

# Local Focus

The Magazine of the LOC

FOURTH QUARTER 2020



# 2021 Legislative Session

## Uncharted Territory Ahead





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### ON THE COVER

#### 22 **2021 Legislative Priorities: Uncharted Territory Ahead**

The LOC Board has adopted seven legislative priorities for cities for the 2021 session.

This quarter we take an in-depth look at each issue—the background, the specific needs for cities and the potential impacts.



### OTHER ARTICLES

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# Educating residents together.

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- 78% of homeowners surveyed believe their municipality should educate them on repairs and preventative measures\*\*

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\* <https://www.infrastructurereportcard.org>

\*\* 2017 IPSOS Survey of HomeServe policyholders and non-policyholders

# Local Focus



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# Dealing with Uncertainty

## A Message from the LOC President

This is my last missive to you as your LOC president. As this is the last *Local Focus* of the year, I expect that at least some readers find themselves newly elected to public office, having taken that big step from private life into this weird, quasi-public life. And since most of those new elected officials haven't gotten to hear me yammer on before, this column is mostly for them...though there may be something for more seasoned folks to take away as well.

The future is uncertain. I mean, don't get me wrong; this isn't a commentary on current events. The future is *always* uncertain. If it weren't, there'd be no such thing as the stock market, sports betting, or fire insurance, and end-of-season TV cliffhangers would be a heck of a lot less interesting. But not all uncertainty is created equal. We can have a pretty good idea about some things without knowing for sure (What time will I be going to bed tonight?), and other things are completely opaque to us (What will the winning Powerball numbers be, one year from today?).

A big part of our jobs as public officials is to deal with uncertainty. When planning a decade-long project, we're always starting into the abyss of the unknown; we never really know what

new situations, crises, or market forces are going to do to costs, timelines, or even the underlying need for the project in the first place. That can be a source of a lot of stress, especially for less experienced hands.

Given time, of course, we slowly get used to this uncertainty (though I don't know if we're ever truly comfortable with it). But we do so in an environment that's all too often filled with people who demand certainty: the public. They want to know exactly when their street is going to be repaved. They want to know that the renovations to the community center will be complete before the fundraising gala they're planning to hold. They want to know exactly how much money the entire sewer plant project will cost before the first penny is spent on a feasibility study.



Jake Boone, LOC President Councilor, Cottage Grove

*(continued on page 13)*

### HERE'S TO GOING ABOVE AND BEYOND

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# Looking Forward to 2021

Our focus this issue takes aim at the LOC's legislative priorities for the upcoming legislative session. In truth, while we have our priorities neatly laid out, one thing 2020 has reinforced is that the only certainty in life is change. This year has taken the LOC in directions we never imagined when we set out with our business plan and legislative priorities back in 2019, but, in retrospect, it's been an amazing time of growth and reinvention.

Under the steady hand and leadership of President Jake Boone, the LOC took some decisive and defining steps to shine amid so much uncertainty. As it became clear this year would be unlike any other for this organization, the board and staff outperformed at every turn. We connected, convened and led. We forged powerful new relationships and partnerships and proved that public-private-civic partnerships are not only essential, but the future.

This year the LOC integrated with Governor Brown and her team on important work related to the pandemic, wildfires and civil unrest. We partnered with scores of state agencies to highlight the importance of our cities, and with those on the federal level as with our partners at the National League of Cities (NLC) and the White House.

This was a breakthrough year for the LOC on so many levels.

Going forward, we are primed to continue our extraordinary work legislatively and through ongoing support of all of Oregon's 241 cities. Our approach is strategic and tactful and will build on the incredible connections the LOC has forged throughout 2020. Our strength remains in building a sense of community and commonality, and our passion for supporting every city in the state. Above all, we strive to be responsive and accessible to you. This is our core mission. This is our commitment to you.

## The Year Ahead

While so many are looking forward to the end of 2020 and a new start, the reality is that we need to brace for a slow transition that will extend into the next year. We see that, and we're ready for it.

We are excited to welcome new leadership and new visionaries to the board of directors and our president for 2021 — Mayor Keith Mays of Sherwood — brings a new perspective and a fresh outlook that will build on the successes of this breakout year. Going forward, we will continue to embrace technology, but will be scanning the horizon for opportunities to bring a more personal experience to all who rely on the LOC.

