

City of Bandon

CITY COUNCIL AGENDA DOCUMENTATION

DATE: 7/7/14

SUBJECT:

LEAGUE OF OREGON CITIES - LEGISLATIVE PRIORITIES

ITEM NO:

5.1.3

BACKGROUND:

In addition to their continued stances on municipal revenue and land use reforms, the League of Oregon Cities (LOC) is seeking input from cities regarding other priorities for the upcoming 2015 legislative agenda. The attached survey and LOC Policy Committee's Legislative Recommendations outline provide the opportunity for input into those priorities. The LOC is requesting each city to select its's top four issues from that list. Those top four priorities do not have to be individually ranked among themselves.

Staff feels that the top four priorities could include **I, L, Q** and/or **R** (very related), and **S**.

FISCAL IMPACT:

Undetermined.

RECOMMENDATION:

MOTION: That the City of Bandon's top four issues for the 2015 LOC Legislative Priorities Survey are _____, _____, _____, and _____.

SUBMITTED BY:



MATT WINKEL, CITY MANAGER



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www.orcities.org

June 2, 2014

Dear Chief Administrative Official:

For the past three months, eight policy committees have worked very diligently to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2015 session. They have identified 22 legislative objectives as set forth in the enclosed ballot and legislative recommendation materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, it is desirable to prioritize them in order to ensure that efforts are focused where they are most needed.

The LOC Board of Directors has made long-term commitments to two issues critical to cities: revenue and land use reform. **As a result of their designation as top legislative priorities on an ongoing basis neither of these issues appear on the enclosed ballot.**

The League will continue to advocate for a constitutional amendment that gives local voters the opportunity to pass local option levies outside of compression. Currently, statewide property tax limitations can prevent local voters from supporting the services they demand via local option levy. This amendment would enable voters to determine the level of services they desire and the associated level of taxation. The League will also advocate for a constitutional amendment that will improve the fairness of the property tax system by recalibrating taxes at the time a property is sold. Oregon's property tax system created a new assessed, or taxable, value based on 1995-96 real market values and capped annual growth. As property values have grown at different rates since that time, huge disparities in tax bills have emerged. The League will also continue to engage in legislative efforts to reform land use processes to reduce the burden on cities as they make local decisions about urban growth. Land use requirements have become increasingly difficult for cities to implement – with increased costs, time, and frequency of appeals – and the League will build on recent efforts to reform the urban growth boundary process to ensure that reforms streamline the land use process.

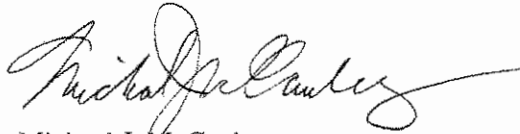
Each city is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League's 2015 legislative agenda. After your city council has had the opportunity to review the 22 proposals and discuss them with your staff, please return the enclosed ballot indicating the top four issues that your city council would like to see the League focus on in the 2015 session. **The deadline for response is July 25, 2014.** The board of directors will then review the results of this survey of member cities, along with the recommendations of the policy committees, and determine the League's 2015 legislative agenda.

(over, please)

Your city's participation and input will assist the board in creating a focused set of specific legislative targets that reflect the issues of greatest importance for cities. Thank you for your involvement, and thanks to those among you who gave many hours of time and expertise in developing these proposals.

Do not hesitate to contact me or Craig Honeyman, Legislative Director, with questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. McCauley". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael J. McCauley
Executive Director

cc: Oregon Mayors

INSTRUCTIONS

1. Each city should submit one form that reflects the consensus opinion of its city council on the **top four** legislative priorities for 2015.
2. Simply place an X in the space to the left of the city's top four legislative proposals.
3. The top four do not need to be prioritized.
4. Return by **July 25th** via mail, fax or e-mail to:

Angela Carey
League of Oregon Cities
1201 Court St. NE, Suite 200
Salem, Oregon 97301
Fax – (503) 399-4863
acarey@orcities.org

Thank you for your participation.

City: _____

Please mark 4 boxes with an X that reflects the top 4 issues that your city recommends be added to the priorities for the League's 2015 legislative agenda.

