

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Ratification of Intergovernmental Relations Committee Minutes of October 21, 2009

Meeting Date: January 11, 2010
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 3F
Staff Contact: Brenda Wilson
Contact Telephone Number: 682-8441

ISSUE STATEMENT

This is an action item to ratify the recommendations of the Intergovernmental Relations (IGR) Committee meeting of October 21, 2009.

BACKGROUND

As a matter of procedure, the City Council is routinely asked to ratify the actions taken by the Intergovernmental Relations (IGR) Committee. This is done by submitting the minutes of each committee meeting to the council.

RELATED CITY POLICIES

Ratification of IGR Committee actions is the making or affirming of the City of Eugene's policy with respect to Federal and State legislative issues or such other matters as may come to the council from the committee.

COUNCIL OPTIONS

The council may ratify or decline to ratify the IGR Committee's actions as set forth in the minutes of the committee's meeting.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends ratification of the IGR Committee's actions as set forth in the minutes of the committee's meeting.

SUGGESTED MOTION

Move to ratify the IGR Committee's actions as set forth in the minutes of the October 21, 2009 IGR meeting.

ATTACHMENTS

A. IGR Committee Minutes of October 21, 2009

FOR MORE INFORMATION

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MINUTES

Council Committee on Intergovernmental Relations
McNutt Room—Eugene City Hall
777 Pearl Street—Eugene, Oregon

October 21, 2009
1:30 p.m.

PRESENT: Betty Taylor, Chair; George Poling, member; Brenda Wilson, Jessica Mumme, City Manager's Office; Robin Hostick, Planning and Development Department; Kitty Piercy, Mayor.

ABSENT: Andrea Ortiz, member.

1. Call to Order and Review Agenda

Ms. Taylor called the meeting of the Council Committee on Intergovernmental Relations (CCIGR) to order. She ascertained from her colleagues and staff that there were no changes to the agenda.

2. Review and Questions on 2009 Regular Legislative Session

Ms. Taylor asked if the committee should do something about the bills that they had supported but that had not been passed in the Legislature. Ms. Wilson recommended that the CCIGR wait until the 2011 session. She related that the upcoming special session, scheduled to begin on February 1, 2010, would primarily focus on Ballot Measures (BM) 66 and 67, because if they did not pass it would create a \$733 million hole in the budget.

Ms. Wilson stated that the Legislature was holding three all-day meetings per month to review issues that need to be corrected in the upcoming session. She noted that she had provided a partial list of those issues to the members of the CCIGR. She explained that Legislative leadership were indicating that State Representatives would be limited to only one bill, State Senators would be limited to two bills, and Legislative Committees would be limited to two bills. She said this was because all of the bills had to pass through both chambers and get to the Governor before the end of the special session which, with the exception of the Ways and Means Committee, was required to end after three weeks. She noted that there was a rumor that the Senate President would introduce a bill to move to annual sessions, but if this was introduced and passed it would not go into effect until 2013. She recommended that the CCIGR begin the process now for the bills that it supported but were not passed in the past session so they could be introduced in 2011.

Mr. Poling asked if they were also considering increasing term limits for representatives along with a change to annual sessions. Ms. Wilson replied that they were not, but they were thinking of reducing the annual session from six to five months.

Mr. Poling commented that he would support a four-year term instead of a two-year term, because of the amount of time campaigning required. Ms. Taylor concurred.

Ms. Taylor reiterated her concern that bills that were important and were not passed, such as some of the

bills regarding metal theft and bills related to property transfer and a vehicle registration fee, should be reintroduced. Ms. Wilson noted that one of the five bills related to metal theft had passed and that the rest of those bills had been rolled onto the bill that had passed, so that as a concept, metal theft had passed.

Mayor Piercy remarked that it was important that the CCIGR work on prioritizing and letting the legislators know what the area's priorities were. She said they should also consider issues of importance to the region. She noted that there was an interest on the part of PeaceHealth, working with the Oregon Health and Sciences University (OHSU), in having a "medical translation center" at the University of Oregon.

