

Legislative Committee

Monday, January 9, 2012

12:00 p.m.

Lunch will be available at 11:30 a.m.

Local Government Center, Room 113

1201 Court Street NE

Salem, Oregon

Agenda

12:00 p.m.

1. Call to order

President Tammy Baney

1.1 Agenda approval **(Action)**

1.2 Minutes of December 12, 2011 meeting **(Action)** *page 3*

12:05 p.m.

2. Action or possible action items

2.1 Priority items from committees

President Baney

2.2 Steering committee work plans *page 8*

Mike McArthur

2.3 NACo workforce funding resolution *page 17*

Ann Hanus

2.4 Workforce Investment Act reauthorization *page 19*

Ann Hanus

2.5 NEDC v. Brown/Decker *page 22*

Gil Riddell

2.6 Dam removal resolution *page 23*

Gil Riddell

2.7 Federal agenda: definition of renewable biomass *page 25*

Emily Ackland

12:30 p.m.

3. Oregon Health Authority/Department of Human Services Organizational Structure

Bobby Green

12:45 p.m.

4. Steering Committee reports

4.1 Communications Policy

Jeanne Burch, chair

4.2 Community Development

Tony Hyde & Diane McKeel, co-chairs

4.3 Environment & Energy

Larry Givens, chair

4.4 Governance

Andy Duyck & Earl Fisher, co-chairs

4.5 Human Services

Janet Carlson, chair

4.6 Public Lands

Steve Grasty & Joe Laurance, co-chairs

4.7 Public Safety

Jim Bernard & Jay Dixon, co-chairs

4.8 Transportation

Al Switzer & Fred Warner, co-chairs

4.9 Water Policy

Craig Pope & Alan Unger, co-chairs

1:15 p.m.

5. Affiliate Organizations reports

- | | |
|--|-----------------|
| 5.1 OSACA (Assessors) | Scot Langton |
| 5.2 OCCA (Clerks) | Dana Jenkins |
| 5.3 NACA (County Administrators) | Ralph Wyatt |
| 5.4 ODAA (District Attorneys) | Eric Nisley |
| 5.5 OACES (Engineers & Surveyors) | Robb Paul |
| 5.6 OJPA (Justices of the Peace) | Charles Fadeley |
| 5.7 OSSA (Sheriffs) | Jack Crabtree |
| 5.8 OACTC (Tax Collectors) | Bob Vroman |
| 5.9 OACTFO (Treasurers & Finance Officers) | Laurie Steele |

6. Other business

President Baney

- 6.1 AOC Legislative Reception, February 20, 4:30-6:30 p.m., Capitol Galleria

7. Adjourn

President Baney

Next AOC Legislative Committee meeting – February 6

12 p.m. at the Local Government Center, Salem

Scheduled AOC Legislative Committee meetings for 2012

January 23

February 6

February 20

AOC Legislative Reception, February 20, 4:30-6:30 p.m., Capitol Galleria

March 12

April 9

May 14

September 10

October 8

December 10

June 10 – 12, AOC Spring Conference (*in Deschutes County, location TBD*)

November 13 – 15, AOC Annual Conference (*location TBD*)

Association of Oregon Counties
Legislative Committee

Monday, December 12, 2011
2:10 p.m.

Multnomah County Board Room
Portland, Oregon

Present: President Tammy Baney, Commissioner Mary Stern, Judge Pat Shaw, Commissioner Earl Fisher, Commissioner Janet Carlson, Commissioner Wayne Fording, Commissioner Greg Malinowski, Commissioner Craig Pope, Commissioner Tony Hyde, Commissioner Mark Labhart, Commissioner Jim Bernard, Commissioner Diane McKeel, Commissioner Annabelle Jaramillo

Via telephone: Commissioner Joe Laurance, Commissioner Sam Brentano, Commissioner Simon Hare, Commissioner Peter Huhtala, Commissioner Larry Givens, Commissioner John Rachor, Commissioner Jay Dixon, Commissioner John Lindsey, Commissioner Alan Unger, Administrator Ralph Wyatt, Public Works Director Robb Paul

