>			
HB 2560	Public Participation	NONE	PASSED
<p>Requires governing body of public body, to extent reasonably possible, to make all meetings accessible remotely through technological means and provide opportunity for members of the general public to remotely submit oral and written testimony.</p>			
HB 2267	Lottery Revenues for Counties	SUPPORT	FAILED
<p>Provides that a fixed percentage of certain forecasted video lottery revenues be transferred to counties for economic development. This bill is an AOC priority.</p>			

HB 2310	Materials for Local Water Projects	OPPOSE	FAILED
Prohibits a local government from restricting the use of piping materials in a publicly funded drinking water or wastewater project if the piping materials meet certain performance standards.			
SB 5528	Oregon Solutions Funding	SUPPORT	PASSED
Clackamas County supported funding for National Policy Consensus Centers, which in Oregon are referred to as Oregon Solutions and Oregon Consensus. These are state funded programs designed to help build partnership on large projects with public benefit or resolve disagreements among groups, often public agencies. Clackamas County has benefited from the work of both Oregon Solutions and Oregon Consensus and see the programs as critical to the success of local agencies and public project in Oregon. Funding for these programs is allocated through the public university statewide program.			
HB 3049	Permitting Fees	SUPPORT	FAILED
Authorizes county governing body to require and charge fee for permit to construct or alter line, fixture or facility within right of way of public road under jurisdiction of county. This bill is an AOC priority.			
HCR 2	County Courtesies	SUPPORT	FAILED
Requires legislative committees to extend same courtesies to members of county governing bodies as are extended to members of Legislative Assembly when testifying, including but not limited to order of testimony taken and length of testimony allowed. This bill is an AOC priority.			
SB 605	Rural Fire Protection Districts	OPPOSE	FAILED
Requires a county board, upon request by a rural fire protection district, to annex into the district lands within seven road miles of a district fire station, and would authorize the district to levy certain taxes and fees only to annexed lands that are improved.			
HB 2118	Workers' Compensation Coverage for Emergency Service Volunteers	OPPOSE	FAILED
Transfers responsibility for the provision of workers' compensation coverage to a qualified emergency service volunteer from the Office of Emergency Management to the public body under whose direction the volunteer is acting.			
HB 2177	State Court Fees	OPPOSE	FAILED
Imposes a fee on counties based on the number of felony and misdemeanor cases filed by the District Attorney in order to fund state court technology improvements.			

<u>SB 493</u>	Prevailing Wage	OPPOSE	PASSED
Provides that the prevailing wage rate for a trade or occupation is the wage established in a collective bargaining agreement for that locality. If there is more than one collective bargaining agreement in a locality, then the highest wage rate prevails.			
<u>HB 2613</u>	Broadband Specified Qualifications	OPPOSE	FAILED
Requires a locality or state agency planning a specified excavation project within a public right of way to notify certain telecommunications providers if the project meets specified qualifications.			

Appendix A

Clackamas County 2021 State Legislative Agenda

2021 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

Tootie Smith – Chair Sonya Fischer Paul Savas Martha Schrader Mark Shull

COUNTY INITIATIVES



Courthouse Replacement Project

Support the Oregon Judicial Department's budget request of \$94.5 million in bond funding to support the replacement of the 83-year old, structurally-deficient Clackamas County Courthouse. This final installment of funds from the Oregon Legislature will support the design, engineering, and construction phases of the project to construct a new, modern courthouse that serves the needs of all county residents.



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.

COUNTY PRIORITIES

- Support funding and constituent relief to protect public health and ensure a full recovery from the **COVID-19 pandemic**
- Support policies and funding to ensure a quick and robust recovery from the 2020 **wildfires** and prevention of future wildfires
- Support the repair and reopening of the **Willamette Falls Locks**
- Support funding to establish a vision plan for the **Sunrise Gateway Corridor** that addresses mobility, livability, industrial, employment, and housing needs'
- Support policies and funding to address the **housing crisis** and improve housing stability for low income households, including supportive housing services



LEGISLATIVE PRINCIPLES

Clackamas County's policy positions will be guided by the five strategic goals below. The County also will center carbon neutrality and equity, diversity, and inclusion in all policy decisions.



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 workforce, 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.

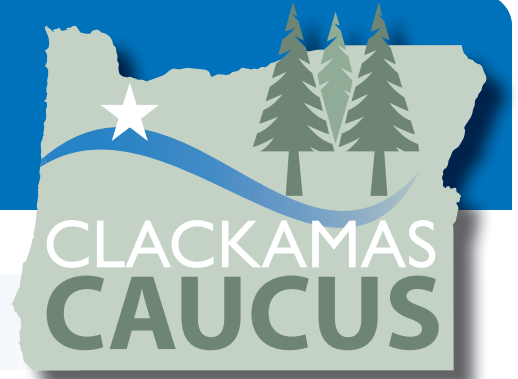


Build Public Trust through Good Government

The county supports legislation that fairly 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.

Clackamas Caucus

2021 Legislative Agenda



Membership



Janelle Bynum
Representative



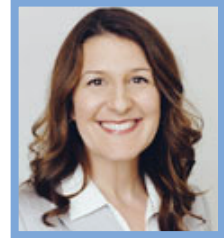
Christine Drazan
Representative



Rick Lewis
Representative
Co-Chair



Mark Meek
Representative
Co-Chair



Courtney Neron
Representative



Karin Power
Representative



Rachel Prusak
Representative



Jeff Reardon
Representative



Andrea Salinas
Representative



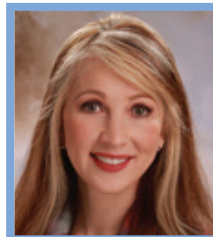
Anna Williams
Representative



Kayse Jama
Senator



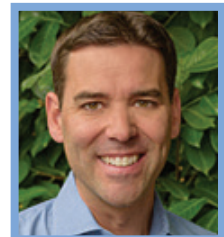
Bill Kennemer
Senator



Kim Thatcher
Senator



Chuck Thomsen
Senator



Rob Wagner
Senator

Our Mission

Collective commitment to collaboration intended to support and achieve success on chosen specific legislative priorities that help the needs of Clackamas county.

2021 Priorities



Clackamas County Courthouse Replacement Project

Securing \$94.5 million in state bond funds to support the design, engineering, and construction of a new, modern building to replace the 83-year old, structurally-deficient Clackamas County Courthouse.



Interstate 205 Improvements: Stafford Road to Highway 213 Project

Prioritizing fair and equitable funding to allow ODOT to begin construction on the I-205 Bottleneck project, including seismic improvements to the Abernethy Bridge.



Sunrise Gateway Corridor Community Visioning Concept

Securing state funding for robust community engagement and planning within the Sunrise Corridor – one of the state's most critical freight distribution centers – to create a roadmap for needed investments that support current and future residents and businesses.



Willamette Falls Locks

Establishing a public corporation that will serve as the new owner to manage the operations and maintenance of the Locks following their transfer from the U.S. Army Corps of Engineers.

Appendix B

Policy Statements, Letters, and Factsheets



March 2, 2021

**Clackamas County Board of Commissioners
Policy Position
Related to Harvest and Severance Taxes**

Clackamas County opposes harvest and severance taxes proposed in the 2021 legislative session. These bills include but are not limited to HB 2070, HB 2357, HB 2379, HB 2389, HB 2430, and HB 2598.

The proposed legislation may be well-intentioned, but the bills are poorly timed given the economic impacts to Oregonians caused by COVID-19 and the 2020 wildfires. Additionally, some proposed legislation seeks to allocate revenues that historically went directly to counties to instead fund programs that, while perhaps meaningful, could further remove the benefit of imposed taxes from the communities where taxes would be collected.

Fifty four percent of the land in Clackamas County is managed by the federal government, and nearly 20% more includes timber lands managed by private firms. Forests are one of the county's primary assets, and therefore Clackamas County should be at the table when management or tax policies are designed and proposed that affect our forests.

Clackamas County feels strongly that these proposals would benefit from a robust discussion with counties, and respectfully recommends that a task force be created, which includes counties, with a goal of returning to the 2023 legislative session with modified proposals – or none at all, if that is the will of the task force.

We urge a “NO” vote on legislation that imposes harvest or severance taxes for timber.

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



February 3, 2021

**Clackamas County Board of Commissioners
Policy Position
Veterans Treatment Courts**

The Board of County Commissioners supports legislation that will establish and fund Veterans Treatment Courts.

Treatment courts have proven over the years to be very successful in diverting people from the criminal justice system and reducing criminal activity. A criminal conviction can have negative, life-long impacts to a person's housing stability and employment opportunities. This negative impact is only amplified by the additional challenges faced by our veterans.

Veterans Courts are active in Oregon and across the nation. A properly funded Veterans Court includes the support services necessary to meet the underlying needs of the veteran. Veterans Courts are especially effective when mental health and substance use disorders are the underlying cause for criminal behavior.

We urge a "YES" vote to establish and fund Veterans Treatment Courts.

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



February 8, 2021

Clackamas County Board of Commissioners
Policy Position
HB 2267: Relating to lottery revenues

Clackamas County supports HB 2267: The Board of County Commissioners supports HB 2267, which provides that a fixed percentage of certain forecasted video lottery revenues be transferred to counties for economic development, while correcting administrative mechanisms that otherwise reduce revenues to counties.

Specifically, HB 2267 would provide that Lottery distributions to counties (adjusted for certain allocations to the Regional Solutions Program) be adjusted to compensate for differentials between a previous biennium's forecasted revenues and actual revenues. Clackamas County currently receives approximately \$2 million per year in Lottery dollars. As proposed, this bill could have a significant positive impact on critical economic development efforts throughout the county.

Clackamas County currently uses lottery revenues to support one of the County's most important Strategic Goals - *Build a Vibrant Economy* - which includes supporting projects such as the Willamette Falls Legacy Project, reopening of the Willamette Falls Locks, creation of the state's first Land Bank Authority, development of an International Trade Strategy, and a Cross Laminated Timber (CLT) initiative. Lottery dollars are also used to support vital economic development throughout Clackamas County – through various programs including:

- Assistance to small businesses experiencing economic impacts of the COVID-19 pandemic:
 - Emergency Operations Center involvement
 - Personal Protective Equipment (PPE) distribution
 - 4Biz phone and email
 - Who's Open app
 - Grants (more than \$5 million distributed)
 - Business Recovery Centers (BRCs)
- Business Retention, Expansion, and Recruitment
- Employment Land Evaluation
- Export Initiatives
- Economic Landscape
- Small Business Technical Assistance
- Marketing of Clackamas County
- Industry Cluster Development through New Technologies
- Community Economic Preparedness

We urge a “YES” vote for HB 2267.

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



March 5, 2021

Clackamas County Board of Commissioners
Policy Position
HB 2310: Related to Pipes for Local Water Projects

Clackamas County opposes HB 2310: The Board of County Commissioners opposes legislation that removes local authority and places profit above health and safety concerns.

HB 2310 suggests that it aims to protect the public by ensuring that all options for materials are considered for public works contracts; but that is not the case. Rather, the bill benefits an industry seeking to use legislation to accomplish what it cannot with engineering design, and to have its pipe used predominantly because they are made from more affordable materials.