At this stage, the pandemic still rages and rebuilding from the wildfires will take years. By the time this is published we will have gone through a contentious national election and will be gearing

up for a state legislative session that will be cast in the shadow of all that has come before. Undoubtedly, there will be challenging days ahead for all of us, and it is at this time that we must come together as local leaders and be that example that espouses the best in all of us. We are here to support you, but your leadership matters most during this time.



Mike Cully  
LOC Executive Director

## Bridging the Divide

One area we are working to build is the LOC's presence throughout Oregon, as a sub-department of every city in the state. It's important that we consider and address the needs of all 241 cities, and we have made significant progress to that end. Our weekly statewide conference calls have been a lifeline for many of our members, and we are evolving that concept to be more topical and effective moving forward. We are also working towards the creation of a regionalized model to provide even more connection points and access for our members.

After extensive study and consultations, our training program is being reworked and reimagined. Our goal is to provide you with not only the essentials, but also topical trainings and opportunities to address evolving and immediate needs in your cities. Our advocacy team has broadened its reach and will continue to engage at the local level with greater frequency and purpose.

Every city is important to us, regardless of geography, size or financial status and we are investing broadly in ourselves to assure we prove this.

In the end, the first half of 2021 may not appear so different from the world we live in today. There will be no magic switch we throw on January 1 to change a persistent pandemic threat and whatever else might transpire this year. The unknowns are many, but there is one constant: the LOC.

We are here, and we will be here, passionate and committed to supporting you and your cities.



# ELECTED ESSENTIALS WORKSHOPS

**New to city government? Need a refresher on government fundamentals?**

**Plan now to attend one of six FREE virtual trainings.**

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The workshops will include live Q&A time with speakers following each topic.

There will be six virtual Elected Essential Trainings this year. We have allocated two regions to each date to help spread out the number of attendees at each training. If that date assigned to your region does not work in your schedule, please feel free to sign up for the date that works best for you. The map of LOC Regions can be found on the [LOC website](http://www.loc.org).

**Workshop Dates:**

December 1 – Regions 1 & 5  
 December 2 – Regions 6 & 7  
 December 3 – Regions 3 & 4

December 11 – Regions 2 & 8  
 December 14 – Regions 9 & 10  
 December 15 – Regions 11 & 12

**All workshops are 8:30 a.m. - 3:30 p.m.**

**REGISTER NOW! – [www.orcities.org](http://www.orcities.org)**

For questions, please contact the LOC at [loc@orcities.org](mailto:loc@orcities.org) or (503) 588-6550.

## LOC Board of Directors Holds Virtual Meeting

The LOC Board of Directors met virtually on October 13. Here's an overview of actions taken:

- Amended the LOC bylaws to include a clearly defined process on how to fill a vacant appointed official's position on the LOC Board;
- Amended the bylaws to include a clearly defined process for recognition of caucuses;
- Dissolved the 190 agreement with Damascus, which no longer meets the qualifications of LOC membership, and directed staff to officially strike Damascus from the organization's membership roll;
- Amended the 2021 legislative priorities to include responding to natural disasters; and
- Discussed the 2020/2021 Strategic Plan goals, recognizing the impact of the Coronavirus pandemic on the LOC's operations and mission since mid-March.

For more information on the LOC Board of Directors please visit [www.orcities.org](http://www.orcities.org).

The board's meeting calendar for the rest of the year has been slightly amended:

- The meeting on Friday, December 4, will now be held virtually from 8 a.m. – 5 p.m.;
- The New Board Member Orientation on Thursday, December 3, will be held virtually from 3-5 p.m.; and
- The first meeting of 2021 will be held virtually February 17 from 9 a.m. – 4 p.m.

## LOC Wall Calendars Coming Soon

The LOC's annual wall calendar will be mailed to cities in early January. As usual, this poster-sized calendar features a wide range of high-quality photographs submitted by our member cities. The calendar also contains information on key events and dates to remember in 2021. Cities can obtain additional copies by emailing [loc@orcities.org](mailto:loc@orcities.org).