Community Development

- A. Provide tools for brownfield remediation including \$10 million in recapitalization of the redevelopment fund, new incentives such as tax credits, or regulatory modifications.
- B. Support capitalization of the industrial site readiness loan program at \$10 million and the industrial site readiness assessment program at \$200,000.
- C. Prioritize grants providing assistance for natural disaster planning and updating comprehensive plans to address likely natural disasters in a community, and increase the grant funds available to cities through the DLCDC's general grant funds to \$2 million.
- D. Reform the Post Acknowledgment Plan Amendment process to require appellants to raise issues before the local government before raising the issue on appeal.

Energy

- E. Modify the existing "1.5% green energy technology for public buildings" requirement to allow for offsite solar investments.
- F. Support efforts to eliminate the sunset on the Low Carbon Fuel Standard program.

Finance & Taxation

- G. Phase out the 3% discount for the early payment of property taxes.
- H. Improve the fairness of how new and improved property is added to the tax roll.
- I. Improve clarity and certainty around transient lodging tax statute.

General Government

- J. Reform Oregon's recall procedures to encourage a greater participation of the electorate and ensure that it is used for reasons involving misconduct.
- K. Allow for price comparison when procuring architects and engineers.
- L. Clarify and enhance medical marijuana dispensary regulations.
- M. Enhance mental health services.

Human Resources

- N. Ensure that arbitrator awards are in compliance with state, as well as local policies.
- O. Ensure that collective bargaining agreements trump state mandates on police investigations.
- P. Require earlier submission of last best offer.

Telecommunications

- Q. Support the reintroduction of legislation that repeals ORS 221.515.
- R. Oppose legislation preempting the ability of cities to manage and receive compensation for the use of a public ROW.

Transportation

- S. Pass a comprehensive transportation funding and policy package.
- T. Continued or enhanced funding for *ConnectOregon*.

Water/Wastewater

- U. Support efforts and program funding to address Oregon's long term water supply needs including recapitalization of the Water Conservation, Reuse and Storage Grant Program and implementation of a place-based pilot program for local water resources planning.
- V. Support efforts to establish a program that would provide low-interest loan opportunities to address failing residential onsite septic systems. The new loan program would support repair and replacement of failing systems or conversion to a municipal wastewater system, if the conversion is at the request of the impacted municipality.

Note: As indicated, property tax and land use reform will remain as priority efforts.

LOC Policy Committees' Legislative Recommendations

Priority	Description
Community Development	
A. Provide tools for brownfield remediation including \$10 million in recapitalization of the redevelopment fund, new incentives such as tax credits, or regulatory modifications.	Supports finding funding sources and cost reductions for cleaning up brownfields to support economic development. The Brownfield Redevelopment Fund Program provides gap financing to clean-up industrial sites but has not been recapitalized to address the increasing need for clean-up of brownfield sites. However, the fund is not large enough to address this need on a statewide basis, so further support for efforts to determine alternative means to incentivize brownfield redevelopment will increase available industrial sites and help drive economic development. Overall, increasing tools to redevelop brownfields provides more options to cities looking to redevelop current brownfields into a better use.
B. Support capitalization of the industrial site readiness loan program at \$10 million and the industrial site readiness assessment program at \$200,000.	Provides funding for two programs created in 2013 for addressing lands that are zoned industrial but are not being used for industrial purposes: the industrial site readiness program and the industrial site readiness assessment program. The first provides forgivable loans to local governments that bring industrial sites to shovel ready status, such as by placing infrastructure or cleaning up a brownfield. The second allows regions to determine what is preventing land designated for industrial use from being built for industrial use. However, no money was provided to fund either program in the 2013-2015 budget.
C. Prioritize grants providing assistance for natural disaster planning and updating comprehensive plans to address likely natural disasters in a community, and increase the grant funds available to cities through the DLCD's general grant funds to \$2 million.	In the last two biennia, the Oregon Department of Land Conservation and Development general fund grant program has seen a significant drop in the money allocated to it with increasing need from local governments to address technical planning issues and update pursuant to periodic review. In addition, the Oregon Seismic Safety Policy Advisory Commission, has released a report related to ongoing need for upgrading resilience in response to a major earthquake and recent natural disasters have raised awareness relating to land use planning. Raising the general fund grant program back to the 2009-2011 budget levels will help more cities address their planning needs and seek technical assistance. This would also alter the uses for these funds to include planning that increases resilience to natural disasters and meet their Goal 7 requirements.
D. Reform the Post Acknowledgment Plan Amendment process to require appellants to raise issues before the local government before raising the issue on appeal.	Changing the appeals requirements for post-acknowledgement plan amendments (PAPAs) will keep decision making for land use policy at the local level first, allowing city official to determine the scope of legislative changes they make to their plans without trying to fight a new issue on appeal. This "raise it or waive it" standard currently exists for quasi-judicial decisions at the local level and insures that local decisions are not attacked on appeal on an issue that a city could have resolved in finalizing its decision. Modifying the PAPA appeal insures more land use decisions start with addressing all issues at the local level first.
Energy	
E. Modify the existing "1.5% green energy technology for public buildings" requirement to allow for offsite solar investments.	<p>Oregon statute currently requires public contracting agencies to invest 1.5% of the total contract price for new construction or major renovation of certain public buildings on solar or geothermal technology. The requirement allows for offsite technology, but only if the energy is directly transmitted back to the public building site and is more cost-effective than onsite installation.</p> <p>Removing the requirement that an offsite project be directly connected to the public building project could result in increased flexibility for local governments to invest in solar projects that are more cost-effective and that could provide for increased solar energy production.</p>

