

## CLACKAMAS COUNTY BOARD OF COMMISSIONERS

### Staff Presentation Worksheet

**Presentation Date:** Tuesday, December 21, 2010    **Time:** 10:00 am    **Length:** ~~2~~<sup>1</sup> Hour

**Presentation Title:** Proposed 2011 Oregon State Legislative Agenda

**Department:** Public and Government Affairs

**Presenters:** Troy Rayburn, Government Affairs Manager  
Elissa Gertler, Director of Public and Government Affairs

### POLICY QUESTION

Does the proposed 2011 State Legislative Agenda reflect the Clackamas County Board of Commissioners' policy and funding priorities?

### ISSUES AND BACKGROUND

This is the second of three proposed study sessions to narrow the focus of the Clackamas County Board of Commissioners' 2011 Oregon State Legislative Agenda. Staff met with the Board on November 23 to begin a dialogue about what issues should comprise the County's Legislative Agenda. Staff noted in the Nov. 23 study session that staff would meet again with the Board to "provide a refined list of key issues."

Please see list of key issues, below:

#### Tier I – State-County Shared Revenue Agreements:

Support legislation that would lift preemptions and grant counties greater authority if State fails to adhere to agreements.

Along with other Oregon counties, Clackamas County agreed to relinquish its right to establish taxes or fees in a number of revenue streams in exchange for the promise by the State of Oregon for a share of the revenue. As budgets get tighter and revenues harder to generate and secure, Clackamas County will need to remind its state partners of the historic agreements and commitments still in place to continue programs and services at the local level.

#### **IA - Cigarette Tax –**

- Counties receive 2.3 cents of the \$1.18 tax on a pack of cigarettes. The county share is distributed based on population. Counties use the revenue to support general fund services including sheriff's patrol, jails, health services and general government services. Projected revenue to the county in FY2011 = \$430,000.
- Relating to county tobacco taxes; creating new provisions; amending ORS 323.030 and 323.640; and prescribing an effective date. Removes prohibition against imposition of taxes by county on cigarettes and tobacco products. Requires at least 20 percent of any tax imposed by a county on cigarettes or tobacco products to be used for public health programs or services. Applies to cigarettes and tobacco products distributed on or after effective date of Act. Takes effect on 91<sup>st</sup> day following adjournment sine die.

#### **IB - Liquor Receipts –**

- Counties receive ten percent of OLCC's net revenue which is distributed to counties based on population. Counties use the revenue to support general fund services. Projected revenue to the county in FY2011 = \$1,550,000.

#### **IC - Beer and Wine Taxes –**

- Counties receive ten percent of the beer and wine taxes. Fifty percent is used for mental health and alcohol & drug programs. Fifty percent is used to support general fund services. Projected revenue to the county in FY2011 = \$193,175.

#### **ID - Video Lottery –**

- Counties receive an amount equal to 2.5 percent of the net receipts from video lottery games. 10 percent of the revenue is distributed equally among the 36 counties; 90 percent divided by the amount of video lottery played in each county. Projected revenue to the county in FY2011 = \$1,300,000.

#### **IE - Gambling Addiction –**

- Counties receive problem gambling prevention funding based on population size, population density and an approved plan. Counties receive problem gambling treatment funds based on a fee-for-service utilization system.

#### **IF - County Forest Trust Lands –**

- The Oregon Department of Forestry retains about 36 percent of revenue produced from forest trust lands. The balance is returned to the 15 counties with forest trust lands. Counties retain ten percent. Twenty-five percent is transferred to school funds. The remaining revenue is shared among local taxing districts, including counties, based on property tax rates. Counties use the revenue to support general fund services. Projected revenue to the county in FY2011 = \$5,600.

#### **IG - Gas Tax and Motor Vehicle Fees –**

- There is a complicated formula for revenue distribution, but basically counties receive approximately thirty percent of State Highway Funds (user taxes and fees). Counties are required by the State Constitution to use the revenue for maintaining and building roads. Projected revenue to the county in FY2011 = \$17,315,000.

