

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Adoption of Federal Priorities List

Meeting Date: March 12, 2012
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: B
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ISSUE STATEMENT

This is an action item to adopt the Intergovernmental Relations (IGR) Committee's recommended 2012 Federal Priorities List. These federal priorities will be presented to the congressional delegation as part of the federal priority process (United Front).

The recommended 2012 City of Eugene Federal Priorities List includes:

Policy and Programmatic Priorities:

- Federal Transportation Reauthorization (Current Priority)
- Medicare Reimbursement (Current Priority)
- Metro Waterways General Investigative Study (Current Priority)
- Community Development Block Grant Program (New)
- HOME Program (New)
- Internet Tax Freedom Act Continuation (New)
- Cell Tax Moratorium (New)
- Public Rights-of-Way Compensation Issues (New)
- Community Access Preservation Act (New)

Federal Fund Priorities:

- Teen Court Expansion (Current Project)
- Police Special Operations Facility (Current Project)
- Franklin Boulevard – Walnut Street to Alder Street (Current Project)
- Jessen Path – Beltline to Terry Street (Current Project)
- Eugene Depot – Vehicular Loop (Current Project)
- Pedestrian and Bicycle Master Plan (New)

BACKGROUND

The United Front (UF) partnership of local governments in the Lane County region develops and maintains a concise and realistic federal agenda. Historically, annual federal priorities were based on local and regional needs. By assessing local federal priorities in conjunction with anticipated

legislative funding opportunities (earmarks), prospects for success have been greatly increased. The Congressional delegation's staff has come to depend on the reliability and accessibility of the UF's federal agenda, and the local staff who produce it. Consequently, the process has helped build solid, ongoing relationships that extend far beyond the merits of any one set of Federal Agenda priorities.

The City Council must adopt the Federal Priorities List each year. In light of the current ban on earmarks in Congress, the focus is on pursuing federal policy changes; but a project list has also been developed. While it is not likely that any of these projects will be earmarked at the present time under the current Congress, this list will be used to identify non-appropriation federal funding opportunities as they arise.

The proposed 2012 Federal Priorities List was presented to the IGR Committee on March 6, 2012. The IGR Committee approved the recommended 2012 Federal Priorities List (Attachment A) and directed the list move forward to the full City Council for action. The final list will become part of the UF federal agenda which will be presented to the area's congressional delegation, executive department staff, and other potential funding sources in Washington, D.C. in April 2012.

RELATED CITY POLICIES

Adoption of the federal priority recommendations is the making or affirming of the City of Eugene's policy with respect to federal legislative issues or such other matters as may come to the council from the IGR committee.

COUNCIL OPTIONS

The council may:

1. Adopt the recommended 2012 Federal Priorities List.
2. Modify the recommended 2012 Federal Priorities List.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends Option 1 - Adopt the recommended 2012 Federal Priorities List.

SUGGESTED MOTION

Move to adopt the recommended 2012 Federal Priorities List.

ATTACHMENTS

A. Recommended 2012 Federal Priorities List

FOR MORE INFORMATION

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2012 RECOMMENDED FEDERAL PRIORITIES LIST