LOC Policy Committees' Legislative Recommendations

<p>F. Support efforts to eliminate the sunset on the Low Carbon Fuel Standard program.</p>	<p>Oregon's low carbon fuel standard, also known as the Clean Fuels Program, was initially adopted by the 2009 legislature. The standard would require fuel producers and importers to cut the carbon intensity of gasoline and diesel fuels by ten percent over a 10-year period in order to reduce greenhouse house gas emissions, reduce dependence on imported oil, and expand upon Oregon's renewable fuel industry. Fuel producers and importers can meet the standard through providing additional biofuels, natural gas or electricity, or by purchasing clean fuel credits. The program includes several consumer protection mechanisms to help ensure an adequate fuel supply and competitive fuel pricing.</p> <p>The program, as initially adopted is scheduled to expire, or sunset, on December 31, 2015. The League will work to support efforts to eliminate the sunset on the program.</p>
<p>Finance & Taxation</p>	
<p>G. Phase out the 3% discount for the early payment of property taxes.</p>	<p>Oregon law offers a 3% discount for property owners who pay the full amount due by November 15th. A 2% discount is offered for those that pay two-thirds of the amount due by November 15th.</p> <p>The League will phase out the discount over a period of time and adopt a penalty for failing to pay by November 15th to mitigate any cash flow issues for local governments.</p>
<p>H. Improve the fairness of how new and improved property is added to the tax roll.</p>	<p>New and improved property is brought on the tax rolls by applying an annual county-wide ratio of assessed values (AV) to real market values (RMV) to the new or added value of a property, in an attempt to replicate the property tax discount given to properties via Measure 50.</p> <p>However, significant variation between AV and RMV exist within a county, resulting in the discount often being inequitable compared to neighboring properties, as well as being out of line with the discount originally offered to properties when Measure 50 passed in 1997.</p> <p>As a result, similarly situated and valued properties can have significantly different property tax liabilities.</p> <p>The League will work to modify the property tax system to improve the fairness of how new property is added to the tax roll.</p>
<p>I. Improve clarity and certainty around transient lodging tax statute.</p>	<p>State law limits how transient lodging taxes increased or adopted after July 2003 can be spent, with statute requiring that 70 percent of increased or new transient lodging tax revenues be expended on tourism promotion or tourism-related facilities. There is uncertainty, however, as to what qualifies as a tourism-related facility and the timeline in which such expenditures can be legally challenged.</p> <p>The League will seek to improve the certainty around what qualifies as a tourism-related facility and reasonably limit the timeframe in which such expenditures can be legally challenged.</p>
<p>General Government</p>	
<p>J. Reform Oregon's recall procedures to encourage a greater participation of the electorate and ensure that it is used for reasons involving misconduct.</p>	<p>Under Oregon law, an elected official may be recalled by an initiative petition for any reason after the first six months of their term. Limiting recalls to cases where there has been demonstrated wrong doing by a court or regulatory body (such as the Oregon Government Ethics Commission) would prevent the misuse of recalls without limiting the power of the electorate to reverse a decision. Recalls should be limited to acts of malfeasance or offenses involving moral turpitude.</p>

