



Multnomah County Oregon

## Board of Commissioners & Agenda

connecting citizens with information and services

### BOARD OF COMMISSIONERS

#### Bill Farver, Interim Chair

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214  
Phone: (503) 988-3308 FAX (503) 988-3093  
Email: mult.chair@co.multnomah.or.us

#### Pauline Anderson, Interim

##### Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214  
Phone: (503) 988-5220 FAX (503) 988-5440  
Email:  
pauline.s.anderson@co.multnomah.or.us

#### Serena Cruz, Commission Dist. 2

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Phone: (503) 988-5219 FAX (503) 988-5440  
Email: serena.m.cruz@co.multnomah.or.us

#### Lisa Naito, Commission Dist. 3

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Phone: (503) 988-5217 FAX (503) 988-5262  
Email: lisa.h.naito@co.multnomah.or.us

#### Lonnie Roberts, Commission Dist. 4

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Portland, Or 97214  
Phone: (503) 988-5213 FAX (503) 988-5262  
Email: lonnie.j.roberts@co.multnomah.or.us

**ANY QUESTIONS? CALL BOARD  
CLERK DEB BOGSTAD @ (503) 988-3277**  
Email: deborah.l.bogstad@co.multnomah.or.us

INDIVIDUALS WITH DISABILITIES PLEASE  
CALL THE BOARD CLERK AT (503) 988-3277,  
OR MULTNOMAH COUNTY TDD PHONE  
(503) 988-5040, FOR INFORMATION ON  
AVAILABLE SERVICES AND ACCESSIBILITY.

**MARCH 20 & 22, 2001**

### BOARD MEETINGS

#### FASTLOOK AGENDA ITEMS OF INTEREST

Pg. 2	9:30 a.m. Tuesday MCSO Booking Frequency Project Briefing
Pg. 2	10:00 a.m. Tuesday Legislative Update
Pg. 2	9:30 a.m. Thursday Opportunity for Public Comment on Non-Agenda Matters
Pg. 3	9:45 a.m. Thursday Adopting 2001-2003 County Affirmative Action Plan
Pg. 3	10:00 a.m. Thursday 2002 Metropolitan Transportation Improvement Program
Pg. 4	10:50 a.m. Thursday Wapato Update
Pg. 5	<b>Budget Deliberations Schedule</b>
*	<b>March 29, 2001 Meeting Cancelled</b>

Thursday meetings of the Multnomah County  
Board of Commissioners are cable-cast live and  
taped and may be seen by Cable subscribers in  
Multnomah County at the following times:

Thursday, 9:30 AM, (LIVE) Channel 30  
Friday, 11:00 PM, Channel 30  
Saturday, 10:00 AM, Channel 30  
Sunday, 11:00 AM, Channel 30

Produced through Multnomah Community  
Television

Tuesday, March 20, 2001 - 9:30 AM  
**Multnomah Building, Sixth Floor Commissioners Conference Room 635**  
501 SE Hawthorne Boulevard, Portland

## **BOARD BRIEFINGS**

- B-1 Multnomah County Sheriff's Office Booking Frequency Project. Presented by Bethany Wurtz and Lawrence Reilly. 30 MINUTES REQUESTED.
- B-2 Public Affairs Office Update on the 2001 Oregon Legislature. Presented by Gina Mattioda and Stephanie Soden. 1 HOUR REQUESTED.
- 

Thursday, March 22, 2001 - 9:30 AM  
**Multnomah Building, First Floor Commissioners Boardroom 100**  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR - 9:30 AM**

### **DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT**

- C-1 RESOLUTION Authorizing Execution of Deed D011764 for Repurchase of Tax Foreclosed Property to Former Owners EDNA Y MILLER and THOMAS Y MILLER

### **REGULAR AGENDA - 9:30 AM**

### **PUBLIC COMMENT - 9:30 AM**

Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

### **DEPARTMENT OF SUPPORT SERVICES - 9:30 AM**

- R-1 Report on Countywide Office of Organizational Learning (COOL) Team Receipt of the 2001 Dr. Arthur Fleming Award. Presented by April Lewis,

Mohammed Abu Zayed, Larry Bartasavich, Cheaquetta Johnson, Sheryl Barta and Carla Gonzales.

- R-2 Intergovernmental Agreement 4600001638 with Tri-County Metropolitan Transportation District of Oregon for Employer Sale of Tri-Met Tickets, Passes and Transportation Guides to Employees
- R-3 RESOLUTION Adopting Multnomah County's Affirmative Action Plan for 2001-2003

**DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT - 10:00 AM**

- R-4 RESOLUTION Approving Multnomah County Projects for Priorities 2002 Metropolitan Transportation Improvement Program Update
- R-5 Agreement 4600001814 with Parametrix, Inc., Authorizing Consent to Assignment of the West of Sandy River Rural Area Transportation and Land Use Plan Contract Between Pacific Rim Resources and Parametrix, Inc.
- R-6 RESOLUTION Declaring Certain Tax Foreclosed Property Abandoned and Subject to Waste and Directing the Tax Collector to Issue a Deed to the County
- R-7 RESOLUTION Approving Contingent Transfer of Tax Foreclosed Property to the City of Portland, Parks and Recreation Bureau for Park, Open Space or Natural Area

**DEPARTMENT OF COMMUNITY AND FAMILY SERVICES - 10:30 AM**

- R-8 ORDER Authorizing the Amended Purchase and Sale Agreement Between Multnomah County as Seller and REACH Community Development, Inc. as Purchaser

**NON-DEPARTMENTAL - 10:45 AM**

- R-9 RESOLUTION Confirming the Interim Designation for Multnomah County Chair in the Event of a Vacancy
- R-10 RESOLUTION Confirming the Interim Designation for Multnomah County Commissioner District 1 in the Event of a Vacancy

Thursday, March 22, 2001 - 10:50 AM  
**(OR IMMEDIATELY FOLLOWING REGULAR AGENDA)**  
**Multnomah Building, First Floor Commissioners Boardroom 100**  
501 SE Hawthorne Boulevard, Portland

## **BOARD BRIEFING**

B-3 Quarterly Update on Wapato Facility. Presented by Bobbi Luna, Ginger Martin and Bob Nilsen. 30 MINUTES REQUESTED.

## **2001-2002 Multnomah County Budget Deliberations Schedule**

**(Subject to Change – Please Check Weekly Board Agenda for Updates)**

**\*All sessions to be in held in the Multnomah Building, Commissioners Boardroom 100, 501 SE Hawthorne Boulevard, except as noted\***

Thur, April 26, 2001	9:30 to noon	Executive Budget Overview Presentation to Board and Regular Board Meeting
Tue, May 1, 2001	9:00 to 3:00 p.m.	Opportunity for Commissioner Updates on Boards and Committees, followed by Board Budget Work Session on Issues
Thur, May 3, 2001	9:30 to noon	Board Approval of Budget for Transmission to Tax Supervising and Conservation Commission and Regular Board Meeting
Tue, May 8, 2001	9:30 to noon	<b>Central Citizen Budget Advisory Committee Report and Department of Library Services Budget Hearing</b>
Tue, May 8, 2001	1:30 to 4:00 p.m.	<b>Department of Sustainable Community Development Budget Hearing</b>
Wed, May 9, 2001	9:30 to noon	<b>Department of Support Services Budget Hearing</b>
Wed, May 9, 2001	1:30 to 4:00 p.m.	<b>Non-Departmental and Special Service Districts Budget Hearings</b>

*Thur, May 10, 2001	<b>6:00 to 8:00 p.m.</b>	Public Hearing on the Multnomah County Budget, Midland Branch Library, 805 SE 122nd Avenue, Portland
Tue, May 15, 2001	9:30 to noon	Public Affairs Office Legislative Update discussion, followed by <b>Department of Aging and Disability Services</b> Budget Hearing
Tue, May 15, 2001	1:30 to 4:00 p.m.	<b>Capital Program</b> Budget Hearing and <b>Mental Health System Briefing</b>
Wed, May 16, 2001	9:30 to noon	<b>Health Department</b> Budget Hearing
Wed, May 16, 2001	1:30 to 4:00 p.m.	<b>Department of Community and Family Services</b> Budget Hearing
*Thur, May 17, 2001	<b>6:00 to 8:00 p.m.</b>	Public Hearing on the Multnomah County Budget, North Portland Branch Library, 512 N Killingsworth, Portland
Tue, May 22, 2001	9:30 to noon	<b>District Attorney's Office</b> Budget Hearing
Tue, May 22, 2001	1:30 to 4:00 p.m.	<b>Department of Juvenile and Adult Community Justice</b> Budget Hearing
Wed, May 23, 2001	9:30 to noon	<b>Sheriff's Office</b> Budget Hearing
*Wed, May 23, 2001	<b>6:00 to 8:00 p.m.</b>	Public Hearing on the Multnomah County Budget, Gresham Branch Library, 385 NW Miller, Gresham

Tue, May 29, 2001	9:30 to noon	Discussion, Follow-up Info, Review Budget Amendments Work Session
Tue, May 29, 2001	1:30 to 4:00 p.m.	Discussion, Follow-up Info, Review Budget Amendments Work Session
Wed, May 30, 2001	9:30 to noon	Discussion, Follow-up Info, Review Budget Amendments Work Session
Wed, May 30, 2001	1:30 to 4:00 p.m.	Discussion, Follow-up Info, Review Budget Amendments Work Session
Tue, June 5, 2001	9:30 to noon	Discussion, Follow-up Info, Review Budget Amendments Work Session
Tue, June 5, 2001	1:30 to 4:00 p.m.	Discussion, Follow-up Info, Review Budget Amendments Work Session
Wed, June 6, 2001	9:30 to noon	Discussion, Follow-up Info, Review Budget Amendments Work Session
Thur, June 7, 2001	<b>1:30 to 3:00 p.m.</b>	Tax Supervising and Conservation Commission Public Hearing on Multnomah County Budget (quorum of BCC to attend)
Thur, June 7, 2001	<b>6:00 to 8:00 p.m.</b>	Public Hearing on the Multnomah County Budget
Thur, June 14, 2001	9:30 to noon	Public Hearing on the Multnomah County Budget, Board Adoption of Budget and Amendments and Regular Board Meeting



*Multnomah County Oregon*

## **Board of Commissioners & Agenda**

*connecting citizens with information and services*

# **SUPPLEMENTAL AGENDA**

**Thursday, March 22, 2001 - 11:15 AM**

Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

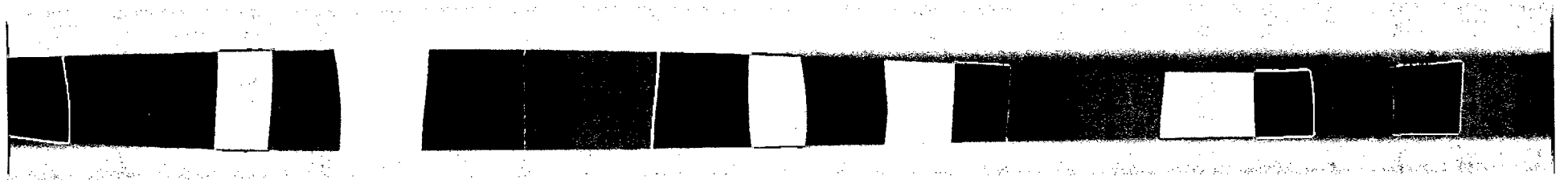
## **BOARD BRIEFING**

- B-4 Democratic Precinct Committee Approved Candidates for the Vacant Position of Legislative Assembly, State Representative, District 19 Will be Invited to Attend the Multnomah County Board of Commissioners Meeting for the Purpose of a Short Introduction/Informational Briefing. The Candidates Will be Invited to Return and Participate in the Multnomah County Board of Commissioners' April 5, 2001 Regular Board Meeting, at Which Time the Board Will Conduct a Public Hearing and Vote to Fill the Vacancy of Legislative Assembly, State Representative, District 19. 15-25 MINUTES REQUESTED.