3. Upcoming Special Session

Ms. Wilson reviewed bill concepts that were already in draft or were being drafted, listed in the attachment entitled *2010 Special Legislative Session Proposed Bills*. She explained that the first bill sought to fix the transportation package in House Bill (HB) 2001. She had assumed that the CCIGR would support this concept as one section would correct an oversight of the fee increases not being tied to the 50/30/20 split.

Ms. Wilson explained that BM 66 and BM 67 would increase corporate income taxes and tax rates of those in the highest income brackets among other things. She noted that the special ballot was scheduled for January and if the two measures did not pass the Legislature would have to come up with another way to address the deficit.

Ms. Wilson stated that the 911 system and the fund associated with it, which came from 75 cents people were charged on all phone bills, had been "raided" in the last session. She related that some advice from the attorney general had stated that if the funds dedicated for 911 were raided and used for other purposes, Oregon would be prohibited from receiving federal funds for 911 services. She said the issue would be taken up in order to protect the fund. Staff had recommended the CCIGR support any measures in that regard.

Continuing, Ms. Wilson reviewed the proposed bill regarding public safety on campus. She said the bill had been brought about because of the Roseburg teacher's experience in trying to protect herself from an abusive spouse but not being able to carry a concealed weapon on campus. She related that the Oregon University System (OUS) disallowed carrying concealed weapons on state university campus grounds. She said gun rights advocates had filed a lawsuit against the OUS maintaining that it was a violation of constitutional rights. She added that there was also a separate lawsuit related to someone in a similar situation to that of the Roseburg teacher, with the issue there on whether an employee could deny the right to carry a gun. She stated that the Governor had asked for some support and advice and Senator Floyd Prozanski had set up a working group to discuss the issue over the interim in order to come back with some recommendations regarding how to address this particular situation. She noted that the City of Seattle had adopted an ordinance prohibiting weapons in all parks and in certain recreational facilities.

Ms. Wilson reported that it appeared that the Legislature would attempt to override the Governor's veto on the Business Energy Tax Credit (BETC) cap in February. She noted that the City had remained neutral on the cap because it was so large it would not affect any local projects nor would it affect projects undertaken by the Eugene Water & Electric Board (EWEB). She said part of the discussion in the drafting of the bill had been regarding the pass-through, which Eugene intended to use as part of the funding for projects being funded by stimulus money. She said the City could not use the credit but could use it as an incentive to gain other project partners that could take advantage of the tax credit. She stated that if the pass-through was threatened, staff would recommend opposition to any restrictions on cities using it for the BETC.

Regarding destination resorts, Ms. Wilson explained that a bill had been proposed in the last session that would allow the siting of a destination resort on the Metolius River, which was a protected waterway. She said a last minute vote had been change that would not allow this.

Ms. Wilson stated that a task force had been set up to look at BM 50 issues. She said they had set up a hearing on it. She observed that it was a complex issue and indicated that if anything arose from the task force she would bring it back to the CCIGR for a larger discussion on how they would want to shape Oregon's property tax system.

Ms. Wilson reported that the last item had to do with regulating bisphenol A (BPA) in plastic water bottles. She said if this went forward she felt the CCIGR would likely want to support it.

Ms. Taylor indicated her support for such a ban.

4. Federal Priority Projects – Current & Proposed

Ms. Wilson highlighted the attachments containing the *United Front 2010 Proposed Project List* and the *United Front Project Status Chart – FY10*. She noted that the Bio-Energy Facility had been included in the latter because funding had been requested for an air monitoring station to be rolled into that particular project. She explained that the Public Safety Tech Improvements was a request for equipment for a fire simulator station. She noted that the Delta Ponds would be withdrawn, along with the Springfield Millrace, the Pioneer Parkway, and the Health Center because those were funded with American Recovery and Reinvestment Act (ARRA) money. She said the rest of the projects remained on the United Front list. She also would recommend the removal of the Rail Crossing Quiet Zone as there were no federal appropriations available for such a zone. She thought there could be other funds available for such a project, but it would not be through the federal appropriation's process.