Guests: Commissioner Don Skundrick (by phone), Jim McCauley, Troy Rayburn, Jared Anderson, Joel Shapiro, Andy Smith, Cherryl Ramirez, Kevin Campbell, Susan Montgomery, Nancy Bennett

Staff and consultants: Mike McArthur, Cara Fischer, Gil Riddell, Emily Ackland, Mark Nystrom, Mike Eliason, Paul Snider, Eric Schmidt, Laura Cleland, JoAnn Hendrix

President Tammy Baney called the meeting to order at 2:10 p.m. and asked for self-introductions.

AOCMHP Executive Director Cherryl Ramirez

Mike McArthur introduced the newly appointed AOCMHP Executive Director Cherryl Ramirez. Ms. Ramirez started employment with AOCMHP in mid-November. Most recently, Ms. Ramirez served as executive director of the Association of Community Mental Health Authorities of Illinois. Her career has focused on policy development, legislation, training, collaboration with other human service interest groups and advocacy for community behavioral health systems.

While in Illinois, Ms. Ramirez served a three-year term on the Champaign County Board of Health She holds master's degrees in both public health and public administration.

Ms. Ramirez said she appreciates the guidance she has received from AOC staff and looks forward to her new venture as executive director.

GOBHI

Kevin Campbell, director of Greater Oregon Behavioral Health, Inc. (GOBHI) reported on the work and efforts of his association. He stated that through a contract with the State of Oregon, GOBHI represents 17 counties in rural Oregon providing services through the community mental health programs. GOBHI's intent is to create a system of coordinated care organizations (CCOs) throughout the state that become responsible for the quality, cost and overall care for

the individuals they serve. GOHBI also wishes to serve as the focal point for achieving what is known as the Triple Aim: (1) better care for individuals, (2) better health for populations and (3) slower growth in healthcare expenditures.

Mr. Campbell provided a copy of a working draft " Fixing the Healthcare System in America: A Rural Oregon Approach."

Action or possible action items

Resolutions

Mr. Riddell presented three resolutions introduced by steering committees at the annual conference

Importance of Water and County Involvement in Water Planning Efforts

AOC encourages and supports, to the extent practicable and requested, efforts by counties to convene and develop regional solutions for long-term, sustainable supply of clean water.

Commissioner Earl Fisher moved approval of the resolution for efforts by counties to convene and develop regional solutions for long-term, sustainable supply of clean water, seconded by Commissioner Craig Pope. Motion carried.

Restrictions against use of land in proximity to Wilderness or Wilderness Study Areas

AOC opposes any *defacto* federal restrictions not explicitly enacted on use of public or private lands in proximity to a designated Wilderness or a Wilderness Study Area.

Judge Pat Shaw moved approval of the resolution on restrictions against use of land in proximity to Wilderness or Wilderness Study Areas, seconded by Commissioner Tony Hyde. Motion carried.

Support for implementation of the Oregon Wolf Management Plan

AOC supports efforts by ODFW to implement the plan as amended in 2010, including but not limited to, the lethal removal of chronically depredating wolves.

Commissioner Larry Givens moved to approve the resolution on implementation of the Oregon Wolf Management Plan, seconded by Commissioner Wayne Fording. Motion carried. Commissioner John Lindsey opposed.

Court Revenues

Mr. Snider reviewed a recommendation by the Public Safety Committee to support legislation to restore revenue neutrality for justice courts to the revenue distribution provisions of HB 2712 (2011 Session).

Commissioner Jim Bernard moved to support legislation to restore revenue neutrality for justice courts to the revenue distribution provisions of HB 2712,

seconded by Commissioner Mary Stern. Motion carried. Commissioner Lindsey opposed.

