

Legislative Committee

Monday, December 12, 2011
2:05 p.m.

Multnomah County Board & Conference Room
Multnomah Building, First Floor
501 SE Hawthorne Boulevard
Portland, Oregon

Agenda

2:05 p.m.

1. Call to order

President Tammy Baney

- 1.1 Agenda approval **(Action)**
- 1.2 Minutes of October 10, 2011 meeting **(Action)** *page 3*

2:10 p.m.

2. Action or possible action items

- 2.1 Priority items from committees President Baney
- 2.2 Resolutions Gil Riddell
 - a. Importance of Water & County Involvement in
Water Planning Efforts *page 8*
 - b. Restrictions against use of land in proximity to
Wilderness or Wilderness Study Areas *page 9*
 - c. Support for implementation of the Oregon Wolf
Management Plan *page 10*
- 2.3 Court revenues *page 11* Paul Snider
- 2.4 Health Transformation Mark Nystrom
- 2.5 Early Learning Mark Nystrom

2:30 p.m.

3. Meet AOCMHP Executive Director Cheryl Ramirez *page 13*

Mike McArthur

2:40 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
- 4.7 Public Safety
- 4.8 Transportation
- 4.9 Water Policy

Steve Grasty & Joe Laurance, co-chairs
 Jim Bernard & Jay Dixon, co-chairs
 Al Switzer & Fred Warner, co-chairs
 Craig Pope & Alan Unger, co-chairs

2:50 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

7. Adjourn

President Baney

Next AOC Legislative Committee meeting – January 9, 2012
12 p.m. at the Local Government Center, Salem

Scheduled AOC Legislative Committee meetings for 2012

- January 9
- January 23
- February 6
- February 20
- 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, October 10, 2011
12:00 p.m.

Local Government Center
Salem, Oregon

Present: President Janet Carlson, Commissioner Tammy Baney, Commissioner Mary Stern, Judge Pat Shaw, Judge Steve Grasty, Judge Jeanne Burch, Commissioner Bill Hall, Commissioner Tim Josi, Commissioner Tony Hyde, Commissioner Alan Unger, Commissioner Andy Duyck, Commissioner John Lindsey, Judge Gary Thompson, Commissioner Wayne Fording, Commissioner Annabelle Jaramillo, Commissioner Jay Dixon, Commissioner Chris Perry, Commissioner Jim Bernard, Commissioner Craig Pope, Commissioner Greg Malinowski, Commissioner Linda Modrell, Commissioner Mark Labhart, Commissioner Kathy George, Sheriff Jack Crabtree, Assessor Bob Vroman, Administrator Ralph Wyatt

Via telephone: Commissioner Leslie Lewis, Commissioner Bill Hansell, Commissioner Joe Laurance, Public Works Director Robb Paul

Guests: Commissioner Cheryl Hukill, Gillian Wesenberg, Alex Cuyler, Greg Wolf, Jim McCauley, Mary Gautreaux, Troy Rayburn, Barb Young, Joel Shapiro, Bill Thomas, Hillary Saraceno, Bobby Green, Andy Smith, Ellie Dumdi

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

President Janet Carlson called the meeting to order at 12:00 p.m. and asked for self-introductions.

Agenda

Commissioner Tony Hyde moved to approve the agenda of October 10, 2011, seconded by Commissioner Wayne Fording. Motion carried.

Minutes

Commissioner Bill Hall moved approval of the meeting minutes of September 12, 2011, seconded by Commissioner Hyde. Motion carried.

Early Learning Task Force

President Carlson reviewed the Early Learning Task Force issue brief.

She told the committee that in June 2011, the AOC Board of Directors voted to:

- Create an AOC Early Learning Task Force;
- Appoint Marion County Commissioner Janet Carlson and the Coalition of County Children and Families Commissions Chair Kevin Stufflebean as task force co-chairs; and

- Authorize the president to appoint task force members.

Following these actions, President Carlson appointed 21 members to the Early Learning Task Force.

After the first meeting of the task force, a workgroup was formed to produce deliverables identified by the task force.