LOC Policy Committees' Legislative Recommendations

<p>K. Allow for price comparison when procuring architects and engineers.</p>	<p>In 2011 the Oregon Legislature required cities to use a qualifications based selection (QBS) process that prohibits the consideration of price until an initial selection has been made when hiring architects, engineers and photogrammetrists. This requirement prevents local governments from comparing pricing and effectively eliminates price competition when procuring these services.</p>
<p>L. Clarify and enhance medical marijuana dispensary regulations.</p>	<p>Existing restrictions on the placement of medical marijuana dispensaries (MMD) are inconsistent with land use regulations and should be clarified. Additionally, background checks are not required on people who work in MMD and there is no regulation on the manufacture of oils and other liquid marijuana products that use flammable/explosive substances in their processing.</p>
<p>M. Enhance mental health services.</p>	<p>Oregon's police departments have marked an increase in interactions with the mentally ill in recent years. Crisis intervention teams (CIT) have proven effective and deescalating interactions with the mentally ill, but this service model is not available in all parts of the state. Additionally, there is a demonstrated need for "drop-in" mental health services that allow for treatment before a person enters a state of crisis. There should be statewide access of CITs, and emergency access to mental health services to promote patient and community safety. Additionally, mental health services should be examined holistically to ensure that Oregon is providing the best possible care to the mentally ill.</p>
<p>Human Resources</p>	
<p>N. Ensure that arbitrator awards are in compliance with state, as well as local policies.</p>	<p>Currently, an arbitrator's award overturning an employer's disciplinary decision must comply with state policies on issues including, but not limited to: use of force, sexual harassment, or misconduct. Precedent has established that only state policies apply to the enforceability to an arbitrator's award.</p>
<p>O. Ensure that collective bargaining agreements trump state mandates on police investigations.</p>	<p>"The Police Officer's Bill of Rights" was intended to offer protections for officers who were under investigation if there was no collective bargaining contract or the contract was silent on how investigations were to be conducted. Changes made in 2009 have resulted in confusion and manipulation of the bargaining process. The statute needs to be amended to bring it back to the original intent of the bill.</p>
<p>P. Require earlier submission of last best offer.</p>	<p>Under current law, last best offers (LBOs) must be submitted 14 days prior to opening of arbitration in the event parties have declared an impasse, and binding arbitration is being used to settle the contract. Most arbitrators use a 30-day cancellation policy that requires payment even if parties settle prior to the commencement of arbitration. Requiring LBOs to be submitted 35 days prior to the opening of arbitration would provide an opportunity to settle without paying unnecessary fees.</p>
<p>Telecommunications</p>	
<p>Q. Support the reintroduction of legislation that repeals ORS 221.515 (HB 2455 -7 in 2013) removing the franchise fee rate and revenue restrictions which currently apply to incumbent local exchange carriers, or other legislation that:</p> <ul style="list-style-type: none"> • Does not preempt local authority to manage the public ROW and be compensated for its use; • Maintains or increases the opportunity for revenue growth; and • Is technology neutral. 	<p>Protection of local authority to manage public rights of way (ROW) and receive compensation for any use of those facilities continues to be at the forefront of the League's telecommunications agenda. The League's "Oregon Municipal Policy" generally asserts local government Home Rule authority and specifically refers to the telecom management and compensation authority of Oregon cities.</p> <p>Since 1989 state statute has caused a disparity between certain types of telecommunications providers with regard to how franchise fees are collected. The League's preference is equity between all providers using the ROW, but with continued local ability to negotiate individual franchise agreements with individual service providers.</p> <p>During the 2013 legislative session the League supported efforts by Comcast to enact legislation doing away with the disparity. HB 2455 would have repealed ORS 221.515, thus allowing cities to charge all telecommunications in the same manner. The proposal received a hearing but was not approved in committee.</p> <p>The committee chair may be interested in re-introducing the proposal in 2015. However the telecom industry, this time including Comcast, is likely to introduce legislation</p>