Health Transformation

Commissioner Carlson reviewed the County Coordinated Care Organization Agreements: Analysis of Issues and Guidance for Development. Ms. Carlson stated that in the context of a rapid transformation of our publicly funded healthcare system, this document is intended to serve as an implementation guidepost for both CCO leadership and county officials who must work in collaboration to construct efficient and effective public health, mental health and addictions systems. These guidelines are also intended for developing a written agreement or memorandum of understanding (MOU) that CCOs and their partnering counties could use to comply with Section 24 and more broadly, to advance the larger health care system transformation intended by HB 3650. The outcome metrics included in these agreements must mirror any requirements that are enacted by the Oregon Legislature in 2012.

The county's responsibility of assuring that the local system of care is responsive to the needs of the community is crucial to the CCO's success. Commissioner Carlson requested permission to utilize the AOC logo on this document.

Discussion ensued regarding the emergency of the AOC logo being utilized on this document prior to the AOC membership having time to review the contents.

After further discussion, it was decided to refer to the AOC Board of Directors agenda for action on the concept of the document.

Environment and Energy

Greater Sage-Grouse Planning Strategy

Emily Ackland reported on the BLM Greater Sage-Grouse Planning Strategy in Oregon. She stated that in early 2010, the U.S. Fish and Wildlife Service (USFWS) determined that the greater sage-grouse warranted but precluded being listed under the Endangered Species Act (ESA). The USFWS has a deadline in 2015 to make a decision on whether or not the bird should be listed under the ESA. Because of this deadline, the Bureau of Land Management (BLM) is acting to update its Resource Management Plans (RMP), in the states that have sage-grouse present, by 2014 to avoid an ESA listing. In Oregon, the BLM has already been working on this effort in conjunction with the Oregon Department of Fish and Wildlife (ODFW) and the Oregon Greater Sage-Grouse Conservation Assessment and Strategy. This cooperative effort will continue so that the Oregon Strategy will be incorporated into the BLM's RMP for Oregon.

A 60-day public scoping period began on December 9. There will be a series of public meetings scheduled and county governments will be notified.

Juniper-use stakeholders

Ms. Ackland stated that a juniper-use stakeholder group was convened on December 8 by Oregon Solutions. The group continued discussions on ways to expand and grow businesses that are using juniper removed from lands in eastern Oregon. A small team agreed to meet outside of

the stakeholder group and focus on projects that were submitted by four counties – Crook, Lake, Harney and Wheeler. They team will assess the projects and identify ways that will help the businesses move forward to achieve success.

EPA and CWA

Ms. Ackland reported that the U.S. Environmental Protection Agency (EPA) has announced that it intends on using the draft Guidance on Identifying Waters Protected Under the Clean Water Act to develop the rule on Waters of the U.S. The rule will expand the number of waterways protected under the Clean Water Act. This will likely mean more permits required for projects (particularly road construction) be obtained by the Army Corps of Engineers (ACOE) and Oregon Department of Environment Quality (DEQ) and trigger consultations with the National Marine Fisheries Service (NMFS).

AOC has submitted a letter to the EPA with four primary requests

1. The ACOE should continue to honor existing exemptions for maintaining transportation related structures;
2. The ACOE should continue to offer Nationwide Permits with 401 Certifications and Regional Conditions;
3. Other federal agencies, such as NMFS, should develop programmatic ways for consultation to expedite permitting;
4. The rule should include the flexibility to honor state regulatory processes to avoid redundancies, particularly around mitigation.

NACo is also submitting comments and continues to be engaged with the EPA on this process. Staff will know more in January about the EPA's timeline for the rule.

Steering Committee Reports

President Baney requested all steering committee federal agenda items are submitted at the January 9 Legislative Committee Meeting.

Communications Policy – no report

Community Development and Transportation – no report

Environment & Energy – no report in addition to issues discussed by Ms. Ackland.