Materials for public works projects go through an extensive engineering review and public process. Engineering teams examine ground conditions, slope, nature of the flow, and other factors to make a determination of the best materials to be used for a project. The same is done on a broader scale when local elected officials adopt design standards, providing clarity and consistent standards for new development that may occur. If passed, this bill would call into question both of these processes, and seek to establish a yet-undetermined state-level review of the judgment of professionals and the local jurisdictions with elected bodies that are more aware of and focused on local needs and conditions.

An approach that removes local authority, informed by professional engineers and public works experts, is inconsistent with Oregon's system of local responsibility and control. It also would create a system that leads to unnecessary litigation, with the threat of companies outside Oregon suing small entities (who are more likely to run afoul of complex rules) to require using sub-optimal material choices for the system.

We urge a "NO" vote on HB 2310.

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



February 8, 2021

Clackamas County Board of Commissioners
Policy Position
HB 2344: Related to labeling requirements for wipes

Clackamas County supports HB 2344: The Board of County Commissioners supports legislation that improves the packaging and labeling of cleaning cloths referred to as “wipes” in order to reduce such products from being flushed, thus preventing needless repairs caused by these materials that do not dissolve in septic and wastewater systems.

The advent of “flushable wipes” has caused a huge amount of difficulty for the wastewater industry. While wipes do indeed flush down a toilet they do not dissolve or break down in the waste stream like traditional toilet paper. In fact, flushable wipes can often maintain their integrity upwards of 3 years after entering a wastewater system, disrupting the flow of pipes and causing extensive damage to public infrastructure that is expensive to repair.

This lack of dissolution causes several problems in the collection system. Namely, wipes do not move well within pipes and can cause clogs, sometimes in service laterals running from the house to the public infrastructure in the street, causing sewer backups into homes. The main impact on utilities is when wipes travel through the larger collection system to pump stations, where utilities use pumps to overcome gravity and direct flows to the wastewater treatment plants. Having not dissolved, wipes often get caught in the pumps, especially when they clump together to form “rag balls” that choke out the pump and cause it to fail and can result in a sanitary sewer overflow.

Improved packaging that identifies the negative implications of “flushable wipes” or removes the language altogether will reduce these failure on home and public systems, saving money for both home owners and rate payers.

We urge a “YES” vote on HB 2344.

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

June 11, 2021

Sen. Lee Beyer, Co-chair
Rep. David Gomberg, Co-chair
Ways and Means Subcommittee on Transportation and Economic Development
Oregon State Capitol
Salem, OR 97301

RE: HB 2518, Oregon Brownfield Properties Revitalization Fund (Work Session June 14)

Co-chairs Beyer and Gomberg and Members of the Subcommittee:

The undersigned entities strongly support the passage of House Bill 2518 to create a grant program to support the cleanup of contaminated sites known as brownfields, which undermine both environmental quality and economic prosperity in communities across Oregon. Creation of a program like this has been a priority for the Oregon Brownfields Coalition since its formation in 2014.

The proposed Oregon Brownfield Properties Revitalization Fund would fill gaps in existing programs that provide critical but more limited support for brownfield remediation. Under the program, up to \$250,000 or 50% of cleanup costs (whichever is less) could be provided for cleanup activities at a given site; additional funding would be available for projects that provide certain public benefits beyond the cleanup itself. The bill received the unanimous support of the House Committee on Economic Recovery and Prosperity.

A short bulleted summary of HB 2518 can be found on page 2 of this letter.

Please advance HB 2518 with the full amount of requested funding to the Ways and Means Committee and support it until final passage. Thank you very much for your consideration of this important request.

Sincerely,

Association of Oregon Counties
League of Oregon Cities
Oregon Business & Industry
Oregon Economic Development Association
Oregon Public Ports Association
Audubon Society of Portland
AVA Roasteria
Bear Creek Recovery
City of Beaverton
City of Eugene
City of Medford
City of Portland
City of Tigard

Clackamas County
Columbia Corridor Association
Maul Foster & Alongi
Metro
Multnomah County
Neek Engineering
Oregon Realtors®
Port of Portland
Skeo
Stantec
Terraphase Engineering
Washington County
David Rabbino, Shareholder, Jordan Ramis PC

HB 2518-A: Brownfield Properties Revitalization Fund

Chief sponsors: Rep. Helm, Sen. Frederick

Co-sponsors: Rep. Campos, Rep. Kropf, Rep. Marsh, Rep. Pham, Rep. Prusak, Rep. Ruiz

Brought forward by members of the Oregon Brownfield Coalition

Questions – contact Randy Tucker, Metro, 503.481.9455, randy.tucker@oregonmetro.gov

- Creates Oregon Brownfield Properties Revitalization Fund, administered by Business Oregon
- \$5 million request
- Grants available for up to 50% of eligible costs (defined); maximum grant \$250,000
- Grants may also cover an additional 25% or \$125,000, whichever is less, of eligible costs, for each of up to two of the following “enhancements” (with specific criteria) (total not to exceed the lesser of 100% of eligible costs or \$500,000):
 - Construction, or redevelopment of existing buildings, to provide affordable housing
 - Cleanup in a high-poverty census tract or a rural or distressed area as defined in ORS 285A.010
 - Cleanup of a site to be used for a publicly accessible electric vehicle charging station in a location identified in an electric vehicle infrastructure plan developed by ODOT
 - Dedication of land as a public park or natural area
 - Construction of a health facility in an area designated as having unmet health care needs by the Office of Rural Health
 - Environmental cleanup of previously developed sites contaminated by wildfire
- Applicant may not have caused, contributed to or exacerbated release of hazardous substances at the brownfield
- Applicant must conduct cleanup subject to DEQ oversight or final approval
- Once approved, grant may be issued as a conditional loan (zero interest, five-year term) with 100% forgiveness upon proof of project completion
- Business Oregon shall consider ways to encourage participation in cleanup projects by minority/women contractors and emerging small businesses
- Business Oregon will develop rules, which will establish criteria for prioritizing the distribution of funds



February 11, 2021

Clackamas County Board of Commissioners
Policy Position
HB 2564: Related to Forming a Public Corporation for Willamette Falls Locks

Clackamas County supports HB 2564: The Board of County Commissioners supports HB 2564, 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 agrees with the findings of the 2018 ECONorthwest Local Economic Potential Report that estimate the Willamette Falls Locks can produce true economic benefit to the Willamette Valley, including commercial, recreation, tribal, and historic use of the river both within and beyond the boundaries of Clackamas County.

We urge a "YES" vote for HB 2564.

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



March 10, 2021

Clackamas County Board of Commissioners
Policy Position
HB 3049: Related to Permitting Fees for Counties

Clackamas County supports HB 3049: The Board of County Commissioners supports HB 3049, which allows counties the ability to charge fees to issue and administer utility permits in county right of ways. This ability is already afforded to cities, yet counties have been left with the bill when utility work occurs in the county's right of way.

Clackamas County manages 180 bridges and 1,400 miles of paved road, the most of all counties in Oregon. Under ORS 758.010, utilities providing a variety of services can operate within the county right of way free of charge. As the third most populated county in the state, Clackamas County sees frequent utility service needs within our right of way that is often costly to the county. Presently, this work is being subsidized by taxpayers who may not be benefiting from the increased utility service.

As the cost of managing and repairing roads continues to increase at the same time that traditional revenue streams are decreasing, counties need a solution that is forward looking and fair. Providing counties the ability to charge permitting fees to utilities will not only balance cost recovery authority with what cities can charge, but it will also mean some of the costs from utility work are inherently recovered, and thus allow counties to focus their limited transportation funds on other meaningful projects.

This bill is good for counties, good for roads, good for residents, and good for the visitors who drive on our roads.

We urge a "YES" vote on HB 3049.

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



WE SUPPORT FEDERAL INFRASTRUCTURE INVESTMENTS IN THE I-205 BOTTLENECK PROJECT

June 16, 2021

We are requesting the Oregon Congressional Delegation’s full support to prioritize federal funding to seismically retrofit and widen the I-205 Abernethy Bridge over the Willamette River. Acting today ensures Phase 1 of this bottleneck project, one of many projects of regional and national significance in Oregon, can begin construction as early as 2022. Federal contribution will diversify the funds to construct this critical project now, and potentially prevent the need to toll the Abernethy Bridge years ahead of the implementation of a comprehensive regional pricing program.

The Abernethy Bridge is in need of vital seismic repairs and serves as a strategic link for freight transportation on the national interstate system providing a wide array of economic benefits to Clackamas County, the region, the State of Oregon, and the nation as a whole.

The proposed project will widen the I-205 Abernethy Bridge with an additional through-lane in each direction, eliminating a freight bottleneck on the I-205 corridor. Serving both Oregon and Washington residents and businesses, I-205 is predominantly six lanes for most of its 37-mile length. However, its southern-most section, which includes the Abernethy Bridge, reduces to only four lanes, creating bottleneck congestion in peak hours for commuters and freight users.

This project will provide enhanced freight mobility that will benefit the entire northwest. I-205 connects advanced manufacturing, high tech, forestry, agricultural, and distribution/shipping businesses in Clackamas County, Portland, and the Willamette Valley with major import-export facilities such as the Port of Portland, the Portland International Airport, and the Port of Tacoma. Improvements of the bottleneck at the I-205 Abernethy Bridge will benefit the businesses and their employees who depend on reliable movement of products to these freight facilities who do their part to strengthen the economy of Oregon and the Pacific Northwest.

Federal funding today can advance construction on the I-205 Abernethy Bridge and move the project to construction in early 2022. We are counting on your support for a project that will strategically enhance regional seismic stability and provide significant benefits to local and regional commuters, economic development, and West Coast freight mobility. We urge you to support this project, and thank you for your consideration of this request.



February 8, 2021

**Clackamas County Board of Commissioners
HB 3055: Highway Speeds**

The Clackamas County Board of Commissioners respectfully requests that HB 3055, Section 81 (Highway Speeds) be amended to add Clackamas County to the list of named local governments being granted speed setting authority on roads over which the county has jurisdiction. The County understands that in order to exercise this authority, local governments would be required to follow specific criteria that will be adopted by the Oregon Department of Transportation.

Presently, the Clackamas County Department of Transportation and Development has the staff budgeted to complete approximately 12 speed zone investigations per year. This level of support would enable the County to complete speed studies at a faster rate than is currently done by ODOT.

We would appreciate the Committee's support for this amendment that will enable Clackamas County to be more responsive to the needs of our residents. Thank you for your work on this important issue.

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

Transportation Omnibus (HB 3230-A)

Passed Joint Committee on Transportation (Full Committee Vote: 9-3-1; House: 4-3, Senate: 5-0-1)
In Ways and Means

Background:

HB 3055-A is the omnibus transportation bill for the 2021 session. HB 3055 with the -15 updates several ODOT statutes regarding driver licensure and education, establishes fines for specific offenses, equipment on trains and adjacent property, airports, fuels, semi-trucks, and establishes a new tolling program to fund specific projects.