LOC Policy Committees' Legislative Recommendations

	dealing with the disparity in a manner that cities may find objectionable, including rate caps on an overly narrow revenue base and other policies that could infringe upon both management and compensation authority and negatively impact city revenues.
<p>R. Oppose legislation preempting the ability of cities to manage and receive compensation for the use of a public ROW including:</p> <ul style="list-style-type: none"> • Establishment of a “one-size-fits all,” state-wide franchise fee policy and collection system. • Prohibition of a city’s authority to levy franchise fees on other local government entities. 	<p><i>Same as above.</i></p>
Transportation	
<p>S. Pass a comprehensive transportation funding and policy package containing the following elements:</p> <ul style="list-style-type: none"> • A gas tax increase of up to 5 cents/gallon. • Index the gas tax either to the consumer price index or some other accepted and relevant economic index. • Continued development and expansion of the state’s commitment to a transportation user fee based on vehicle miles traveled (VMT). • License plate fee increases to include lightweight trailers. • No change in the constitutional dedication of State Highway Trust Fund dollars to highway, road and street projects (Article 9, Section 3a, Oregon Constitution). • New revenues coming to the State Highway Trust Fund should continue to be split between the state, counties and cities 50%-30%-20% respectively. • Increase in the statutory (ORS 366.805) “Small City Allotment” fund from \$1 million to \$5 million annually, split evenly between the Oregon Department of 	<p>The League of Oregon Cities agrees that the state’s transportation system and the policy and funding programs that support it must be multimodal in scope. The League will therefore support and work to achieve passage of legislation in 2015 that seeks to address funding and policy initiatives relating to all modes (streets, bike/ped, transit, rail, aviation and marine) and in so doing addresses such issues as:</p> <ul style="list-style-type: none"> • Connectivity • Safety • Jobs and economic development • Transportation impact on climate change • Active transportation and public health <p>Given the fact that maintenance and preservation needs have outpaced the resources available for streets, roads and highways, and given the threat that represents to investments already made in the transportation system, the League will insist on a transportation package that increases and makes more sustainable the ability of all government jurisdictions to preserve and maintain these assets.</p> <p>Note: The Small City Allotment has not been increased since its inception in the early 1990’s. The additional revenue to cities from the 2009 Jobs and Transportation Act did not increase road funding for small cities.</p>

LOC Policy Committees' Legislative Recommendations

<p>Transportation (ODOT) and the cities' share of the trust fund.</p> <ul style="list-style-type: none"> • No restriction, moratorium or preemption of local government ability to generate their own revenues for transportation funding. • Adequate funding for the maintenance and preservation of "orphan highways" in Oregon as part of a more robust jurisdictional transfer program. 	
<p>T. Continued or enhanced funding for <i>ConnectOregon</i></p>	<p><i>ConnectOregon</i> is the state's premier multi-modal funding program, and is funded out of lottery revenues.</p>
<p>Water/Wastewater</p>	
<p>U. Support efforts and program funding to address Oregon's long term water supply needs including recapitalization of the Water Conservation, Reuse and Storage Grant Program and implementation of a place-based pilot program for local water resources planning</p>	<p>According to the Oregon Water Resources Department, 2013 marked the fourth driest year on record for Oregon, with some areas experiencing their driest year on record yet. Oregon experienced below average precipitation in 2013 and continuing into 2014. As of May 2014, snow measurement sites in many part of Oregon show record lows for snowpack levels. As a result, summer streamflows are expected to be below average and water shortages are likely for many part of Oregon.</p> <p>The League will work in conjunction with the Oregon Water Resources Department to fund programs to address water supply shortages. These efforts will include support for ongoing funding of the Water Conservation, Reuse and Storage Grant program which provides grant funding for water supply project feasibility studies. The League will also support efforts for the Oregon Water Resources Department to establish a place-based planning pilot program to facilitate local collaboration among interested stakeholders and the creation of a blueprint for long-term integrated water resources planning and implementation.</p>
<p>V. Support efforts to establish a program that would provide low-interest loan opportunities to address failing residential onsite septic systems. The new loan program would support repair and replacement of failing systems or conversion to a municipal wastewater system, if the conversion is at the request of the impacted municipality.</p>	<p>According to the Oregon Department of Environmental Quality, over 30 percent of Oregonians rely on septic systems to treat wastewater from their homes and businesses. Many of these systems are within the boundaries of a municipal wastewater system, and a number of these systems are in need of repair or replacement. Failing septic systems, especially those within proximity to groundwater resources, create a significant human health hazard. However, significant costs to address failing septic systems often create a burden for homeowners who are unable to pay for costs associated with repair, replacement or conversion over to a public sewer system.</p> <p>The League will work with the Oregon Department of Environmental Quality to establish a revolving loan program that private residents can access in order to address failing septic systems. The League will further advocate that the program include mechanisms to encourage participants to convert over to a municipal wastewater system if conversion is at the request of the impacted municipality.</p>