Governance – no report

Human Services

Commissioner Carlson reported that the Human Services Committee is working on issues for 2012 legislative session. The two important issues are the Health Care Transformation and Early Learning Initiative. Mark Nystrom is making sure that AOC members are updated on these subjects.

Public Lands & Natural Resources – no report

Public Safety – no report

Transportation – no report

Water Policy – Next meeting on Monday, January 9.

Affiliate Organizations Reports

Assessors – no report

Clerks – no report

County Administrators – no report

District Attorneys – no report

Engineers & Surveyors

Robb Paul reported that he attended a meeting of the Oregon Travel Council where it discussed taking the maintenance of rest areas located on the I-5 corridor. Council members talked about monies from the state off the top from counties and ODOT for the maintenance of rest areas.

Justices of the Peace – no report

Sheriffs – no report

Tax Collectors - no report

Treasurers – no report

Other Business

Mr. McArthur discussed obtaining electronic signatures from Legislative Committee members for use by AOC on documents approved for signature.

There being no further business, the meeting was adjourned at 3:40 p.m.

Association of Oregon Counties

ECONOMIC AND COMMUNITY DEVELOPMENT STEERING COMMITTEE

2012 Workplan

January 9, 2012

1. **Committee Jurisdiction** - Public policy issues and initiatives related to enhancing local capacity for economic and community development, including land use planning, workforce development, and retention and creation of business investment opportunities to sustain vital communities, and parks.
2. **Committee Structure** - Committee Co-Chairs. Members of the committee include elected judges and commissioners as well as representatives of recognized associate member groups. County public information staff and county advocates are also invited to attend committee meetings.
3. **Committee Meetings** - The Committee meets monthly on the second Monday from 8:00 a.m. to 10:00 a.m. at the Local Government Center in Salem except in August and December. During November, the committee meets in conjunction with the AOC annual conference.
4. **Principles**
 1. Support enhanced community-based economic and community development activities with maximum flexibility to recognize regional needs and differences.
 2. Support local capacity to deliver on-site workforce development services for the retention/creation of jobs in all regions of the state.
 3. Support increased flexibility in the land use system to better accommodate economic and community development.
 4. Provide opportunities for connecting and partnering with the state and the business community involved in community development.

5. Support the retention, expansion, and creation of jobs especially for living wage jobs.

5. **Members** - Diane McKeel, Multnomah, *co-chair*
Tony Hyde, Columbia, *co-chair*

Peter Hutala, Clatsop
Seth Crawford, Crook
Dave Itzen, Curry
Maui Meyer, Hood River
Don Skundrick, Jackson
Wayne Fording, Jefferson
Al Switzer, Klamath
Jay Bozievich, Lane
Craig Pope, Polk
Gary Thompson, Sherman
Scott Hege, Wasco
Rod Runyon, Wasco
Greg Malinowski, Washington
Leslie Lewis, Yamhill
Mary McArthur, Econ. Dev. District
Maureen Crawford, Crook County Parks
Mike Benedict, Hood River

6. **Lead Staff** – Ann Hanus, Mike Eliason

Workplan Priorities

- Legislation, rules and policies impacting economic and community development and land use planning
- Federal and state funding for economic and community development projects
- The role of counties to support job retention and creation
 - Partnerships with Business organizations, Economic Development Districts, Small Business Development Centers, Workforce training, and other economic/community development related entities
 - Importance of infrastructure development and funding
 - Support for existing businesses for retention and expansion
 - Regulatory issues associated with economic and community development
 - Regional Solutions

[DRAFT 1-9-12]
AOC ENERGY AND ENVIRONMENT COMMITTEE

WORK PLAN FOR 2012

- Maintain coordinated efforts with other AOC policy committees, particularly Public Lands and Community Development.
- January and February require focus on the 2012 legislative session.
- In January, develop energy policy items for the AOC Federal Agenda, to be approved by the AOC Legislative Committee and presented to the Oregon congressional delegation and NACo in early March.
- Support policy that concurs with the Committee's principles as needed and requested.
- Remain engaged with state and federal efforts on juniper removal and sage grouse habitat.
- Maintain active communication with the Oregon congressional delegation and federal and state agencies about emerging issues. This includes hearing presentations on:
 - Wave energy production
 - Electrification of vehicles
 - Fracking
 - DEQ water quality plan
 - Carbon credits
 - Energy storage
 - Product Stewardship
- In April, begin development of state and federal energy and environmental policy issues to be included in the AOC 2013 State and Federal Agendas, for action in 2013 by the state legislature and executive branch and by Congress and the federal executive branch, respectively.

