



# CITY OF SALEM

555 Liberty St SE  
Salem, OR 97301

## Revisions to the Agenda #1

### City Council

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**Monday, January 25, 2021**

**6:00 PM**

**Virtual Meeting**

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**3.3e.** [21-31](#)

Priority bills for 2021 Oregon Legislative Session

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

*Add - Added New Report.*



## Staff Report

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**File #:** 21-31

**Version:** 1

**Date:** 1/25/2021

**Item #:** 3.3e.

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**TO:** Mayor and City Council

**FROM:** Legislative Committee

**SUBJECT:**

Priority bills for 2021 Oregon Legislative Session

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**ISSUE:**

Shall the City Council approve the City of Salem's positions on legislative bills in the 2021 Oregon Legislative Session?

**RECOMMENDATION:**

Approve the City of Salem's positions on legislative bills in the 2021 Oregon Legislative Session.

**SUMMARY:**

To ensure a coordinated and focused attention to the City's legislative priorities and for the City to respond appropriately to moving legislation, City Council approves policy statements and priorities. These statements were approved in July 2020 (Attachment 1) along with the City's legislative priorities for 2021 (Attachment 2).

During the regular session, when the subject of proposed legislation is outside the scope of the policy statements, City Council's Legislative Committee reviews bills identified as critical by City staff. The Legislative Committee recommends to City Council the position the City should take on critical bills. Bills reviewed by the Legislative Committee on January 22, 2021 and recommended to the City Council are attached (Attachment 3).

**FACTS AND FINDINGS:**

The Oregon State Legislature convened January 20, 2021 for its regular session. Over 3,000 bills have been drafted and 1,000 await first reading.

The Legislative Committee is Mayor Bennett and Councilors Andersen, Hoy, and Lewis.

## **BACKGROUND:**

As positions are developed for individual bills, staff will use a system of prioritization to identify the City's opposition ("O") or support ("S") for a bill. For a high priority bill with a fiscal or policy impact, classifying the bill with a "1" will allow for the City to work to support or oppose the bill. For medium priorities, a "2", staff will watch for changes and may become involved if time and resources permit. For a bill of little to no priority to Salem, a "3" will not warrant staff effort. Given limited resources, these bills will be set aside and not referred to the Committee or Council unless amendments change their anticipated impact.

Before any official representing the City of Salem can attempt to influence legislation on an issue, the City Council must adopt a position related to that matter. To continue a coordinated and unified response during the upcoming session, the Mayor and Councilor are asked to communicate the nature of their legislative contacts to staff via an email to Courtney Knox Busch ( [cbusch@cityofsalem.net](mailto:cbusch@cityofsalem.net) <<mailto:cbusch@cityofsalem.net>> ). The email should identify the date of the legislative contact, the legislator(s) with whom contact was made, bill(s) discussed, and a summary of the position(s) and comments shared. Staff will forward the communication to the City's lobbyist, the Legislative Committee, and City Council as appropriate.

Courtney Knox Busch  
Strategic Initiatives Manager

## **Attachments:**

1. Legislative Policy Statements - July 13, 2020
2. 2021 Legislative Priorities
3. Bills Reviewed by Legislative Committee - January 22, 2021

## 2020-21 Legislative Policy Statements

**Standing Principles:** Cities are responsible for solving day-to-day public problems and responding directly to the needs of their residents. City officials should be allowed flexibility to exercise the full range of their local decision-making authority to make appropriate decisions for their communities. Because cities must determine their priorities and set their budgets through public process that reflects local choices and priorities, Salem opposes legislation that creates unfunded state mandates, increases existing costs or reduces current revenues to local governments, restricts local revenues, or otherwise preempts local government authority. Salem supports revenue reform that provides budget stability for municipalities and better enables cities to meet the service demands of the community.

**Positions on Similar Bills:** To make the most efficient use of staff, Legislative Committee and Council time, the City Council allows legislative positions and priorities approved by the City Council during the course of the Legislative Session to apply to future bills with substantially similar language and intent during the same Legislative Session.

### ***Policy Areas***

**Economic Development:** The ability of cities to provide municipal services and maintain community viability depends on a healthy local economy. Cities need economic development tools that assist in maintaining, expanding, and diversifying local economies. These tools must include appropriate state infrastructure financing programs and flexible local options.