BOARD OF  
COUNTY COMMISSIONERS  
01 MAR 14 PM 5:11  
MULTNOMAH COUNTY  
OREGON

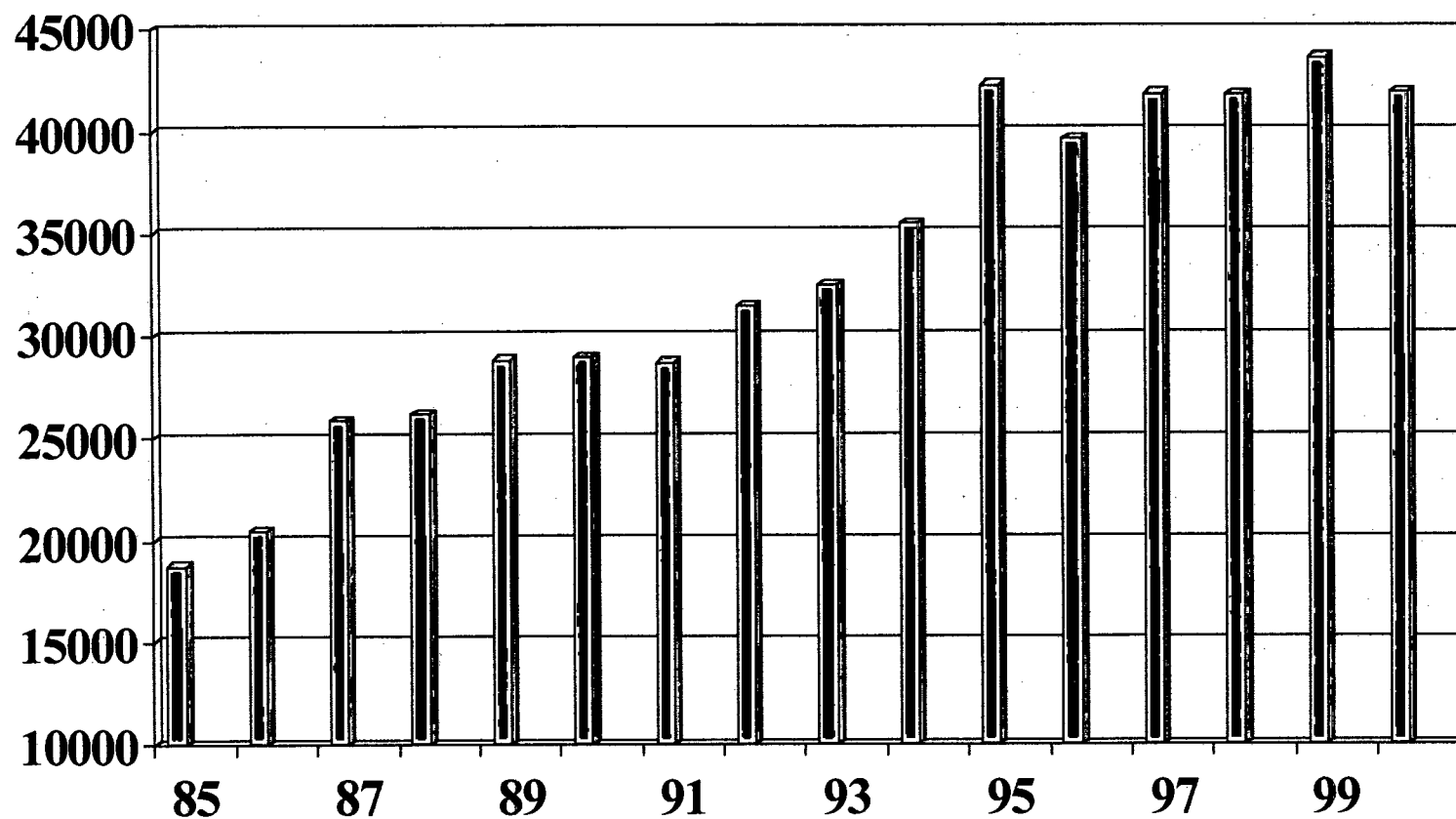
# Multnomah County Sheriff's Office



## Booking Frequency Project

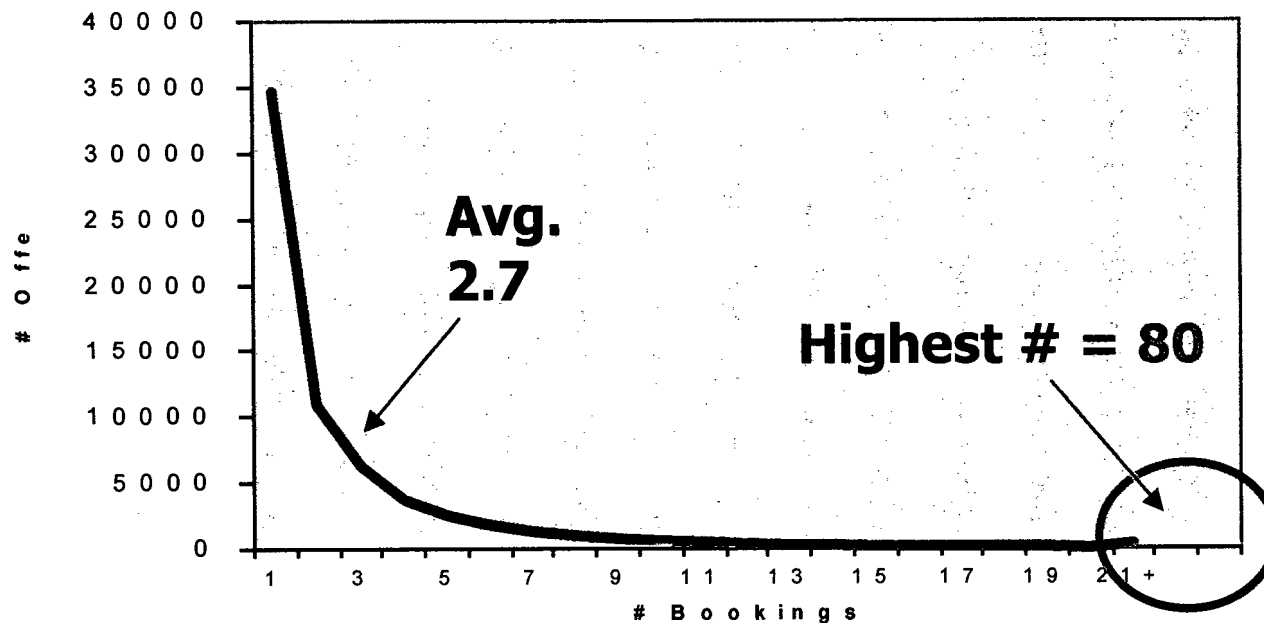
Dan Noelle, Sheriff

# Jail Bookings: 1985 - 2000



# Booking Frequency

- The DSS-Justice Data Warehouse makes it possible to identify those who are most frequently booked
- For a five-year period, there was an average of 2.7 bookings per inmate

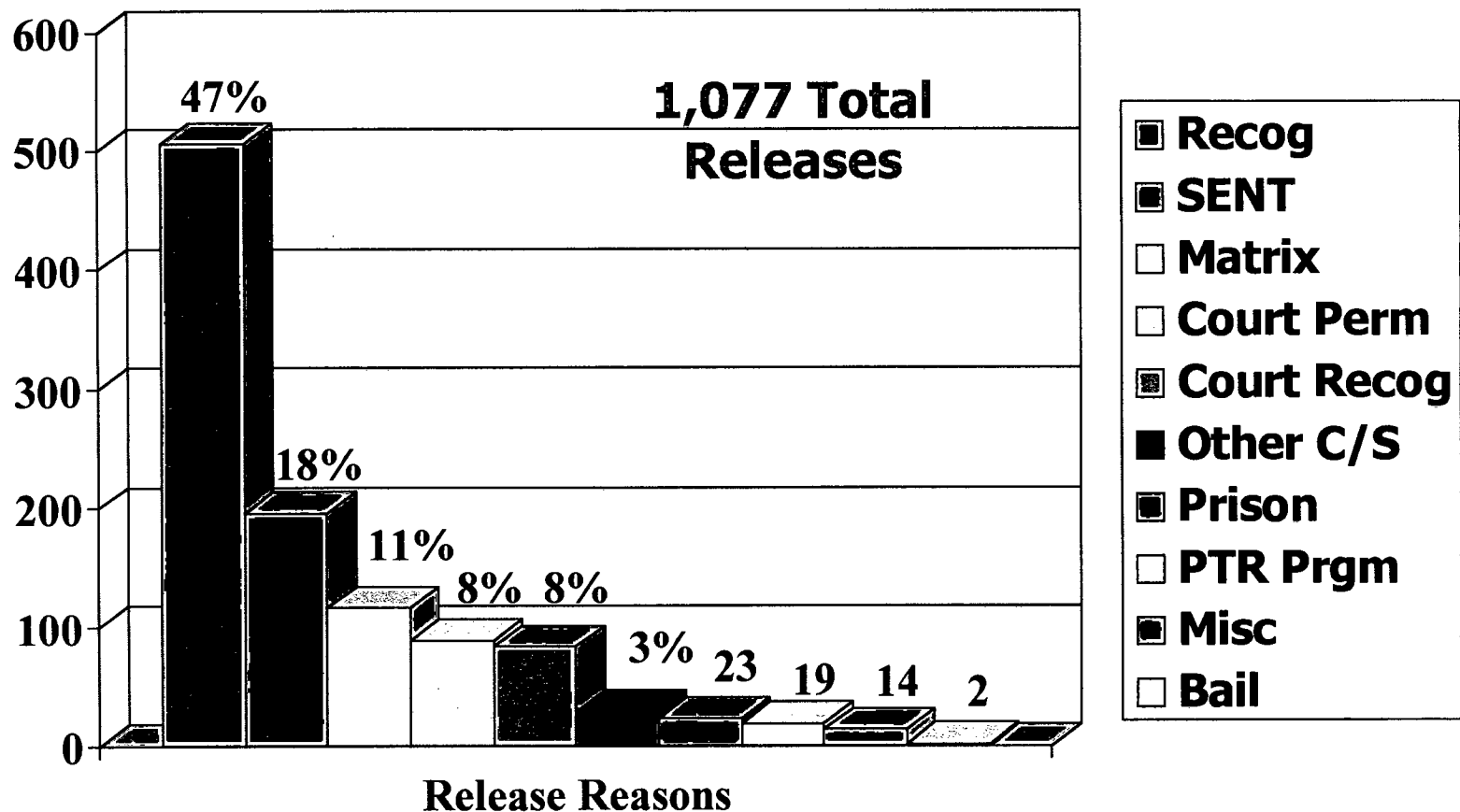


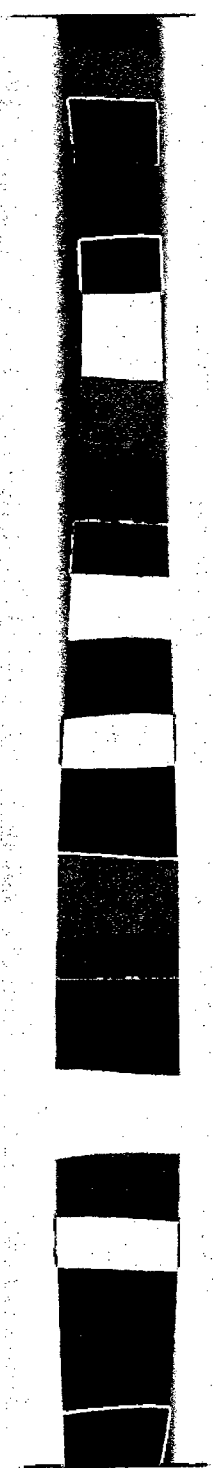


## Initial Look at the Top 20

- 1,077 total bookings (1995 – 1999)
- 57% of PPDS custody arrests were for Trespass II (likely in Drug-Free Zone)
- All 20 had drug arrests, many had mental health and housing issues
- 16 out of 20 are African-American
- 35% of each year for five years spent in jail (avg.)

# “Release Reasons” for Top 20





## Top 20 Costs

- **Booking & Release**

1077 x \$100 = \$107,700 for 20 people

- **Custody**

12,712 days x \$115 = \$1.46 million

- **Police and Law Enforcement**

- **Court, Prosecution and Defense**

- **Parole/Probation**

- **Prison**

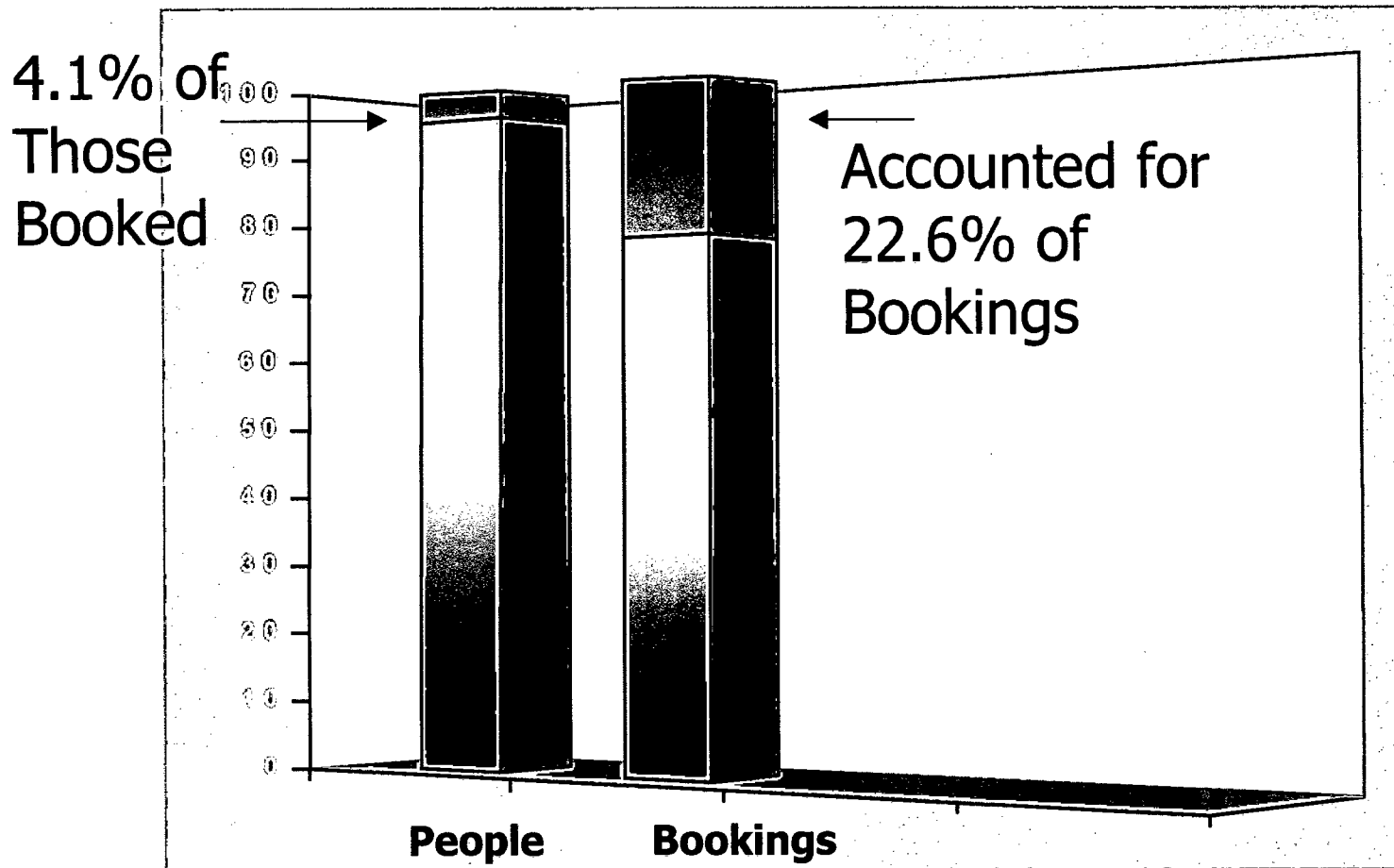


# Questions Raised

- Warrant vs. Original Arrests
- Felony vs. Misdemeanor Charges
- Conviction Rate
- Conditions of Sentences
- Supervision levels
- Drug/Alcohol Issues
- Mental Health Issues
- Housing Issues
- Coordinated system services
- Costs to offender, systems and society



# A Small Group with A Big Impact





# The Booking Frequency Project

- Examine the records of those who had the most bookings for a five-year period
- How, why and at what cost were they being booked and held in jail?
- Discover the trends and issues, not only for the high-frequency group but within the system, that if changed would result in fewer bookings



# Project Plan

- Collaborate on study with our Health Dept., Community & Family Services and Community Justice. Pilot project on 20 with Human Subject IRB. Collect data, analyze by year, and issue findings/process report
- Expand project to encompass top 4% of those booked most frequently; potential for national grant
- Taskforce to develop solutions, such as policy changes, program strategies or case management

