

W. J. C.

## **AGENDA COVER MEMORANDUM**

**AGENDA DATE:** April 6, 2005

**TO:** **Board of County Commissioners**

**FROM:** **Lane County Legislative Committee**  
Bill Dwyer, chair  
Anna Morrison, member

**PRESENTED BY:** Anthony S. Bieda, IGR Manager

**AGENDA TITLE:** Report by Legislative Committee

### **1) Review of Recommendations on Legislative Bills**

**DISCUSSION:** The Board will review recommendations from its Legislative Committee about legislation of interest to the county that is pending before the Oregon Legislature.

**ISSUE:** **Review of recommendations on pending legislation.**  
The following are recommendations on pending legislation from the Legislative Committee, adopted at its meeting of Thursday, March 31, for consideration by the full Board:

**HB 2724 --** Provides that home address, home telephone number and electronic mail address of public safety officer are exempt from disclosure.

**Analysis:** Expands exemptions under Oregon Public Records law to protect personal information of public safety personnel. With increase in identity theft and concerns about privacy, believe this is a good initial step towards controlling access of information that generally has little impact on the public's business or right to know.

**Recommended Position: Support**

**HB 2794 --** Provides that sheriff has supervisory and final authority over county local correctional facilities, lockups, temporary holds and corrections supervision services. Provides that unit of county government that employs certified police officers or corrections officers is under direct supervision and authority of county sheriff.

**Analysis:** Would transfer all local supervisory authority to Sheriffs, including community supervision. Community corrections directors are opposing the bill, based on the concern that it would take away a great deal of local control over managing our criminal justice systems.

**Recommended Position: Oppose**

**HB 3056 --** Requires approval of urban renewal plan by each city or county with tax revenues that will be reduced upon adoption of urban renewal plan. Applies to urban renewal plans adopted or substantially amended on or after effective date of Act.

**Analysis:** Provides a measure of control for the County over its tax revenues, and permits it to make its own choice as to contribution of tax increases resulting from urban renewal to the urban renewal district, rather than having a city essentially be the sole decision maker over the share of the County's taxes from the urban renewal district.

**Recommended Position: Support**

**HB 3157 --** Provides that duty of county court or board of county commissioners to inspect local correctional facilities is discretionary for facilities not operated by county.

**Analysis:** Would eliminate the obligation of the BCC to inspect city jail facilities. Bill introduced at request of Lane County.

**Recommended Position: Support**

**HB 3301 --** Authorizes formation of county service districts with overlapping jurisdiction if districts are authorized to provide different services. Expands purposes for which county service district may be formed within jurisdiction of local boundary commission. Limits authority of city or special district to object to formation of county service district.

**Analysis:** Removes potential challenges to the formation of a public safety county service district. It permits overlapping county service districts so long as they do not provide the same services, reducing a potential challenge to a Public Safety District if the Metropolitan Wastewater Service District continues in existence. It clearly authorizes the formation of a county service district for law enforcement services in a Boundary Commission jurisdiction. It also eliminates the consent of a city to the formation of a county service district unless the district will provide the same services as a city does. Lastly, it eliminates the requirement that a special district which is in the same area as a potential county service district be dissolved upon formation of the county service district.

**Recommended Position: Support** (*Note: The Board approved a letter of support for this bill on March 30 and the letter was conveyed to members of the legislature on April 1.*)

**HB 3303** -- Requires inclusion of certain provisions in contracts between state agency and local government. Regulates actions of parties during negotiations for extension or renewal of contract between state agency and local government. Provides that liability to plaintiff for breach of contract between state agencies and local governments is several and not joint. Applies to contracts entered into on or after effective date of Act.

**Analysis:** Lane County and other counties have resisted unreasonable/unfair contract language which state agencies include in state/county agreements. State agreements have, over time, become extremely unilateral and overbroad (in favor of the state). Counties have had common objections to such language, raising the objections repeatedly. A number of county counsels notified that they would refuse to advise their clients to execute DHS agreements if certain changes were not made. DHS begrudgingly made a few changes requested by counties.

County counsel reported to the Board about various concerns with the state contract language. Commissioner Green met with other counties' Commissioners and the Governor's Office to try to re-establish a more positive approach to discussions about contract terms. In the past year, DHS has addressed a number of the onerous provisions. The contract provisions listed in HB 3303 are provisions which counties continue to be concerned about including provisions for termination, indemnity, withholding of funds by the state due to alleged "mis-expenditures," reciprocity, and construing contract language against the drafter.

Adopting HB 3303 will likely reduce the costs that counties are asked to spend to meet with state agencies, and to negotiate with them contract-by-contract. Its across-the-board focus will likely mean that we can save the administrative and legal resource time, improving the efficiency of the public entities.

**Recommended Position: Support**

**HB 3317** -- Requires that local government pay attorney fees and costs of Attorney General incurred by reason of judicial proceedings related to unlawful action by local government. Requires that Attorney General pay attorney fees and costs of local government incurred by reason of judicial proceedings challenging legality of action by local government if court determines that action was legal.

**Analysis:** This gives the state more “hammer” to challenge local government, requiring local government to pay the state’s attorneys’ fees if the state sues the local government and claims unlawful action. The bill is two-way, i.e., the state has to pay if it loses, but like many attorneys’ fee statutes, this would likely increase the likelihood of litigation between the state and local governments. The bill only addresses claims in which the state is the plaintiff, so it is the state that gets to make the decision as to when this statute would apply.

**Recommended Position: Oppose**

**SB 740**

**Summary of Bill:**

Establishes Electronic Product Stewardship Account. Appropriates moneys from General Fund to Department of Environmental Quality for implementation of program for collection, reuse and recycling of electronic products. Requires that moneys appropriated from General Fund be reimbursed to fund within 2005-2007 biennium. Requires sellers of certain electronic products to charge first in-state buyers advance recycling fee to cover costs of program for collection, reuse and recycling of products. Appropriates moneys collected through advance recycling fees to department for operation of program. Provides that qualified organizations shall receive funding from account to promote and organize collection, reuse and recycling of electronic products. Requires manufacturers of electronic products to report certain information. Sunsets January 2, 2016.

**Analysis:** If SB 740 were to pass, the Lane County Electronics Recycling Program could potentially be more efficient from the County’s perspective and more affordable and convenient from the citizens’ perspective. Electronic materials eligible through SB 740 include:

- Central processing units (CPU) •Computer monitors •Laptop computers
- Televisions and video displays greater than 9” diagonally •Computer printers

SB 740 would not cover all of the materials collected through the Lane County Program, but it would cover most of the materials that currently have associated fees. Through our current system, the end of life fee deters some citizens from recycling electronics. Due to the economics of responsibly recycling this material, fees will be associated with recycling electronics, whether they are assessed at the point of purchase or the end of life. A customer typically will accept a fee before, rather than after.

SB 740 proposes a shared responsibility between the customer, retailer and state and local governments. The consumer’s responsibility will be to pay the recycling fee at point of purchase. and to drop off eligible electronic devices with collector or recycler. The retailer will have the responsibility to register with the Oregon DEQ, collect recycling fee from consumers of eligible electronics, and

report on a quarterly basis, number of eligible electronics sold and remit the collected ARF minus 3% for administrative fees. DEQ would be responsible to establish a fee for eligible products, not to exceed \$10 each product, to collect fees to be deposited into the Electronic Product Stewardship Account, and to transfer administrative responsibilities to a third party organization. Collectors (Lane County Solid Waste) responsibility would be collect material, organize shipping and dismantling, and to apply for contract or grant for reimbursement.

**Recommended Position: Support**