Adopted by the Committee on

AOC Governance Steering Committee
Draft 2012 Workplan
1-9-2012

1. **Committee Jurisdiction-** Public policy issues, legislation and administrative rulemaking related to the operation and management of county government. Including, but not limited to:
 - Labor and Personnel issues
 - County finance and revenue
 - Public Purchasing and Contracting
 - Elections and Recording
 - Public Meetings, Public Records and Ethics
 - Local Budget law
 - Other issues related to the Governing process

2. **Committee Structure-** Committee co-chairs. Members of the committee include elected judges and commissioners as well as other elected officials, including members of recognized affiliate and associate groups.

3. **Committee Mission Statement-** “Exploring and advancing ideas that promote the most efficient delivery of services and activities, while providing the necessary resources, governance processes, management activities, and accountability to ensure the effective operation of government.”

4. **Committee Meetings-** The Committee will generally meet monthly on the second Monday from 10:00 a.m. to 11:45 a.m. at the Local Government Center in Salem.

5. **Focus of Committee’s 2012 work-**
 - Defend and advocate for county interests during the February 2012 legislative session.
 - Develop policy issues and priorities in preparation for the 2013 legislative session. Focus on proposals to remove barriers in state law that impede counties from efficiently providing services and ideas to put counties on more stable financial ground.
 - Coordinate with City-County Insurance Services, Local Government Personnel Institute and other local government entities on activities that fit within AOC Governance committee principles.
 - Continue to maintain active involvement and communication with state and federal agencies on emerging and ongoing issues.
 - Work to enhance the abilities of counties to continue to provide the services necessary to the citizens of the state.

[DRAFT 12-15-11]

AOC PUBLIC LANDS & NATURAL RESOURCES COMMITTEE

WORK PLAN FOR 2012

- First two months requires focus on the 2012 legislative session.
- In January, develop natural resources policy items for the AOC Federal Agenda, to be approved by the AOC Legislative Committee and presented to the Oregon congressional delegation in early March.
- Support as needed and requested:
The O&C Counties Association;
Counties in the Blue Mountains National Forest Plans Revision;
Wildland Fire Leadership Council;
Regional natural resources policy efforts that meet AOC Natural Resources Principles.
- Support activities of the National Association of Counties and Western Interstate Region that satisfy AOC Natural Resources Principles.
- Maintain active communication with the Oregon congressional delegation and federal and state agencies about emerging issues.
- Support activities of the Forest Management Subcommittee that are approved by the full Committee.
- As spring begins, start development of state and federal natural resources policy issues to be included in the AOC 2013 State and Federal Agendas, for action in 2013 by the state legislature and executive branch and by Congress and the federal executive branch, respectively.