How HB 3055 with the -15 amendment works:

Driver Knowledge / Education

- Clarifies that a vehicle owner does not need to surrender a title to a vehicle if they are repairing or rebuilding a vehicle that is designated as assembled, reconstructed, or a replica.
- Aligns “failure to comply” offense with “destruction of vehicle” standards related to salvage titles.
- Requires drivers to pay extra attention to message provided by flashing yellow beacon and follow requirements of the other traffic control device.
- Motorcycle license - Allows ODOT to waive test or demonstration requirements for completion of motorcycle rider education courses for applicants for motorcycle endorsement. Applicants that reside out of state are exempt from rider education course requirements under certain circumstances.
- Clarifies that an owner requesting identical replacement vehicle registration plates does not need to pay custom plate fee unless the original plates were also custom.
- Clarifies standards for issuing, renewing, and invalidating disabled parking permits and placards.
- Clarifies scope of driver suspension hearings.

Safe Driving in Hazardous Weather Conditions

- Increases current fine for “offense of failure to use traction tires or chains” from \$220 to a presumptive fine of \$880. Clarifies offense of failure to carry traction tires or chains as a Class C.

Trains and Railroads

- Removes outdated language requiring ODOT to set standards for sanitation facilities on railroad locomotives, and sanitation facilities and water quality on cabooses.
- Eliminates outdated term “icing” from statutes regulating railroads.
- Replaces term “stop and detain” with “inspect” to replace provisions related to oversight by railroad inspectors, to reflect changes in statute pre-empted by federal law
- Updates requirements for carrying fire extinguishers and radio handsets in train engines and cabooses.
- Clarifies property eligible for short line railroad tax credit.

Aviation / Airports

- Adds county-owned airports to definition of “visitor venue” to make them exempt from provisions providing preferences for persons who are blind with regard to operating vending facilities.

Fuels

- Makes explicit ODOT’s statutory authority to collect local fuels taxes on behalf of cities, counties and local governments that impose a local fuels tax.

- Allows electric company or natural gas utility to recover costs from consumers for expenses of infrastructure to support adoption of alternative forms of transportation vehicles if certain conditions are met.
- Adds back use of valid user's emblem on collecting tax on "use fuels" such as propane or compressed natural gas.
- Requires license plate number to be recorded on a fuel invoice when a valid user's emblem or temporary pass number is not present.

Tolling

- Allows for \$30 million/year to implement the following projects: Rose Quarter, I-205 (Stafford Rd – OR 213), I-5 Boone Bridge and Seismic Improvement Project, and implement tolling program.
- Updates statues on tolling projects to align with federal law, establish eligible use of tolling revenues, defines the intent of the tolling program and who can assess a toll in the future.
- Establishes parameters on short-term borrowing for major transportation projects.

Semi-Trucks

- Adds requirements to mandatory training programs for motor carriers.
- Aligns commercial driving privileges with changes to federal law.

ODOT Agency Actions

- Extends, from April 1 of each odd-numbered year to June 1 of each odd-numbered year, the reporting date for describing and reporting the condition of transportation infrastructure.
- Expands contracting limits for Emerging Small Businesses in public contracting.
- Aligns statutory odometer check requirement for vehicles with federal law.
- Revises definition of "bicycle" to include "for the transportation of humans" for the bicycle excise tax.
- Authorizes ODOT to delegate authority to Multnomah County, Clackamas County, or a city with jurisdiction over a highway to establish different speed limits for those highways upon determination that the entity will exercise the authority according to the criteria adopted by the Department.

Additional Actions

- Exempts park model RV owners from VIN inspections during title transactions.
- Eliminates reference to steering apparatus in definition of "autocycle".

Arguments in Support

- This provides investments in infrastructure projects that are long overdue and helps complete projects included in [HB 2017](#) from the 2017 session.

Supporters: Metro, City of Portland, City of Beaverton, City of Hillsboro, Washington County, Clackamas County, Multnomah County, AAA, Truckers Association.

Some entities or jurisdictions support specific elements of the A-Engrossed bill but not the full bill.

Arguments in Opposition

- This may not ensure that utilities take advantage of in-state renewable natural gas or hydrogen sources. The -18 amendment developed would have resolved this issue.

- Mega projects should include design standards that reflect the effect of regional congestion pricing and how that may affect demand.



May 11, 2021

Senator Lee Beyer, Co-Chair
Representative Susan McLain, Co-Chair
Joint Committee on Transportation
Oregon State Capitol
900 Court St. NE
Salem, OR 97301

Dear Co-Chair Beyer, Co-Chair McLain, and Members of the Joint Committee on Transportation:

The Clackamas County Board of Commissioners supports the -8 amendments to House Bill 3065. In particular, we appreciate the concept of a regional penny that will allow for construction of the I-205 bottleneck project beginning early next year.

The I-205 project is a key transportation priority for Clackamas County and we are pleased by ODOT's progress in advancing Phase I to shovel ready status. We also look forward to continued forward momentum on the remainder of the project in Phase II. Completing this project is critical to honoring the intent of HB 2017. We recognize that I-205 is a component of a larger regional system, and for that system to work, we must implement the vision of HB 2017, which this amendment aims to do.

We also acknowledge that the legislature previously authorized tolling to move forward and that the state is in the process of studying how it may be implemented. To that end, last month the Clackamas County Board of Commissioners adopted a set of transportation values to help guide our positions on these complex issues. These values are included with this testimony.

We oppose tolling because we believe that it will have a disproportionate and disparate effect on the residents of Clackamas County. First, we lack a local grid system, so there are few alternative routes to move east to west besides 205. And second, there is no public transit service across the Abernethy Bridge through West Linn to Wilsonville. For these reasons, if tolling is implemented, many of our residents will have few if any alternatives to paying a toll on the interstate.

Any proposal that moves forward must be equitable. It would be inequitable if Clackamas County residents are forced to pay more frequent tolls and bear a greater burden of funding projects throughout the I-205 corridor, including outside the county.



We also believe that if tolling is implemented, it should be done at roughly the same time across the region to not unfairly burden one part of our area over another. ODOT's current plans would begin tolling on I-205 years earlier than the rest of the system.

The conversation around tolling began in 2017 but it is still in its infancy. When, how, and if tolling is ultimately implemented will be negotiated for years to come. Clackamas County believes that we must all work together to ensure that any proposal prioritizes equity, safety, a vibrant economy, healthy and active communities, climate action, disaster resilience, and the reliable movement of people and goods.

To that end, thanks to Speaker Kotek and Rep. McLain for your intentional efforts to include Clackamas County at the table. We appreciate your commitment to implementing the intent of HB2017 and your efforts to ensure that our input is incorporated as part of this process.

Thank you for the opportunity to testify in support and we urge the committee to move this proposal forward.

Sincerely,

A handwritten signature in blue ink that reads "Tootie Smith". The signature is written in a cursive, flowing style.

Tootie Smith, Chair
On behalf of the Clackamas County Board of Commissioners



May 13, 2021

Clackamas County submits the following responses to the questions posed by Representative Boshart Davis on the -8 amendments to HB 3065.

1) HB2017 committed to funding the Rose Quarter Project, and the intent of this bill is to continue to fulfill that commitment. How does this bill affect your position on the project?

The Clackamas County Board of Commissioners has adopted a set of transportation values (attached) that supports the timely allocation of funds to construct the projects of statewide significance named in HB 2017, including both the I-5 Rose Quarter Project and the I-205 Widening & Seismic Improvements Project. We believe that HB 3065 with the -8 amendments honors the intent of HB 2017 by, among other things, allowing funds to be used by ODOT to advance these projects. We support this funding approach and the construction of both projects, which will help to ensure a safe, equitable regional interstate system.

2) If this bill passes, what benefits does this provide for the local jurisdictions that they don't have already? What exactly is in this bill that brought the local jurisdictions to a place of support?

As mentioned above, the county supports timely allocation of funds to construct the projects of statewide significance from HB 2017. The bill identified the I-205 Widening and Seismic Improvements Project as a project of statewide significance, yet failed to provide dedicated funding to allow for its construction. HB 3065 with the -8 amendments addresses this major shortcoming by ensuring that funds may be used by ODOT to advance the project to construction in early 2022. Completing this project will address a key bottleneck on the interstate system in Clackamas County that negatively impacts the region and state. If the Oregon Legislature fails to act this session, the I-205 project will not start despite being shovel ready. Years will pass until revenues may become available, at which time construction will finally commence at much higher cost.

HB 3065 also builds on HB 2017 by providing greater clarity on key issues of importance to Clackamas County. The bill continues to emphasize the funding of improvements on the interstate system while allowing funds to be spent on adjacent, connected, or parallel highways in order to address congestion and diversion. While Clackamas County opposes tolling, this will help to mitigate impacts on our local facilities if tolling is implemented.

3) How do you expect your local communities to react to tolling? How do you manage that?

Clackamas County opposes tolling because we believe it will have a disproportionate and disparate effect on the residents of Clackamas County. The County lacks a local grid system, so

there are few alternative routes to move east to west besides I-205. There also is no public transit service across the Abernethy Bridge through West Linn to Wilsonville. For these reasons, if tolling is implemented, many of our residents will have few if any alternatives to paying a toll on the interstate.

That said, Clackamas County believes that we must all work together to ensure that any proposal prioritizes equity, safety, a vibrant economy, healthy and active communities, climate action, disaster resilience, and the reliable movement of people and goods. In particular, any tolling proposal that moves forward must be equitable.

It would be inequitable if Clackamas County residents are forced to pay more frequent tolls and bear a greater burden of funding projects throughout the I-205 corridor, including outside the county. In addition, if tolling is implemented, it should be done at roughly the same time across the region to not unfairly burden one part of our area over another. ODOT's current plans would begin tolling on I-205 years earlier than the rest of the system.

Clackamas County has identified "building public trust through good government" as one of the county's five strategic goals. In support of that goal, the Board of County Commissioners has discussed the issue of tolling in detail in numerous public meetings. The County also has shared ODOT public engagement opportunities with county residents to ensure a greater degree of awareness among our residents and increased public participation in the process.

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

CLACKAMAS COUNTY VALUES
ON PROPOSED TRANSPORTATION FUNDING SOLUTIONS
FOR THE INTERSTATE SYSTEM IN THE PORTLAND METROPOLITAN AREA

4.15.2021

Clackamas County supports a functional regional interstate system that prioritizes equity, safety, a vibrant economy, healthy and active communities, climate action, disaster resilience, and the reliable movement of people and goods.

We acknowledge that additional funding is needed to construct these projects and other improvements on the interstate system. Clackamas County has identified the following values that should be reflected in any approved funding solutions.

To ensure a safe, equitable regional interstate system, funding solutions should...

- Support timely allocation of funds to construct the projects of statewide significance from HB2017
- Ensure that revenue be reinvested in projects identified by an inclusive public process led by ODOT and coordinated with the local governments
- Elevate engagement with people who have been historically left out of policy discussions, such as low income families and people of color
- Establish viable alternative transportation options that support the functionality of the interstate system, such as an accessible transit system, in areas with inadequate service
- Support necessary improvements to accommodate the region's current and projected growth

To support a vibrant economy & ensure the reliable movement of people and goods, funding solutions should...

- Ensure that no tolling or congestion pricing occurs on any one part of the system prior to full system implementation to avoid economic disadvantages or unfair burdens on people (communities, businesses, and the movement of commerce)
- Maintain a transportation system for urban and rural residents that is dependable and predictable to attract new businesses and industry, and provides reliable travel times for commuters and employers
- Enhance opportunities for Disadvantaged Business Enterprise (DBE) in capital projects and incorporate Construction Career Pathways (C2P2) strategies to promote diversity in skilled construction occupations

To prioritize disaster resiliency and climate action, funding solutions should...