ATTACHMENT A

PRIORITY NAME	PARTNERS	TOTAL REQUEST	DESCRIPTION
Programmatic Priorities			
Federal Transportation Reauthorization	All	N / A	The reauthorization of the current surface transportation authorization bill, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), has appeared to be gaining momentum in recent months. The current bill expired in 2009. It appears there will not be any earmarks in the next version, but major policies and programmatic funding remain big issues.
Medicare Reimbursement	Springfield	N / A	The Cities of Eugene and Springfield urge you to help preserve patient access to critical ambulance services by supporting ambulance relief. Without prompt action to bolster Medicare reimbursement, ambulance service providers in our communities and across the nation will be forced to reduce essential medical and first responder services. The effect of these reductions has resulted in a significant loss of ambulance funds for most urban jurisdictions around the nation, including Eugene and Springfield.
Metro Waterways	Springfield	N / A	This has been an issue on the United Front agenda for many years - it is authorized, but we are having issues with the CORPS. Assistance may be needed in advancing the feasibility study as originally envisioned and executed for the last 8 years. The initial concept for the study continues to be conducting a series of phased watershed level feasibility studies, the first of which was for the Amazon Creek and Cedar Creek planning area. Once we receive the sign off from the U.S. Army CORPS, the City of Eugene, City of Springfield, and Lane County could then request \$720,000 for the U.S. Army Corps of Engineers' share of the continuing Metropolitan Waterways General Investigation Study, which is also known as the "Amazon Creek, Oregon, General Investigation Feasibility Study." Last year, we met with U S CORPS staff from Portland and DC and charted out a plan for moving forward. While we have developed a timeline for moving forward, we may need assistance in making the CORPS keep to that timeline.
Community Development Block Grant Program		N / A	The Community Development Block Grant provides critical resources to generate jobs, create decent affordable shelter, and offer basic human services within the cities of Eugene and Springfield. In FY 10, Eugene received a CDBG entitlement grant of \$1.5 million and Springfield received a CDBG entitlement grant of \$660,000. Unfortunately, the CDBG Program has been the target of huge budget cuts which significantly impact the program. These cuts come a time of shrinking local tax revenue and would result in diminished capacity and resources to continue programs and implement future projects in our region. We would request increased funding for the program.
HOME Program		N / A	The HOME is the largest Federal block grant to State and local governments designed exclusively to create affordable housing for low-income households. HOME provides formula grants to States and localities that communities use-often in partnership with local nonprofit groups-to fund a wide range of activities that build, buy, and/or rehabilitate affordable housing for rent or homeownership or provide direct rental assistance to low-income people. This program has also been the target of huge budget cuts. We would request increased funding for the program.

2012 RECOMMENDED FEDERAL PRIORITIES LIST

<p>Internet Tax Freedom Act Continuation</p>		<p>N / A</p>	<p>Amends the Internet Tax Freedom Act (ITFA) to make permanent the ban on state and local taxation of Internet access and on multiple or discriminatory taxes on electronic commerce. ITFA was enacted in 1998 and renewed in 2001 and 2004. The law generally bars state and local taxation of "Internet access" services. State and local taxes on Internet access that were in effect prior to 1998 were "grandfathered" by ITFA, however, and this provision was maintained in both the 2001 and 2004 renewals. Making ITFA permanent and eliminating the grandfathering of existing taxes on Internet access could have three distinct, adverse impacts on the ability of state and local governments to raise revenues needed to fund health care, education, public safety, and other critical services. This bill will preempt local taxing authority and impact current and future tax remittances. The current moratorium has already resulted in industry challenges to Eugene's Telecom Ordinance and resulted in non-payment. Industry is alleging that Eugene's 1997 law does not fit the criteria of the 1998 ITFA grandfather clauses. More generally, the transition of virtually all telecom services to broadband services falling within the ITFA means that, unless the moratorium ends, virtually all telecom-related services will become immune from state & local taxation in the next few years. The ITFA must be allowed to sunset as currently scheduled in 2014. We would request opposition to the bill.</p>
<p>Cell Tax Moratorium</p>		<p>N / A</p>	<p>This bill would put a five-year moratorium on new state and local taxes targeting wireless services. These concepts could preempt the city from enforcing current ordinances with a loss of approximately \$1 M annually. Further, we believe the wireline industry would then allege they should be relieved of taxation under the Federal Telecom Act level playing field provisions, potentially at a loss of an additional \$1M or more. Even if the concepts did not specifically preempt the city from collecting taxes, industry reaction could develop an interpretation that Eugene does not fit into the grandfather clauses, resulting in their refusal to remit the taxes and litigation. Moreover, the moratorium forbids the increase of any current wireless tax rate, meaning that Eugene couldn't, for example, react to the shift to wireless by increasing the 2% fee to 3%. We would request opposition to the bill.</p>
<p>Public Rights of Way (ROW) Compensation Issues</p>		<p>N / A</p>	<p>There is a renewed attack on ROW compensation in the FCC's ROW Notice of Inquiry (NOI) proceeding. ROW fees, which are critical to Eugene, are at great risk in the FCC's ROW NOI proceeding. This could result in a loss of millions annually to the General Fund depending upon the level of federal interference or preemption. We would request opposition to this concept.</p>
<p>Community Access Preservation Act (CAP Act)</p>		<p>N / A</p>	<p>This legislation would: 1. Remove the distinction between "capital" and "operating" in PEG support fees. PEG support fees that are collected from subscribers by the cable operators can only be used for "capital and equipment" and not for operational overhead. The CAP Act will eliminate that part of the Telecommunications Act that prevents PEG centers from using PEG support for their operating expenses; 2. Make sure local governments can secure funding for PEG channels in exchange for cable operators' use of public rights-of-way; 3. Prevent cable operators that transmit the PEG channels from charging local governments for the transmission of the channels; and 4. Makes sure that PEG channels are available on the Basic tier of service and available to all subscribers without need for additional equipment in order to get them. We would request support of this concept.</p>