Ms. Wilson related that the executive management had suggested that a list of possible projects be determined from taking a look at the management plans and the Capital Improvement Plan (CIP) for projects that had already been scoped out but for which no funding had been identified. She stated that Congress was focused on war-related issues and health care issues and had not gotten to the final appropriations yet. She said they were still waiting to see if some of the items on the list had been funded, such as the Forest Legacy which was marked in a Senate appropriations bill at \$1 million though the City had yet to receive final appropriations for it. She recommended continuing to leave the item on the list in case it did not receive funding, and to include the next phase of the project on the list as well.

Ms. Wilson stated that the Metro Waterways General Investigations study had been on the United Front list "for years." She reported that it had been authorized and appropriated, but there were some issues with the Army Corps of Engineers (ACOE) not moving more expeditiously. She said they intended to ask Representative Peter DeFazio for his help in pushing the item along, but for now it would be prudent to leave it on the list because they were in the middle of the study and had already outspent the ACOE.

Ms. Wilson observed that the Eugene Mill Race project had been on the list a decade earlier. She said a letter had been sent requesting that the City of Eugene receive an authorization in the Water Resources Development Act (WRDA) bill for a study.

Mayor Piercy noted that the City had received a call from Rep. DeFazio asking that the City do this.

Ms. Wilson stated that in doing so, the City of Eugene would be the sponsor for the program. She said WRDA required a 50 percent match. She underscored that it would not be good for the City to request an

appropriation and receive it and then bow out of the request because the matching funds could not be allocated. If the City did receive the appropriation, it needed to be prepared to provide the match. She noted that the Eugene Mill Race had been taken out of the multi-year financial plan because funding for it could not be identified and there was not yet a plan to move the project ahead. She said the City Council had last looked at it in 2003.

In response to a question from Ms. Wilson, Mayor Piercy said she thought Rep. DeFazio did not expect that the City would request an appropriation. Her understanding was that he had called and specifically wanted the City to do this and had indicated that it would not “tie [the City] down to anything.”

Ms. Wilson recommended the City not request an appropriation at this time and that it should wait until EWEB had completed its Riverfront planning process. She added that they did not even know how much money to ask for at this point, only that they would be requesting more than they had ten years earlier.

Mayor Piercy suggested that Ms. Wilson discuss this with Assistant City Manager Sarah Medary before they make any decision on whether or not to request the appropriation.

Continuing, Ms. Wilson stated that there was no federal money available for municipal swimming pools. She had suggested to the Recreation Division that a way to obtain funding for maintenance and upgrades would be to pursue energy efficiency upgrades, given that improving energy efficiency was a federal goal. She thought it would become a good project for the United Front list, once the amount of money to request was known.

Ms. Wilson related that the public safety project that she had mentioned earlier, an Emergency Services Simulator Lab, was the only project that was marked in both the Senate and the House, aside from the Forest Legacy. She recommended keeping it on the list, though it could be funded in the present year. The other public safety item on the list was the Teen Court Expansion. She said currently they worked in partnership with Lane County Courts to prevent recidivism in juvenile offenders. She noted that the City had determined that it was to its benefit because it provided opportunities for young offenders to find a different path. She stated that it was not yet known if they could get federal funding for it, but to do so they would need Lane County as a partner in it.

Ms. Wilson explained that the Expand Project Full Moon Rising was an extension of “No Child Left Inside.” She said at present they already provided recreation staff in the local schools to provide environmental education and this effort sought to expand the program. They hoped to partner with some of the school districts.

Regarding transportation projects, Ms. Wilson recommended leaving both the West Eugene Transportation Study and the Franklin Boulevard Planning projects on the list though they had not been marked in the House or the Senate. She said both projects, as well as the West Bank Extension, were also on the project list for the Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) reauthorization, which had now been delayed for 18 months. She noted that one issue contributing to the delay in that bill was that they had no idea how to fund it.