Adopted by the Committee on

DRAFT 1/9/12

Association of Oregon Counties

TRANSPORTATION STEERING COMMITTEE

2012 Workplan

January 9, 2012

- 1. Committee Jurisdiction** - Public policy issues and initiatives related to transportation including transportation funding, road maintenance and construction, public transit, freight, rail, and transportation operational and management issues.
- 2. Committee Structure** - The Committee Co-Chairs and Vice Chairs. Members of the committee include elected judges and commissioners as well as representatives of recognized associate member groups. County public information staff and county advocates are also invited to attend committee meetings.
- 3. Committee Meetings** - The Committee meets monthly on the second Monday from 10:00 a.m. to noon at the Local Government Center in Salem except in August and December. During November, the committee meets in conjunction with the AOC annual conference.
- 4. Principles**
 - The integrated system of Oregon's roads, streets, highways and bridges are essential components of our community development system providing vital transportation links for all modes of transportation and the movement of goods and services.
 - Declining revenues and increasing costs have caused a continuing decline in road and bridge maintenance and preservation. Maintenance and preservation are essential to preserving the investment of our existing infrastructure.
 - Oregon's high growth counties have transportation needs unique to growth issues. Their projects tend to be high-cost modernization and capacity-adding projects and are well beyond the means of the primary revenue source: the gas tax. Addressing the growth issue is essential to the health of the entire system.

- Oregon's low growth counties and/or timber dependent counties are facing critical system needs that their reduced revenues cannot meet. It is essential to the entire transportation system that this issue be addressed.
- The traditional formula for distributing transportation funds needs to remain flexible. However, it must not become so complex and confusing that it becomes burdensome or meaningless.
- No preemption, limits or granting of exemptions to any local tax source should be legislated without an acceptable alternative.
- Support distribution of the state highway funds, 50 percent to the state, 30 percent to counties and 20 percent to cities.
- Preserving and enhancing the efficiency of Oregon's freight system is essential for supporting economic and community development.
- A viable public transportation system is important for access to jobs, health care and quality of life for Oregonians through increased mobility, reduced congestion, enhanced economic development, and conservation of critical resources.

5. **Members** - Al Switzer, Klamath, *co-chair*
 Fred Warner, Baker, *co-chair*
 Mark Labhart, Tillamook, *co-vice chair*
 Sid Leiken, Lane, *co-vice-chair*

Paul Savas, Clackamas
 Henry Heimuller, Columbia
 Bob Main, Coos
 Alan Unger, Deschutes
 Michael Weimar, Gilliam
 Don Skundrick, Jackson
 Brad Winters, Lake
 Jay Bozievich, Lane
 Don Lindly, Lincoln
 Sam Brentano, Marion
 Craig Pope, Polk
 Mark Labhart, Tillamook
 Dick Schouten, Washington
 Leslie Lewis, Yamhill

6. **Lead AOC Staff** – Ann Hanus, Jon Oshel

Workplan Priorities

- Transportation Funding Issues
 - Non-Roadway Transportation Funding
 - Rail
 - Freight
 - Connect-Oregon
 - Public Transit
 - Federal Re-authorization
 - Columbia River Crossing
 - Rest Stops
 - Road User Fees
 - Least Cost Planning
- Public Transit
 - Transportation/Human Service Coordination Study
 - Drive Connect project
- Regulations/Rules
 - Access Management
 - Transportation Planning
 - Environmental issues
- 2012 and 2013 Legislation
- State Transportation Improvement Plan
- Jurisdictional Transfers
- Functional Classification Update

[DRAFT 12-15-11]
AOC WATER POLICY COMMITTEE

WORK PLAN FOR 2012

- First two months: Focus on state legislation, including protection of the Water Resources Department budget.
- In January, develop water policy items, if any, for the AOC Federal Agenda, to be approved by the AOC Legislative Committee and presented to the Oregon congressional delegation in early March.
- Complete the list of the county governing body member of each county to be the principal contact for water issues.
- Integrated Water Resources Strategy:
Participate in its development, adoption, and implementation.
Work with the Water Resources Department to encourage and support county participation in regional, 'place-based' water planning.
Develop links for counties to information resources that inform successful water planning (e.g., WRD, ODFW, DEQ, OWEB).
- Continue active, open, and productive communication with the Water Resources Commission and Department about our relationship and emerging issues.
- Implementation of House Bill 3369 (2009):
Monitor rulemaking on assessment of net environmental public benefits, including protection of peak and ecological flows.
- Monitor regional issues from counties, with the objective to support productive, appropriate action that meets AOC Water Policy Principles (e.g., marine reserves, coastal resources, Columbia River Treaty).
- As spring begins, start development of state and federal water policy issues to be included in the AOC 2013 State and Federal Agendas, for action in 2013 by the state legislature and executive branch and by Congress and the federal executive branch, respectively.

