

**Mid-Willamette Valley Council of Governments
State and Federal Legislative Positions**



Adopted by the Board of Directors

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Introduction

Throughout the state of Oregon, some problems cannot be solved within municipal boundaries, and decisions made by one municipality can have adverse impacts on other municipalities. Conversely, given the geographic, political, cultural, and economic diversity across the state of Oregon, state policies that mandate a one-size-fits-all approach often fail.

Although territory has traditionally been divided by political boundaries, to allow more efficient provision of government services and democratic representation, this has not always lent itself very well to effective management of natural resources, urban infrastructure, and other multi-jurisdictional systems. Homelessness, crime, traffic congestion, unemployment and underemployment, and inefficient use of resources and infrastructure (land, water, air, habitat, fisheries, roads, utilities, etc.) are examples of problems that spill over municipal boundaries. Regional governments provide a means for intergovernmental coordination to address and solve the multi-jurisdictional cross-boundary issues problems, challenges, and opportunities associated with urban development.

In smaller rural parts of the state, local governments are constrained by limited resources. These smaller municipalities face the same issues and problems as larger communities, but often lack the resources and staff to address the issues. For those areas, regional governments enable the sharing of resources and coordination of services, thus achieving efficiency of operations and economies of scale.

Regional coordination and planning are also crucial for the success of undertakings that are too large or complex for any one unit of government to address. Issues such as economic development, solid waste disposal, groundwater management, and preservation of the quality of life in the region are examples of challenges that require regional cooperation. This same characteristic manifests itself in large rural areas where the relatively small size of the local units of government, compared to the geographic area under their jurisdiction, may hamper their ability to address important planning and implementation issues.

A multitude of programs and projects are initiated each year at the federal and state level to address the problems and challenges in both urban and rural areas. These programs have specific goals that usually interfere with one another, and/or don't recognize or accommodate local and regional values, decisions or perspectives. Regional governments provide a venue and framework to coordinate these programs and goals into a congruent whole that supports the goals and objectives of the local governments, and the residents they serve, within that region.

Regional coordination can integrate various federal, state, regional, and local plans, and - to improve the effectiveness - mutual reinforcement, among all levels of government. Regional coordination makes plans more coherent and less confusing to the public and elected officials. Regional coordination also enables the units of government to compete for state and federal monies and programs more effectively.

As municipal budgets are strained, and programs suspended or curtailed, cooperative program delivery schemes that provide for the coordination of services and the pooling of

resources become more important. Long-term and area-wide planning for the delivery and combining of these services become critical in the task of maintaining services by improving the efficiency of delivery and cost-effectiveness through economies of scale. Regional entities are prime venues for discussing, planning, and implementing such areawide solutions.

As general guiding principles, the Mid-Willamette Valley Council of Governments (MWVCOG) will:

- Support the legislative priorities identified by the Salem Keizer Area Transportation Study and promote state funding and recognition of metropolitan planning organizations as independent regional transportation planning entities in both policy and the Oregon Revised Code;
- Promote the creation of independent rural transportation planning organizations as a cooperative regional approach to transportation planning and funding in both policy and the Oregon Revised Code;
- Promote the continued existence and relevance of the Area Commissions on Transportation to allow regional voices to be heard in the development of statewide transportation policy and the allocation of state transportation funds;
- Increase state use and recognition of Economic Development Districts and their regional approach to economic development and funding in both policy and the Oregon Revised Code, and opportunities to leverage existing organizations and staffing to support both federal, state and local efforts;
- Support state and federal policies and legislation that recognize, empower, and respect the grassroots priorities and projects of regional councils throughout Oregon;
- Support creation of programs within Councils of Governments that provide resources to foster greater local government cooperation, innovation, and efficiency; and
- Advocate for the equitable allocation of state and federal resources across all regional governments based on a variety of factors to include need, service demands, economic indicators, and not just population, to ensure no one area receives a disproportionate share of resources.

Priority Policy Positions

1. Oppose Unfunded Mandates on Regional and Local Governments.

An unfunded mandate is a statute or regulation that requires a state or local government to perform certain actions with no money provided for fulfilling the requirements.

In 1995, the Oregon Legislature referred a constitutional amendment to voters requiring the state to pay local governments for the costs of implementing state-mandated programs under certain conditions. The ballot measure - known as the unfunded mandate law - was passed by voters in November 1996. The voters then reaffirmed the unfunded mandate law and eliminated its sunset provision in 2000. The full text of the law is found in Section 15, Article XI of the Oregon Constitution.