In August, the task force reviewed an issue brief that included recommendations relating to proposed early learning design issues, outcomes, services, governance, cost and community engagement. At its August meeting, the task force endorsed a number of these recommendations.

Task force recommendations were reviewed by the AOC Human Services Steering Committee, the Coalition of Local Health Officials (CHLO) and the Coalition of County Children and Families Commissions.

The full report, as approved by the task force, is now presented to the AOC Legislative Committee to endorse its recommendations.

Commissioner Bill Hall moved to adopt the recommendations and submit the report of the Early Learning Task Force to the Governor and Oregon Legislature as amended, seconded by Commissioner Annabelle Jaramillo. Motion carried. Opposed Commissioners John Lindsey and Chris Perry

Secure Rural Schools

Mary Gautreaux spoke of Senator Ron Wyden's top priority in Congress concerning the Secure Rural Schools and Community Self Determination Act.

Marc Kelley gave a report from Washington, DC regarding the recent actions of the Partnership for Rural America campaign.

Greg Wolf of the Governor's staff reported on the Governor Kitzhaber's trip to Washington, DC. He reported that the Governor was determined to get the full delegation on board with regard to Secure Rural Schools reauthorization and O & C land issues. Governor Kitzhaber was very pleased with the work Senator Wyden has done in support of Oregon on these issues.

Commissioner Mary Stern moved to update agenda Item #5 to an action item, seconded by Commissioner Kathy George. Motion carried.

Commissioner Tim Josi moved to endorse the efforts of Oregon's Congressional delegation and Governor regarding reauthorization of the Secure Rural Schools Act given there is continued effort to support active forest management, seconded by Commissioner Tony Hyde. Motion carried. Opposed Commissioner John Lindsey.

HB 2712 (2011 session) revising criminal fine law

Mr. Snider reported that the AOC Public Safety Committee might have a recommendation relating to loss of fine revenue for justice courts.

HB 2712 was enacted by the 2011 Legislative Assembly. A number of provisions were added toward the end of the legislative session without the benefit of hearings. One of those provisions is section 6b, which states the first \$60 of the fine in a criminal case is to be paid to the state. If the fine is less than \$60, then the whole fine is to be paid to the state. This is scheduled to take effect January 1, 2012. This provision replaces the unitary assessment and several “add-on” assessments that are to be eliminated.

However, it causes several problems. First, the amount is greater than the amount of unitary assessment and the add-ons combined. Second, it gives the highest priority to payment of this amount. If the total fine is not paid, this provision ensures the state will be paid first from the part of the fine that is paid. Third, a strong argument can be made that it applies to small fines such as parking tickets and bicycle helmet violations, where the total fine is often less than \$60. Finally, it appears that elimination of the unitary assessment might not occur in some cases that are pending on January 1, even though the new \$60 provision will apply as of that date as well.

A list of questions is being developed for Oregon Legislative Counsel as to these concerns, and possibly others. If the concerns prove valid, legislation will be needed in the February 2012 session to prevent significant losses of revenue to justice and municipal courts.

Commissioner Josi moved to delegate any upcoming action with regard to HB 2712 to the Special Operations Committee between now and December when the Legislative Committee next meets, seconded by Commissioner Jaramillo. Motion carried.

Executive Order on Oregon Solutions

Greg Wolf introduced the executive order regarding Oregon Solutions Network. He stated the order creates the Oregon Solutions Network and connects the work of the regional solutions centers, Oregon Solutions and the Oregon Consensus program.

In order to create a prosperous economy, healthy environment and society the need exists in Oregon to create an infrastructure that provides a neutral forum that can support the work of communities that want to take a collaborative approach to problems and opportunities at the state, regional and local level.

Regional advisory committees have been established to identify priority issues in 11 regions of the state. These committees will assist in leveraging resources between the public, private and civic sectors to address these priorities.