MEETING DATE: March 20, 2001

AGENDA NO: B-2

ESTIMATED START TIME: 10:00 AM

LOCATION: BCC Conference Room 635

(Above Space for Board Clerk's use only)

### AGENDA PLACEMENT FORM

SUBJECT: Legislative Update

BOARD BRIEFING:

DATE REQUESTED: \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING:

DATE REQUESTED: Tuesday, March 20, 2001

AMOUNT OF TIME NEEDED: 1 hour

DEPARTMENT: Non-Departmental

DIVISION: Public Affairs Office

CONTACT: Barb Disciascio

TELEPHONE #: (503) 988-6800

BLDG/ROOM #: 503/6

PERSON(S) MAKING PRESENTATION: Gina Mattioda and Stephanie Soden

#### ACTION REQUESTED:

☒ INFORMATIONAL ONLY   ☐ POLICY DIRECTION   ☐ APPROVAL   ☐ OTHER

#### SUGGESTED AGENDA TITLE:

Legislative Update

#### SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_

(OR)

DEPARTMENT MANAGER: \_\_\_\_\_

*Gina Mattioda*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions? Call the Board Clerk @ (503) 988-3277

BOARD OF  
JUNIOR COMMISSIONERS  
01 MAR 13 AM 11:52  
MULTNOMAH COUNTY  
OREGON

**BOGSTAD Deborah L**

**From:** DISCIASCIO Barbara A  
**Sent:** Friday, March 16, 2001 11:15 AM  
**To:** #ALL CHAIR'S OFFICE; #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3;  
#ALL DISTRICT 4  
**Subject:** Proposed legislation of interest

Stephanie and Gina have identified the following legislative bill(s) as being of potential interest to you

**HB 3640 Relating to personal income taxes (Multnomah County legislative agenda - To reduce poverty)**  
**HB 3680 Relating to evidence of other acts of domestic violence (Multnomah County legislative agenda)**  
**HB 3747 Relating to real estate transfer taxation (Multnomah County legislative agenda)**  
**HB 3839 Relating to public records**  
**HB 3853 Relating to housing (Multnomah County legislative agenda)**  
**HB 3908 Relating to disclosure of conflict of interest by official in certain land use proceedings**

**SB 63 Relating to disaster relief (An AOC Legislative priority)**

**SJR 5 Creates joint interim task force to make recommendations about disaster preparedness and hazard mitigation (An AOC Legislative priority)**

A copy of the bill(s) in question can be found at  
<http://www.leg.state.or.us> ; Bills/Laws ; 2001 Regular Session.

*Barb Disciascio  
Public Affairs Office  
503-988-6800*

**BOGSTAD Deborah L**

**From:** DISCIASCIO Barbara A  
**Sent:** Friday, March 16, 2001 1:38 PM  
**To:** #ALL CHAIR'S OFFICE; #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3;  
#ALL DISTRICT 4; KINOSHITA Carol  
**Subject:** Legislative Tracking-Current status report

Just a reminder that Gina and Stephanie will be doing a legislative briefing for you next Tuesday, March 20, 2001. In addition to the status of the Multnomah County Legislative Agenda, they will be presenting information on the governor's proposed budget re-balance.

Note: Because of the size of this report, I highly recommend you NOT print it.

Let us know if you need/want more information about any of these bills



2001 Legislative  
Tracking - Re...

*Barb Disciascio*  
*Public Affairs Office*  
503-988-6800



Public Affairs Office

**MULTNOMAH COUNTY OREGON**

501 SE Hawthorne Blvd., Suite 600  
Portland, Oregon 97214  
(503) 988-6800 phone  
(503) 988-6801 fax

**Public Affairs Office Legislative Briefing**  
**Tuesday, March 20, 2001**  
***Presented by Gina Mattioda and Stephanie Soden***

- I. Overview of Governor's Updated Budget Proposal**
- II. Discussion and Review of Multnomah County Legislative Agenda**
- III. Action Needed on Revenue Restricting Measures: HB 2010.** PAO is requesting that the BCC oppose and take action on HB 2010 Portland Harbor Clean-Up Proposal.
- IV. Attachment: Metro Area Regional Legislative Agenda**

**March 20, 2001**

**TO:** Board of County Commissioners

**FROM:** Gina Mattioda and Stephanie Soden  
Public Affairs Office

**RE:** Legislative Briefing

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**1. Governor's Updated Budget Proposal (Information only)**

On March 1, 2001, the March Economic and Revenue Forecast revealed an additional loss of \$100 million in state revenues for the next biennium. In response, Governor Kitzhaber released a revised budget on Friday, March 16.

To close this gap and restore some of the cuts in his December budget, the Governor proposed actions that would shift money from the current budget into the 2001-03 budget. By eliminating the current surplus, money slated for 2001 kicker refunds would instead become available to mitigate the budget shortfall. Recommendations include:

- Pre-paying the \$111.2 million income tax refund due to federal retirees in 2003-05
- Shifting \$69.95 million in federal Medicaid money into the 2001-03 budget

As a result, \$337 million originally slated for the 2001 kicker refunds now become available to restore some originally proposed program and service cuts. The Governor has proposed using only \$182 million so taxpayers would still receive some form of a kicker refund this year.

The budget re-balance impacts Multnomah County in the following areas:

- Restores \$12.5 million of senior and disabled clients' services in eligibility level 15 – 17. ~~Also restores \$12.5 million for nursing care.~~
- Adds \$6.8 million of \$13.7 million funds in Oregon Project Independence.
- Retains the Oregon Youth Authority's Tillamook Boot Camp facility by providing \$6.4 million. The impact to Multnomah County depends upon OYA's allocation of other pending bed cuts.

**2. Update on Multnomah County Legislative Agenda Bills  
(Information only)**

Below are specific bills introduced to date that are linked to Multnomah County's 2001 Legislative Agenda.

**Benchmark #1: Improve the Health of the Community**  
**Department of Human Services Reorganization**

- **HB 2294** Reorganizes Oregon's Department of Human Services (DHS) and abolishes current divisions, programs, and offices. According to DHS representatives this reorganization establishes integrated clusters including Adult, Families, and Children; Health; and Seniors and People with Disabilities. Along with more aligned central services, organizational restructuring includes Continuous Systems Improvement; Field Operations, and Administrative Support. Creates "a new structure [that] will



use a network of specialists to provide services efficiently, holistically, and in a way that involves clients and families in finding solutions.”

#### **Mental Health**

- **HB 3017** Mental health parity bill, which is sponsored by Rep. Jeff Kruse (R-Roseburg) and Sen. Avel Gordly (D-Portland). An element of the Governor’s Mental Health Alignment Workgroup.
- **HB 3024** Direct local mental health authority to develop local plans for mental health services. Also an element of the Governor’s Mental Health Alignment Workgroup.
- **Report to the Governor from the Mental Health Alignment Workgroup**  
Identifies several recommendations. Highlights include:
  - Requires local biennial blueprint plans that use a multi-system team approach to coordinate and deliver services for children, families, and adults.
  - Establishes equal benefits for mental health and physical health, better known as parity. SB 112, HB 2472, and HB 3017 relate to parity.

#### **Early Childhood Services**

- **SB 900** Referred to as the Oregon Children’s Plan, develops a framework to support early childhood education and prevention programs. This legislation does not allocate or identify funding. It is sponsored by Senate President Gene Derfler (R-Salem) and Senate Democratic Leader Kate Brown (D-Portland).

#### **School Based Health Clinics**

- **HB 2820** requires Oregon Health Division to award grants to county health departments of school-based health centers. Grant criteria focuses on underserved and rural areas. No dollar figure is identified, but the funding stream is Oregon’s 1998 tobacco Master Settlement Agreement. Sponsorship includes some Democrats and Republicans as well as Co-Chairs Hannon and Westlund.

#### **Columbia River Gorge Commission**

- **HB 5007** appropriates monies to fund the Columbia River Gorge Commission. It is tentatively scheduled in the Ways & Means Natural Resources Subcommittee April 16-20.

### **Benchmark #2: Reduce Crimes**

#### **Community Corrections**

- **HB 5008** Community corrections funding – Department of Corrections budget. Tentatively scheduled in Ways & Means Public Safety Subcommittee in mid-April.
- **HB 3952** Modifies the community corrections allocation formula.

#### **Juvenile Justice**

- **HB 3256** Restricts youths entering OYA custody to felonies only.
- **HB 3461** Abolishes custody tracking units during probation, this bill has been referred to the House Judiciary Committee.
- **HB 3619** Increases the number of school days required in local juvenile detention facilities from 180 to 220.
- **HB 3832** Creates community accountability programs to manage the alcohol and drug and/or mental health problems of some juvenile delinquents.
- **SB 5546** Oregon Youth Authority’s budget bill. Tentatively scheduled in Ways & Means Public Safety Subcommittee in mid-April.

### **Domestic Violence**

- **HB 2885** Creates Oregon's Domestic and Sexual Violence Services Program. Allocates \$25 million for domestic violence and sexual assault programs, including safety and assistance. Program must develop a plan for the allocation of funds. A public hearing and possible work session is scheduled for the House Subcommittee on Civil Law on April 4.
- **HB 3375** Creates a Task Force on Domestic Against Immigrant and Migrant Women in Oregon. Requires Department of Justice to provide staff and funds. Sponsored by House Majority Leader Karen Minnis (R-Fairview).
- **SB 681** Creates a Domestic Violence Multidisciplinary Intervention Account. This was assigned to the Senate Judiciary Committee, with a subsequent referral to Ways & Means.

### **Benchmark #3: Reduce Poverty**

#### **Living Wages**

- **HRJ 32** Declares that this legislature ask the Department of Human Services (DHS) by 2004 to provide sufficient funds, more commonly referred to as living wages, to entities that contract or subcontract with the department.
- **HB 2744** Prohibits Local Living Wage Requirements. This bill would prohibit local governments from setting minimum wage requirements except for public employers. Local governments are beginning to enact living wage requirements for private sector workers covered under contracts with the public sector.

#### **Affordable Housing**

- **HB 3400** Establishes affordable housing district in metro areas. Provides local option for affordable housing. Authorizes district governing board to impose real estate transfer tax. Distributes tax proceeds to Regional Affordable Housing Fund.
- **HB 3853** Imposes an additional \$5 fee for recording or filing certain documents to be collected by county clerk and transferred to Housing and Community Services Department for specified purposes. Removes sunset on Home Ownership Assistance Account.

### **Benchmark #4: Increase Success in School**

#### **Community Learning Centers**

- **HB 2082** Directs a variety of state agencies such as Department of Education, Department of Human Services, State Commission on Children and Families and Oregon Criminal Justice Commission to support the development and implementation of community learning centers.

### **Benchmark #5: Maintain Principles of Good Government**

- The Association of Oregon Counties develops a weekly legislative report, which can be viewed at [www.aoc.web.org/leg rpt1.htm](http://www.aoc.web.org/leg rpt1.htm)

### **3. Revenue-Restricting Legislative Proposals (Action required)**

#### **Portland Harbor Clean-Up Proposal (HB 2010)**

**Summary:** HB 2010 is sponsored by the Legislative Leadership: Senate President, House Speaker, and House and Senate Majority Leaders. Essentially, it establishes 'environmental clean-up districts' along the Portland harbor in areas designated by the EPA under the Superfund listing. Property owners within the district would be exempt from property taxes and instead be subject to a self-imposed, income-based 'privilege tax' that could not exceed former property tax liabilities. The language of the bill as it is currently written contains no incentive for owners to clean up their contaminated properties. Preliminary county fiscal analyses estimate an annual loss of \$10 million in property tax revenues.

**Status:** HB 2010 has been assigned to the House Water & Environment Committee. A public hearing has not yet been scheduled.

**Action item:** The PAO recommends that the Board of County Commissioners oppose HB 2010 and contact the following legislators:

#### **Farver**

Sen. Kate Brown 503.986.1700

#### **Anderson**

Sen. Ginny Burdick 503.9886.1706

Sen. Tom Hartung 503.986.1703

Sen. Verne Duncan 503.986.1712

#### **Cruz**

Rep. Al King 503.986.1444

Rep. Jeff Merkley 503.986.1416

Rep. Laurie Monnes Anderson 503.986.1422

Sen. Susan Castillo 503.986.1720

Sen. Ryan Deckert 503.986.1704

#### **Naito**

Rep. Tom Butler 503.986.1460

Rep. Bill Garrard 503.986.1453

Rep. Mark Hass 503.986.1408

Rep. Lane Shetterly 503.986.1434

Rep. Max Williams 503.986.1409

#### **Roberts**

Rep. Patti Smith 503.986.1456

Sen. Lee Beyer 503.986.1721

Sen. Bev Clarno 503.986.1727

Sen. Ted Ferrioli 503.986.1728

Sen. Lenn Hannon 503.986.1726

Sen. John Minnis 503.986.1711

Suggested talking points for discussion with legislators are attached.

#### **4. Metro Area Regional Legislative Agenda (Information only)**

On Wednesday, March 14, 2001, the Metro Area Regional Lobby Group held a legislative reception to unveil its Legislative Agenda. The Regional Group consists representatives of Multnomah, Washington, and Clackamas Counties, the cities of Portland and Gresham, Metro, Tri-Met, Portland State University, Oregon Health Sciences University, Portland Community College, the Port of Portland, the Portland Area Chamber of Commerce, and the Portland Housing Authority. The Regional Legislative Agenda is attached.

JOHN A. KITZHABER, M.D.  
Governor



## ***NEWS RELEASE***

***FOR IMMEDIATE RELEASE***  
***March 16, 2001***

Contact: Bob Applegate  
(503) 378-6496  
Jon Coney  
(503) 378-6169

### **GOVERNOR RELEASES RE-BALANCED BUDGET**

#### **Restores Funding for Higher Education, Senior Programs, Public Safety**

In a re-balance of the state budget released today, Governor John Kitzhaber proposed restoring funding for higher education, senior citizen and public safety programs, as well as preventing any further cuts in budgets due to the \$100 million downturn in the state revenue forecast.

Kitzhaber has proposed a budget strategy that will pay debts during the current 1999-2001 budget, thus freeing up money for the coming 2001-2003 budget period, which begins July 1.

"I believe this is a significantly improved budget over what I was able to present in my original budget in December," said Kitzhaber. "Because of paying the federal retiree debt early, we can eliminate the impact of the recent \$100 million drop in projected state revenue, as well as restore funding to programs and services Oregonians have consistently and vocally supported."