- Provide safe, efficient evacuation routes during natural disasters, such as wildfires and earthquakes, by upgrading vulnerable bridges and other transportation infrastructure to be earthquake ready
- Balance transportation improvements with the County's goal to be carbon neutral by 2050 by working to improve regional air quality and mitigate impacts of vehicle pollution on public health and the environment

To support healthy and active communities, funding solutions should...

- Mitigate impacts on local facilities caused by diversion/rerouting of trips (all modes)
- Embed safety, health and equity into project designs and program policies (all modes)
- Improve connections and travel options to places of work, school, medical care, and recreation

This document is not an endorsement or acceptance of any proposal to implement tolling or congestion pricing on I-205, as we believe it will have a disproportionate and detrimental effect on Clackamas residents, businesses, and visitors.



March 31, 2021

Re: Request for financial assistance to fire impacted building and planning departments

Dear Chair Golden and Chair Clem:

We represent the counties directly impacted by the 2020 Labor Day fires. We want to first extend our thanks to you both for the manner in which you have addressed our issues thus far in the 2021 Oregon Legislature. Your focus on hearing directly from impacted communities and elected officials about our needs on the ground has not gone unnoticed.

We write today to request further financial assistance to aid in recovery. We are concerned about the glut of building permits that are quickly arriving at county and city building departments which will be difficult for us to process in a timely manner. Constituents who have already experienced the trauma of these fires are already expressing confusion and in some cases, outrage, over the rate of response we are able to deliver. Most building departments have been right sized to address an annual and seasonal workload that and that model has been turned on its head due to the wildfire impacts.

There are two opportunities we wish to pursue. The first is state resources to significantly improve our local capacity to accept, process, and issue building permits and to undertake the related inspections and occupancy steps. This could be in the form of additional technical staff to support local planning and building departments.

The second is to support the residents of these areas by allowing for the waiver of building permit fees. While counties wish to provide this benefit to our fire impacted citizens, the financial burden to our already stressed budgets is significant.

We are working through an examination of the exact fiscal scope of this proposal, but wanted to place this request into the record as quickly as possible. Initial thinking on this would place our request at approximately \$27.5 million (this estimate includes estimated projected need for cities in Jackson County) to cover processes and outcomes through the duration of the 21-23 biennium.

With appreciation:



Lane County Board Chair Joe Berney



Lane County Commissioner Heather Buch



Douglas County Board Chair Tom Kress



Jackson County Board Chair Rick Dyer



Clackamas County Board Chair Tootie Smith



Lincoln County Board Chair Doug Hunt



Marion County Board Chair Kevin Cameron



Linn County Board Chair Roger Nyquist



May 7, 2021

**Clackamas County Board of Commissioners
HB 3127: Wildfire Funding**

The Clackamas County Board of Commissioners appreciates the legislature's funding support for projects associated with the 2020 wildfires. In addition to the projects listed in the -1 amendment of HB 3127, Clackamas County respectfully requests \$3 million to address a pressing need to deploy enhanced broadband in some of our underserved rural communities that experienced power and internet outages as a result of the Riverside Fire. State funding would allow the Clackamas Broadband eXchange to construct new aerial and underground fiber optic cable in areas that lack adequate service due to their rural density, including near the cities of Estacada and Molalla, and on Mt. Hood. These critical infrastructure upgrades would enable county residents to maintain internet communication until services can be restored following a future disaster.

Thank you for your consideration of this request, which would ensure that our rural communities are better prepared for the next disaster.

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



March 25, 2021

Clackamas County Board of Commissioners
Policy Position
HB 3173: Relating to Capital Planning Funds for County Fairgrounds

Clackamas County supports HB 3173: The Board of County Commissioners supports HB 3173, which directs the Oregon Business Development Department to develop a master plan for county fairground capital construction, and to work with each county fair board, board of directors for each fair association, and board of each fair district to identify 5- and 10-year plans for each county fairground. The bill also removes the cap on the amount of Oregon State Lottery dollars that may be allocated to county fairs.

Since 1907, the Clackamas County Fair and Event Center has entertained, educated, and enriched millions of visitors of all ages and from all walks of life. The current fairgrounds were acquired in 1909, and over the years, several major capital improvements were undertaken to increase capacity and modernize facilities. Some of these improvements include construction of the Main Pavilion in 1924, construction of Horning Hall in 1952, construction of the Cloverleaf Kitchen in 1969, and construction of a new Rodeo Arena Grandstand in 2000.

Unfortunately, the costs associated with construction of new capital assets, as well as those of repairing/remodeling existing assets, have eclipsed the revenues that the Fair and Event Center generates. This has made it challenging for the Fair and Event Center to maintain its capital assets. For example, in 2014, the Livestock Barn roof was deemed structurally unsound, and the entire structure was demolished. Funds have not been available to replace the Livestock Barn, and for the last seven years, temporary T-structures have been rented every year to support the fair. This loss is felt not only during the annual Fair, but year-round, as the community is deprived of much-needed space for large community and social events.

County Fairs throughout the State face similar challenges in repairing, replacing, and constructing the capital assets necessary to serve the needs of today's fairgoers. We believe a state-wide assessment will not only reveal capital funding challenges common to all County Fairs, but could serve as an important first step in developing a comprehensive, statewide strategy to ensure that all County Fairs can sustainably address their short- and long-term capital construction needs and continue serving fairgoers for generations to come.

We urge a "YES" vote for HB 3173.

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



March 22, 2021

**Clackamas County Board of Commissioners
Policy Position
HB 3366: Related to Family Treatment Courts**

Clackamas County supports HB 3366: The Board of County Commissioners supports HB 3366, which establishes a Family Treatment Court (FTC) Program in certain eligible counties to improve outcomes in child welfare cases resulting from parent's or caregiver's alleged substance use disorder.

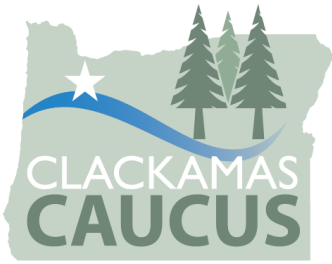
FTC programs are voluntary, and designed to support parents with untreated substance abuse disorder, and who need to receive treatment, counseling, and other support services. FTC participants will benefit from accountability through regular court appearances.

Hundreds of Clackamas County children spend time in foster care every year, and we estimate a Clackamas FTC could serve many of those families and provide a meaningful alternative to the traditional case management in child welfare cases. HB 3366 would help to reduce the number of children being placed into the foster care system, reduce the length of time children remain in care, and keep families together while also keeping them safe.

Should a family treatment court be established in Clackamas County, the program also would benefit from the institutional knowledge of county staff who provide drug and mental health services.

We urge a "YES" vote for HB 3366.

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



May 26, 2021

Senator Betsy Johnson
900 Court St. NE, S-209
Salem, OR 97301

Senator Elizabeth Steiner Hayward
900 Court St. NE, S-213
Salem, OR 97301

Rep. Rick Lewis (Co-Chair)

Rep. Mark Meek (Co-Chair)

Rep. Janelle Bynum

Rep. Christine Drazan

Sen. Kayse Jama

Sen. Bill Kenemer

Rep. Courtney Neron

Rep. Karin Power

Rep. Rachel Prusak

Rep. Jeff Reardon

Rep. Andrea Salinas

Sen. Kim Thatcher

Sen. Chuck Thomsen

Sen. Rob Wagner

Rep. Anna Williams

Representative Dan Rayfield
900 Court St. NE, H-275
Salem, OR 97301

RE: \$4 Million Capital Request for Community Engagement and Vision Planning for the Sunrise Gateway Corridor

Dear Co-Chairs of the Joint Committee on Ways and Means:

The Clackamas Caucus respectfully submits for your consideration a \$4 million request that would advance a robust community engagement and planning effort to establish a modernized vision for the Sunrise Gateway Corridor. Together with more than \$1.5 million in local match, the state investment would fund the creation of an equitable development plan that guides future infrastructure investments to support people who currently depend on this area and prepare it for future growth.

The Sunrise Gateway Corridor is an essential economic hub in Clackamas County. It serves as one of the busiest freight distribution centers in the Portland Metro region and state, and boasts many successful businesses – both large and small. The corridor is traversed by Highway 212/224 – a vital transportation route for Oregon – yet the facilities are often congested with failing intersections and a lack of safe bicycle and pedestrian amenities. This antiquated transportation network is failing to meet the needs of the people who live, work and depend on this corridor. In addition, the Sunrise Gateway Corridor has immense potential for new jobs and housing. Metro's 2040 growth projections forecast that the population in this corridor will more than double within the next 20 years with much of the growth occurring in Happy Valley at the east end of the corridor. We need to address the current deficiencies in the Corridor and put in place the infrastructure necessary to accommodate increased housing and job growth.

Infrastructure improvements to this corridor have been planned for over three decades, and we are proud of the state's investment in 2009 to provide construction dollars to complete highway improvements for Highway 212 between Interstate 205 (I-205) and 122nd Ave. This important improvement to the corridor – completed in 2016 – has greatly improved congestion and provided meaningful access for freight needing to access I-205 through the Clackamas Industrial Area. However, more work is needed. It is time to address the congestion, safety, housing, and disaster resilience needs for the rest of this

corridor, which includes a need to reassess and modernize plans for the next phase of roadway improvements between 122nd Avenue and 172nd Avenue.

What will this state investment accomplish?

Robust Community Engagement

The Sunrise Gateway Corridor is home to 7,500 residents, 800 businesses, and 14,000 employees, and is adjacent to Happy Valley – Oregon’s fastest growing city. As a result, meaningful community engagement is critical to understand the needs in the area before planning begins, which will ensure that future infrastructure investments support those who depend on this area. Community engagement will prioritize the reduction of barriers to ensure residents who have historically been left out of the public process are empowered to participate, including people experiencing poverty, parents and child care providers, and people of color. Together, the voices of those engaged will create the foundations for bold strategies and clear actions that will shape the land use and transportation systems in this area for the next 50 years.

Modernized Land Use and Transportation Planning

The community and available resources have changed dramatically in the last 30 years, and the use and access of this area needs to be modernized to accommodate those changes. Informed by the community engagement work, this funding would advance an equitable development plan that establishes anti-displacement land use strategies for low incomes families that live in the area and recommend community supported preferred transportation and development alternatives.

The state’s role in prioritizing this work is to ensure our state facilities – Highway 212 and 224 – have sufficient safety and capacity improvements to reduce congestion, enhance transit routes, and add bike and pedestrian facilities. Further, it is incumbent on the state to evaluate and prepare for the necessary improvements that ensure these state facilities successfully serve the public during future natural disasters. Highway 212 is a state and regional emergency evacuation transportation route that experienced failure during the 2020 wildfire in Clackamas County. It is our priority that sufficient planning is in place to rectify these safety and resiliency concerns in order to justify future capital investments, and the \$4 million request to the Joint Committee will launch that effort.

We are proud of our local agencies – Clackamas County, Happy Valley, and Metro – and their commitment to provide a \$1.5 million match to this project. We are confident that this partnership will help to ensure successful outcomes on this important project, and we respectfully request the state be added as a contributing partner.