There is a need to coordinate these resources and programs to maximize their effectiveness and ensure that activities address regional priorities. It is also necessary to ensure that state agencies

are utilizing resources and programs in a way that serves the state's interest in collaborative and integrated action in addressing state, regional and local challenges and opportunities

Steering Committee Reports

Communications Policy – no report

Community Development and Transportation – no report

Environment & Energy – no report

Governance – no report

Human Services – no report

Public Lands & Natural Resources – no report

Public Safety – no report

Transportation – no report

Water Policy

Commissioner Alan Unger said the some of the members from the committee met with the Oregon Water Resources Committee in Boardman to discuss the integrated water plan. Once the plan is established, the Water Policy Committee will reach out to counties explaining how to participate in the plan.

Affiliate Organizations Reports

Assessors – no report

Clerks – no report

County Administrators – no report

District Attorneys – no report

Engineers & Surveyors

Mr. Robb Paul reported that the OACES Fall Conference would be held in Deschutes County October 23 & 24.

Justices of the Peace – no report

Sheriffs – no report

Tax Collectors

Assessor Bob Vroman said assessors have certified tax rolls and tax collection will start in November.

Treasurers – no report

Other Business

There being no further business, the meeting was adjourned at 2:00 p.m.

Importance of Water and County Involvement in Water Planning Efforts

WHEREAS, there is no issue in the State that is more important than a long-term, sustainable supply of clean water;

WHEREAS, water supply and quality is critical to all values (economic, environmental, cultural, and social) and is necessary for high quality of life, public health, energy development, agricultural production, industrial development, and the food we eat;

WHEREAS, the State has only recently begun to formulate the long-overdue Integrated Water Resources Strategy, which will guide the State in broad water policy matters;

WHEREAS, the State must provide sufficient resources to the Water Resources Commission and Department, and the other agencies developing the IWRS, to not degrade the work product and its implementation;

WHEREAS, counties are directly involved in the IWRS process;

WHEREAS, counties are stakeholders in water policy matters, but have a different stature from other stakeholders. That is, counties need sound, current information about water availability to do responsible land use planning, but given their role as general governments and jurisdiction over all of the State, counties are well situated to convene and take the lead on regional water planning efforts;

WHEREAS, the draft IWRS encourages local water planning efforts and must include grant money and other resources for local action;

WHEREAS, counties have been leaders in successful regional water planning efforts: the Deschutes Basin Groundwater Mitigation Program, the Umatilla Basin Aquifer Recovery Project and the Tualatin Basin Water Supply Project;

WHEREAS, counties should share this experience and assume a positive and productive role in all regional planning;

NOW, THEREFORE, BE IT RESOLVED that the Association of Oregon Counties 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.

[DRAFT NACo RESOLUTION 11-28-11]

PROPOSED RESOLUTION on restrictions against use of land in proximity to Wilderness or Wilderness Study Areas.

Issue: Oppose 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.

Background: Statements and actions of staff of the Department of Interior and Department of Agriculture indicate an unwritten policy to limit, oppose or prohibit activities and land uses of public and private lands in proximity to Wilderness Study Areas or Wilderness. This policy is not based in statute, rule or Executive Order. By not being explicitly enacted, this policy is imposed without the required input from county governments, local communities and citizens.

Fiscal Urban-Rural Benefit: Instances of staff of U.S. DOI and U.S. DOA opposing or attempting to limit or prohibit lawful activities in proximity to a Wilderness or Wilderness Study Area have occurred when ecologically, economically, and socially beneficial projects have been considered, e.g., wind energy facilities. Rural communities, in particular those dominated by federal lands, are by their nature limited in options to build viability and sustainability for themselves. Opposition to or restrictions on sound projects by a federal agency acting on unwritten policy stifles critical rural development.