In his rebalance proposal, the governor suggested improving funding for the following programs:

- **Nursing Care:** The re-balanced budget restores \$12.5 million to increase the number of senior citizens who can receive nursing care.
- **Oregon Project Independence:** The re-balanced budget provides \$6.8 to restore up to 50 percent of Oregon Project Independence, which helps senior citizens stay in their homes as they age.
- **Oregon University System:** Increases funding by \$45 million, allowing the Oregon University System to offer the same level of service during the next biennium and \$7.5 million to increase funding for statewide public services.

(more)

- **Oregon State Police:** The re-balance provides \$9.7 million, which will allow the State Police to retain existing patrol and detective positions, which were previously cut, and increase patrol officers by 50 over the next two years.
- **Oregon Youth Authority:** The rebalance provides \$6.4 million to retain the Tillamook Boot Camp facility, which was previously targeted for closure under the original budget proposal.
- In addition, the proposed budget allocates an additional \$5 million to the **Emergency Fund** on the assumption that the current dry conditions will make for an expensive fire fighting season this summer.

“I believe this budget strategy is prudent and will be well supported by Oregonians,” said Kitzhaber. “It allows us, even in the face of a revenue decline, to maintain services such as nursing home care and highway patrol, that everyone, regardless of political party, finds important.”

A budget summary of new expenses and revenues is attached.

**Governor's December Recommended Budget Resources** **\$12,124.20**

**March Revised Budget Resource Adjustments**

Cigarette Tax Forecast	(2.11)
March General Fund/Lottery Forecast	(107.28)
Additional Lottery Transfer	25.00
Anticipated Criminal Fines and Assessment Acct. Forecast	3.00
Dept. of Revenue - Action to Increase Revenue	7.80
Revenue Change - Pay Federal Retirees in 1999-2001 and Medicare Upper Limit Action	181.15
<b>Total</b>	<b>107.56</b>

**Governor's March Revised Budget Resources** **\$12,231.76**

**Governor's December Recommended Budget Expenditures** **(\$12,022.50)**

Budget Holes Since December Governor's Budget *	(40.71)
Budget Solutions Since December Governor's Budget *	21.52
<b>Subtotal</b>	<b>(19.19)</b>

**Education :**

OUS-Statewide Public Services	(7.50)
OUS - maintain RAM model	(45.00)
<b>Education Total</b>	<b>(52.50)</b>

**Human Services:**

SCF-Caseload and Services	(2.10)
SDSD level 15-17 services	(12.50)
SDSD-Oregon Project Independence	(6.80)
Implement Formulary	7.00
<b>Human Services Total</b>	<b>(14.40)</b>

**Public Safety:**

OYA - Tillamook Boot Camp	(6.40)
OSP - Restore 87 Officers	(9.70)
DOC - Computer Upgrade/AG costs/Legislation impact	(1.70)
<b>Public Safety Total</b>	<b>(17.80)</b>

**Natural Resources:**

Oregon Plan - Willamette Restoration	(0.67)
<b>Natural Resources Total</b>	<b>(0.67)</b>

**Other:**

Emergency Fund - Forest Fires	(5.00)
Debt Service - Energy Issues	(2.00)
Judicial/Legislative branch portion of new forecast	4.00
<b>Other Total</b>	<b>(3.00)</b>

**Expenditure Adjustments Total** **(107.56)**

**Governor's Revised March Expenditures** **(\$12,130.06)**

**Ending Balance - Unchanged from December Budget** **(\$101.70)**

\* See Attachment for Details

*All amounts in millions*

## Holes

Common School Fund Estimate	(11.70)
GIS Charges - OUS	(0.10)
AG opinion - Motor Vehicle Accident Fund	(6.50)
Oregon Children's' Plan	(3.20)
Social Services Block Grant shortfall	(0.46)
DHS Match Rate	(8.00)
DOC Alien Assistance reduced Federal Funds	(3.50)
Community Corrections compact out caseload	(1.60)
Judicial PERS under-budgeted	(4.00)
DAS Community Solutions - Dispute Resolution	(1.65)

Total Holes (\$40.71)

## Differences from Detail Revised Sheet

Emergency Fund Forest Fires	(7.10)
DOC - Computer Upgrade/AG Costs/Legislation	(1.70)
Oregon Plan - Willamette Restoration	(0.67)

Total on Detail Revised Sheet (\$50.18)

## Solutions

Headstart increased Federal Funds	2.00
Fairview mothball costs over budgeted	2.40
Child Care Funds	6.30
Temporary Assistance to Needy Families (TANF)	3.84
Revised impact of LTC license increase	0.30
PERS over budgeted	4.00
Telecommunication long-distance savings	2.00
HRSD assessment reduction	0.18
OMSI grant	0.50

Total Solutions \$21.52

## Differences from Detail Revised Sheet

Dept of Revenue - Increase Revenue	\$7.80
OMSI Grant (in Reduce Govs Enhancement Section)	(\$0.50)

Total on Detail Revised Sheet \$28.82

*All amounts in millions*



## House Bill 2010

### Sponsors' inaccurate claims

Several months ago, Portland's harbor and Willamette River were designated as a Superfund site under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). House Bill 2010 is being *inaccurately* described by its sponsors as a speedy solution to cleaning up this contaminated area while avoiding lengthy and costly litigation.

### No incentive to clean up the harbor

HB 2010 creates environmental districts made up of properties liable for contamination under the federal Superfund designation (CERCLA). While other special districts, such as urban renewal districts, have proven to be effective methods to finance public improvement projects, the environmental clean up districts created in HB 2010 contain *no incentive to clean up* the harbor.

### Self-regulated rule

Environmental clean up districts in HB 2010 would be self-regulated and self-governed. The bill specifies that a 5-member board would include 4 harbor property owners and only 1 environmental clean up expert. 'Environmental clean up expert' is not defined in the bill and there is virtually *no supervision or monitoring* of the board's actions.

### Self-imposed 'privilege tax'

HB 2010 creates a self-imposed privilege tax based on the income of the occupant, which is prohibited from exceeding current year assessed values on properties. Because the privilege tax would be less than the property tax, the bill *creates a disincentive to clean up the property*.

### High-risk, low-return bonds

HB 2010 grants an environmental clean up district the authority to issue revenue bonds to cover the costs of clean up. According to local government bond counsels, the risk involved with newly-formed bonding authorities is too high for investors. *The likelihood of investors ever buying these risky bonds is slim – which means no money to clean up the harbor.*

### Elimination of voluntary clean up

The Environmental Protection Agency (EPA) and Department of Environmental Quality (DEQ) have identified some of the parties responsible of polluting the harbor. Some owners have already paid the clean up costs voluntarily. HB 2010 *prevents voluntary clean up*.

### Taxpayers would bear the burden

HB 2010 shifts the burden of cleaning up the Portland harbor from the corporate contaminators to the taxpayers of Multnomah County. Property owners within the district would be exempt from paying property taxes and would pay a lower, self-imposed privilege tax, but *would not be held accountable for property clean up*. Therefore, the cost of cleaning up Portland's harbor would be left to the taxpayers.

### Portland's schools would lose

If the properties lining the Portland harbor became exempt from paying taxes, *an estimated \$10 million would be lost in revenue*. This loss would seriously impact county and city services, in addition, to teachers and students of Portland Public Schools.

## House Bill 2010

Sponsored by Representatives MINNIS, SIMMONS, Senators DERFLER, NELSON (at the request of Portland Harbor Cleanup Coalition)

### SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates environmental cleanup districts in areas meeting specified population and federal Superfund listing requirements. Authorizes districts to adopt environmental cleanup plans, provide cleanup services and fund services by issuing revenue bonds and imposing privilege taxes on apportioned taxable income of persons occupying property in district.

Exempts property in district from property taxation. Limits amount of privilege tax to amount of property tax forgone as result of Superfund listing and exemption.

Appropriates moneys to Emergency Board for allocation to district to fund initial operations of district.

### A BILL FOR AN ACT

Relating to environmental cleanup; creating new provisions; amending ORS 198.010, 294.316 and 305.620; and appropriating money.

**Be It Enacted by the People of the State of Oregon:**

#### **SECTION 1.** As used in sections 1 to 20 of this 2001 Act:

(1) "CERCLA" means the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601 et seq., as amended and in effect on December 31, 2000, and federal regulations adopted thereunder.

(2) "District" means an environmental cleanup district established under sections 1 to 20 of this 2001 Act.

(3) "District board" means the governing body of a district.

(4) "Environmental cleanup services" means remedial investigations, feasibility studies, costs of removal, remedial actions or other acts required pursuant to CERCLA.

(5) "Occupant" means a person who occupies property.

(6) "Occupy" means to exercise a lawful right of present use or possession of real or tangible personal property. An owner of property may be considered to occupy the property only if the owner is exercising a lawful right to present use or possession of the property, and the present use or possession of the property by the owner consists of activities other than those activities that the owner is mandated by law to carry out.

(7) "Tax year," unless the context requires otherwise, means the personal income or corporate excise or income tax year of the taxpayer.

**SECTION 2.** (1) In each city of this state with a population of 350,000 or more and in which an area is first placed on the National Priorities List described in 42 U.S.C. 9605 after July 1, 2000, and before the effective date of this 2001 Act, there is established an environmental cleanup district.

(2) The territory of the environmental cleanup district shall consist only of that property for which ownership causes liability under CERCLA. The district board shall enact an ordi-

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in boldfaced type.

1 nance that describes the precise boundaries of the district and may amend that ordinance  
 2 at any time to reflect changes in liability under CERCLA. An emergency may not be declared  
 3 in an ordinance described in this subsection.

4 (3) An environmental cleanup district established under this section shall constitute a  
 5 municipal corporation of this state and a public body, corporate and politic, exercising public  
 6 power. A district shall be considered a unit of local government for purposes of ORS 190.003  
 7 to 190.125, a public employer for the purposes of ORS 236.610 to 236.640 and a political sub-  
 8 division for purposes of ORS 305.620.

9 (4) An environmental cleanup district is not subject to ORS 294.305 to 294.565.

10 **SECTION 3.** (1) The governing body of an environmental cleanup district shall consist of  
 11 a board of five members, who shall be appointed by the Governor as follows:

12 (a) The Governor shall appoint two members who own property, or who represent sepa-  
 13 rate owners of property, in the district, each property of which, without diminution in value  
 14 due to CERCLA liability, has a fair market value of at least \$\_\_\_\_\_ million.

15 (b) The Governor shall appoint two members who own property, or represent separate  
 16 owners of property, within the district.

17 (c) The Governor shall appoint one member with expertise in undertaking environmental  
 18 cleanup services under CERCLA.

19 (2) All appointments of members of the board by the Governor are subject to Senate  
 20 confirmation in the manner provided in ORS 171.562 and 171.565.

21 (3) The term of office of a district board member is four years. A board member is eli-  
 22 gible for reappointment. Before the expiration of the term of a board member, or following  
 23 the member's resignation or inability to continue service, the member's successor shall be  
 24 appointed by the Governor so that the composition of the board remains as described in  
 25 subsection (1) of this section. A board member whose term has expired shall continue to  
 26 serve until a successor has been appointed.

27 **SECTION 4.** (1) The members of the first district board of an environmental cleanup  
 28 district established under sections 1 to 20 of this 2001 Act shall be appointed by the Governor  
 29 on or before March 1, 2002.

30 (2) The Governor shall establish a temporary chairperson of the board from among the  
 31 board members described in subsection (1) of this section and establish a time, not later than  
 32 April 1, 2002, for the first meeting of the board. The board shall select a permanent chair-  
 33 person from among its members at the first meeting of the board.

34 (3) Notwithstanding section 3 of this 2001 Act, the first term of:

35 (a) The first district board member described in section 3 (1)(c) of this 2001 Act shall be  
 36 one year; and

37 (b) The first district board members described in section 3 (1)(b) of this 2001 Act shall  
 38 be two years.

39 **SECTION 5.** The district board of an environmental cleanup district shall have the fol-  
 40 lowing duties and powers:

41 (1) To undertake within the district any environmental cleanup services or other action  
 42 that is required by the United States Environmental Protection Agency pursuant to CERCLA  
 43 or the Oregon Department of Environmental Quality pursuant to ORS 465.200 to 465.510 and  
 44 465.900 or that the district board determines is a necessary and proper action to comply with  
 45 CERCLA.

(2) To supervise, manage or direct the actions described in subsection (1) of this section that are undertaken by other persons.

(3) To acquire by purchase, gift or devise, such real and personal property and rights of way, either within or without the district, as in the judgment of the district board are necessary or proper in the exercise of the powers of the district, and to pay for and hold the same.

(4) To make and accept contracts, deeds, releases and documents that, in the judgment of the district board, are necessary or proper in the exercise of the powers of the district.

(5) To employ and pay necessary agents, employees and assistants.

(6) To sue and be sued.

(7) To perform any act necessary or proper to the complete exercise and effect of any of the district's powers under sections 1 to 20 of this 2001 Act.

**SECTION 6.** (1) The district board of an environmental cleanup district may enact ordinances relating to:

(a) The provision of environmental cleanup services within the district;

(b) The issuance of bonded indebtedness, the proceeds of which are used to fund environmental cleanup services within the district;

(c) The imposition of privilege taxes as described in sections 9 to 19 of this 2001 Act;

(d) The management of district operations; or

(e) Any other purpose promoting the environmental cleanup of the district.

(2) District ordinances shall be enacted in accordance with ORS 198.510 to 198.600.

**SECTION 7.** (1) An environmental cleanup district that is established under sections 1 to 20 of this 2001 Act shall adopt an environmental cleanup plan for the district.

(2) The district shall provide for public involvement in all stages of the development of an environmental cleanup plan.

(3) An environmental cleanup plan shall include:

(a) A description of each environmental cleanup service to be provided by the district;

(b) A description of each location within the district at which an environmental cleanup service is to be performed;

(c) The amount of indebtedness to be issued under the plan to perform environmental cleanup services; and

(d) Any other order or written directive required by the United States Environmental Protection Agency pursuant to CERCLA or the Oregon Department of Environmental Quality pursuant to ORS 465.200 to 465.510 and 465.900.

(3) The district board shall approve an environmental cleanup plan by enacting an ordinance incorporating the terms of the plan by reference. An emergency may not be declared in an ordinance that approves an environmental cleanup plan.

(4) An environmental cleanup plan adopted as provided in this section may thereafter be amended at any time. A plan may be amended using the same procedures as used in the initial adoption of the plan.

**SECTION 8.** (1) An environmental cleanup district may issue revenue bonds in the manner provided in ORS 288.805 to 288.945 for the purposes of implementing the environmental cleanup plan set forth in section 7 of this 2001 Act and undertaking and carrying out environmental cleanup services within the district.