Ms. Wilson related that the City had applied for stimulus funds as part of the \$8 billion in rail funding that had come through the ARRA for its Eugene Depot project. She said the depot project was one of only a few projects from the State of Oregon. She had listened to a hearing a few weeks earlier at which the head of the Federal Railroad Administration (FRA) stated that their intent was to only put funding into four of the corridors. She did know why that was or whether Eugene was in one of the corridors. She noted that the America 2050 had presented a report that included a recommendation for funding three corridors, with California as one of them. She said though three had been identified, they did not indicate which would

“rise to the top.” She stated that one of the corridors was the Cascadia corridor, but on their map the corridor only went from Seattle to Portland. She had talked to the Oregon Department of Transportation (ODOT) and they had been surprised to hear that as well. She intended to keep an eye on it. She had suggested to staff that they apply for ConnectOregon III funds and they were looking into the feasibility of putting an application together.

Mayor Piercy wondered if there would be a conversation regarding the City’s interest in rail transport as part of the United Front. She believed that it was a good time to be pushing hard in order to “get some energy behind” the rail corridor.

Ms. Wilson expected that by the time the United Front trip occurred, ODOT would have an update of their rail study available. She understood that additional funding was expected. She noted that there were \$103 billion in applications for the \$8 billion that was available. She said she had been watching California and last week they had begun their first public hearings on their Environmental Impact Statement (EIS). She pointed out that they had begun the process of determining how and whether or not they could put together a high speed rail system over ten years ago. She averred that they had a long way to go, but now was the time to start. She had put together a planning group to host a rail summit in Eugene, one purpose for which was to remind people that Eugene was the southern terminus of the corridor. She said they had proposed to hold it on either March 9, 10, or 11. She noted that Greg Evans, who was also on the planning committee, was looking into available times at Lane Community College. She thought it would be a good time because it was after the legislative session and ODOT had assured her that their study would be available at that time. They also expected to know what the results would be regarding how the FRA would award the \$8 billion. She felt that getting the Eugene Depot on the project list would present an opportunity for them to have a conversation at the federal level regarding the importance of the depot as an infrastructure piece for high speed rail in the future.

Ms. Wilson said if anything changed on the project list she would make the CCIGR members aware of it. She reminded them that the final proposed list would go to the City Council during a Work Session in order to make a determination of what the final list would be. She added that prior to that time she would take the proposed list and send it to Smith Dawson & Andrews and they would review the list to determine feasibility. She noted that Smith Dawson & Andrews would be here on November 12 and 13 to discuss the projects. She believed that they would have a good idea of what projects they would recommend taking forward at that point.

5. Federal Legislation Support

Ms. Wilson requested that the CCIGR authorize a letter to the congressional delegation asking them to support the following pieces of legislation:

- The American Clean Energy and Security Act of 2009 – would provide more money to local jurisdictions for energy efficiency;
- Support for Senator Kerry’s request for changes to the National Telecommunications and Information Administration Broadband Technology Opportunities Program application process – at present the way it was set up under the stimulus package was that certain entities had to apply for the funds, but not the entities that actually would use the money and this would change it so that the functioning entities could apply on their own;
- The Community Access Preservation Act or 2009 – would protect educational and government television, would release some of the restrictions on what some of the funds could be used for, would help prevent discrimination by companies that would charge certain amounts for certain channels, and would preserve localism;
- The Pathway for Biosimilars Act – would set up a situation that would reduce the cost and in-

crease safety for these types of medications and put it into a system similar to generic drugs; at present these biological projects could only be created by certain companies, the act would release the patents after 12 years.

Mayor Piercy asked if there was any substantial opposition to the last one. Ms. Wilson replied that there was no apparent opposition. She noted that at present there were 145 co-sponsors for the bill.

Mr. Poling, seconded by Ms. Taylor, moved to authorize a letter of support for the federal legislation cited by Ms. Wilson. The motion passed, 2:0.

Ms. Wilson related that AT&T was making its rounds with an anti-internet neutrality letter. She said staff would recommend not to sign anything, especially given that the City was in litigation with AT&T.