#### **IH – Property Assessment and Taxation Funding –**

- The Legislature had appropriated up to \$5 million per biennium from State General Fund to offset county AT&T costs for the collection of taxes that benefit the State General Fund. In exchange, counties and cities agreed to be preempted from adding any new local real estate taxes and fees. Projected revenue to the county in FY2011 = \$1,385,000.

#### **II - Recreational Vehicle Fees –**

- Relating to State Parks and Recreation Department Fund; creating new provisions; amending ORS 390.134; and declaring an emergency.
- Increases percentage of monies appropriated for maintenance of county parks from 35 percent to 95 percent of monies transferred to State Parks and Recreation Department from Registration of travel trailers, campers and motor homes and from recreational vehicle trip permits. Projected revenue to the county in FY2011 = \$320,000.
- Counties receive thirty-five percent of the Recreational Vehicle Fee for county parks. Ninety percent of the funds are allocated to the 36 counties by a formula involving registrations, RV campsites and population. Ten percent is set aside for the County Opportunity Grant Program. Counties use the revenue to maintain and develop county parks and recreational areas and programs.

#### **Tier II -**

Per the November 23 Study Session, Tier II are important issues, but the Government Affairs Manager would primarily focus on Tier I issues with identified department staff and/or contract lobbyists focusing on Tier II.

## **IIA - Department of Health, Housing and Human Services (H3S):**

- Work with department director to monitor and effect proposed legislation that would “regionalize” H3S services.
- Work with Multnomah County and Washington County to develop regional strategies.
- Focus on strategy or model for regionalizing. For example, The Central Oregon Regional Health Authority concept.
- Maintain County’s option of where to make reductions rather than the state directing which programs to cut.
- Work with the department to monitor and effect proposed legislation relating to the Oregon Department of Veterans Affairs’ cuts to county veterans services.

## **IIB – Department of Transportation and Development:**

- Work with the department to monitor and effect proposed legislation that would modify or change HB 3056 (2009) relating to urban renewal districts; creating new provisions; and amending ORS 457.010, 457.190, 457.220, 457.420, 457.440, 457.450 and 457.460.
- Work with the department to monitor and effect proposed legislation relating to land use that might change existing land use planning and permitting in rural and urban unincorporated Clackamas County, including farmland.
- Monitor / watch for amendments to SB 100 ( 1973); do not support expansion of urban services into rural areas, monitor issues related to 20-year buildable land supply
- Work with the department to monitor and effect proposed transportation legislation, in particular anything to do with funding.
- Transit Funding - Link to BETC (business energy tax credit) and tie to economic development and the creation of jobs (i.e. Oregon Ironworks Streetcars and Miles Fiber glass)
- Columbia River Crossing (CRC) – monitor legislation regarding the governance of the CRC Project
- Hwy 43 – lay the framework for jurisdictional transfer from State to county; identify program and funding strategies (i.e. ODOT’s various pots of money) for 2012 Legislative Session; build in funding for maintenance and safety due to poor condition of state highways.
- Aurora Airport – monitor legislation that may affect development or regulation;
- French Prairie – monitor legislation that may affect development or regulation;

## **IIC – Department of Juvenile Justice, Family Court, Justice Court, and Sheriff’s Office:**

- LC 354 and LC 1168 - Work with department directors, Family Court, Judge Brisbin and the Sheriff’s Office to monitor and effect proposed legislation relating to court fees; revises laws relating to offenses.

## **IID – Mobile Home Rent Justification / Dispute Resolution:**

- Relating to tenancy; creating new provisions; amending ORS 90.600, 90.645, 90.650, 90.655, 90.675, 90.730, 90.750, 90.765, 90.771, 446.525, 446.533, 446.543 and 446.547; appropriating money; and declaring an emergency.
- Establishes a dispute resolution program (DRP) for Oregon manufactured home and floating home communities in the Oregon Housing and Community Services (OHCS). Enables any homeowner or landlord to file a complaint regarding violations of statute, including rents, and bring them to mediation.
- Regarding rent increases, permits a landlord to raise rents once a year on an established anniversary date. Requires a 120-day notice to all tenants and an explanation why the increase is justified. Requires rents in the facility to be the same based on size of rented space, location in the facility, or some other uniform standard.