Thank you,



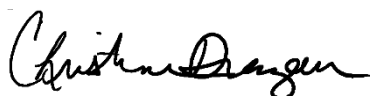
Representative Rick Lewis
Clackamas Caucus Co-chair



Representative Mark Meek
Clackamas Caucus Co-chair



Representative Janelle Bynum



Representative Christine Drazan



Senator Kayse Jama




Senator Bill Kennemer



Representative Courtney Neron



Representative Karin Power



Representative Rachel Prusak



Representative Jeff Reardon



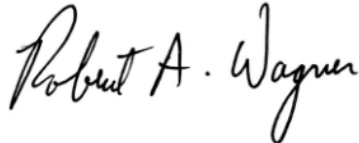
Representative Andrea Salinas



Senator Kim Thatcher



Senator Chuck Thomsen



Senator Rob Wagner



Representative Anna Williams



We Support a Modern Vision for the Sunrise Corridor!

The businesses, associations, and local governments listed above strongly support the request for \$4M in state funding to launch a robust community engagement and equitable development plan for the Sunrise Gateway Corridor.

The Sunrise Gateway Corridor is an essential economic hub in Clackamas County and serves as one of the busiest freight distribution centers in the Portland Metro region and the state. It is also projected to double in residential population over the next 20 years. The heavily congested transportation system is failing with dangerous intersections and a lack of safe crossings, pedestrian, and bicycle amenities. No formal planning or community engagement work has been conducted for this corridor in over 10 years. It's time to involve the community to understand their needs and work together to develop solutions to address the congestion, safety, housing, and disaster resilience needs of this area, including the transportation system between 122nd Avenue and 172nd Avenue.

The proposed plan would accomplish the following goals:

1. **Build trust and a common vision for the future of the corridor** by listening to the people who live, work, and own businesses in this corridor. Prioritize engagement with people who have historically been left out of the public process including people experiencing poverty and people of color.
2. Find opportunities to optimize land use designations within the corridor to support housing options and job creation by conducting a **Land Use Assessment and an Economic Opportunities Analysis**.
3. Protect the current residents of the area by developing and implementing an **anti-displacement strategy**.
4. Identify barriers and develop solutions for improving community health by conducting a **Community Health Assessment**.
5. Modernize the Transportation Vision for this corridor by understanding the community needs and integrating solutions into the ideal transportation system design, **updating the environmental approvals for the selected improvements (EIS)**.

This visioning concept came out of more than two years of research and stakeholder discussions about what is needed to improve this corridor. We support Clackamas County and their partners' efforts to convene this community conversation and move this corridor toward safely meeting the needs of the people and businesses that rely on this corridor.

We strongly support equitable development of the Sunrise Corridor and respectfully request state funding support on this critical need.

Date: May 20, 2021
To: Legislative Leadership, Clackamas County Legislative Delegation, Governor's Office
Cc: Oregon Housing and Community Services (OHCS)
From: Clackamas County

Today, Clackamas County signed a contract with the state to distribute Oregon Emergency Rental Assistance Program (OERAP) funding to Clackamas County residents, set to begin on Monday. Many in our county are behind on rent, and have been hard hit by the pandemic and ensuing economic disruptions. Clackamas County residents all need a safe place to call home and our county staff and partners are well prepared to deliver this much needed assistance.

Yesterday, Oregon Housing and Community Services (OHCS) issued a communication about the launch of the OERAP program, noting that the system was not available to Clackamas County residents because the state and county had not yet reached agreement on the contract. The outstanding issue that the state was ultimately unwilling to address is part of a concerning trend we have seen in the state's approach to liability.

In this instance, the state selected a third party vendor to design a software system to collect data, including personal and financial information of both tenants and landlords in order to process applications. This vendor they selected recently designed the state's IT system for the Landlord Compensation Fund, which was delayed for months because of technical problems. The county has no role in the vendor selection process, yet the contract provided by the state requires the county to assume all liability for any data breaches caused by that third party system they had no role in selecting.

With new federal, regional, and state money flowing this year, it has become an unacceptable pattern that risk gets passed along from the bigger entities to the smaller, without consideration of the capacity (fiscal and otherwise) of front line grantors to cover any failures that might happen in the process that are beyond their control.

While we will be assuming this risk in order to serve our residents, we call on our legislators and the Governor to work to resolve this broader issue in the future. We all share the goal of securely and fairly providing financial assistance to those in need. It is important that the state recognizes sharing risk as a cost of doing business.



February 3, 2021

**Clackamas County Board of Commissioners
Policy Position
HCR 12: Recognizing and honoring Medal of Honor recipient Specialist Four Larry
Gilbert Dahl for his service to his country**

Clackamas County supports HCR 12: The Board of County Commissioners supports HCR 12, recognizing and honoring Medal of Honor recipient Specialist Four Larry Gilbert Dahl for his service to his country.

Specialist Four Larry Dahl gave his life protecting his unit and in service to his country during the Vietnam War. While protecting a caravan navigating supplies across enemy territory, Specialist Dahl's gunner truck named "Brutus" was ambushed. When a grenade entered the vehicle, Specialist Dahl covered the explosive with his own body, containing the blast and saving the lives of the other soldiers in his truck.

Specialist Four Larry Dahl is the only Medal of Honor recipient from Clackamas County, and his memorial is located on Clackamas County's Red Soils Campus in Oregon City.

We urge a "YES" vote for HCR 12.

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



A Critical Component to a Holistic State Response

Issue

Over the course of the last year, every person and facet of our state has been impacted by the COVID-19 pandemic. In response, we’ve seen our shared communities come together to support and help each other through an unprecedented crisis. Property owners in our communities are no different. Faced with significant uncertainty, both personally and professionally, many property owners reached out to their tenants to support them in the face of severe economic hardship. Indeed, property owners and tenants alike understood that they – like all of us – were in this together.

Simultaneously, state and local governments have been working hard to mitigate harm to property owners and tenants by enacting eviction moratoriums and targeting financial resources to mitigate the debt crisis facing both property owners and tenants. **But we need to do more in order to ward off an impending crisis that could result in an increase of evictions and a loss of locally owned housing units – both of which will harm our recovery.** As of now the state is expecting property owners to front at least 20 percent of the state’s public health response as it applies to rental housing. Property owners deserve to be treated with fairness and compensated for the sacrifices they have made in service to the common good.

Solution

SB 330A establishes an income tax credit for forgiveness by a landlord of a tenant's nonpayment of rent or other charges. **This bill provides needed relief to both the property owners and is an important component to a holistic state response that ensures property owners are treated with the fairness they deserve while simultaneously providing certainty to tenants who carry significant debt with no obvious path towards repayment.** It will help protect the loss of locally owned rental housing, provide a path out of debt and housing instability for tenants, and help ensure our communities can recover from this crisis together.

For More Information, please contact:

Andy Smith
 Andy.Smith@hillsboro-oregon.gov
 503.681.6481

Michael Van Dyke
 Michael@proxygr.com
 503.313.5898



March 5, 2021

Clackamas County Board of Commissioners
Policy Position
SB 405: Related to non-conforming uses destroyed by wildfire

Clackamas County supports SB 405: The Board of County Commissioners supports common sense legislation that helps residents impacted by the 2020 wildfire return to their home and life, and restore their property in a supportive and safe way.

If a resident lost a legally zoned structure because of a wildfire in 2020, they should be able to rebuild that structure. Clackamas County is no stranger to non-conforming structures, especially in rural areas where dwellings and small rural businesses were often constructed before zoning. Presently, the timeline for rebuilding a structure that was classified as “non-conforming use” is one year, but we submit that is restrictive for people and property owners dealing with the impacts of wildfire.

SB 405 adds additional, reasonable time for residents to rebuild non-conforming structures damaged or destroyed in the 2020 wildfires. This is a common sense allowance.

Clackamas County also suggests that common sense legislation supporting recovery efforts following a disaster be expanded to include any future disasters, and not be so specific to the wildfires of 2020. If recovery legislation makes sense for one disaster, it should make sense for future disasters. Extending this legislation to apply to future disasters benefits future recovery efforts and eliminates the needs for future, identical legislation.

We urge a “YES” vote on SB 405.

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



March 11, 2021

**Clackamas County Board of Commissioners
Policy Position
SB 425: Related to 911 Provider Classifications**

Clackamas County Supports SB 425: The Board of County Commissioners supports reclassifying telecommunication professionals responding to 911 calls as first responders.

911 call takers support residents in crisis and experience similar emotional trauma to medical, fire, and law enforcement officers. While it's true 911 call takers are not running into burning buildings or arresting criminals, 911 call takers are often the last person that someone talks to before they die, while dispatching police, fire and EMS services to assist on-scene. These professionals hear the front end of every emergency, but are often not provided with the end of the story, unless it ends tragically and is reported in the news media.

It is not uncommon for call takers to guide parents on how to deliver their new baby or provide life-saving CPR instructions to bystanders who have never been trained on how to save a life, all while an ambulance is rushing to the scene. 911 call takers listen to unfolding domestic violence, hear shootings and work tirelessly to calm down angry residents threatening to harm others while police are being dispatched, and yet they are classified by both state and federal authorities as clerical in their job description.

In Clackamas County, 911 professionals responded to 283,161 calls in 2020. That translates into 775 calls per day. It often takes 18 to 24 months to fully train a new 911 professional, and the stress and demand of the role often leads to burnout and high employee turnover. Appropriate classification will not only help in recognizing the important public safety service nature of this role during recruitment, it will lead to providing the right resources including wellness and mental health services to support dedicated public servants who make 911 telecommunications their long-term career.

We urge a "YES" vote on SB 425.

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



May 12, 2021

**Clackamas County Board of Commissioners
Policy Position
SB 425-A: Related to 911 Provider Classifications**

Clackamas County Supports SB 425-A: The Board of County Commissioners supports reclassifying telecommunication professionals responding to 911 calls as first responders.

911 call takers support residents in crisis and experience similar emotional trauma to medical, fire, and law enforcement officers. While it's true 911 call takers are not running into burning buildings or arresting criminals, 911 call takers are often the last person that someone talks to before they die, while dispatching police, fire and EMS services to assist on-scene. These professionals hear the front end of every emergency, but are often not provided with the end of the story, unless it ends tragically and is reported in the news media.

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We urge a "YES" vote on SB 425-A.

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

Support the Plastic Pollution and Recycling Modernization Act (SB 582-A)



The public, private and nonprofit entities above strongly support the passage this session of the A-Engrossed version of Senate Bill 582, which would implement comprehensive changes to address plastic pollution and modernize Oregon’s recycling system.

Action is urgently needed to address changes in materials and markets that have created significant barriers to the sustainable and equitable operation of recycling programs across Oregon. As direct participants in the recycling process, we believe these challenges must be tackled without delay.

SB 582-A addresses these issues by fundamentally modernizing and restructuring our recycling system. Among other improvements, it will:

- **Require producers to share responsibility for the products and packaging they put onto the market.** Producers have the greatest ability to implement changes that can make their products easier to manage. The bill will require them to support improved services, including expanding multifamily recycling and leveling the cost of getting recyclable materials to markets – costs that otherwise would be borne by ratepayers.
- **Ensure an equitable recycling system.** Processing workers will receive a living wage. Collected materials will not be allowed to pollute other communities – domestic or foreign.
- **Reduce confusion and contamination.** A single statewide list of what will be collected for recycling and steps to reduce misleading labeling will provide clarity to consumers and increase the efficiency of recycling operations.