- **Mill Creek Infrastructure:** Support continued State investment in the Mill Creek Corporate Center, which would make available much needed industrial land for future development and regional job creation.
- **Job Creation and Incentive Programs:** Oppose cuts to, or elimination of, Business Oregon's economic development programs that create and retain jobs. Oppose legislation that would include these or other similar local sources as "funds of a public agency" or alter the minimum threshold for prevailing wage requirements (on projects of more than \$750,000 in value).
- **Enterprise Zones:** Renew and preserve existing Enterprise Zone authority in order to maintain the program's effectiveness as a tool for cities to encourage business recruitment and expansion.
- **Opportunity Zones:** Support the State-designated opportunity zones via the federally designated program, and the continued linkage of State capital gains tax provisions to the federal provisions to incentivize redevelopment opportunities.
- **Urban Renewal:** Preserve urban renewal statutory authority in order to maintain the State-wide program as a tool for cities to encourage business recruitment

and retention through capital infrastructure investments. Oppose legislation which may hinder municipal appointment and decisionmaking authority in matters related to use of urban renewal.

- **Redevelopment of Abandoned, State Owned Properties:** Support legislation that encourages the redevelopment of the North Campus, Hillcrest Youth Correctional Facility, and other surplus State-owned properties, including providing funding for selected demolition of buildings and site preparation for potential redevelopment to enhance both the livability and economic vitality of adjoining neighborhoods.
- **Economy:** Oppose cuts that disproportionately affect Salem's State workforce, or programs and services that disproportionately affect Salem businesses and residents.
- **Salem Municipal Airport:** Preserve our local municipal airport through supporting activities which allow for increased revenue options and/or grant opportunities.
- **Brownfields Redevelopment Proposal:** Support and participate in developing legislation that encourages assessment, cleanup and re-use or redevelopment of brownfields and other underutilized sites, including incentives for cleaning up and redeveloping brownfield properties.
- **Statewide Infrastructure Funds:** Support capitalization of the Special Public Works Fund and programs to provide municipalities with the incentives necessary to make industrial sites ready for development.
- **Infrastructure Investment:** Support increased state investment in local water, wastewater, stormwater, transportation, and parks infrastructure to reduce local costs and expedite construction of necessary facilities.
- **Oregon Industrial Site Readiness and Assessment Programs:** Support program implementation and funding to advance industrial sites to market-ready status and create traded sector jobs, and of grant funding to bring regionally significant industrial lands to market-ready status.

**Finance, Revenue and Cost of Service:** Cities continue to experience substantial difficulty in maintaining basic services and meeting the service demands of their residents, despite the slow but steady economic growth at state and national levels. Residents desire quality services and deserve to have tax dollars spent efficiently and effectively on services they deem most important. City officials must be allowed to work with their communities to determine revenue sources and service priorities.

- **COVID-19 Recovery Resources.** Support the equitable distribution of recovery resources to ensure recovery of our community, its residents, and its businesses. Oppose re-allocation of State funding, including state-shared revenues, that may further jeopardize existing municipal programs and services, hindering our recovery.

- **Property Tax Reform:** Support the League of Oregon Cities' efforts to mitigate the tax inequities and negative fiscal impacts created by Measures 5 and 50.
- **State Shared Revenues:** Oppose any effort that violates the historic agreement between the State and local governments regarding shared revenues from liquor, cigarettes, marijuana, and 9-1-1 taxes.
- **Preemption of Local Government Taxing Authority:** Oppose legislation that restricts or pre-empts local decision making and local control over revenues, including urban renewal. Maintain local government authority to adopt revenue raising measures.
- **Modification of the Tax Structure:** Encourage and participate in efforts to evaluate changes to Oregon's current tax structure. Local government should be at the table to protect local interests.
- **System Development Charges:** Oppose attempts to limit or otherwise dilute the ability of cities to charge system development fees that fund infrastructure improvements for community growth and to mitigate deficiencies created by future growth.
- **Public Contracting Policy:** Oppose legislation that restricts local authority in public contracting policy. Support legislation that preserves the right of local government to select most appropriate service delivery method.
- **Public Records Requests and Responses.** Oppose legislation which creates unreasonable public records request response timelines, caps fees or limits recovery of expenses associated with records requests, increases the City's defensible cost to produce or retain the public record, or expands the definition of public records.

**Human Resources:** Personnel-related expenses account for a substantial portion of municipal expenditures. Cities should be given broad discretion to manage their work forces.