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# ELGL Launches Third Year of Diversity Dashboard



The Engaging Local Government Leaders (ELGL) [Diversity Dashboard](#) is the first national data collection on the gender, race/ethnicity, age, and prior education/work experience of local government leadership. Learn more on the [ELGL website](#).

# PERS Board Approves Employer Rates for 2021-23

At its most recent meeting, the board of directors for the Public Employees Retirement System (PERS) approved individual [employer rates](#) as proposed by their actuarial consultant. Each PERS employer will be notified of their rate in the coming week, but may have already received this information. Rates are set on a 22-year amortization schedule, with an assumed earnings rate of 7.2%. This means that if the investment fund averages the assumed earnings rate for 22 years, and both the employer and employees pay their contribution, that system will be fully funded at the end of the cycle. The final employer rates, while an increase over the last cycle, are less than what employers would have paid because of changes made by the Legislature. The new rates will take effect on July 1, 2021.

## 2021 LOC Board Elected

The LOC selected its 2021 board of directors on October 15 during its virtual 95th Annual Conference.

The following are the city officials that were named to the LOC's governing board for the calendar year 2021. Officials new to the board or an officer position appear in bold text.

- President:** Keith Mays, Mayor, Sherwood
- Vice President:** Tanea Browning, Councilor, Central Point
- Treasurer:** Steve Callaway, Mayor, Hillsboro
- Past President:** Jake Boone, Councilor, Cottage Grove
- Directors:**
  - Arlene Burns, Mayor, Mosier**
  - Scott Derickson, City Manager, Woodburn
  - Drew Farmer, Councilor, Coos Bay
  - Peter Hall, Councilor, Haines
  - Roland Herrera, Councilor, Keizer**
  - Beach Pace, Councilor, Hillsboro**
  - Dean Sawyer, Mayor, Newport
  - Byron Smith, City Manager, Hermiston
  - Kevin Stine, Councilor, Medford
  - Steve Uffelman, Mayor, Prineville
  - John Walsh, City Manager, St. Helens
  - TBD, Commissioner, Portland



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## CONSERVATION CORNER

# Resources for drinking water systems impacted by wildfires

The recent wildfires here in Oregon did more than just destroy a million acres of land, countless homes, and numerous towns; they also caused extensive damage to several community water supply systems. While many systems are trying to restore service, the Oregon Water Resources Department (OWRD) wants to make sure all affected entities are aware of the available options related to the use of their water rights during this trying time.

### Limited License

- What it is: A limited license for water provides a short-term authorization for temporary use of water.
- Fee: \$280 for first point of diversion (POD) or point of appropriation (POA) and an additional \$30 per POD/POA.
- Please note, if you are a water system that had been damaged by the wildfires, the department may be able to waive all or a portion of the fee for a limited license application.
- Timeline for issuance: 14 days

### Permit Amendment

- What it is: For a water use permit with a non-expired permit completion date, a permit amendment may authorize a change in the place of use, a change in the location of an authorized point(s) of diversion or appropriation, or an additional point(s) of diversion or appropriation.
- Under certain circumstances, permit holders may also change a surface water point of diversion to a nearby groundwater source.
- Timeline for issuance: 3 to 6 months

### Permanent Water Right Transfer

- What it is: For certificated or decreed water rights, a permanent transfer may authorize a change in the place of use, a change in the location of an authorized point(s) of diversion or appropriation, an additional point(s) of diversion or appropriation, or a character of use change.
- Under certain circumstances, water right holders may also change a surface water point of diversion to a nearby groundwater source.
- Timeline for issuance: 6 to 10 months
- 

### Additional Resources:

#### EWP

The “Emergency Watershed Program (EWP)” assists communities suffering from damage to their infrastructure or landscape. This program is accessed in a letter request from a state, community, town, or tribe. There is a 25% financial contribution requirement. This program is intended to mitigate imminent risk to flooding. Note that access to this program is within 60 DAYS OF THE DISASTER (or from the first time sites are safe to access). More details can be found at:

<https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/landscape/ewpp/>

## WORKPLACE INVESTIGATIONS

Dian "Dee" Rubanoff is an employment attorney at Peck Rubanoff & Hatfield, with two decades of experience conducting workplace harassment and misconduct investigations, including expertise in dealing with employee medical conditions, union representation, constitutional rights, and other legal issues that commonly arise in workplace investigations.