Resolution 2011-

[Proposed]

Support for implementation of the Oregon Wolf Management Plan

WHEREAS, the Oregon Fish & Wildlife Commission (Commission) adopted a Wolf Management Plan (Plan) and implementing administrative rules (rules) in 2005;

WHEREAS, the Commission updated the Plan and rules in 2010;

WHEREAS, the Association of Oregon Counties (AOC) was one of many stakeholders involved in creation of the Plan and the rules;

WHEREAS, AOC participated in both the 2005 and 2010 Plan and rule development;

WHEREAS, all parties participating in both the Plan and rule development in 2005 and amendments in 2010 recognized the collaborative nature of this process and the necessity of compromise in individual positions;

WHEREAS, for the Plan to be effective all components of the Plan, including potential lethal removal of a chronic depredate wolf, must be implemented;

WHEREAS, the Oregon Department of Fish & Wildlife (ODFW) has determined that two wolves should be lethally removed from the Imnaha Pack, as they are responsible for chronic livestock depredation;

NOW, THEREFORE, BE IT RESOLVED that AOC remains fully supportive of the Plan as amended in 2010; and

BE IT FURTHER RESOLVED that AOC supports efforts by ODFW to implement the Plan as amended in 2010, including, but not limited to, the lethal removal of chronically depredate wolves.

Date: December 12, 2011

To: AOC Legislative Committee

From: AOC Public Safety Committee
Co-Chairs Commissioners Jay Dixon and Jim Bernard

Subject: HB 2712 (2011 Session) revising criminal fine law

Staff: Paul Snider, legal counsel

Requested action:

Support legislation to restore revenue neutrality for justice courts to the revenue distribution provisions of HB 2712 (2011 Session).

Background:

HB 2712 was enacted by the 2011 Legislative Assembly. A number of provisions were added toward the end of the legislative session and without the benefit of hearings. One of those provisions is section 6b which says that the first \$60 of the fine in a criminal case is to be paid to the state. If the fine is less than \$60, then the whole thing is to be paid to the state. It is scheduled to take effect January 1, 2012. This provision replaces the unitary assessment and several "add-on" assessments that are to be eliminated. However, it causes several problems. First, the amount is greater than the amount of unitary assessment and the add-ons combined. Second, it gives the highest priority to payment of this amount. If the total fine is not paid, this provision assures the state will be paid first from the part that is paid. Third, a concern has been raised that it may apply to small fines such as parking tickets and bicycle helmet violations, where the total fine is often less than \$60. It also appears that elimination of the unitary assessment might not occur in some cases that are pending on January 1, even though the new \$60 provision will apply as of that date as well. The state may be entitled to receive both for some cases.

Another provision of concern is in section 122, which provides that unless specifically otherwise provided by law, all fines and other costs paid in criminal actions go into the state Criminal Fine Account. The question was raised as to whether this would apply to parking and some other ordinance violations. Other provisions that had directed fine revenues to particular places such as to the county weed control fund or county road fund were repealed.

Update:

After the Public Safety Committee considered the potential impacts of HB 2712 and made this recommendation, Legislative Counsel responded to a list of questions about these and other concerns. Their response cited a general statute that directs justice court fines to the county general fund as a reason why ordinance violations are not diverted to the state. It also defended

prioritization to the state as the way it was before the bill passed. It suggested that anticipated “tweak” legislation for 2012 should include clarification that the unitary assessment applies to all citation issued before January 1, 2012, even if the cases are not resolved until after that date.

However, as to the \$60 assessment, the opinion explains that this new assessment was created as a substitute for the unitary assessment and the local assessments that were eliminated. It points out that the place on the priority ladder of state revenues hasn’t changed. It doesn’t address how the total amount of the new assessment compares with the total amount of the old ones it replaces; nor does it thoroughly address what impacts might develop from moving the old local assessments from their previous lower place in the priority ladder as local obligations to their new higher place as part of the state obligation. This leaves the policy issue of the extent to which it is a sizeable shift of revenues from justice and municipal courts or from dedicated local weed control accounts to the state largely unresolved.

Date: December 12, 2011
To: AOC Legislative Committee
From: Mike McArthur, executive director
Subject: AOCMHP Executive Director Cheryl Ramirez
Staff: Cara Fischer, deputy executive director

Background:

The Association of Oregon Community Mental Health Programs (AOCMHP) has hired a new executive director, Cheryl 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.

I have invited Ms. Ramirez to the Legislative Committee's December meeting to become acquainted with committee members.