- **Employee Benefits:** Oppose legislation that requires specified benefit levels for public employees, eliminates or reduces the City's ability to continue to provide a self-insured health plan or requires the City to enter into a broad health insurance pool.
- **Managements Rights and Collective Bargaining:** Oppose legislation that broadens the scope of bargaining unit membership, mandates or guarantees staffing or scheduling levels. Oppose legislation that requires mid-term bargaining to be subject to binding arbitration or increases the scope of binding arbitration. Support efforts to provide cities with broad latitude to provide services and programs in the most efficient and cost effective manner.
- **Workers' Compensation:** Oppose legislation that erodes exclusive remedy protections; or increases benefit levels for public employees; or mandates certain illness to be presumptive and narrows self-insured rights of public employers.

- **Liability:** Oppose legislation that erodes Oregon Tort Claims Act, increases employer liability and legal defense costs, or narrows recreational or discretionary immunity.
- **Personnel Administration:** Oppose legislation that creates duplicate regulations currently mandated by federal legislation. Support legislation to streamline and clarify current contradictory legislative mandates.

**Land Use:** A core function of cities is planning for, managing and protecting land use and municipal services within their borders. These fundamental activities are frequently the subject of considerable community interest and are undertaken within an increasingly complex array of state and federal laws governing land use and environmental protection.

- **Local Planning Priorities:** Oppose measures that limit or pre-empt local authority to plan for and manage land uses or that hinder local decision-making in land use matters. Support measures that increase funding and other support for local planning activities, and support measures that align with land use priorities that have been established locally.
- **Annexation:** Support legislation that removes the difficulties of annexing property to create a logical and efficient City boundary supportive of urban growth, and oppose legislation that creates additional barriers to achieving land use goals under existing annexation laws—particularly in unincorporated urbanized areas located outside of city limits but within urban growth boundaries. Preserve local annexation authority and oppose measures that would be contrary to our City Charter, which emphasizes voter approval of proposed annexations.
- **Historic Preservation:** Oppose measures that limit, dilute, or pre-empt local authority to protect our historic resources. Support legislation that preserves local authority to protect our historic resources and programs that provide municipalities with additional incentives to assist with the development and implementation of our Historic Preservation Program.

**Public Safety:** City officials are best positioned to direct emergency response efforts that reflect community values and standards to ensure public safety within their boundaries. To achieve this, cities need adequate resources, tools and authority.

- **Public Safety Answering Points (PSAP):** Oppose legislation that pre-empts the authority of a municipality to select its own PSAP (9-1-1 center) and forces state-mandated, regional consolidation of existing PSAPs.
- **Interoperability:** Support cost effective solutions that leverage partnerships to achieve interoperability within the public safety communications system.
- **Technology and Equipment:** Support legislation that will enable police agencies to retain data gathered from electronic devices for a sufficient amount of time to investigate and solve crimes, especially body-worn cameras. Oppose legislation that eliminates the option for cities to receive equipment from federal agencies that will increase the ability to protect residents. Oppose body camera

legislation that creates unreasonable demands on city resources for required data retention and records requests.

- **Mental Health Services:** Support increased resources across the state for persons with mental health issues and those who assist them, particularly in crisis situations.
- **Oregon Resilience Plan:** Support the implementation of an ongoing, long-term resilience plan aimed at reducing risk and improving recovery from a major seismic event.
- **Hazardous Materials Transportation:** Support continuation of requiring enhanced reporting of hazardous materials transportation by rail, and funding for first responder training and equipment to enhance local emergency response capabilities to hazardous materials incidents.

**Right of Way Management:** In addition to water, wastewater, and stormwater services provided by the City, modern public utilities encompass a range of services including electric, gas, wireless and wireline telecommunications, cable, and broadband. Businesses and residents consider access to these services essential. Cities play an important role in ensuring that infrastructure is safely and economically placed to serve their communities by allowing carefully managed access to the public right-of-way that all cities hold in trust for their residents.

- **Authority to Manage Right-of-Way:** Salem supports policies that protect cities' local authority to manage the use of the public's right-of-way that all cities hold in trust for their residents. Salem opposes attempts at local, state, and federal levels to pre-empt or dilute this authority, including cities' right to determine the party responsible for relocation of facilities in the right-of-way.
- **Compensation for Use of Right-of-Way:** Salem supports policies that protect cities' local authority to determine and receive fair and reasonable compensation for use of the public's right-of-way. Salem opposes attempts at local, state and federal levels to pre-empt or dilute this authority, to cap compensation, or to direct use of compensation. This applies to existing technology, as well as new technology such as the deployment of wireless small cell and 5G facilities.
- **Authority to Provide Municipal Broadband:** Salem supports policies that protect and enhance local government authority to provide municipal broadband without creating barriers to private investment in the telecommunications industry. Salem opposes attempts at local, state, and federal levels to pre-empt or limit cities' option and authority to provide these services.