6. ConnectOregon III

Ms. Wilson reported that there were two applications for ConnectOregon III – one for a carwash facility at the airport and the other that would provide a five percent match for a federal grant that the City would be receiving. She said staff would likely put together a Eugene Depot application. She stated that the next step after the City Council granted its approval would be that the applications would go before the Lane County Board of Commissioners because they did not have an Area Commission on Transportation (ACT). She recommended that the councilors prioritize the applications so that the Commissioners were aware of the priorities.

7. Grants

Ms. Wilson explained that they had a request before them for authority to submit an application for technical assistance through the Department of Land Conservation and Development (DLCD) to accomplish planning projects and related activities.

Senior Planner for PDD, Robin Hostick, stated that this was the second phase of compliance with HB 3337 and would help the City in determining how to address the land needed for growth over the next 20 years. Ms. Wilson clarified that the grant request was for approximately \$300,000.

Ms. Taylor observed that no local match was required. Mr. Hostick affirmed this. He explained that while no match was required, those communities that did show a local match were going to be given priority. He averred that in order to accomplish the task, the City would have to match it.

Ms. Wilson said the reason they were asking for authority to submit was because they would be formulating the application for an in-kind match.

Mr. Poling moved to support the application.

In response to a question from Ms. Taylor, Ms. Wilson clarified that the in-kind match entailed staff time that was already committed to the work because of the directive from HB 3337.

Ms. Taylor provided the second. The motion passed unanimously, 2:0.

Ms. Wilson notified the committee that two other grants were in the offing. She said the Parks and Open Space Division would be submitting applications to hire youth to clear invasive species in one project and

to restore trails in another one.

8. Items from the Committee and Staff

Ms. Wilson said the next CCIGR meeting time would be based on what would happen with staff working on additional United Front projects and what Smith Dawson & Andrews had to say about them.

Ms. Taylor ascertained that this would be after the middle of November.

In response to a question from Ms. Taylor, Ms. Wilson stated that the United Front trip was scheduled for March 4.

Mr. Poling expressed concern about the amount of money that the City spent on the United Front. He questioned whether it was beneficial to send councilors and whether the one-on-one contact made a difference. Ms. Wilson responded that because they were asking the City's congressional delegation to "lift" for it, it was important for elected officials to be there to say that something was important enough for them to be there to ask them to do it for the City. She said the amount of money for the printing of the books, the reception, and for her travel had come to \$4,050 for the last United Front trip. She would recommend that the elected officials do go. She cited a couple of instances during the previous trip when it had been beneficial for staff to be present to lobby for certain things, most notably that she had been able to make a call to Rep. DeFazio's staff based on information she had learned regarding the Forest Legacy and ultimately the first phase of the Forest Legacy work had been funded. She believed that the cost for the trip was worth every penny.

Mr. Poling wanted to ensure that they could justify the expenditure of every penny because they were being closely watched by citizens.

Ms. Wilson noted that they had taken steps to reduce the costs. She related that they had discontinued the practice of holding a big reception, for instance. She declared that anything they could do to cut down the amount the effort they were doing cost they would do, but what they could not cut down on was the effort itself.

Mayor Piercy recommended that they give a "heads up" on who the delegation would be comprised of.

Ms. Wilson said she would do so. She related that the Town of Cottage Grove had just announced that they would not participate in the next United Front trip because they could not afford it.

Mayor Piercy commented that it was very useful for her to attend the U.S. Conference of Mayors, but she had not gone last year and had no plans to go this year because of budgetary concerns. She thought it would be helpful to discuss and understand the balance they were trying to reach. She did not want to cut off the City's interests in having those relationships. She was especially conscious of the fact that, when they were asking the City's employees to make sacrifices, though what the councilors did might not add up to much it was at least a demonstration of the belt tightening that everyone had to do.

Ms. Taylor adjourned the meeting at 2:35 p.m.

(Recorded by Ruth Atcherson)