

W.C.A.

Memorandum Date: March 25, 2011
Order Date: March 30, 2011

TO: Board of County Commissioners
DEPARTMENT: Administration, Intergovernmental Relations
PRESENTED BY: Alex Cuyler, Intergovernmental Relations Manager
AGENDA ITEM TITLE: Legislative Committee Recommendations

I. MOTION

Move to approve recommendations of the Lane County Legislative Committee regarding certain bills before the 76th Oregon Legislative Assembly.

II. AGENDA ITEM SUMMARY

During the 2011 Oregon Legislative Session, the Legislative Committee will be meeting regularly to discuss various bills that will or could impact Lane County in order to provide recommendations to the Board regarding possible action to support, oppose, monitor, or ignore said bills. In special circumstances where the Legislative Committee has not been able to review certain bills and it is important that the Board review them urgently, the Intergovernmental Relations Manager will bring them to the Board directly.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

- The Board of County Commissioners regularly takes positions on specific legislation.
- On January 19, 2011, the Board of County Commissioners adopted nine legislative priorities for the 2011 Legislative Session and directed the Intergovernmental Relations Manager to pursue drafting bills and seeking sponsorship for those bills.

B. Policy Issues

Participation in the state political process.

C. Board Goals

Seeking efficiencies and funding for county operations and programs.

D. Financial and/or Resource Considerations

The lobbying effort during the 2011 Legislative Session will take up the majority of the Intergovernmental Manager's time from February through June. There is an assistant available for the Manager during the 2011 Session. Lane County Directors or key staff may travel to Salem during the session if testimony is necessary.

E. Analysis

See Attachment A for a discussion of specific bills.

F. Alternatives/Options

- 1.) Adopt the entirety of the legislative committee report in a single motion.
- 2.) Adopt a position on each bill individually.

IV. RECOMMENDATION

Staff has no recommendation with regard to how the Board chooses to adopt legislative positions.

V. TIMING/IMPLEMENTATION

With the Legislature re-convening on February 1, 2010 for the next five months, it is important for the Board to provide direction today. The Legislative Committee will be meeting every other week to discuss various bills and provide recommendations to the Board.

VI. FOLLOW-UP

Staff will continue to monitor the activities of the 2011 Legislature in order to arrange for and provide analysis of bills for discussion in the Legislative Committee.

VII. ATTACHMENTS

Attachment A—Spreadsheet with Staff Recommendations and Analysis on specific legislative bills.

Attachment B—AOC memo regarding Update on Employment Relations Board Funding for 2011-13 (SB 5510).

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

I IN THE MATTER OF ADOPTING POSITIONS ON
I LEGISLATIVE ISSUES DURING THE 76TH
I LEGISLATIVE SESSION

WHEREAS, Lane County has a keen interest in state legislative activities, and;

WHEREAS, Lane County Government employs an Intergovernmental Relations Manager for the purpose of advocating on behalf of Lane County government at the Oregon Legislature, and;

WHEREAS, the Lane County Board of County Commissioners wishes to communicate their positions on legislative issues to the public and other elected officials, and;

WHEREAS, the Legislative Committee is the established standing committee which exists to fully inform the Lane County Board of Commissioners in a timely fashion on legislative issues, and;

WHEREAS, it has previously been resolved that the Legislative Committee will forward its recommendations to the Board of County Commissioners for final approval by the Board of County Commissioners on an as-necessary basis.

NOW, THEREFORE, be it resolved that the Lane County Board agrees to the positions illustrated in Attachment A, and;

BE IT FURTHER RESOLVED, that this Board Order will officially represent the will of the Board of County Commissioners and may be used by the Intergovernmental Relations Manager to communicate their position to Oregon legislators during the 76th Legislative session.

DATED this _____ day of March, 2011

Faye Stewart, Chair
Lane County Board of Commissioners

ATTACHMENT A

Lane County, Oregon
Board of County Commissioners
Spreadsheet for Legislative Review
76th Oregon Legislative Assembly
16-Feb-11

Item	House	Bill #	Department	Recommendation	Sponsor	Bill Summary	Staff Analysis
1)	SB	405	SO and CAO	Support	Senate Interim Comm on Judiciary	<p>SO: Allows for the creation of police departments at Oregon universities/colleges.</p> <p>CAO: SB 405 would allow the State Board of Higher Education, at the request of a university, to establish a police department with the same standards and authority of a municipal police department, including entering into mutual aid agreements.</p>	<p>The UO currently has an office of public safety with officers that do not have the authority to place people under arrest nor carry firearms. This creates two issues. First, criminals that target the UO and are apprehended must be held until a sworn officer from Eugene can come and take control of the suspect. There is an enormous amount of duplication that results and the in-efficiency for both agencies is frustrating. Second, the anecdotal evidence suggests that criminals feel more comfortable both running from, and confronting public safety officers who under current law cannot carry a firearm. The experience in other parts of the nation is generally positive with regards to treating University public safety offices as police departments. These often present educational opportunities which benefit recruiting and overall community resources with regards to public safety experts. It should be noted that the Oregon Sheriff's Association has taken an oppose position on this bill.</p>
2)	SB	559	CAO	Support	Sens Edwards, Bates, Beyer, Devlin, Kruse, Reps Barnhart, Beyer, Harker, Holvey, Hoyle, Nathanson (at request of University of Oregon Foundation)	<p>SB 559 eliminates the UO as a state agency and separates it from the Board of Higher Education. It becomes instead a public university governed by a Board of Directors. As such it will not be subject to future laws specific to governmental entities, unless specifically called out by name. It will file an annual report with the Legislative Assembly in review of the previous year. The bill has a number of issue specific sections, for example creating authority to have an office of public safety, and becoming a road authority, to provide just two examples.</p>	<p>This bill is sponsored by almost the entire Lane County delegation. Lane County has been asked by the University to review and hopefully endorse this measure. The intent of the bill is to redefine the UO such that it is not burdened by regulations that now affect it as an agency of the state of Oregon. The justification for this argument is that it receives deminimus funding from the state and thus should not be under the degree of control that the Legislature now enjoys. Whether or not the Legislature is willing to give up that oversight is at the heart of this question. The UO has employed several lobby firms to aside in the passage of this measure.</p>