**Homelessness and Affordable Housing:** Local governments are working with partners to reduce hardships that lead to homelessness and chronic homelessness within our communities, and to provide affordable housing in concert with our local development community, non-profits, and other public sector partners. Many of our



unsheltered neighbors are living out doors with untreated mental illness, addiction, and chronic health conditions worsened by long periods of homelessness.

- **Homelessness:** Support additional funding for local community organizations and governments to provide more rental assistance, intensive case management, mental and behavioral health treatment, respite care, short-term sobering services and longer-term recovery programs, and funding to reduce barriers to housing for those chronically unsheltered in our communities.
- **Affordable Housing:** Support legislation to create more affordable housing, and provide local governments additional funding for affordable housing and incentives for private sector participation in affordable housing.

**Environment:** City officials place high importance on protecting and enhancing the environment in order to maintain the quality of life for both current and future generations..

- **Municipal Water Rights:** Support protection and preservation of municipal water rights and drinking water sources, and affirm the needs of growing communities to have sufficient resources to efficiently serve expanding populations
- **Greenhouse Gas Emissions:** Establish ongoing, comprehensive and robust programs, partnerships, and commitments to support the reduction of greenhouse gas emissions in our community.
- **Carbon Reduction Framework:** Support efforts to cap emissions by placing a price on carbon and requiring emitters of greenhouse gases to purchase a permit from the state for each metric ton of carbon-equivalent emitted. Revenue generated from the sale of these permits should be directed into investments in clean energy, carbon-reducing transportation projects, and assistance for low-income households. Specifically, a cap and invest framework should:
  - Preserve transportation revenues available to local governments and retain flexibility in use of the revenues for local community needs.
  - Allow investment in evidence-based technologies to reduce emissions from regulated sectors and help these sectors become more efficient over time and less carbon intensive.
  - Dedicate additional revenues to support local governments in climate adaption and resilience, programs to further greenhouse gas emissions, and efforts to incent clean energy job creation and economic development opportunities.

## City Council

### Report Date: January 22, 2021

### City of Salem

Bill Number	Position	Priority
<a href="#">HB 2283</a> <a href="#">INTRO</a>	Oppose	1
<p>Relating to land division for residential development.</p> <p>Allows land division to separate dwelling units for new middle housing allowed in cities.</p> <p>1/18/2021 - HB 2283 is nearly identical to SB 458.</p> <p>Would preempt local authority by requiring the City to approve land divisions for middle housing. It appears that approval would be required without going through the land division process; without having lots meet size, setbacks, and other standards; without ensuring access and utilities for each lot; and without having to submit anything for review. The bill is overly broad. While the bill encourages home ownership opportunities, there are a lot of technical issues that need to be addressed.</p>		
<a href="#">HB 2310</a> <a href="#">INTRO</a>	Oppose	1
<p>Relating to materials for local water projects; prescribing an effective date.</p> <p>Prohibits local government, local contracting agency or local contract review board from enacting, adopting or enforcing ordinance, resolution, rule or other law that prohibits, restricts or limits evaluation, comparison or use of pipe or piping materials for water project if pipe or piping materials meet current standards or performance specifications of specified organizations and moneys appropriated from State Treasury directly or indirectly provided funding for water project.</p> <p>1/19/2021 - Prohibits the City from enacting rules that specify the type of pipe (material) to be used in water and wastewater projects that receive state funding components. The City specifies pipe type in its design standards which are promulgated under Administrative Rule 109-001 to 109-007. The bill would remove local control for design of certain aspects of water and wastewater infrastructure projects.</p>		
<a href="#">HB 2488</a> <a href="#">INTRO</a>	Watch	1
<p>Relating to addressing climate justice through land use planning; declaring an emergency.</p> <p>Requires Land Conservation and Development Commission to make changes to statewide land use planning goals by December 31, 2026, to address climate justice by addressing climate change adaptation and mitigation and environmental justice for disadvantaged communities.</p> <p>1/19/2021 - HB 2488 would require the City to update its Comprehensive Plan and land use regulations to comply with statewide planning goals that would be updated to address climate change and equity. The State would update the goals by December 2026, and the City would need to be in compliance within 90 days of the goals' adoption. The State would also set interim standards by July 2021 that would apply to City land use decisions until the City complied with the updated statewide planning goals. The bill aligns with the City's adopted policy statement to support the reduction of greenhouse gas emissions, but State funding, technical assistance, and a longer timeframe - more than 90 days - are needed to support local implementation. Changes required at the local level could be significant.</p>		
<a href="#">HB 2565</a> <a href="#">INTRO</a>	Oppose	1
<p>Relating to land division for residential development.</p> <p>Allows partition to separate dwelling units for new duplexes allowed in cities.</p> <p>1/18/2021 - HB 2565 is similar to HB 2283 and SB 458, but it applies only to duplexes. If small lot attached homes are desired, the City already allows townhouses, which are attached units on individual lots.</p>		
<a href="#">SB 458</a> <a href="#">INTRO</a>	Oppose	1
<p>Relating to land division for residential development.</p> <p>Allows land division to separate dwelling units for new middle housing allowed in cities.</p> <p>1/18/2021 - SB 458 would preempt local authority by requiring the City to approve land divisions for middle housing. It appears that approval would be required without going through the land division process; without having lots meet size, setbacks, and other standards; without ensuring access and utilities for each lot; and without having to submit anything for review. The bill is</p>		