Adopted by the Committee on

Date: January 9, 2012
To: Legislative Committee
From: Ann Hanus
Subject: NACo Workforce Funding Resolution

Requested Action: The proposed NACo Resolution calling for full funding of the Workforce Investment Act programs for fiscal year 2012 will be considered today by the AOC Economic & Community Development Committee. If the Economic & Community Development Committee recommends AOC adoption, requested action is for the Legislative Committee to adopt the Resolution.

Background: The resolution is attached.

Date: January 9, 2012
To: Legislative Committee
From: Ann Hanus
Subject: Workforce Investment Act Reauthorization

Requested Action: The proposed Resolution calling for reauthorization of the Workforce Investment Act with some modifications will be considered today by the AOC Economic & Community Development Committee. If the Economic & Community Development Committee recommends AOC adoption, requested action is for the Legislative Committee to adopt the Resolution.

Background: The resolution is attached.

1 Local workforce investment areas and states should be granted broad waiver authority to creatively
2 respond to the employment, economic development and welfare issues confronting states and
3 localities. Requests for waivers should be developed jointly by local elected officials and workforce
4 investment boards, should be limited to the delivery of program services and the allocation of funds
5 to different activities and must receive the approval of governors and state board before they can be
6 enacted.

- 7 8. Separate and distinct funding for the local one-stop system should be provided at the national level
8 or from each of the mandatory partners. Where the state collected the latter, these funds should be
9 collected by the states and all of these funds should be distributed to local areas based upon the
10 formulae used to distribute program funds.
- 11 9. Youth programs for in- and out-of school youth should continue to be developed and funded by local
12 workforce investment boards acting in consort with their local chief elected officials. Funds for
13 these programs should continue to be allocated to local areas. They should be used in part to address
14 the needs of students making the transition from school to work and to assist those students no
15 longer in school develop the skills they need to enter the world of work.
- 16 10. Funds for adult, youth and dislocated workers should be consolidated into a single block grant so
17 that local areas may determine the kinds of populations to serve based upon need.
- 18 12. The performance standards and measures should be modified substantially and should focus on
19 program outcomes and customer satisfaction.
- 20 13. All new federal workforce development initiatives should come under the WIA system, with
21 guidance and oversight of local chief elected officials, and local WIB board members.

22
23 **Fiscal/Urban/Rural Impact:** WIA is guided by the private sector, with a proven track record for the development
24 and implementation of innovative services that connect people to work, careers and business and industry to the
25 talent pool necessary to prosper.

26
27 **Sponsor:** Tony Hyde, Columbia County Commissioner; Gary Thompson, Sherman County Commissioner, Ann
28 Hanus, Association of Oregon Counties Policy Manager.

Date: January 9, 2012

To: Public Lands & Natural Resources Committee
Legislative Committee

From: Gil Riddell, policy coordinator

Subject: AOC 2012 Federal Agenda: Legislative fix for *NEDC v. Brown/Decker*.

Requested Action: Add to the AOC 2012 Federal Agenda support for a congressional reversal of the U.S. Ninth Circuit Court decision *NEDC v. Brown/Decker*, as resolved in AOC Resolution 2011-F4.

Background: At the 2011 Annual Conference, AOC membership adopted Resolution 2011-F4, "Support for congressional efforts to reverse *NEDC v. Brown/Decker* (US 9th Cir. Ct. of Appeals, Aug. 17, 2010).

The Resolution described the decision to require a National Pollution Discharge Elimination System (NPDES) permit under the Clean Water Act for stormwater runoff from logging roads, in spite of an Environmental Protection Agency rule to the contrary adopted in 1976.