(2) Revenue bonds issued by the district, and bonds refunding such bonds, may be repaid

only by proceeds from the sale of refunding revenue bonds or by revenues raised by a privilege tax imposed by the district pursuant to sections 9 to 19 of this 2001 Act.

(3) A district may otherwise borrow money and accept advances, loans, grants and any other form of financial assistance from the federal government, the state, county or other public body, or from any source, public or private, for the purposes of undertaking and carrying out environmental cleanup services in the district.

**SECTION 9.** (1) An environmental cleanup district may elect to impose an annual privilege tax on each personal income or corporate excise or income taxpayer occupying property within the district. If an election is made by the district to impose an annual privilege tax, each taxpayer shall be subject to the tax for the privilege of receiving environmental cleanup services in the district.

(2) A district board of a district electing to impose a privilege tax pursuant to sections 9 to 19 of this 2001 Act, on or before July 1 of each year, shall determine:

(a) The amount of revenues necessary to make all of the payments of principal and interest on bonds issued by the board under section 8 of this 2001 Act that are due during the next calendar year; and

(b) The amount of revenues necessary to fund all administrative operations of the district for the next calendar year.

(3) The board shall enact an ordinance setting forth the amounts determined in subsection (2) of this section. An emergency may not be declared in an ordinance described in this subsection. The board shall send a certified copy of the ordinance to the Department of Revenue.

(4) The department shall estimate the rate that, when imposed on taxable income as apportioned to occupants of property within the district under section 10 of this 2001 Act, will raise a total of the following amounts:

(a) The amounts set forth in the ordinance described in subsection (3) of this section; and

(b) An amount sufficient to reimburse the department for the expenses of the department in administering the tax imposed under sections 9 to 19 of this 2001 Act.

(5) The rate of tax that is determined under subsection (4) of this section shall be the rate of the privilege tax for tax years beginning in the next calendar year.

**SECTION 10.** (1) A privilege tax imposed by an environmental cleanup district at the rate determined under section 9 of this 2001 Act shall be imposed on that portion of the taxable income of each occupant of property within an environmental cleanup district that is apportioned to the district under this section.

(2) Taxable income of a taxpayer shall be apportioned to a district by multiplying the entire Oregon taxable income of the taxpayer for the tax year, including nonbusiness income described in ORS 314.625, by a property factor. The property factor shall be a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in the environmental cleanup district during the tax year and the denominator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the tax year.

(3) ORS 314.655 (2) and (3) are applicable in determining average values under this section.

**SECTION 11.** (1) A taxpayer subject to an environmental cleanup district privilege tax shall pay estimated taxes to the Department of Revenue on or before the 15th day following

1 the conclusion of each quarter of the tax year.

2 (2) Estimated taxes for each quarter shall equal 25 percent of the total privilege tax paid  
3 by the taxpayer for the preceding tax year.

4 (3) Estimated privilege taxes shall be paid in the manner prescribed by the Department  
5 of Revenue.

6 **SECTION 12.** Notwithstanding section 11 of this 2001 Act, estimated privilege taxes need  
7 not be paid for the first tax year in which a taxpayer is subject to the environmental cleanup  
8 district privilege tax under sections 9 to 19 of this 2001 Act.

9 **SECTION 13.** (1) Notwithstanding sections 9 and 10 of this 2001 Act, an environmental  
10 cleanup district privilege tax may not exceed an amount computed as follows:

11 (a) Multiply the total consolidated ad valorem property tax rate determined under ORS  
12 310.147 (3)(b) for the property tax year beginning in the calendar year in which also begins  
13 the personal income or corporate excise or income tax year of the taxpayer; by

14 (b) The assessed value of the property occupied by the taxpayer under ORS 308.146 for  
15 that property tax year, determined without taking into account:

16 (A) Any diminution in assessed value due to CERCLA liability; or

17 (B) Any exemption or special assessment for which the property would qualify, other  
18 than the exemptions for publicly owned property in ORS 307.040, 307.065, 307.090 and 307.110  
19 (3).

20 (2) A taxpayer seeking a reduction in tax under this section must, in conjunction with  
21 filing the privilege tax return, file a statement setting forth the taxpayer's determination of  
22 the assessed value of the property under subsection (1) of this section and the maximum  
23 amount of privilege tax as computed under subsection (1) of this section.

24 (3) The Department of Revenue may adjust the taxpayer's determination of the assessed  
25 value of the property and make a corresponding adjustment to the amount of privilege tax  
26 due. The department shall send a notice describing the adjustment to the taxpayer. If the  
27 adjustment results in additional tax, the taxpayer must pay the additional tax within 60 days  
28 of the date of the adjustment.

29 (4) A taxpayer may appeal any adjustment of assessed value made by the department.  
30 The appeal shall be made to the board of property tax appeals next convening 90 days after  
31 the date of the notice of the adjustment. A taxpayer may thereafter appeal an order of the  
32 board of property tax appeals to the Oregon Tax Court under ORS 305.275.

33 **SECTION 14.** A person who occupies residential property in an environmental cleanup  
34 district, including a person occupying one or more units of residential rental property, is  
35 exempt from any privilege tax imposed by an environmental cleanup district pursuant to  
36 sections 9 to 19 of this 2001 Act.

37 **SECTION 15.** (1) A taxpayer subject to an environmental cleanup district privilege tax  
38 shall file a privilege tax return and pay the tax, less the total amount of estimated tax pay-  
39 ments for the tax year made under section 11 of this 2001 Act, on the earlier of:

40 (a) The date on which the taxpayer's personal income or corporate income or excise tax  
41 return is filed; or

42 (b) The date on which the taxpayer's personal income or corporate income or excise tax  
43 return is due to be filed.

44 (2) The return shall be on a form prescribed by the Department of Revenue and shall  
45 accompany the taxpayer's personal income or corporate excise or income tax return for the

1 tax year.

2 **SECTION 16.** (1) If the amount of privilege tax paid by a taxpayer under sections 9 to 19  
3 of this 2001 Act exceeds the amount of tax payable, the Department of Revenue shall refund  
4 the amount of the excess to the taxpayer.

5 (2) A refund does not include interest if the refund is made within 180 days of the date  
6 the return is filed.

7 (3) If a refund is made more than 180 days after the date the return is filed, the refund  
8 shall include interest at the rate established under ORS 305.220 for each month or fraction  
9 of a month from the date of payment of the excess amount to the date of refund.

10 (4) Refund payments shall be made from the suspense account described in section 19 of  
11 this 2001 Act.

12 **SECTION 17.** (1) Unless the context requires otherwise, the provisions of ORS chapters  
13 305, 314 and 316 (or ORS chapter 317, in the case of a taxpayer that is a corporation) as to  
14 the audit and examination of reports and returns, determination of deficiencies, assessments,  
15 claims for refunds, penalties, interest, jeopardy assessments, warrants, conferences and ap-  
16 peals to the Oregon Tax Court, and procedures relating thereto, apply to sections 9 to 19 of  
17 this 2001 Act.

18 (2) The privilege tax imposed by an environmental cleanup district pursuant to sections  
19 9 to 19 of this 2001 Act may not become a lien on property owned or occupied by a taxpayer.  
20 The privilege tax is a personal liability of a taxpayer subject to the tax until the tax is paid.  
21 The privilege tax does not cease to be a personal liability of the taxpayer when the taxpayer  
22 ceases to occupy property within an environmental cleanup district.

23 (3) A taxpayer that begins to occupy property within an environmental cleanup district  
24 is not subject to the privilege tax for any period of time occurring prior to the date the  
25 taxpayer begins to occupy property within the environmental cleanup district.

26 **SECTION 18.** If a taxpayer occupies property in an environmental cleanup district for  
27 only part of a tax year, the tax otherwise due under sections 9 to 19 of this 2001 Act shall  
28 be prorated based on the number of days during the tax year that the taxpayer occupied the  
29 property.

30 **SECTION 19.** (1) All moneys received by the Department of Revenue from the privilege  
31 tax imposed by an environmental cleanup district pursuant to sections 9 to 19 of this 2001  
32 Act, including related interest and penalties, shall be held in a suspense account established  
33 under ORS 293.445.

34 (2) After the payment of refunds of the privilege tax:

35 (a) Amounts necessary to reimburse the Department of Revenue for the expenses of the  
36 department in administering sections 9 to 19 of this 2001 Act are continuously appropriated  
37 to the department and shall be deposited in the Department of Revenue Administration Ac-  
38 count established under ORS 305.063; and

39 (b) All other moneys shall be distributed to the environmental cleanup district as pro-  
40 vided in the agreement entered into between the department and the district under ORS  
41 305.620.

42 **SECTION 20.** An environmental cleanup district established under sections 1 to 20 of this  
43 2001 Act may be dissolved in the manner provided in ORS 198.920 to 198.955.

44 **SECTION 21.** Section 22 of this 2001 Act is added to and made a part of ORS chapter 307.

45 **SECTION 22.** (1) Real and personal property located in an environmental cleanup district

as of the assessment date is exempt from ad valorem property taxation.

(2) The exemption described in this section does not apply to residential property or commercial property that consists solely of multi-unit residential rental property.

**SECTION 23.** ORS 198.010 is amended to read:

198.010. As used in this chapter, except as otherwise specifically provided, "district" means any one of the following:

- (1) A people's utility district organized under ORS chapter 261.
- (2) A domestic water supply district organized under ORS chapter 264.
- (3) A cemetery maintenance district organized under ORS chapter 265.
- (4) A park and recreation district organized under ORS chapter 266.
- (5) A mass transit district organized under ORS 267.010 to 267.390.
- (6) A metropolitan service district organized under ORS chapter 268.
- (7) A special road district organized under ORS 371.305 to 371.360.
- (8) A road assessment district organized under ORS 371.405 to 371.535.
- (9) A highway lighting district organized under ORS chapter 372.
- (10) A health district organized under ORS 440.305 to 440.410.
- (11) A sanitary district organized under ORS 450.005 to 450.245.
- (12) A sanitary authority, water authority or joint water and sanitary authority organized under ORS 450.600 to 450.989.
- (13) A vector control district organized under ORS 452.020 to 452.170.
- (14) A rural fire protection district organized under ORS chapter 478.
- (15) An irrigation district organized under ORS chapter 545.
- (16) A drainage district organized under ORS chapter 547.
- (17) A water improvement district organized under ORS chapter 552.
- (18) A water control district organized under ORS chapter 553.
- (19) A weather modification district organized under ORS 558.200 to 558.440.
- (20) A port organized under ORS 777.005 to 777.725 and 777.915 to 777.953.
- (21) A geothermal heating district organized under ORS chapter 523.
- (22) A transportation district organized under ORS 267.510 to 267.650.
- (23) A library district organized under ORS 357.216 to 357.286.
- (24) A 9-1-1 communications district organized under ORS 401.807 to 401.857.
- (25) An environmental cleanup district established under sections 1 to 20 of this 2001 Act.

**SECTION 24.** ORS 294.316 is amended to read:

294.316. The provisions of ORS 294.305 to 294.565 do not apply to the following municipal corporations:

- (1) Drainage districts organized under ORS chapter 547;
- (2) District improvement companies organized under ORS chapter 554;
- (3) Highway lighting districts organized under ORS chapter 372;
- (4) Irrigation districts organized under ORS chapter 545;
- (5) Road districts organized under ORS chapter 371;
- (6) Soil and water conservation districts organized under ORS chapter 568 that will not levy an ad valorem tax during the ensuing year;
- (7) Municipal public utilities operating under separate boards or commissions, authorized under ORS chapter 225 and city charters, and people's utility districts organized under ORS chapter 261, both operating without ad valorem tax support during the ensuing year;



(8) Housing authorities organized under ORS 446.515 to 446.547 and ORS chapter 456 that are not carrying out urban renewal activities using a division of ad valorem taxes under ORS 457.440 during the ensuing year;

(9) Water control districts organized under ORS chapter 553 that will not levy an ad valorem tax during the ensuing year;

(10) Hospital financing authorities organized under ORS 441.525 to 441.595;

(11) Export trading corporations organized under ORS 777.755 to 777.800; [and]

(12) Diking districts organized under ORS chapter 551[.]; and

**(13) Environmental cleanup districts established under sections 1 to 20 of this 2001 Act.**

**SECTION 25.** ORS 305.620 is amended to read:

305.620. (1) Any state agency or department may enter into agreements with any political subdivision of this state for the collection, enforcement, administration and distribution of local taxes of the political subdivision imposed upon or measured by gross, [or] net **or Oregon taxable** income, wages or net earnings from self-employment or local general sales and use taxes.

(2) The department or agency shall prescribe the rules by which the agreements entered into under subsection (1) of this section are administered.

(3) The department or agency shall prescribe the rules by which the taxes described by subsection (1) of this section are administered, collected, enforced and distributed.

(4) A political subdivision may appear as an intervenor at any conference held by the Department of Revenue or conference, hearing or proceeding held by another department or agency in connection with a local tax administered by the department or agency. The political subdivision may be represented by its own counsel. The department or agency shall adopt rules governing the procedures to be followed by the political subdivision in making an appearance.

(5) Costs incurred by the department or agency in the administration, enforcement, collection and distribution of taxes under the agreements entered into under subsection (1) of this section shall be first deducted from the taxes collected before distribution is made to the political subdivision which is a party to the agreement.

(6) The Oregon Tax Court shall have exclusive jurisdiction to review determinations of the Department of Revenue or orders of another department or agency relating to the collection, enforcement, administration and distribution of local taxes under agreements entered into under subsection (1) of this section.

(7) A proceeding for refund or to set aside additional taxes or taxes assessed when no return was filed may be initiated before the state agency or department or as provided in ORS 305.514 (1)(g).

(8) An appeal from a determination or an order may be taken by the taxpayer or by the political subdivision whose taxes are in issue, by filing an original and two certified copies of a complaint with the clerk of the Oregon Tax Court at its principal office at the state capital, Salem, Oregon, within 60 days after the notice of the determination of the Department of Revenue or the order of the department or agency is sent to the taxpayer or the political subdivision. The filing of the complaint in the Oregon Tax Court shall constitute perfection of the appeal. Service of the taxpayer's complaint shall be accomplished by the clerk of the tax court by filing a certified copy of the complaint with the administrative head of the department or agency and a certified copy with the political subdivision. Service of the political subdivision's complaint shall be accomplished by the clerk of the tax court by filing a certified copy of the complaint with the administrative head of the department or agency and mailing a certified copy of the complaint to the taxpayer. The complaint

1 of a taxpayer shall be entitled in the name of the person filing as plaintiff and the department or  
2 agency as defendant. The complaint of a political subdivision shall be entitled in the name of the  
3 political subdivision as plaintiff and the taxpayer and the department or agency as defendants. A  
4 copy of the order of the department or agency shall be attached to the original complaint. All pro-  
5 cedures shall be in accordance with ORS 305.405 to 305.494.