## City Council

### Report Date: January 22, 2021

### City of Salem

Bill Number	Position	Priority
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Bill Number	Position	Priority
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<a href="#">HB 2224</a> <a href="#">INTRO</a>	Oppose	2
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Relating to public records; prescribing an effective date.

Limits amount public body may charge for public employee time for responding to public records request.

1/19/2021 - Bill amends the public records law to limit City's ability to charge more than \$25 per hour for staff time in collecting, reviewing, and preparing documents in response to a public records requests. Prevents DA from providing an opinion on a fee waiver or PRR denial if the DA receives any financial support from the County or public agency that holds the records, and requires the public body to cover any costs of the AG in preparing the response. If the denial of access to records is upheld by the DA or AG's Office, the requestor may seek binding arbitration instead of seeking an injunction in circuit court. Bill limits the ability of the City to recuperate its true costs in responding to a PRR. May lead to expensive litigation as to what "financial support" of the district attorney means. The DA's office provides a less formal process for independent review of City PRR denial matters, loss of this resource will also add cost to the City as it will have to cover the AG's cost in preparing the response, even if the City's denial of access to the records is upheld.

<a href="#">HB 2485</a> <a href="#">INTRO</a>	Oppose	2
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Relating to public records; declaring an emergency.

Requires state agencies to reduce public records request fees by 50 percent if request is made in public interest, and requires state agencies to entirely waive fees if public records request is in public interest and narrowly tailored.

1/19/2021 - Requires state agencies and local governments to reduces fees by at least 50% in responding to a PRR whenever the request is in the public's interest. Requires fees be waived completely when the request is in the public interest and the request is "narrowly tailored" such that the records are set out with specificity and only records that are in the public interest are sought. A request by news media is considered in the public interest. Does away with current process of allowing the City to balance its costs and burdens in responding to a PRR with the public interest in responding, with appeal oversight to revise denial. Mandate reductions of fees regardless of costs and burdens to the City. Also does not define what constitutes "news media" so unclear if a blogger with a limited audience will now have cost free access to all public records regardless of the intention of the requests.

<a href="#">HB 2487</a> <a href="#">INTRO</a>	Oppose	2
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Relating to public records about public safety officers.

Modifies provisions relating to public records about public safety officers.

1/19/2021 - Bill would no longer exempt from disclosure under public records law information about a personnel investigation of a police officer if the investigation does not result in discipline of the officer. Under current law, this information is exempt from disclosure except under certain circumstances, including: the employee consents to disclosure or the public interest requires disclosure of the information, or the public body determines that not disclosing the information would adversely affect the confidence of the public in the public body. The current law allows for a balancing between the confidential nature of personnel matters and investigations and the public interest. This Bill would strip away this balancing and provide access to personnel investigations against officers where no discipline results.

Bill Number	Position	Priority
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<a href="#">HB 2344</a> <a href="#">INTRO</a>	Support	4
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Relating to labeling requirements for wipes; prescribing an effective date.

Requires persons that have responsibility for or control over packaging and labeling disposable cleaning cloths or similar implements with specified characteristics to comply with certain labeling requirements for product packaging.

1/21/2021 - Requires "do not flush" language on "flushable" wipes. So called flushable wipes do not always meet the

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**Report Date: January 22, 2021**

**City of Salem**

Bill Number	Position	Priority
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wastewater industry standard for flushable products. Wipes can accumulate in the wastewater system and cause system back-ups by clogging pumps, screens, and other wastewater conveyance equipment. The bill is modeled on a labeling bill passed by the Washington State Legislature. The bill has broad support from ACWA, LOC, and SDAO.		
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