The constitutional protections for unfunded mandates apply to local governments defined as: a city, county, municipal corporation or municipal utility operated by a board or commission. The meaning of that definition has not been litigated and its uncertain whether the protections apply to entities created by cities and counties, such as regional governments, or to other local governments, such as schools and special districts. Additionally, even for local governments that are protected by the constitutional provision, the constitutional provision contains numerous exceptions, most notably any legislation passed by a three-fifths majority of the legislature.

Unfunded mandates threaten local and regional governments autonomy by directing how local and regional governments will spend their money. Unfunded mandates threaten funding for services such as police, fire, parks, roads, schools, and infrastructure - which are essential to attract industry to Oregon and to maintain healthy livable prosperous communities - by redirecting valuable and limited local resources to state priorities.

The MWVCOG makes it a priority to oppose any unfunded mandate on councils of governments and any of its member entities.

The MWVCOG will support any effort to refer to the voters an expansion of the unfunded mandate provision that expands its scope to other governments and reduces or eliminates any exceptions.

2. Retain Building Code Enforcement at the Local Level

In recent years, there have been legislative, administrative, and legal efforts by the Building Codes Division to prohibit local governments from using private contractors to serve as either building officials or building inspectors. These efforts have included limiting the ability of regional governments to provide these services to their members and carry severe consequences for local governments to contract for other services.

The use of contractors allows local governments that lack enough demand for full-time staff to make most efficient use of their resources - particularly in areas needing skilled or technical labor such as building inspections.

The MWVCOG will oppose any legislation that preempts a local government's ability to contract with private parties for building code services. Support legislation and any legal action that empowers local governments to contract with either private or public service providers, including regional councils of government.

3. Preserve Local Authority of Rights of Way

After more than a year of deliberation, the Federal Communications Commission (FCC) released its draft Declaratory Ruling and Third Report and Order, which focuses on state and local management of small cell wireless infrastructure deployment. The document enacts substantial new limits on local wireless siting review. Some of these new requirements include:

- Two new categories of shot clocks, giving local governments 60 days to complete review of applications for collocated small cells, and 90 days for small cells on new structures;
- Limits application fees for all small wireless facilities to \$500 for up to five sites, and \$100 per site for each site thereafter;
- Limits allowable local aesthetic requirements, including minimum spacing requirements, to those that are “(1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) published in advance;” and
- Limits recurring fees for small cells in the rights-of-way, such as rights-of-way access fees or lease fees, to a “reasonable approximation” of the locality’s “objectively reasonable costs” for maintaining the rights-of-way or a structure within the rights-of-way, which must be no higher than fees for similar actors. The FCC finds a presumptively reasonable recurring fee to be \$270 per site, per year.

Although the MWVCOG supports the extension of broadband services, it opposes any attempt to preempt local government authority to manage its rights of way. The MWVCOG should support legislation and/or appropriate legal action restoring local control over rights of way.

4. Protect and Preserve the Communities and Economy of the Santiam Canyon

The U.S. Army Corps of Engineers is considering plans for a water temperature mixing tower at Detroit Reservoir in an effort to help reintroduce anadromous fish upstream of Willamette Valley dams. The plans would require draining the reservoir for up to two years. The project, as proposed, would affect recreation and threaten downstream communities drinking water supply.

The MWVCOG will oppose any plan to build a water temperature mixing tower on Detroit Dam that would threaten the region's recreational economy and the drinking water supply for downstream communities.

Most homes and business in the Santiam Canyon are not served by municipal wastewater systems and instead rely upon septic to treat waste water. State laws and concerns about North Santiam River quality prohibit homeowners and businesses from expanding existing or replacing

failed septic system. Consequently, businesses and residents are leaving the Santiam Canyon, having a negative economic consequence for the Mid-Willamette Valley region.

The MWVCOG will support state and/or federal legislation that enables and funds the development of a regional wastewater system that is geologically suitable, environmentally sustainable, financially feasible and politically viable.

Other Major Policy Positions

1. Allocation of Tax Foreclosed Property Proceeds

The MWVCOG supports legislation that would allow Counties the option of returning proceeds minus back taxes, interest, and administrative fees to the former property owner.