6 **SECTION 26.** (1) In addition to and not in lieu of any other appropriation, there is ap-  
7 propriated to the Emergency Board, for the biennium beginning July 1, 2001, out of the  
8 General Fund, the sum of \$\_\_\_\_\_ for allocation only to an environmental cleanup district  
9 established under sections 1 to 20 of this 2001 Act for the purpose of funding initial district  
10 operations.

11 (2) If any of the moneys appropriated by subsection (1) of this section are not allocated  
12 by the Emergency Board prior to November 1, 2002, the unallocated moneys on that date  
13 become available for any other purpose for which the Emergency Board lawfully may allocate  
14 funds.

15 **SECTION 27.** (1) An environmental cleanup district that has received funds from the  
16 General Fund shall reimburse the General Fund without interest, in an amount equal to the  
17 amount appropriated from the General Fund to the district, or appropriated to the Emer-  
18 gency Board and subsequently allocated by the Emergency Board to the district.

19 (2) Reimbursement of the General Fund under this section shall occur when the district  
20 board receives revenues from a privilege tax imposed by the district pursuant to sections 9  
21 to 19 of this 2001 Act in an amount that the district board determines is sufficient to reim-  
22 burse the General Fund and fund other district obligations, but in no event shall re-  
23 imbursement be later than June 30, 2005.

24 (3) Reimbursement under this section shall be considered to be an administrative expense  
25 of the environmental cleanup district.  
26

# City sees high cost in harbor legislation

*A Portland analysis of a proposal to use property taxes for the cleanup predicts losses in the millions*

By **COURTENAY THOMPSON**  
THE OREGONIAN

The city of Portland has come up with a price tag for a proposal to allow Portland Harbor property owners to use property taxes to pay for Superfund cleanup: \$278 million over 30 years.

The city, which opposes House Bill 2010, would face losses of \$3.4 million a year for the next five years, according to a city analysis of the measure, with the yearly hit to local governments pegged at \$5.1 million. Schools would lose an estimated \$156 million over 30 years, starting at \$430,000 the first year, which would have to be made up by the state general fund or face cuts.

The report by city economist Drew Barden comes as the city gears up for a battle on the measure, which is supported by key legislative leaders but opposed by Portland and Multnomah County officials.

"The fact that the bill was dropped in the Legislature without discussion with us shows bad faith on the part of the sponsors," said Portland Mayor Vera Katz. "It's like putting a gun to our head and then asking us to negotiate. I think it's a shabby way to treat local government partners in this very difficult task of river cleanup and restoration, and a shabby way to treat local taxpayers."

John DiLorenzo, the influential lobbyist who wrote the measure, says the city is counting money that will likely not be coming to it anyhow, since property owners could get the polluted properties devalued for tax purposes.

"If we do nothing, aren't they going to lose most of those rev-

Please see **HARBOR**, Page B10

venues anyway?" DiLorenzo said. "I am assuming that each landowner will act in their own economic interest."

The measure would set up an environmental cleanup district governed by a board of five, including four property owners appointed by the governor. The bill would exempt landowners from property taxes, instead assessing a "privilege tax" on its members to finance revenue bonds to pay for cleanup.

The fight is getting bitter.

DiLorenzo won't say who his clients might be, saying that doing so would expose them to "Mayor Daley Chicago-style politics" from Katz.

"She has spoken in a number of venues and has made it very clear that if any of the private parties provide support to this effort, the city is going to find a way to tax them," DiLorenzo said, "and I'm not very appreciative of that, and I'm not going to expose them to that type of coercion."

Sam Adams, Katz's chief of staff, said the accusation is a "bunch of bilge. It's totally false." He said he's talked with harbor property own-

***"(Mayor Katz) has spoken in a number of venues and has made it very clear that if any of the private parties provide support to this effort, the city is going to find a way to tax them and I'm not very appreciative of that, and I'm not going to expose them to that type of coercion."***

**JOHN DILORENZO,**

THE LOBBYIST WHO WROTE THE MEASURE

ers about the city's opposition to the measure, but certainly made no threats. "If it's so much in the best interest of Portlanders, then why has he been afraid to divulge who his clients are?"

The bill has considerable political support in Salem. Its sponsors are Senate President Gene Derfler, R-Salem, House Speaker Mark Simmons, R-Elgin, and Sen. John Minnis, R-Fairview.

DiLorenzo said he is working on amendments to the bill that would answer some concerns in the current wording. For example, he said the measure will make the privilege tax at least match the property taxes lost by local governments.

But he said the amount that they

need to raise won't be known until cleanup costs are estimated.

DiLorenzo said the privilege tax will not pay to clean up hot spots that are traceable to a polluter. Instead, it will pay for the cleanup of sediments that go back decades with no clear source.

"If we do nothing there will be years of litigation to determine who is responsible to pay what amount, and the solution will be imperfect," DiLorenzo said.

Katz says she doesn't want cleanup responsibility shifted onto Portland taxpayers, while the harbor property owners continue to receive government services.

"You potentially have a group of property owners that have the re-

sponsibility to clean up the mess ... that many of them created, sitting together and assigning a responsibility for the cleanup," Katz said.

#### **Taxpayers' cleanup costs**

Katz said the city, through the EPA-led Portland Harbor Group, is working with other potentially responsible parties to begin to assess the cleanup. She said sewer ratepayers are already paying for the city's share of cleanup: Next year's budget includes nearly a half million dollars for Portland Harbor.

The taxable assessed value in the district, excluding exempt government properties, is \$861 million. Nearly half of that, \$397 million, is

exempt because of enterprise zone tax breaks given to three firms: Oregon Steel Mills, Wacker Siltronic and Northwest Pipe Co. Those breaks will phase out over the next three years, returning the property to the tax rolls. Taxes in 2000-01 totaled \$8.3 million.

Barden, author of the report, also calculated that taxpayers will have to shoulder a slightly higher tax rate on general obligation bonds, urban renewal districts and levies. He estimated a 30-year shift of \$117.1 million, meaning an increase in the average homeowner's tax bill by \$180 over an eight-year period.

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# Superfund cleanup bill sparks war of words

*Harbor businesses, landowners would escape property taxes*

BY BEN JACKLET  
The Tribune

3-9-01

John DiLorenzo has big ideas about how to clean up the Portland harbor.

The Republican lobbyist has devised an unprecedented strategy for funding environmental improvements within the portion of the harbor that was named a Superfund site last December.

DiLorenzo's bill, House Bill 2010, was introduced Feb. 27 and referred to the Water and Environment Committee on March 2. Oregon Senate President Gene Derfler, R-Salem; Senate Majority Leader David Nelson, R-Pendleton; House Speaker Mark Simmons, R-Elgin, and House Majority Leader Karen Minnis, R-Wood Village, are co-sponsoring the measure. Portland area legislators are taking a more skeptical approach.

The bill would create an "environmental cleanup district" within the Superfund area, raising "privilege" taxes from harbor businesses to pay for cleaning up contamination when it's unclear whose responsibility it is.

It also would exempt businesses and property owners within the district from paying property taxes.

DiLorenzo would not name the five companies funding his lobbying effort, other than to say that they are property owners in the harbor who are concerned about potential lawsuits. He said his bill would help bypass the legal logjams that often postpone Superfund cleanups.

"If HB 2010 or something similar to it is not adopted, we're going to end up with five to six years of litigation," he said. "There will be a massive argument over who should pay what. And when we emphasize blame first, we delay action."

Officials from the Environmental Protection Agency, the federal agency overseeing the harbor cleanup, are not taking a position on HB 2010. But critics both inside and outside of state government already have begun attacking the bill as a boondoggle that lets industrial polluters off the hook and makes taxpayers fund the harbor cleanup.

"This violates the long Oregon tradition that the polluter pays," said Sam Adams, chief of staff to Portland Mayor Vera Katz. "It would also harm the city's ability to provide basic services."

Multnomah County officials are estimating the annual impact of the bill at \$15 million in lost property taxes — money collected by the county and divvied among local governments and school districts to fund basic services such as roads, schools and police.

Here's how DiLorenzo envisions HB 2010 would work:

■ Property owners within the not-yet-determined boundaries of the Superfund area would set up a district similar to a local government, led by a five-member board of four property owners and one consultant with expertise in Superfund cleanup.

■ The board would have the power to impose "privilege" taxes on property owners in the district. These taxes would be based on income and property value and could not exceed the business' assessed property taxes.

■ The board would then take the revenue it collected to borrow up to \$100 million in bond money. This money would go toward cleaning up the harbor.

## County fears huge fiscal impacts

County assessors said the impact in lost revenues to local governments and schools under HB 2010 would be huge. Large corporations such as Oregon Steel Mills, silicone chip maker Wacker Siltronic and the multinational chemical manufacturer Atofina could avoid millions in property taxes.

DiLorenzo said the bill could easily be amended to ensure that schools will not be harmed. He also said the amount of property tax paid by harbor companies is bound to decrease as the burden of cleanup costs takes its toll on property values. Given that, he asked, "Why not take what will be a depleting, declining source of revenues and put it to productive use?"

Rep. Diane Rosenbaum, D-Portland, answered with a question of her own: "Why would we need to exempt these companies from property taxes if their taxes are going to decrease to almost nothing because of this listing?"

Rosenbaum and other critics of the bill — including Katz and numerous lawmakers and environmentalists — said it would shift the burden for cleaning up the harbor away from the companies that caused the problem and onto the taxpayers.

Rep. Deborah Kafoury, D-Portland, who sits on the Water and Environment Committee, said: "I won't be supporting anything that disrupts the current tradition in Oregon that the polluter pays. I want to make sure that known polluters won't get off the hook."

Rhett Lawrence, an environmental advocate for the Oregon State Public Interest Research Group, said the legislation "just provides a way for these companies to get out of paying what they legally owe — to clean up the mess that they made. From both an environmental perspective and a taxpayer's perspective, this is garbage."

Lawrence and other opponents are hoping to build a coalition to counter DiLorenzo's lobbying efforts in Salem, but they may be facing an uphill battle. With Simmons and Derfler co-sponsoring the bill, the Republican-controlled state House and Senate are unlikely to reject it.

Gov. John Kitzhaber's spokesman, Jon Coney, said it was too early to comment on HB 2010.

But Simmons, the bill's principal sponsor, called HB 2010 a "good Oregon idea. My concern is to find a way to actually get after cleaning up the mess. That's what really matters. This will allow us to get at that quicker than anything else I've seen."

Lawrence disputed that claim. He said that in its current form, HB 2010 does not specifically mandate that the "privilege" taxes would have to pay for environmental projects at all. "We'll see what kind of a mobilization we can put together to sink this thing."

(Read the full text of HB 2010 at <http://www.leg.state.or.us/01reg/measure/hb2000.dir/hb2010.intro.html>.)

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TRIBUNE PHOTO: JIM CLARK

### Top 10 potential beneficiaries of House Bill 2010

House Bill 2010 would exempt property owners in Portland harbor from paying property taxes and set up a separate "privilege" tax to pay for Superfund environmental cleanup.

The following riverfront companies would receive substantial property tax exemptions under HB 2010:

Company	Type of business	Property taxes paid, 2000
1. Wacker Siltronic	Silicone chip maker	\$1.6 million
2. Atofina	Former DDT maker	\$1.08 million
3. Oregon Steel Mills	Steel manufacturer	\$782,399
4. Gunderson, Inc.	Aluminum company	\$624,696
5. Chevron	Petroleum products	\$492,855
6. Freightliner	Truck manufacturer	\$492,059
7. Ash Grove Cement	Cement manufacturer	\$396,908
8. Fort James	Paper products	\$369,298
9. Bingham Willamette	Pump manufacturer	\$320,894
10. GATX	Petroleum facility	\$279,169

Source: Multnomah County Assessor's Office

## SourcesSay

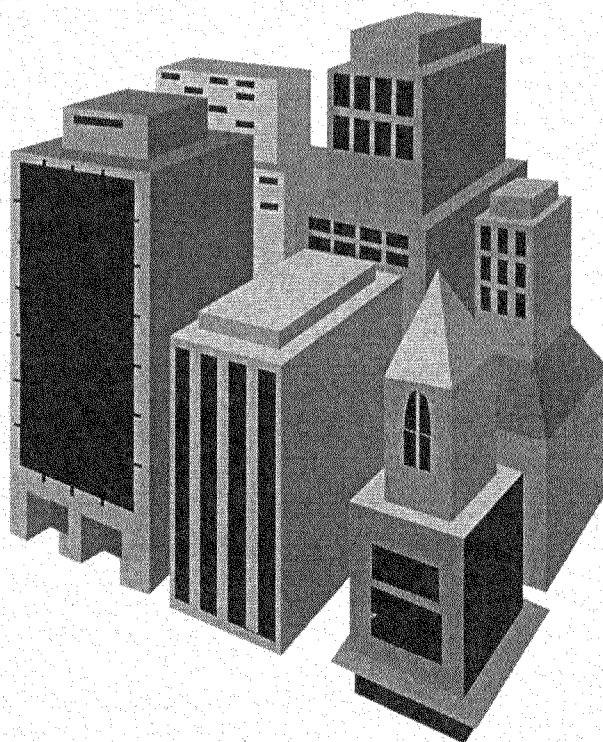
*The Tribune asked key participants in this story to choose one thought they would most like to share with readers. Their responses:*

**John DiLorenzo, Republican lobbyist:** "We should disabuse ourselves of the notion that a debate over blame should postpone action. Action should be the hallmark of our environmental policy. This plan provides financial resources to clean up first and argue later."

**Rhett Lawrence, environmental advocate, Oregon State Public Interest Research Group:** "Under Superfund's 'polluter pays' principle, Portland harbor landowners have a legal obligation to pay to clean up their toxic messes. Taxpayers should not have to sacrifice schools, public safety and environmental protection for a big business windfall."

**Mark Cogen, communications director, Multnomah County:** "Giving polluters a huge tax break, which shifts the cleanup cost to the taxpayers, is worse than giving the fox the henhouse keys — it's asking the hens to foot the bill for the damage."