Dian Rubanoff  
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**EQIP**

The Environmental Quality Incentives Program (EQIP) is intended to assist eligible landowners and has traditionally been used for farmers, ranchers, and forest landowners. NRCS will fund activities at set rates.

<https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/eqip/>

**ORWARN**

ORWARN is a Water/Wastewater Agency Response Network (WARN) of utilities helping other utilities to:

- Participate in a standard omnibus mutual assistance agreement and process for sharing emergency resources among members statewide;
- Prepare for the next natural or man-made caused emergency;
- Organize emergency response according to established FEMA and NIMS requirements;
- Share personnel and other resources statewide under previously arranged agreements and pre-defined liability and insurance provisions; and
- Receive mutual aid assistance in smaller localized emergencies, as is currently done by fire departments and other public service agencies.

**FEMA**

If your community sustained uninsured losses or damage due to wildfires beginning Sept. 7, 2020, you may be eligible for disaster aid. Federal funds are available to help eligible individuals recover from wildfire in Clackamas, Douglas, Jackson, Klamath, Lane, Lincoln, Linn and Marion counties. To apply, call 1-800-621-FEMA (3362)

- TTY, call 1-800-462-7585
- 711 or Video Relay Service, call 1-800-621-FEMA (3362)

Learn more by visiting the FEMA information website or apply online at [DisasterAssistance.gov](https://www.disasterassistance.gov).

**Oregon Health Authority Drinking Water Services**

E-mail: [info.drinkingwater@dhsosha.state.or.us](mailto:info.drinkingwater@dhsosha.state.or.us)

Phone: 971-673-0405

Fax: 971-673-0694

[Website](#)

**Contacts**

For questions related to limited license, please contact Mary Bjork at [Mary.F.Bjork@oregon.gov](mailto:Mary.F.Bjork@oregon.gov) or 503-986-0817.

For questions related to permit amendments or water right transfers, please contact Patrick Starnes at [Patrick.K.Starnes@oregon.gov](mailto:Patrick.K.Starnes@oregon.gov) or 503-986-0886



We're thankful our customers are our neighbors. That conviction ensures we are always looking for ways to give back. Last year, our employees were proud to volunteer 12,000 hours with community nonprofits and raise \$400,000 for local charities. See how you inspire us to go even further at [PoweringGrowth.com](https://www.PoweringGrowth.com).



# LOC Coronavirus Resources

## Get Answers to Your Questions in LOC's COVID-19 Resources Webpage

### Look here first!

The LOC's Coronavirus Resources webpage contains a wealth of information about the COVID-19 pandemic, sorted by topic, including the latest guidance from Governor Brown, updates on reopening Oregon, and a searchable listing of resources for your city and community. Links are included to the latest funding sources, guidance documents, federal and state resources, and more.

[Coronavirus Resources](#) 

## LOC Weekly Conference Calls for City Leaders



Join us every Friday at 10:05 a.m. as Executive Director Mike Cully hosts a statewide conference call for city leaders. Among the weekly presenters are staff from the governor's office, the Oregon Health Authority, the Oregon Office of Emergency Management and the National League of Cities. Guest pre-

senters have included Senators Ron Wyden and Jeff Merkley, representatives from the Small Business Administration and USDA Rural Development, and LOC Legislative Director Jim McCauley. Each call also allows time for Q&A with LOC members.

The call-in information is posted on the [LOC website](#) and the audio of each call is posted Friday afternoons.

Challenges are always tackled best with great partners.

2020 has been a challenging year to say the least. Thank you for your partnership as we work to power your communities and keep them safe and resilient. Together, we will get through this.

[portlandgeneral.com](http://portlandgeneral.com)



FROM THE LOC PRESIDENT *(continued from page 5)*

This is, of course, a perfectly natural attitude to have — if there's one thing human brains don't like dealing with, it's uncertainty. We're generally okay with things that we're pretty sure are going to happen, and we're generally okay with things that we're pretty sure aren't going to happen. But the stuff in the middle — the stuff where we can't really decide whether one outcome of the other is more likely — really freaks our brains out, and we just don't like it.