SB 582-A is the product of more than two years of research and broad stakeholder engagement, as well as intensive discussions on amendments over the past several months. **We have been directly involved in these efforts and urge you to carry out the intent of the many partners who have worked together to develop this proposal, without additional substantive amendments.**

The bill is in Ways & Means to authorize DEQ to use \$2.1 million in existing fees to stand up the program. **No General Funds are required or requested.**

We strongly support passage of SB 582-A in the 2021 session. Please refer it to a subcommittee for action and support the bill until passage.

Local Governments Support Recycling Modernization (SB 582/HB 2065)



Chair Beyer and Members of the Committee:

The local governments and governmental associations listed above strongly support the passage this session of comprehensive legislation to modernize Oregon's recycling system.

Our state's nationally renowned recycling programs have provided efficient and environmentally beneficial services to Oregon's households and businesses for more than three decades. However, action is urgently needed to address changes in materials and markets that have created significant challenges to the sustainable and equitable operation of these programs.

At the most basic level, the products and packaging we buy have changed. Easily recyclable paper has increasingly been replaced by a dizzying array of plastics and new types of packaging, many of which tout misleading claims of recyclability. As a result, it has become more complicated for our residents to know what should and should not go in the bin. In turn, the work of recycling facilities to sort through and find markets for those materials has become increasingly difficult and costly. Moreover, concerns persist among the public that what we put in the bin may end up polluting the land, air and waters of developing countries.

Local governments find themselves in the thick of these challenges. Diminishing markets and higher quality standards for recyclables have pushed up costs for our ratepayers. Educating residents on what can go in the bin amid a blizzard of new materials and confusing labeling is a seemingly unending task. Our residents are highly concerned when they see news reports about our supposedly recycled plastics polluting other countries. We also recognize the need to provide greater equity in the system, both in access to recycling services – particularly for rural residents and people who live in apartments and multifamily homes – and in the ability of recycling workers to earn a living wage.

SB 582/HB 2065 is intended to address these challenges by restructuring our recycling system in three fundamental ways. The bill will:

- **Require producers to take responsibility for the products and packaging they put onto the market.** Producers, who have the greatest ability to make changes that can make their products easier to manage, need to step up to responsibilities that local governments have too long borne on their own. The bill will require producers to provide resources to assist local governments in improving services, including expanding multifamily recycling.
- **Ensure a responsible and equitable recycling system.** Misleading labeling on products and packaging about their recyclability will be prohibited. Recycling workers will receive a living wage. Collected materials will not be allowed to pollute other communities – domestic or foreign.
- **Modernize the recycling system statewide.** Establish a statewide list of what will be collected for recycling based on a thorough evaluation of economic and environmental benefits. Require payments from producers to level the cost of getting recycling materials to markets.

SB 582/HB 2065 is the product of more than two years of research and stakeholder discussions. Local governments were directly involved in these efforts. While we understand that a comprehensive reform like this will undergo refinement in the legislative process, we are committed to working with you to carry out the intent of the partners who joined to develop this proposal.

We strongly support SB 582/HB 2065 and urge you to move it forward.

Local Governments Support the Plastic Pollution and Recycling Modernization Act (SB 582-9)



Chair Beyer and Members of the Committee:

The local governments and governmental associations listed above continue to strongly support the passage this session of comprehensive legislation to address plastic pollution and modernize Oregon’s recycling system.

Action is urgently needed to address changes in materials and markets that have created significant challenges to the sustainable and equitable operation of recycling programs across Oregon. The current system confuses consumers about what they can recycle, creates problems at recycling facilities when non-recyclable materials are put in the bin, and generates concerns among the public that what we put in the bin ends up polluting developing countries.

Local governments find themselves in the thick of these challenges. Diminishing markets and higher quality standards for recyclables have pushed up costs for our ratepayers. Educating residents about what can go in the bin and addressing their concerns about our supposedly recycled plastics polluting other countries demands our constant attention. Meanwhile, we urgently need to increase equity in the system by providing greater access to recycling services for rural and multifamily residents and ensuring living wages for recycling workers.

SB 582 addresses these challenges by fundamentally restructuring our recycling system. It will:

- **Require producers to take responsibility for the products and packaging they put onto the market.** Producers, who have the greatest ability to make changes that can make their products easier to manage, need to step up to responsibilities that local governments have too long borne on their own. The bill will require producers to provide resources to assist local governments in improving services, including expanding multifamily recycling.
- **Ensure an equitable recycling system.** Recycling workers will receive a living wage. Collected materials will not be allowed to pollute other communities – domestic or foreign.

- **Modernize the recycling system statewide.** Establish a statewide list of what will be collected for recycling based on a thorough evaluation of economic and environmental benefits. Require payments from producers to level the cost of getting recycling materials to markets.

As you know, SB 582 and the proposed -9 amendment are the product of more than two years of research and stakeholder engagement, as well as intensive discussions on amendments over the past several months. Local governments have been directly involved in these efforts. We are committed to continuing to work with you to carry out the intent of the partners who joined to develop this proposal.

We strongly support SB 582 and urge you to move it forward.



The Oregon Coalition of Local Health Officials (CLHO) and County Commissioners **support SB 587**, which will establish a statewide tobacco retail licensure (TRL) system in Oregon.

This TRL system in Oregon is long overdue. Licensing tobacco retailers and consistent enforcement is an evidence-based method of tobacco control.^{i,ii} Thirty-eight US States and Territories have TRL policies – Oregon is one of the few remaining that does not have such a system.¹ However, the idea is popular in Oregon; according to the 2017 Oregon Health Authority online panel survey, almost 75% of adults support requiring retailers to have a license to sell tobacco products.ⁱⁱⁱ

CLHO and the above counties have signed onto support SB 587 because it includes four major points:

- requires all tobacco retailers to obtain a license and renew it annually;
- requires an annual fee that will cover the costs associated with retailer education, surveillance, and enforcement;
- allows local jurisdictions to maintain their local tobacco retail license program; and
- includes language that any violation of local, state, or federal tobacco- related laws would also be a violation of the state tobacco retail licensing program.

In addition, CLHO and the Counties have agreed to one preemption in the bill. While local public health and local governments are usually very opposed to preemption we have agreed to this one as a compromise to pass this bill this session. We would not support another preemption that further restricts local public health authorities from regulating the time, place, and manner in which tobacco products, including e-cigarettes, are sold.

Tobacco remains the number one cause of preventable death and disease in Oregon.^{iv} However, comprehensive tobacco prevention in conjunction with cessation programs plays a crucial role in the prevention of many chronic conditions. Enacting a statewide TRL would be a step towards comprehensive tobacco prevention in Oregon and giving all Oregonians the chance for a healthy life.

Signed,

Xanthippe Augerot, Chair
Benton County Commission

Joe Berney, Chair
Lane County Commission

Tootie Smith, Chair
Clackamas County Commission

Deborah Kafoury, Chair
Multnomah County Commission

Patti Adair & Patrick Chang
Deschutes County Commissioners

Kathryn Harrington, Chair
Washington County Commission

Kelley Minty Morris, Chair
Klamath County Commission

Morgan Cowling, Executive Director
Oregon Coalition of Local Health Officials



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



ⁱ Centers for Disease Control and Prevention. (2020). *STATE system licensure fact sheet*. Retrieved from <https://www.cdc.gov/statesystem/factsheets/licensure/Licensure.html#:~:text=These%20five%20states%20are%20Idaho,from%20state%2Dlevel%20statutory%20laws>.

ⁱⁱ McLaughlin, I. (2010). License to kill? Tobacco retailer licensing as an effective enforcement tool. *Tobacco Control Legal Consortium*, 1-18. Retrieved from <https://www.publichealthlawcenter.org/sites/default/files/resources/tclc-syn-retailer-2010.pdf>

ⁱⁱⁱ Oregon Health Authority. (2017). *Health Promotion and Chronic Disease Prevention section: Online panel survey, 2017*. Retrieved from <https://oms.oregon.gov/pipermail/healthytribes/attachments/20180531/99d8f3fd/attachment.pdf>

^{iv} Oregon Health Authority. (2020). *Oregon tobacco facts*. Retrieved from <https://sharesystems.dhsoha.state.or.us/DHSForms/Served/le9139.pdf>



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





April 2, 2021

**Clackamas County Board of Commissioners
Policy Position
SB 623: Related to Workforce Recovery**

Clackamas County supports SB 623: The Board of County Commissioners supports legislation that ensures the public workforce system is responsive to the needs of individuals and communities most impacted by COVID-19.

Supporting businesses in Clackamas County begins with supporting people. Clackamas County partners with the Clackamas Workforce Partnership to address the workforce, educational, and training challenges in building a skilled workforce. These hurdles exist in a world without pandemics and natural disasters, and have only been exacerbated during the COVID-19 pandemic as businesses braced for an economic recession. As the economy rebounds, educated and skilled labor will be in high demand. Clackamas County's priority is on ensuring that our residents have the training and resources necessary to meet this demand.

SB 623 calls for a 45 day plan to prioritize service delivery to people most impacted by COVID-19, especially people of color, women, and younger Oregonians, as well as those in need of additional training and skill sets. It will build on elements of the workforce system that already work well, and leverage those strengths with new resources and relationships to equitably rebuild workforce needs that serve people and businesses alike.

SB 623 is good for people, good for Clackamas, and good for Oregon.

We urge a "YES" vote on SB 623.

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



May 12, 2021

**Clackamas County Board of Commissioners
Policy Position
SB 623-A: Related to Workforce Recovery**

Clackamas County supports SB 623-A: The Board of County Commissioners supports legislation that ensures the public workforce system is responsive to the needs of individuals and communities most impacted by COVID-19.

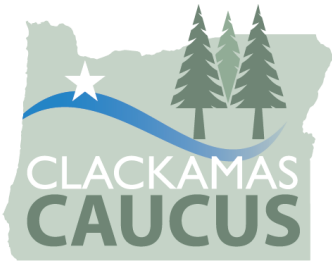
Supporting businesses in Clackamas County begins with supporting people. Clackamas County partners with the Clackamas Workforce Partnership to address the workforce, educational, and training challenges in building a skilled workforce. These hurdles exist in a world without pandemics and natural disasters, and have only been exacerbated during the COVID-19 pandemic as businesses braced for an economic recession. As the economy rebounds, educated and skilled labor will be in high demand. Clackamas County's priority is on ensuring that our residents have the training and resources necessary to meet this demand.

SB 623-A calls for a 45 day plan to prioritize service delivery to people most impacted by COVID-19, especially people of color, women, and younger Oregonians, as well as those in need of additional training and skill sets. It will build on elements of the workforce system that already work well, and leverage those strengths with new resources and relationships to equitably rebuild workforce needs that serve people and businesses alike.

SB 623-A is good for people, good for Clackamas, and good for Oregon.

We urge a "YES" vote on SB 623-A.