2. Oregon Geographic Information Council (OGIC) and Data Sharing

The MWVCOG will oppose any effort to require the MWVCOG or its members to share data without the mandate to do so being fully funded.

3. Increased Funding for Flood Management/Mitigation /Development of Model Floodplain Ordinance/Guidance

The MWVCOG supports the allocation of state funding that would help local governments meet the 25% local match when their applying for 75% federal project through the Federal Emergency Management Agency (FEMA). The MWVCOG also supports legislation to fully fund the Department of Land and Community Development (DLCD) to move forward with development of a model flood plain ordinance.

4. Transportation Planning Rule (TPR) Amendments / Greenhouse Gas (GHG) Requirements

The MWVCOG supports the following proposed TPR Amendments (developed by the RAC in July 2017) and submitted for public review and comment by Department of Land Conservation and Development (DLCD) staff:

- Support elimination of the rule for developing state-required regional transportation system plans that essentially mirror the federally-required Metropolitan Transportation Plans developed by Metropolitan Planning Organizations (MPOs).
- Support rule language that clarifies that local jurisdictions - not MPOs - are principally responsible for showing compliance to TPR rules for reduced reliance on the automobile.
- Support rules in the proposed amendment that allows jurisdictions to use performance measures as a method to show compliance to the TPR and Goal 12 reduced reliance on the automobile.

The MWVCOG opposes proposals to change the TPR and/or future legislation that requires jurisdictions to:

- Report on their GHG emissions to DLCD or
- Develop land use and transportation scenarios to meet GHG emission reduction targets in OAR 660-044.

The MWVCOG supports other changes to the proposed TPR Amendments as follows:

- Make necessary changes to the amendments that better define the criteria for full or partial exemptions for cities and counties.
- Do not make the exemption process overly burdensome.

The MWVCOG is neutral on a Cap-and-Invest/Trade or similar bill. However, if such legislation is adopted, the MWVCOG:

- Opposes any requirement that jurisdictions or MPO-area regions have a climate plan as a pre-requisite for receiving funds generated by the bill.
- Oppose requirements for each metropolitan area (or individual jurisdictions) to develop a climate change plan
- Opposes any mandates on the MPO itself developing a climate change plan.
- Opposes requirements that a region or individual jurisdiction needs a climate change plan to qualify for future transportation funds that reduce GHG emissions.
- Opposes requirements that every proposed project to reduce GHG emissions and that apply for state funds be required to use highly technical modeling to estimate GHG reductions of the proposed project.

5. Preserve Regional Voices Through the Area Commissions on Transportation (ACTs)

The MWVCOG supports legislation that gives ACTs a voice in policy issues and a role in prioritizing projects for Enhance and Connect Oregon.

The MWVCOG supports legislation that empowers and enables the ACTs to work with the Oregon Department of Transportation (ODOT) and the Oregon Transportation Commission (OTC) to develop modernization and multimodal plans and setting project funding priorities as part of 20-year plans.

6. Population Forecasting

The MWVCOG supports changes in the process the population research center (PRC) uses for forecasts to:

- Allow cities and counties (or COGs on their behalf) to submit relevant information such as vacant and developable land and other information that would be useful for the forecast.
- Adjust the county specific methodology for areas that cross county boundaries; and
- Include a requirement that for multiple jurisdiction UGBs (outside the Metro UGB) PRC must provide separated forecast for each jurisdiction.

7. Broaden Federal Definition of Rural

The MWVCOG supports diversification of the definition of “rural area” in state and federal law to broaden eligibility for needed funding source for both federal and state sources based more upon merit and localized rural definitions. This will allow communities to work with

federal and state staff to serve areas of greatest need and identify rural communities where, with collaboration, the greatest impact can be made.

Funding applications should be considered based upon a variety of factors that drive available funding to the most rural populations while also evaluating the most economic and community development potential - even if the overall result may benefit communities of population over 50,000.

8. Support the Optional Use of Regional (vs. Local) Housing Needs Assessments and Economic Opportunity Analysis

The MWVCOG supports rule changes to OAR 660-024-0045 (Regional Large Lot Industrial Land) to provide a framework for local governments to work on the employment land supply at a more regional scale. The MWVCOG supports removing restrictions on Housing Needs Assessments (HNAs) and Economic Opportunity Analysis (EOAs) that limit such analysis to areas within city limits (allowing counties and other cities in a region to participate, should they chose to do so).