**2001  
REGIONAL LEGISLATIVE  
AGENDA**



**February, 2001**

# REGIONAL LEGISLATIVE AGENDA

## INTRODUCTION

For the past several years, representatives of private organizations and public agencies in Clackamas, Washington and Multnomah counties have met to discuss legislative issues of common concern and to share priorities and problems.

The issues presented in this report go beyond the concerns of any single jurisdiction to those issues key to the region's long term livability. The report is not a compilation of all participating legislative priorities. It is not intended to diminish the importance of those legislative agendas. Instead, this "Regional Agenda" presents those needs on which there is consensus that the issues are significant to the entire Tri-County Metropolitan area. The governing bodies of each of the entities listed below agree to this representation of those needs.

Association for Oregon Housing Authorities  
City of Beaverton  
City of Gresham  
City of Portland  
Clackamas County  
DEQ  
Metro  
Multnomah County  
Oregon Health Sciences University  
Port of Portland  
Portland Community College  
Portland State University  
Tri-Met  
Washington County



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## **PROTECTING AND RESTORING THE WILLAMETTE RIVER**

### **BACKGROUND:**

The Willamette River is the 10<sup>th</sup> largest river in the United States. The river valley is 160 miles long and 75 miles wide. More than 2 million people live in the river valley, and it contains most of Oregon's urban and industrial development. The Willamette Basin is also a diverse natural resource base, supporting agriculture, forestry, fishing and timber. Willamette River recreation includes fishing, boating, water-skiing, rowing and sailing. The river provides drinking water for several communities and also provides industrial and agricultural water supplies.

In the early 1900's, the Willamette River was treated like an open sewer. Cities poured untreated sewage into the river. Commercial operations, such as slaughterhouses, paper mills and food processors, discharged untreated process water into the river. Garbage was thrown down the riverbank.

Decades of work and millions of dollars of investment by the cities, the federal government, private industry and the State reversed the worst damage to the Willamette River. Today the river is cleaner and healthier for people and fish. However, more sophisticated river quality monitoring and new analytical techniques to inventory chemicals in the water and fish tissue have raised new concerns about toxics in the Willamette. Studies have found that surface runoff from urban, agricultural and forested areas is a major source of river quality problems. In the 30 years since the initial restoration of the Willamette River, the river basin's population has increased, its industries and urban areas have expanded, and rural land has experienced continued use and development. This growth and development will continue.

### **REGIONAL NEEDS:**

Oregon can restore and protect the Willamette River in the face of growth, but only if everyone is part of the solution. All who live and work in the Willamette Basin are responsible for a clean Willamette River.

We need water quality management plans (TMDLs) for the Willamette watershed. Under this strategy, DEQ looks at the water quality of the entire river and watershed rather than whether or not a specific discharge meets its permit requirements. Total Maximum Daily Loads (TMDLs) take into account the pollution from all sources, including discharges from industry and sewage treatment facilities; runoff from farms, forests and urban areas; and natural sources such as decaying organic matter or nutrients in soil. TMDLs set standards for how much pollution must be reduced to meet water

quality standards. TMDLs include a safety margin for uncertainty and growth that allows for future discharges to a river or stream without exceeding water quality standards.

We need urban stormwater controls. Streets contribute oil and grease, metals, rubber and asbestos. Residences contribute fertilizers and pesticides. Industries contribute a variety of chemicals. A permit program to set Best Management Practices to control stormwater runoff covers cities, counties and sewerage agencies in the Portland area. Under new federal regulations, smaller cities will fall under this permit program.

Finally, we need to make sure that contaminated sediments in the Portland harbor are cleaned up.

### **LEGISLATIVE ACTION:**

We are asking for continued funding for DEQ work with local governments, the business community, watershed councils, environmental organizations and other state agencies to develop TMDLs and water quality management plans by 2003, to restore and protect the Willamette River watershed.

In 1999, the Legislature approved \$800,000 in General Funds for 1999-2001, to accelerate DEQ's development of TMDLs and water quality management plans for the Willamette River watershed. Funding of \$1,468,895 for 2001-2003 is needed to complete TMDLs and water quality management plans for 9 of 12 subbasins in the Willamette Watershed by 2003.

With these resources, DEQ will:

- complete TMDLs for the mainstem Willamette River and sub-basins, with the exception of Molalla, Pudding and Yamhill, by the end of 2003;
- incorporate TMDL requirements into permits within one year of TMDL completion;
- develop GIS layer maps for use by watershed Councils, federal, state and local agencies, landowners, and others working in the Willamette River watershed; and
- continue to provide information systems training to federal, state and local agencies and interested groups in the basin, such as watershed councils and soil and water conservation districts.

We are also asking for additional support for stormwater management at DEQ. The Willamette River watershed is the largest and most populated basin in Oregon, and receives significant amounts of runoff from urban, rural, and agricultural sources. This runoff contributes to water quality problems in the watershed. In order to reduce pollution from storm water runoff, cities and small construction projects are being required by federal law to do more to control this runoff. Cities and developers will need clear rules, guidance and technical assistance from DEQ in order to develop and maintain effective storm water management. In 2001-2002, DEQ needs 2.5 FTE to carry out this program. Starting January 2003, DEQ needs 5.5 FTE to carry out this program.

Elements of this program include:

- Implementation of a comprehensive strategy to manage storm water runoff. DEQ will focus on integrating different program requirements to avoid the duplication of efforts and resources that often occurs with multiple requirements.
- Implementation of the National Pollutant Discharge Elimination System Phase II storm water permitting requirements, as well as additional support for Phase I activities.
- Education of the public about the impact of everyday activities on storm water runoff quality.
- Technical assistance, guidance and training for regulated industries, construction businesses, and local governments.
- Increased partnerships with local government.

## **HIGHER EDUCATION INFRASTRUCTURE**

### **BACKGROUND:**

The strength of Oregon's economy is directly linked to the strength of the state's institutions of Higher Education. The Portland metro area is home to two of Oregon's leading institutions of higher education:

- Oregon Health Sciences University
- Portland State University.

For these institutions to build on their role as key contributors to Oregon's economy, it is essential that the state invest in areas of vital importance to the economy of the region. This will require an investment meeting crucial infrastructure needs at both institutions. . It will also require providing needed support to the institutions to serve a growing number of students and to support faculty recruitment and retention.

### **REGIONAL NEEDS:**

High technology industries are not only the largest sector of Oregon's economy, but are also the primary employers in the metropolitan region. Leaders in the industry have called upon higher education to increase the number of highly skilled college graduates ready for work in these industries and to increase research productivity leading to commercialization of new discoveries and innovations.

OHSU and PSU have served as catalysts for a robust Oregon economy in the areas of biotechnology, engineering and high technology. National studies show that approximately \$33 billion of economic activity and 280,000 jobs each year are attributable to commercializing academic innovation. Almost two-thirds of the licenses of university inventions are granted to small companies with fewer than 500 employees to help these companies grow and become more competitive. It is estimated that more than 1,000 products currently on the market are directly based on university licensed discoveries.

The State of Oregon currently has the opportunity to catch the next economic wave—biotechnology, which will require adequate programs and infrastructure in both biomedical science and engineering. Both OHSU and PSU are uniquely positioned to capitalize on the newly available science. With adequate public support and investment, both institutions will continue to be economic generators for the Portland metro area and Oregon as a whole. The return on this investment will be realized in the number of highly talented students who complete programs, increased research funding generated by faculty, and national recognition that Oregon is serious about providing the intellectual capital needed to sustain economic growth and vitality in its largest industries.

The metropolitan region is also home to a growing creative services industry, which links the arts with technology. Portland State University's School of Fine and Performing Arts is working with leaders in the field of creative services and animation to establish a creative animation institute that will help meet the industry's labor force needs. This institute will bring further national recognition to the growing advertising, public relations, film and video, multimedia, and software industries located in the Portland region.

#### **LEGISLATIVE ACTION:**

**OHSU:** In order to fully realize its potential for Oregon, OHSU proposes to significantly expand and enhance its programs over the next 8 to 10 years with the purpose of establishing Oregon as one of the country's leading regional research centers for biotechnology. Specifically, the University proposes to invest \$500 million in the recruitment of world-class scientists and the construction of state-of-the-art laboratory space. This investment should move OHSU, Portland's largest employer, into the top 20 academic health institutions nationwide, and increase the influx of federal research dollars coming into Oregon. With the enhanced programs and additional space, OHSU and Oregon could become a home to dozens of new biotech companies and their support functions and service industries. Currently, OHSU, ranked 29th in NIH funded institutions, brings in more than \$167 million annually in research dollars to Oregon.

OHSU plans to raise \$300 million of the approximately \$500 million needed for research expansion through private fund-raising activities. It proposes to ask the state to fund the additional \$200 million as a one-time investment. The majority of these funds would be invested in building critical, core research space in the metropolitan area, although certain types of research, including clinical and outcomes research, could occur statewide. Ten million dollars would also be invested in a Rural Health Research Institute, which would enhance delivery of health care, education and research services throughout the state through existing and new programs. Specific projects could include fellowships for rural practitioners, studies of the impact of managed care systems on rural communities, statewide public education programs dealing with exposure to household chemicals and other toxic substances, funding for self-determination guides and computers for disabled and minority teens, and development of a course in medical informatics for rural practitioners, among others. As part of the rural outreach, OHSU is proposing to develop and extend statewide, a high-speed and secure network, (HERON) that will use next-generation internet technology to provide leading-edge research, health and related education and business opportunities to Oregonians. OHSU is proposing that the state investment should come from the legislature in the form of a \$200 million bond, financed at a rate of \$12 M. to \$15 M. per year depending upon interest rates. The Governor's budget includes a \$10 M. per year commitment from the tobacco settlement to expand biotechnology infrastructure at Oregon Health Sciences University.

In addition, the Oregon Graduate Institute (OGI) and OHSU are proposing to merge. With the growing convergence of medicine and high technology, an OGI/OHSU merger would allow biomedical researchers the opportunity to work side-by-side with engineers

and computer scientists to develop sophisticated computer models and tools necessary to help translate newly discovered genetic information into treatments and cures.

**PSU:** Key to Portland State University's plans to be a "great urban university" is continued support for the Oregon University System funding model. This funding plan provides state support to students – not to institutions – and, gives maximum flexibility to the institutions to better serve students, improve program quality, and make targeted investments in key program areas. This funding model has substantially changed the allocation of state funding to PSU (which has long been under-funded due to its large, non-traditional student population). Priority for state higher education funds must be placed on more fully funding this model.

Portland State University has made an institutional commitment to increase public and private support for improvement in engineering, science, and technology programs. University leaders and faculty are working with OHSU, Oregon Graduate Institute, and key industries to develop programs that are collaborative in design.

As part of this engineering, science, and technology initiative, PSU is proposing construction of a NW Engineering, Science, and Technology Center. The proposed facility is projected to cost \$70 million, including \$10 million in equipment donations. PSU will pursue a collaborative funding strategy for this facility, including local, state, federal and private support. Mayor Katz has secured \$5 million from the Portland Development Commission for this effort. In 2000, the Oregon Congressional delegation secured funding for the project. PSU will ask the 2001 Legislature to approve Article XI-G bonds to support the planning and construction of this new building.

## **FUNDING FOR TRANSPORTATION**

### **BACKGROUND:**

The need for new resources for transportation is great. Starting in 1993, three legislatures in a row failed to agree on an increase in gas taxes for roads and highways. The 1999 Legislature succeeded, only to have the increase soundly defeated in an election held during a period of skyrocketing gasoline prices. A penny a year is needed just to keep up with the inflation and the increased fuel efficiency of cars.

There have been small successes in increasing funding for elderly and disabled public transportation. During the 1999 session, the Legislature agreed to \$19 million in new funding comprised of \$9 million in general fund and \$10 million of federal STP dollars. A statewide ODOT analysis found approximately \$54 million a biennium would be needed to meet elderly & disabled transportation needs.

The Governor's budget for the 2002-2003 biennium calls for \$8.2 million in general fund and \$10 million in federal STP funds to continue the projects started in the 00-01 biennium.

In addition, some funding for high-speed rail was provided by both the 1997 and the 1999 Legislatures.

Given the limitations on state funding, the region has taken on a greater burden for funding a number of major capital improvements in the tri-county area. Tri-Met, the City of Portland and the Port of Portland jointly funded the construction of the Airport light rail project with \$97 million of local funds and \$28 million of private sector investment. The City of Portland has constructed the first phase of the Central City Street car with \$53 million of local funds. Washington County will contribute \$25 million toward the construction of the Wilsonville to Beaverton Commuter Rail project.

### **REGIONAL NEEDS:**

The Tri-County metropolitan area has been in a period of rapid population growth and economic evolution. Between 1990 and 2000 population grew by 1.8%, far outpacing the nation as a whole as well as the rest of Oregon. The rate of growth is projected to slow, but continue. Already, certain portions of our regional freeway system consistently cause delays. In addition, the Region's 2040 Growth Plan calls for maintaining a compact region with an emphasis on higher density and mixed-use development in centers and along light rail and bus corridors. Preservation of the existing investment in transportation infrastructure is not keeping pace with the growth or our vision for the future.



There is a growing gap between resources and the funding needed to operate and maintain the existing road system. That gap is estimated to be over \$1 billion over twenty years, \$18 million per year. This number does not include the unfunded needs of the Willamette River Bridges. There is a gap between resources and needs for access and connectivity to the central city and regional centers estimated to be over \$3.3 billion over twenty years, \$156 million annually.

In addition, as we move to implement the 2040 transportation strategy, there is also a gap between resources and the need to provide faster and more convenient bus service. That gap is estimated to be \$391.1 million over twenty years, \$45 million per year.

Finally, there are very large unfunded needs for local and collector streets and sidewalks in the region's commercial and residential centers and for congestion relief at select locations for truck movement.

#### **LEGISLATIVE ACTION:**

We ask the legislature to increase fees for services provided by ODOT to insure that to the greatest extent possible the costs of those services are recovered. Costs not covered by fees for such things as car dealers' registrations and reinstating drivers licenses are a drain on the general transportation revenues from gas taxes that should be used for roads. We support efforts to index gas taxes to compensate for losses due to fuel efficiency and inflation.

The region supports the Governor's request for \$18.2 million for elderly & disabled transportation and would encourage the Legislature to look for opportunities to restore \$800,000 to this budget item.

We ask the Legislature to provide adequate funding for high-speed rail in the Willamette corridor and to fund commuter rail in the Metro area.

The region supports Washington County's request for \$35 million for the Wilsonville to Beaverton Commuter Rail project. The state funds will leverage \$40 million in local and federal construction funds.