The court's decision has sweeping implications, potentially requiring NPDES permits for every road in the country that is served by ditches or culverts that eventually discharge to natural surface waters.

AOC, the State of Oregon, NACo, and others have requested review of the decision by the U.S. Supreme Court.

As the AOC Resolution notes, there are bills in Congress to correct the Ninth Circuit decision, sponsored by Kurt Schrader and Greg Walden in the House (H.R.2541) and Ron Wyden in the Senate (S.1369). A legislative solution is quicker and less costly than a judicial solution. AOC thanks and supports the Congressmen for their efforts.

AOC should do the same face-to-face in D.C. in March.

Date: January 9, 2012
To: Legislative Committee
From: Gil Riddell, policy coordinator
Subject: Proposed AOC Resolution: Dam Removal or Breaching as the Final Option.

Requested Action: The proposed Resolution calling for dam breaching or removal as the last option will be considered today by the AOC Water Policy Committee. If the Water Policy Committee recommends AOC adoption, requested action is for the Legislative Committee to adopt the Resolution.

Background: The proposed Resolution is offered by Commissioner Dennis Linthicum. It is attached.

**[Draft AOC Resolution;
Commissioner Dennis Linthicum; 12-16-11]**

ASSOCIATION OF OREGON COUNTIES

RESOLUTION 2012-

Dam Removal or Breaching as the Final Option

WHEREAS, the National Association of Counties American County Platform 2011-12 provides: “Before any decision is made to continue drawdowns, removal or breaching of dams, a full review of all relevant scientific and socioeconomic implications of such actions should be made and affected counties consulted”;

WHEREAS, dams can provide safe, healthful, economically viable, and culturally positive techniques for efficient use of water as a critical renewable resource;

WHEREAS, dams provide water storage, flood control, irrigation management, fresh water for drinking and industrial uses, clean hydroelectric generation opportunities, recreational opportunities, and appropriate levels of instream flow for fish and wildlife habitat;

WHEREAS, environmental values can be addressed more effectively by enhancing stream flow from reservoirs in a regulated manner than by non-management of flows;

WHEREAS, critical water management requires an informed weighing of competing needs and integration of economic, social, and environmental values;

WHEREAS, when properly managed, dams can play a key role;

NOW, THEREFORE, BE IT RESOLVED that the Association of Oregon Counties firmly agrees with the NACo American County Platform statement above;

BE IT FURTHER RESOLVED that AOC finds that all other means of water management by appropriate operation of a dam should be explored and rejected by relevant scientific and socioeconomic findings before there is a decision to breach or remove the dam.

Date: January 9, 2012

To: AOC Energy and Environment Committee; Public Lands and Natural Resources Committee; Legislative Committee

From: Emily Ackland, Environmental Policy Manager

Subject: AOC 2012 Federal Agenda: Biomass from Federal Lands

Requested Action: Add to the AOC Federal Agenda support for federal legislation that would establish that renewable biomass from federal lands can be applied towards the existing renewable fuels standard and any renewable electricity standard. Such legislation would define biomass as it is defined in Titles I & III of the 2008 Farm Act (Farm Bill).

Background: In current federal law the definition of renewable biomass varies greatly. The existence of multiple, and sometimes conflicting, definitions of renewable biomass in major energy policy constrains the use of sustainably harvested woody biomass from federal lands. The definition of biomass from Titles I & III of the 2008 Farm Bill would enable biomass to be feasibly harvested from federal lands.

The Farm Bill definition states that renewable biomass on federal lands is materials that are byproducts of preventive treatments (e.g., trees, wood) that are removed to reduce hazardous fuels, to reduce or contain disease or insect infestation, or to restore ecosystem health; would not otherwise be used for higher value products; and are harvested from National Forest System land or public lands in accordance with public laws, land management plans, and requirements for old-growth maintenance.

NACo has policy (adopted in July, 2011) that supports the definition of biomass as stated in the Farm Bill.