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



May 26, 2021

Senator Fred Girod, Co-Chair
Representative Paul Holvey, Co-Chair
Joint Capital Construction Subcommittee
Oregon State Capitol
Salem, OR 97301

Rep. Rick Lewis (Co-Chair)

Rep. Mark Meek (Co-Chair)

Rep. Janelle Bynum

Rep. Christine Drazan

Sen. Kayse Jama

Sen. Bill Kenemer

Rep. Courtney Neron

Rep. Karin Power

Rep. Rachel Prusak

Rep. Jeff Reardon

Rep. Andrea Salinas

Sen. Kim Thatcher

Sen. Chuck Thomsen

Sen. Rob Wagner

Rep. Anna Williams

RE: Clackamas County Courthouse Replacement Project

Honorable Co-Chairs and members of the Capital Construction Subcommittee,

The Clackamas Caucus writes to encourage your support for \$94.5 million to help advance a new Clackamas County Courthouse. As legislators, we strongly support this project because it will improve public safety, access to justice, and fairness for all of our residents.

Clackamas County's courthouse serves approximately 420,000 residents in 2021, but was built in 1936 to serve 50,000 residents. What was originally a single courtroom and county offices has totally outgrown its useful life and is no longer able to meet the justice and public safety needs of our communities.

Addressing public safety, structural problems, and delayed justice

As most know, the Willamette River lies immediately below the courthouse and erosion threatens its foundation. This is but one of many problems, including:

- **Earthquake risks:** A 2015 seismic evaluation found the existing courthouse has numerous structural deficiencies. Soil tests indicate the ground under the building could liquefy during an earthquake.
- **Safety concerns:** There are significant safety concerns due to failing or obsolete mechanical, electrical and plumbing systems.
- **Security challenges:** The current courthouse lacks separate paths for victims, witnesses, and prisoners/defendants. Jurors have no sequestration room on site.
- **Delays in justice:** The existing courthouse cannot handle the demands of the population, which leads to delays in trials, incarcerations, and affects child support hearings and civil litigation trials.

Providing important community benefits

Clackamas County has planned for a new courthouse for several decades. The County owns the land, has an approved county campus master plan, and proactively installed utility infrastructure.

COVID-19 has had a chilling effect on large developments throughout the Metro region. The courthouse project is well-timed to put many Oregonians back to work.

Once vacant, the old courthouse site will create a new waterfront development opportunity for the community.

Clackamas County is committed

On May 5, 2021, the Clackamas County Board of Commissioners voted to approve a plan to pursue a public-private partnership (P3), an approach determined to be the most cost-effective based on an extensive analysis of alternatives. **This innovative approach allows the County to live within its means and will not require additional tax increases - something which has stymied other counties.** Like the current arrangement, Clackamas County will maintain ownership of the courthouse and assure co-location of state services that makes the project eligible for the 50/50 state match.

There are many benefits of using a P3 approach, including:

- Enables the County to effectively leverage private sector innovation and know-how, and the benefits of competition to deliver the project on time and on budget.
- Public sector assurance of prevailing wage rates.
- The County will have cost certainty for the 30 year term of the P3 Project Agreement.
- The public will have a top-notch, well-maintained courthouse throughout that time period.
- Due to the unification of multiple services under a single contract, many risks typically retained by a public agency will be transferred to the Project Company, such as design liability or the risk of any component of the project breaking down earlier than would otherwise be expected.
- By transferring these risks to the Project Company, the County will be able to focus on its other core programs and services when such risks materialize.

As elected officials collectively representing almost every resident of Clackamas County, we are pleased by the county's firm commitment to see this project through in a timely fashion. We urge your support to make this a reality.

Sincerely,



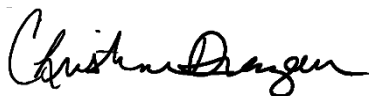
Representative Rick Lewis
Clackamas Caucus Co-chair



Representative Mark Meek
Clackamas Caucus Co-chair



Representative Janelle Bynum



Representative Christine Drazan



Senator Kayse Jama



Senator Bill Kennemer



Representative Courtney Neron



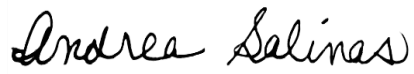
Representative Rachel Prusak



Representative Karin Power



Representative Jeff Reardon



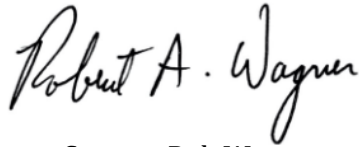
Representative Andrea Salinas



Senator Kim Thatcher



Senator Chuck Thomsen



Senator Rob Wagner



Representative Anna Williams



June 4, 2021

To: Amanda Beitel, Legislative Fiscal Office
Cc: Phil Lemman and David Moon, Oregon Judicial Department
From: Chris Lyons, Clackamas County Public & Government Affairs
Re: Clackamas County Courthouse Replacement Project – SB 5505

Thank you for taking time to understand the public-private partnership (P3) that the Clackamas County Board of Commissioners has formally approved to provide the county's match for the courthouse replacement project. Clackamas County is requesting \$94.5 million be authorized by the 2021 Oregon Legislature, which would represent the state's match of funds toward the estimated \$189 million project.

In our meeting you asked several questions that you expect legislative leaders would want to have answered. The following is intended to provide those answers and we welcome the opportunity to work with you to refine these responses.

Will the County retain ownership of the Courthouse?

Yes. The attached infographic shows that whether the courthouse is delivered conventionally or through a P3, the state's legal position is identical and the county is always the owner of the building.

What happens if the Project Company fails?

In a P3, a Project Company is formed by the equity partner for the purpose of designing, building, financing, operating, and maintaining the new facility. The Project Company and the county enter into a P3 Agreement for the Project Company to do all of this work; in exchange, the county commits to making "availability payments" over a 30 year term to the Project Company. This payment will cover both the county share of the debt for the capital costs (similar to repaying bondholders had the county issued Full Faith & Credit Bonds) as well as building maintenance and a capital reserve to repair, replace, and refurbish building components over the 30 year term of the agreement.

The Project Company obtains project construction financing from a lender using the Project Agreement as a form of collateral showing the county's commitment to its payments.

If the Project Company were to fail during construction, the Project Company owner would lose their equity and the lender would step in and assume the role of the Project Company to protect

their loan. They would work with the county to complete the project per the Project Agreement, including possibly bringing on a new equity partner.

Bottom-line: In the unlikely event of failure, the lender and the county would work together to quickly resolve. Meanwhile, the subcontractors (architect, contractor, etc.) would still be performing under contract with the Project Company as those contracts will be assignable to the lender.

All scenarios – and remedies – will be outlined in the Project Agreement between the county and the Project Company so the county’s interests are protected. The equity partner and the lender also will be equally vested in the project and working for its successful completion.

What happens if the County defaults?

If the county were to default on making the availability payment, the Project Company would have recourse against the county per the terms of the Project Agreement and since the Project Company and its lender have no collateral rights to the Courthouse building, there would be no impact on the state use of the building as prescribed in the master lease agreement between the county and the state.

Will the P3 be more expensive for the County?

Like the state, the county is utilizing borrowed resources (state using Q bonds, county through private debt and equity). The financing costs for the county share of the project will be higher in a P3 but the majority of this increase represents the transfer of project risk to the private partner. In addition, the P3 approach includes a contractual payment for long term maintenance of the courthouse for the 30 year term of the agreement. In contrast, under the conventional approach, maintenance budgets for facilities are often determined during the annual budget process where they compete for limited funds. While this makes a P3 project look more expensive in terms of the annual availability payment, the payment is all-inclusive. The analogy would be a consumer house payment. Oftentimes consumers will include taxes and insurance along with their loan payment in their total monthly payment to the lender. If the homeowner included an additional payment that covered all of their home's maintenance over the life of the loan to a defined performance standards you have the equivalent of a P3 payment.

In other P3 projects around the country, a revenue stream has helped those projects be successful. If there is no revenue stream associated with the Courthouse, how can Clackamas County afford this project?

It is true that many P3s are for facilities that generate revenue such as student housing on a college campus. The revenue is retained by the Project Company in lieu of the college making an availability payment. But many other public infrastructure projects do not generate “rents” or other revenue from use, in which case the public agency owner needs to make the availability payment. There are several prominent courthouse projects taking place across the country including Howard County MD, Long Beach CA, and Miami-Dade County FL. Clackamas County has the capacity to make the availability payment from existing revenue, just as they have the ability to service a Full Faith & Credit bond offering. That debt capacity will continue to improve as existing debt obligations are retired and general fund revenue continues to increase.

When is Clackamas County committing its share of the funding?

Both the state and county are using borrowed funds to pay for this project. The state receives its funding from bondholders to be repaid over a 20-30 year term. The county is getting its funding from the project company, to be repaid over a 30-year term.

It is important to note that the county is planning to enter into the Project Agreement in mid-2022, committing to its share of the building design and construction costs and maintenance and capital repair funds over 30 years at project completion. The day the Project Agreement is signed by the county and the Project Company is the day the county puts its “share” into the project. The state would not be required to repay the county 50% of the total project costs until three years after the Project Agreement is signed when the building is complete and ready for occupancy. The county will borrow first in 2022 for 100% of the project costs and the state will borrow second in 2025 to reimburse the county 50% of the eligible costs.

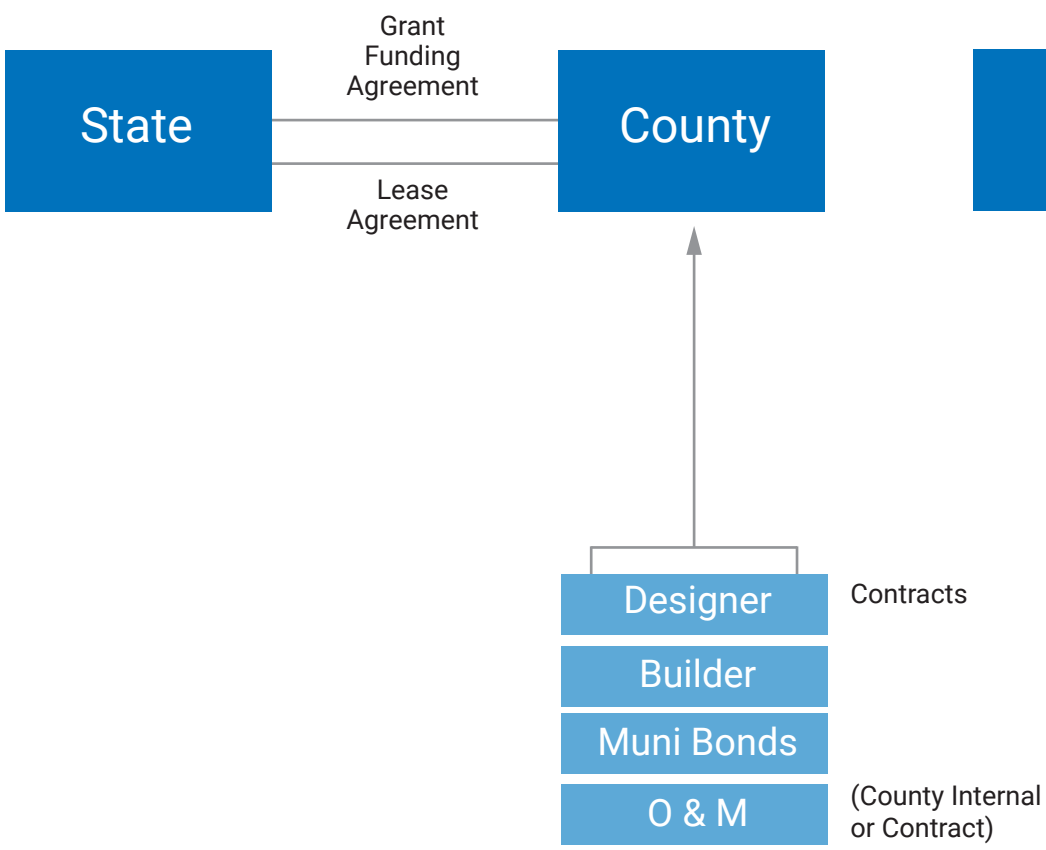
Prior to considering use of a P3, the county asked its external legal Counsel (Hawkins Delafield & Wood LLC) to review Oregon Revised Statute and the OCCCIF and provide a legal opinion if State Q bonds could be used in a P3 delivery approach. Hawkins legal opinion is that Q bonds may be used to fund a P3. We understand that the Oregon Department of Justice has the Hawkins opinion and is currently completing its own review.