3)	SB	<u>5510</u>	CAO	Oppose, unless amended to contain an equal split for the charges to local government to reflect the responsibility of both parties that utilize this service.	At request of Budget and Management Division, OR Dept of Admin Services	SB 5510 is a budget bill for the Employee Relations Board. The Governor's proposal to at least partially fund the ERB (currently covered by General Fund) would be to shift those costs to local governments and special districts by establishing a per-agency charge. The proposed budget amount would add back one Administrative Law Judge and a part time mediator cut in this biennium.	The bill as written, and the underlying cost shift concept (which is not placed into statute) was not met with support from the General Government sub-committee of Ways and Means due mostly to testimony from the Special Districts Association (which has many members with few or no employees). A work group was formed to further discuss the issue. The concept of a per-employee fee was proposed, with the Association of Oregon Counties endorsing a 50-50 split between labor and employers. That proposal was in play at the work group but appears to now be dropped and this bill is at a stalemate.
4)	SJR	<u>20</u>	CAO	Support	Sens Edwards, Bates, Beyer, Devlin Reps Barnhart, Beyer, Harker, Holvey, Hoyle, Nathanson (at request of University of Oregon Foundation)	SJR 20 is a referral to the voters to amend the constitution. It would create a new section allowing Oregon to sell the full faith and credit of the state (with the exception of ad valorem taxes) to raise up to one billion dollars that would fund an endowment for the University of Oregon (or other public university). The section stipulates that the public university must privately match, at least on a one to one ratio, the public dollars.	If the voters approve this constitutional amendment the outcome the UO envisions would be a one point six billion dollar endowment fund that would spin off revenue for the UO. It is an important concept for the UO in that Oregon ranks 45th in per student funding and continues to receive less and less public funding. This has led to regular tuition increases and a concern that tuition will soon be out of reach for many Oregonians. If the endowment can grow at the 9% envisioned by the UO it would raise significant revenue. The assumption is that Oregon's budget would additionally benefit through alleviating pressure on the Legislature to fund the UO (although it is likely that the \$63M now spent to support the UO would be allocated to bond payments in the short run).
5)	SJR	<u>36</u>	PW	Oppose	Committee on Rules (at request of Gov)	This bill would allow state policing of roads to be paid for with State Highway Funds.	The cost of this bill would significantly reduce the amount of revenue counties and cities receive from revenue sharing of the state highway fund. Estimates have been discussed that the revenue gained from HB 2001 (fuel, vehicle operation and ownership) would all be directed to the state highway patrol. This would decrease Lane County Public Works revenue \$4-6 million per year.

ATTACHMENT B

Date: March 14, 2011

To: Governance Committee
Legislative Committee

From: Mike McArthur

Subject: Update on Employment Relations Board Funding for 2011-13

Staff: Mike Eliason, Policy Manager

Background:

The Employment Relations Board (ERB) works to resolve disputes concerning labor relations for an estimated 3,000 different employers and 250,000 employees in public and private employment in the state. The agency performs three primary functions:

- Administers collective bargaining law that covers public employees of the State of Oregon and cities, counties, school districts, and special districts.
- Decides appeals from state employees concerning personnel actions.
- Administers the collective bargaining law for the small number of private employers not covered by the National Labor Relations Act (NLRA).

The 2011-13 proposed Governor's budget is just over \$3.7 million total funds, about a 7.3% increase than 2009-11 Legislatively Approved Budget. Typically, the ERB budget is split roughly proportionally between General Funds and Other Funds. The other funds portion of the ERB budget consists of an assessment charged to state agencies based on the number of state employees who are subject to the Public Employees Collective Bargaining Act (PECBA) and the State Personnel Relations Law.

The Governor's budget shifts the costs for the local government program from the state general fund and mediation fees charged to local governments and labor organizations to an assessment charged to cities, counties, school districts, and special districts. The original proposal was based on the local government assessment that supports the Ethics Commission and would be an add-on to the Municipal Audit Fee assessed by the Secretary of State. That proposal did not meet with approval from local government or the General Government subcommittee of Ways and Means.

A workgroup looking at other options is currently meeting. AOC is taking part along with other local government representatives, representation from labor, ERB members, Legislative Fiscal Office (LFO) and the Governor's office. The latest proposal by LFO actually increases the amount that most counties would pay by eliminating those local governments that either have very few employees or no bargaining units. Other issues being discussed include raising fees for unfair labor practice claims and higher mediation fees for "frequent flyers" or those frequently involved in the ERB process. One principle agreed upon by all participants is that the current level of service is unacceptable and the ERB budget cannot be cut further. Wait times for resolutions of cases are at historic high levels and ERB has already lost one Administrative Law Judge and a part-time mediator due to budget cuts in 2009-10. An option being discussed is to include state general fund money along with an assessment to local government and increase the 2011-13 budget to help speed cases through the system.