2012 RECOMMENDED FEDERAL PRIORITIES LIST

Projects that Need Funding			
Teen Court Expansion	Lane Co. & Springfield	\$ 750,000.00	These funds would allow the City of Eugene to hire a second Program Supervisor and open another office in order to establish new peer court programs in west and north Eugene. The existing two courts have served a combined average of 108 youth offenders per year over their 10 and 12 year lifetimes, as well as more than 100 youth volunteers per year. In addition, Teen Courts located in Cottage Grove, Florence, and Oakridge would be funded and Lane County would assist with the development of one new Teen Court to be established in both Junction City and Springfield, with on-going administration and operation of those programs the responsibility of each city, after this start-up funding is spent.
Police Special Operations Facility (Lincoln Yard)		\$ 425,000.00	The City of Eugene is seeking \$425,000 to upgrade the Eugene Police Department's Special Operations Facility to meet essential service seismic standards and meet energy efficiency standards. The Lincoln Yard Police Facility has been used by the Eugene Police Department (EPD) as a Special Operations Facility since 1998. The main building was constructed in 1945 as a vehicle and equipment maintenance facility and now houses the Special Weapons and Tactics (SWAT) team, the Crisis Negotiations Team, the Explosives Demolition Unit, and EPD's exercise facility. A separate city building, also constructed in 1945, has sat empty since 2000. This building also has attached covered parking which is currently used to house EPD's mobile command bus. The building has not been maintained for many years and needs extensive remodeling for use by police. The demands on the units occupying these building have intensified over the past twelve years.
Franklin Blvd - Walnut Street to Alder Street	Springfield & LTD	\$3.2 M	For Springfield, these funds would be used to conduct an environmental analysis of possible improvements to Franklin Boulevard. The Springfield/Glenwood improvements would include: multi-way boulevard, addition of sidewalks, widening existing sidewalks to enhance pedestrian movement, adding bicycle facilities, installing exclusive EmX lanes, improving traffic flow, safety and aesthetics. For Eugene, these funds would be used to complete NEPA and Preliminary design on Franklin Boulevard from Walnut Street to Alder Street.
Jessen Path - Beltline Path to Terry Street		\$1.5 M	These funds would construct a new path to serve the 146-acre natural area Golden Gardens Park. The proposed path will connect to the north-south Beltline Highway shared-use path. The path will also connect to neighborhood streets and to the bike lanes on Terry Street which serves schools and connects with the Fern Ridge Path which is the second most popular path in Eugene.
Pedestrian and Bicycle Master Plan		\$2 M	Eugene's Pedestrian and Bicycle Master Plan is a comprehensive plan that lists the projects and policies necessary to create a first-class city for bicycling and walking. The ambitious goal of doubling the current percentage of walking and bicycling trips over the next twenty years will help the city reduce overall carbon emissions and will provide an integrated, safe, and efficient multimodal transportation system. The plan proposes an additional 39.8 miles of sidewalks, 13.7 miles of shared-use facilities, and 116.4 miles of bikeways. Completion of these projects will enhance choice and mobility for all transportation users by establishing connections between places of residence, employment, commerce, and recreation. Moreover, completion of these projects positions Eugene as a leader in active transportation and increases our economic opportunity by attracting new employees and businesses while promoting efficient, compact land use development. These funds would help begin the implementation of the Master Plan. The 20 year plan is estimated to cost \$56 million, with a need for approximately \$2 million/year in additional funds.
Eugene Depot - Vehicular Loop		\$ 250,000.00	This request would fund the planning and design master-planning and group process to define a project for a vehicular loop roadway access to the Depot. This work will include a collaboration of stakeholders to arrive at a mutual vision of this district's transportation benefits in concert with the related economic development opportunities.