A P3 may necessitate a departure from past practice around the Oregon Courthouse Capital Construction and Improvement Fund (OCCCIF). Would the County anticipate making every payment through the OCCCIF?

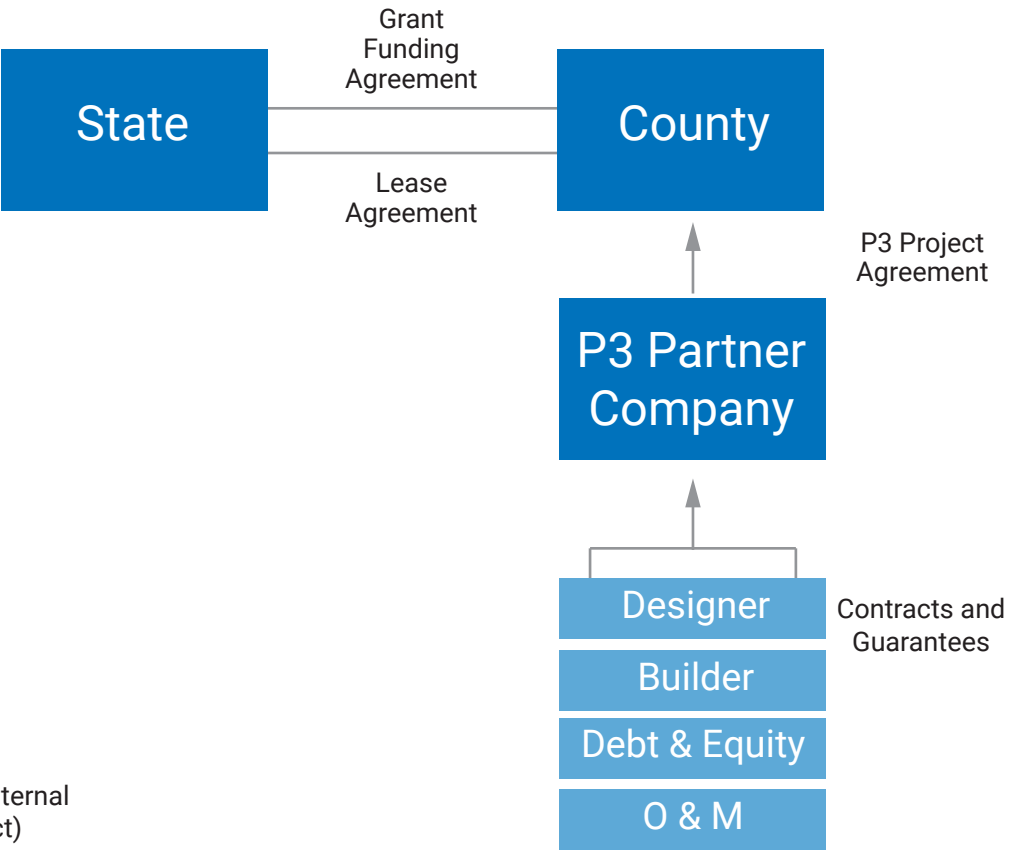
Yes. A recent opinion by the Department of Justice to the Oregon Judicial Department interpreted current law to mean the county availability payment needs to be deposited and withdrawn from the OCCCIF. The county will abide by this opinion and will incorporate this into the funding agreement between the county and state.

Whether the courthouse is delivered through a P3 or a conventional procurement, the State's legal position is identical and ***the county is always the owner.***

Conventional Procurement



P3 Procurement





CIRCUIT COURT OF OREGON

FIFTH JUDICIAL DISTRICT
CLACKAMAS COUNTY COURTHOUSE
OREGON CITY, OR 97045

ANN M. LININGER
CIRCUIT COURT JUDGE

(503) 650-8949
FAX (503) 650-8924

June 10, 2021

Hon. Speaker Tina Kotek
Oregon State Capitol
900 Court St., NE
Salem, OR 97301

Dear Speaker Kotek,

Thank you for your hard work and service to Oregon. As you head into the homestretch of this historic legislative session, I'm wishing you well.

As you know, I work at the Clackamas County courthouse. I wanted to highlight some serious problems that will continue to exist if the State is unable to partner with the county on a new courthouse.

The lives of hundreds of men and women who work in and visit the courthouse will remain at risk in the event of an earthquake. It is well documented that the courthouse lies perched a few feet away from a 100-foot plunge into the Willamette River. Erosion continues to narrow our buffer from the cliff. Soil tests have shown that the soil will liquefy during an earthquake.

The building itself will remain dangerous to the people who work and seek justice here. Obsolete mechanical, electrical, and plumbing systems are well past their useful lives. Oxygen levels in our basement limit the number of people who can enter our public records room.

Victims, witnesses, defendants, and people in custody will continue to intermix in our building's congested hallways. We'll continue to have this unhealthy and potentially dangerous proximity among people who should be treated with more respect.

We will have to continue delaying trials and other proceedings because we don't have enough courtrooms and judges to accommodate them. By standard measures, we should have 14 judges, but right now we only have capacity for 11. Our existing judges struggle to hear all the matters that need attention, resulting in heartbreaking delays in justice.

I know you have heard from our Clackamas County leaders that they are committed to moving forward on replacement of the courthouse. I hope you will authorize the state match. Thank you for considering my perspective.

Sincerely,

Ann Lininger
Circuit Court Judge





Key Points

- The courthouse needs to be replaced – it is unsafe and inadequate to serve the needs of county residents.
- Replacing the courthouse is a priority for the Chief Justice, Clackamas County, and the Association of Oregon Counties.
- The financing method has been reviewed and approved by DOJ.
- The state retains key safeguards to ensure a successful outcome. The Chief Justice and DAS must approve the final plan and state bond sale, and the building would be completed and accepted before state funds would be spent.
- The Judicial Department intends to hire a project manager for this project, to ensure the court's needs are met and to monitor the planning and construction process.

The Clackamas County Courthouse Project

Oregon law allows the state to contribute up to 50% of the cost of replacing unsafe courthouses. The Chief Justice has requested \$94.5 million in state bonds to help replace the court portion of the Clackamas County courthouse.

The county plans to use a public-private partnership to design, finance, and build the facility. The county wants the state to commit to funding its 50% share before the county signs an agreement with the private partner that commits the county to paying 100% of the building's cost.

Courthouse needs replacing. It was built in 1937 with one courtroom and has been modified over time to have 11 courtrooms. It sits one foot away from the Willamette River on soil that would liquify in a seismic event. It lacks separate passageways for defendants, witnesses, and jurors and its HVAC and other systems are inadequate.

Replacement is a consensus priority. The Chief Justice works with the Association of Oregon Counties to develop mutual priorities for courthouse replacement projects. The Clackamas project is the top priority of the active projects.

Safeguards for the State. Many actions protect the state's investment after the legislature authorizes bonds.

- The Chief Justice must approve the project (including design) before state bonds are sold.
- The Department of Administrative Services (DAS) also must give its own project approval.
- DAS and OJD negotiate a funding agreement that establishes deliverables and conditions for state funding.
- State funds would not be spent until the building is completed and accepted.

How the funding process would work. If the legislature authorizes state bonds, the county will solicit proposals and award the project to a private entity that would design, finance, build, and maintain the courthouse. The county would obligate itself to pay for the entire project when it signs the award agreement, expected in June 2022. In order to ensure that state matching funds would be available, the county is asking for state bonds to be authorized now, sold in 2023, and used for a lump-sum 'down payment' when the building opens in 2025. The county would pay its share of the project in payments over time, that would include payments to maintain the building.

If we want restorative justice for our youth, we need to fully fund education in youth corrections and county detention.

For years, we have been under-funding and under-serving our incarcerated and detained students.

- Local school districts and ESDs to operate classrooms in OYA facilities and county juvenile detention centers for 220 days a year, while only receiving funding for 180 days
- We fund many of our justice-involved youth at a lower per-student amount than their peers in traditional schools

Legislative asks:

- \$5.4 million investment in the Juvenile Detention Education Program (JDEP)
- Minimum \$1.7 million investment in the Youth Corrections Education Program (YCEP)
- Support for SB 231, directing ODE to study & propose alternative funding models prior to 2023

Without a legislative investment, **8 out of 12** county juvenile detention centers will not have a full-time licensed teacher on site for the 2021-22 school year.

We are making the above one-time funding requests, while acknowledging that we need to develop a long-term funding model solution prior to the '23-25 biennium. For that reason, we are asking for support of SB 231, calling on ODE to convene a workgroup and make recommendations for adequately and sustainably funding our justice-involved students.

Why does this matter?

Many of these students come to us as dropouts and this is our chance to reconnect them with their education. For lots of these students, the teachers they have in JDEP and YCEP are some of the most supportive adults in their lives. Helping our youth in OYA and county detention stay on track to graduate – or getting them back on track – is one of the best ways we can prevent them from entering the corrections system as adults.

Who are these students?

- 4,296 youth were admitted to county detention centers in 2019
- 91.7% were between the ages of 13-17
- 37% of admissions were students of color
- 28% of JDEP students qualified for Special Education in 2019;
 - (the statewide average rate in public schools is roughly 14%)
- 25% of population served is female.
- 157 youth served per day in JDEP programs during 2018-19 school year.





May 6, 2021

**Clackamas County Board of Commissioners
Policy Position
National Policy Consensus Center**

The Board of County Commissioners supports continued funding of the National Policy Consensus Center (NPCC), which convenes the Oregon Solutions and Oregon Consensus programs.

These programs are vital to the success of projects in Clackamas County and throughout Oregon. Oregon Solution helps communities – including counties – implement solutions to local problems by way of helping parties reach commitments to projects, while Oregon Consensus is able to provide unbiased support that enables governments and stakeholders avoid conflicts or find resolutions to challenging public policy issues.

With the support of these programs, Clackamas County has resolved challenging issues and advanced key community projects, including: the Willamette Falls Locks State Commission, the Clackamas County ONESop, and Clackamas County Wastewater Governance, among others.

Oregon's NPCC programs are able to do work and ask questions that stakeholders in the midst of challenging hurdles, dispute resolution, or project impasses can simply miss. They provide a critical resource to launching much needed projects, resolving conflict between agencies, and improving overall the services that are available to Oregonians statewide.

We urge your support to keep these vital programs.

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