### **III - Junction City Mental Hospital:**

- Question timing and cost due to projected budget cuts.
- The Department of Corrections (DOC) and DHS are working collaboratively on the Junction City facilities to ensure the agencies maximize all appropriate opportunities for shared efficiencies.
- The design for the Junction City state hospital is based on a centralized treatment model within a secure perimeter as the means of providing comprehensive and consistent therapeutic opportunities to all its patients. In keeping with the Recovery Model for mental health, the design for the new facility and its campus was driven by programming needs to ensure a patient-first, patient-driven and patient-focused mental health system.

### **Tier III –**

#### **IIIA – Department of Emergency Management:**

- watch for efforts to repeal seismic rehabilitation bonds for planning and response
- monitor efforts to change medical examiner's duties

#### **IIIB – Department of Emergency Communications (911):**

- In the last legislative session, the dedicated 9-1-1 fund was raided in order to balance the budget. This had a negative impact on all State 9-1-1 centers. If additional funds are raided, 9-1-1 centers, and local jurisdictions (police and fire) will be adversely impacted. C-COM does not currently utilize funds from the County general fund. We use 9-1-1 dollars and charge our fire and law user agencies a yearly fee to make up the difference.

If 9-1-1 funds are raided, local jurisdictions are impacted, and there could be a need to use general fund dollars to make up the difference.

- The State Office of Emergency Management and Oregon APCO/NENA are planning on introducing two bills:
  - i. Removes the loophole for receiving tax information from pre-paid wireless phones. Currently all contract cell phones, land lines, and voice over internet phones are charged \$0.75 per line for funding of the 9-1-1 system. There is currently no funding mechanism to tax pre-paid wireless (TRAC) phones, and many telephone subscribers are switching to these types of phones, which is negatively impacting 9-1-1 funding for the State. Many people view this as a new tax, when in actuality the tax already exists, but due to a loophole, the State is unable to collect on the pre-paid phones.
  - ii. Requires that multi-line telephone systems (PBX-type phones) provide specific location information on all telephones in the organization. Currently, these phones will typically display the main office address, when the caller and the actual emergency could be in an entirely different building. This bill would require new MLTS system to include the technology for location identification. It also would require existing MLTS to add this technology within the next Five years.

**IID – Department of Water and Environmental Services:**

- Monitor the Oregon State Department of Environmental Quality's interest in proposing new toxicity requirements

**III E - Community Corrections:**

- Work with Sheriff's Office contact person to monitor and effect proposed legislation that would cut funding.

**IIIF – Department of Tourism and Cultural Affairs:**

- Work with the department to monitor efforts to cut county funding and give to cities.

**QUESTION(S) PRESENTED FOR CONSIDERATION**

Does the proposed 2011 State Legislative Agenda reflect the Clackamas County Board of Commissioners' policy and funding priorities?

**OPTIONS AVAILABLE**

1. Approve and move to finalize County Legislative Agenda for 2011.
2. Add or remove agenda items as appropriate
3. Do not approve a County Legislative Agenda for 2011

**Please Note** – Staff will take the approved Legislative Agenda and work with PGA publication staff to refine and produce a quality handout for distribution.

**RECOMMENDATIONS**

- Adopt proposed 2011 Legislative Agenda.
- Assist with communication and coordination during the 2011 Legislative Session. PGA has developed a network of department staff who have been trained on the Bill Tracker software who can monitor issues of interest to their specific departments in real time. PGA will rely on this network within the County to assist with communication and coordination during the session. The board is

**SUBMITTED BY:**

Division Director/Head Approval \_\_\_\_\_  
Department Director/Head Approval Glenn G. [Signature]  
County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact Troy Rayburn @ 503-742-5923