The Region will oppose any effort to repeal or limit local transportation taxing authority and would ask the legislature to be mindful of the pressures that the region faces in meeting the demands of growth and would encourage the Legislature consider providing the region additional tools to respond to those demands.

## **PORTLAND METROPOLITAN AREA HOUSING**

### **BACKGROUND:**

Oregon faces a statewide low-income affordable housing crisis. It is particularly acute in the urban areas of the state, but can also be seen in other areas throughout the state. The reason for the crisis is a growing disparity between income and housing prices, especially for those with the lowest 25% of household income.

The housing crisis manifests itself in the Portland Metropolitan area in the following particulars.

- During the 1990's, the median sales price of a home in the Metropolitan Area skyrocketed from \$80,000 to \$162,700, an increase of more than 100%. During that time period median household income increased by only 28%, making the area one of the least affordable areas for housing in the nation.
- Rents also rose sharply during this time as demand consistently outpaced supply until late in the decade. The average apartment rent in 1988 was \$425. In 2000 it was \$651.
- However, overall rents are only a part of the picture. Low-income households characteristically cannot afford market rate apartments. Those earning less than 60% of median income cannot afford to pay over 30% of their income on rent and utilities and still take care of other basic needs.
- While middle income households find affordable choices on the market, there is a scarcity of housing for those earning less than 60% of median income. In fact while the number of households earning less than 50% of median household income have increased from 1990 to 1997, the number of housing units affordable to these households has actually decreased. In other words, demand has outstripped supply.
- A negative side effect of the housing crisis is that workers often cannot find housing near their work, requiring additional travel, congesting roads and highways.
- Making the matter worse, federal subsidies for some low-income affordable housing are expiring and these housing units are being returned to the private market, turning low-income households out.

### **REGIONAL NEEDS:**

Metro's 2040 planning process includes a housing needs analysis. From that it is clear that at least 50,000 additional housing units will be necessary for households earning less than 60% of median income. Furthermore, the Housing Technical Advisory Committee consisting of the representatives throughout the tri-county area have recommended a 5-year Affordable Housing Production Goal of 9,048 housing units for households earning 50% of median Household income (\$26,850).

Historically, federal and state governments have been the primary providers of funding for low-income affordable housing – approximately \$9.6 million from the federal government and \$17.8 million annually from the state for the Metro region. However, federal and state funding has not kept pace with what has become a housing crisis for low-income households. If the region was to rely on the federal and state resources to meet the 5-year goal, the remaining subsidy needed would be approximately \$96.6 million. Local efforts have been made to meet this need, but the resource base is not deep enough. Increased state dollars are necessary. Since state dollars leverage federal and private dollars for construction, only a fraction of the total cost would be born by state subsidies.

**LEGISLATIVE ACTION:**

Support efforts to substantially increase state investments in affordable housing. Lacking such a commitment by the state, seek all possible alternatives to address current affordable housing demands in the metropolitan area as well as the rest of the state.

## **MARINE NAVIGATION**

### **BACKGROUND:**

Portland docks first loaded wheat on an ocean-going vessel in 1869, aboard the Helen Angier, bound for Liverpool, England. Since that day, as Oregon has grown, so has the importance of international trade to our economy. In 1999, Oregon exported \$11 billion of merchandise to the world; these exports accounted for about 10 percent of Oregon's gross state product.

Whether it is high technology or value-added agriculture, Oregon's trade sector relies on direct access to world markets in order to compete. In large part, that access is provided by a unique international trade asset—a Columbia River deep-draft shipping channel that stretches 105 miles inland, allowing direct cargo service to regional businesses. This direct service keeps overland transportation costs down and allows more than 1,000 Oregon and regional growers, producers, and manufacturers to remain competitive.

Today, the current 40-foot navigation channel depth is inadequate to efficiently serve the new larger ships now being deployed in the world shipping fleet. For example, approximately 75 percent of vessels in the transpacific trade are now constrained by the existing 40-foot channel. As these larger ships enter the trade in greater numbers, the channel depth increasingly threatens the Port's ability to provide competitively priced transportation services to Oregon and the region. To continue calling Portland, ocean carriers must "light-load," thereby failing to achieve the full utilization of their vessels. If ocean carriers are unable to maximize cargo liftings on their vessels, they will either stop bringing their vessels to Portland, or will charge higher freight rates. Either way, Oregon shippers will be made less competitive on world markets.

In response to the trend toward larger, more efficient vessels, the Port of Portland joined with other Lower Columbia River ports and the U.S. Army Corps of Engineers (Corps) in the early 1990's to conduct a feasibility study of deepening the channel from 40 feet to 43 feet. The feasibility study and final environmental impact statement (FEIS) were completed in late 1999. Congress has authorized the project and appropriated initial funding to the Corps to begin construction. With completion of the FEIS, the project has been crafted to not only mitigate for environmental impacts that may occur, but also to go beyond mitigation requirements by integrating improvements to fish and wildlife through ecosystem restoration elements integrated into the overall channel deepening project.

### **REGIONAL NEEDS:**

The project is currently being reviewed by Oregon and Washington state water quality agencies and the National Marine Fisheries Service (NMFS) regarding impacts to water quality and endangered fish species. Construction will not move forward until NMFS and the states certify that the channel can be deepened in compliance with the Clean Water Act and the Endangered Species Act.

### **LEGISLATIVE ACTION:**

The states of Oregon and Washington have been asked to contribute the non-federal cost share for construction of the project. That non-federal share is estimated at \$27.7 million per state, and will leverage \$110 million from the federal government. During the 1997 session, Oregon appropriated \$10 million toward the project. During the 1999 session, the Oregon Legislature authorized the sale of \$17.7 million in lottery backed revenue bonds to fulfill its cost share. Because the timing of construction has been delayed beyond the current (1999-2001) biennium, the Governor, in his 2001-2003 budget recommends combining prior unspent carryover funds in a single \$29 million lottery bond authorization to complete Oregon's share of the project. State funding could not be used for construction until the required federal and state environmental approvals are in place.

## **COMPLETION OF A STATEWIDE EARLY CHILDHOOD SYSTEM OF SUPPORTS**

### **BACKGROUND:**

Research on the importance of prenatal and early childhood brain development has shown that money spent on early childhood development can be repaid at least four-fold through reduced juvenile and later crime. Additionally, early childhood programs have shown better health outcomes, reduction in child abuse and family stress, and an increased readiness to learn in those receiving supportive services.

SB 555 (1999) established a comprehensive investment policy for Oregon's youth and families, but it was not funded at a level to put the policy into place. It directed the development of an early childhood system of supports as a part of the coordinated comprehensive plan. Counties (18 of 36) with existing Healthy Start programs were to bring Healthy Start up to 60% capacity to serve first births, while adding a limited number of counties providing healthy start type services. The system of supports available to families with first births is only partially funded and there are still counties within the state that are not funded at all under the system.

Budgetary shortfalls and public policy decisions have left Oregon's children and their families with an uneven and inequitable system of supports. For example, Healthy Start and related programs are neither fully funded nor available in all counties in the state that wish to offer them. At risk children are under-served in counties which have funding and are not served at all in other counties.

### **REGIONAL NEEDS:**

The desired outcome is a statewide system of supports available to all families at risk in every county of the state. The system includes universal screening and referrals, building on the strengths of the existing early childhood community and partners, and will coordinate and integrate separate programs into shared components based on best practices. The system locally needs to meet the various community needs at the earliest opportunity.

### **LEGISLATIVE ACTION:**

We strongly support the Oregon Children's Plan proposed by the Governor. This plan will create the model of voluntary, universal screening to identify families at risk, and a coordinated approach to assessment and services. The funding will provide a major boost in extending Healthy Start and related programs to all counties throughout the state, and allow each county to address their unique circumstances. The plan will allow all of Oregon's children to have access to at least basic early childhood supports in a coordinated system.

## **POST-SECONDARY EDUCATION SUPPORT**

### **BACKGROUND:**

The economic and social health of the Portland metropolitan region depends upon a strong public education system. From pre-school through graduate level, our education systems provide pathways to success for our children, youth and adults. An educated citizenry contributes back to the community through jobs, public safety and employment. Education is the best antidote to crime, unemployment, child abuse, and other factors affecting our society. Education is the best investment in the future we can make.

Education is a continuum, and all segments must be strong. Children must be prepared to enter Kindergarten, and help must be available at the earliest years to ensure readiness. Education improvement in the elementary and secondary schools must be continued. There must also be strong community and four-year colleges for students to attend after high school graduation. Post secondary education and graduate and professional programs are essential to Oregon's economic future. Without strengthening all segments of the continuum, education reform is meaningless.

### **REGIONAL NEEDS:**

During the past decade, funding for public education has been inadequate. At a time when there are great demands for post-secondary education, the state's investment in public educational institutions has not kept pace with the need for services. This trend must be reversed. At community colleges and public higher education institutions, increases in student fees generally have far outpaced inflation during the last decade as campuses responded to enrollment increases and reduced state funding. Community college tuition has increased annually since 1990. Students are now paying almost ¼ the cost of attending a community college, making it more difficult for many students to gain access to higher education.

Portland Community College enrollment has grown every term for the last 4 years. State funding now accounts for the largest share of revenue for community colleges and increases have not kept pace with the growth in enrollment. Enrollment at PSU has grown by 2000 during the last two years.

Community colleges and higher education institutions have been able to maintain high quality academic programs through investments in new technology and entrepreneurial approaches to management. However, without adequate funding from the state, student access and program quality are in jeopardy.

### **LEGISLATIVE ACTION:**

Community colleges are seeking a funding package that recognizes growth in enrollment and increases per student funding amounts. The request is for a student funding model which will provide students at Portland Community College a more equitable share of state dollars per student and enable the college to continue to serve the ever-increasing student population. Public Higher Education is seeking funding to support the new enrollment driven model approved by the legislature in 1999.

## **BALLOT MEASURE 7**

### **BACKGROUND:**

One of only a few ballot measures approved by Oregon voters during the November 2000 General Election, Ballot Measure 7 could also prove to be one of the most costly and far-reaching Constitutional Amendments to take effect for the Metropolitan region. Of particular concern is the Urban Growth Boundary around this region as a whole, and the unique efforts we have made to address many land use and environmental issues through a regional mechanism. Ballot Measure 7 allows owners to make a claim for monetary compensation when the owner believes that government regulations adopted, first enforced or applied to the owner's property restricts use and lowers the market value of the property. The measure, scheduled to take effect on December 7, would require that claims filed on or after the effective date must be processed and paid by government within ninety days of filing, unless the government within that time period in some way waived or decided to not apply the regulation. It is believed the Measure is retroactive, so long as the claimant owned the property when the regulation was first "adopted, enforced or applied".

### **REGIONAL NEEDS:**

Ballot Measure 7 would force a government to choose between paying claimants to obey land use regulations passed by the government -- thereby significantly reducing its ability to provide other critical services -- or repealing those restrictions even though they offer many protections that citizens support. The Measure would reverse 80 years of constitutional law and policy that requires that government must pay to take private land but not to regulate its use for the common good. The Measure would also reverse more than 25 years of Oregon land use law that seeks to encourage and direct growth within urban growth boundaries and protect valuable resource lands from development.

Many jurisdictions within the region were prepared to accept and process any Ballot Measure 7 claims that were filed. Several jurisdictions around the State sought a preliminary injunction to prevent the measure from taking effect on December 7. That injunction was granted on December 6, 2000, in Marion County Circuit Court. The lawsuit will be argued in Marion County early next year and will no doubt proceed through the Court of Appeals and possibly the Oregon Supreme Court, in a process that could take from 10 to 24 months. The likelihood is high that the issue will still be in the courts after adjournment of the 2001 Legislative session.

In the meantime, the Legislature will no doubt be urged to respond to the will of the voters during the session. The problem is that most observers are uncertain about what legal and regulatory changes the voters seek and will support, short of Ballot Measure 7 itself. Efforts are underway to try to answer those questions. The Legislature could choose to do nothing until the court challenge is decided; write statutory language to



provide guidance for enacting the measure if it is ultimately upheld; write and refer a substitute Constitutional amendment which would perhaps be a more limited compensation for "takings" approach; choose to provide some statutory limitations on land use regulations; or some combination of these options.

**LEGISLATIVE ACTION:**

Work in close collaboration with the Governor, League of Oregon Cities, business, labor, conservation interests and others to develop an appropriate, reasonable and fair response to voter concerns about the imposition of certain regulations which restrict the use of private property.

**BOGSTAD Deborah L**

**From:** BIANCO Diana M  
**Sent:** Tuesday, March 20, 2001 12:10 PM  
**To:** SPONSLER Thomas  
**Cc:** BOGSTAD Deborah L  
**Subject:** FW: sample supplemental agenda

**Importance:** High

Here's what the BCC would like to do:

Invite candidates to come this Thursday for a short introduction/informational briefing. Deb has drafted this as a supplemental agenda item (see attached). It would be a briefing. There would be no vote.

Invite candidates to come back on April 5th to the Board's regular meeting, where they might hear from the candidates again and vote.

How does that sound?

-----Original Message-----

**From:** BOGSTAD Deborah L  
**Sent:** Tuesday, March 20, 2001 12:03 PM  
**To:** BIANCO Diana M  
**Subject:** sample supplemental agenda

Here you go.



03-22-01 Supplemental  
Agenda.d...

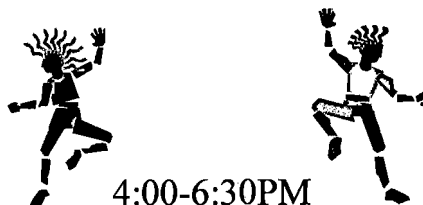
SAYING GOODBYE IS NEVER EASY - SO WE'VE DECIDED TO  
CELEBRATE INSTEAD!!!



YOU ARE INVITED TO HELP US SAY FAREWELL TO BEVERLY BY  
SHARING YOUR PERSONAL STORIES AND MEMORIES OF HOW SHE  
HAS MADE A DIFFERENCE TO MULTNOMAH COUNTY OVER THE PAST  
8 YEARS.



TUESDAY MARCH 20, 2001  
MULTNOMAH BUILDING  
501 SE HAWTHORNE  
1<sup>ST</sup> FLOOR BOARDROOM



4:00-6:30PM

You'll be able to share your stories, anecdotes, memories with Beverly three ways!

- ◆ Record a video memory
- ◆ Write a message or put a memento or story in a scrapbook
- ◆ Share a story or anecdote at the open mike

**Hors D'Oeuvres & Beverages**