(As an aside, neuroscience and psychological studies bear this out: in one British study, subjects who were told that they had a 50% chance of receiving a painful electric shock during the study experienced significantly *more* stress than subjects who were told they were certain to receive one. That's certainly not an outcome I would have expected, but it's true: anticipating an uncertain event is actually harder on us than anticipating a certain one.)

So how do we deal with this problem? The public wants — *needs* — certainty, but we usually just don't have all that much certainty to give them.

About the only thing you can (and should!) really do is to *relieve their uncertainty about you*. That means being completely honest. It's being transparent about what you know and admitting what you don't. It's being straightforward about your reasoning when you vote for or against a policy or regulation (it's my opinion that if I can't coherently explain why I'm voting for or against something, I shouldn't be voting). This often involves some very uncomfortable moments, of course. In my experience, sometimes it's involved telling someone I really like and admire that I'm not going to support their proposal. It's meant being lumped in with people with whom I'd really rather not be associated, just because I happen to share a position with them on one particular item. It's even meant just openly admitting that I made a mistake... when I'd much rather have just stayed quiet and not brought it up at all.

But it's worth it, I promise. This is your chance to decide what kind of elected official you plan to be, and I encourage you to choose the high road now, and never look back. You'll be glad you did.



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- Public Policy Management Center – Wichita State University
- Texas Municipal Clerks Association & Texas Municipal Clerks Certification Program
- Texas Public Purchasing Association
- University of Central Florida Center for Public and Nonprofit Management
- University of North Carolina School of Government
- Utah Valley University – Department of Emergency Services
- Utah Valley University – Institute of Emergency Services and Homeland Security



**KEYNOTE SPEAKER**

**GENERAL JIM MATTIS**

U.S. Secretary of Defense, 2017-2019  
Author, *Call Sign Chaos: Learning to Lead*

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[www.governmentresource.com/RonsBookshelf](http://www.governmentresource.com/RonsBookshelf)



# 95th Annual Conference Goes Virtual

COVID-19 couldn't stop the LOC from delivering the quality training, networking and professional development our members have come to expect with our annual conference. This year, the event was presented virtually, and attendance was outstanding — 367 city officials representing 129 communities statewide participated. Breakout sessions covered a broad range of relevant topics, including disaster response, emergency preparedness, equity and diversity, engaging volunteers, infrastructure funding, and bridging the urban-rural divide. In addition, attendees enjoyed an insightful and thought-provoking keynote address from Walidah Ishmaria. And, in keeping with annual conference traditions, we recognized outstanding city leadership and achievement with our annual awards, and elected our new board of directors for 2021. While it wasn't a complete return to normal, the conference provided a much-needed and well received experience for Oregon's city leaders!

## Virtual Content Still Available

If you missed a session or want to re-watch any of them, all conference virtual content is now available on the conference platform for the next 12 months.

To watch a session, go to the [conference platform](#), click on the agenda page then click on the session you would like to watch; you will see the recording on the session page.

## HERMAN KEHRLI AWARD

The Herman Kehrlı award is given to a city employee who has made exceptional contributions to city government in Oregon, producing lasting benefits for their community.

### **Michael Sykes** **Former City Manager, Scappoose**

Michael Sykes has served as a Columbia County commissioner, on the LOC Board of Directors, as a commissioner and assistant manager for the Port of Columbia County, and as city manager of Vernonia, Forest Grove, and most recently Scappoose. He is held in high regard by his peers in government for his dedication to public service and the ability to build consensus among regional partners, create and execute strategic plans, and take the lead on economic development initiatives.

In Scappoose, Sykes helped formulate and execute the city council’s strategic plan, which included local economic development initiatives, infrastructure improvements, and updates to long-range planning documents such as master plans. His work there also included maintaining public safety through community policing, updates to existing parks and the addition of new parks, maintaining regular communication through a monthly newsletter, and the annual town meeting.

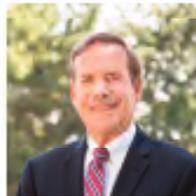


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## JAMES C. RICHARDS AWARD

The James C. Richards Award is given to elected city officials who serve the citizens of Oregon through an exceptional personal investment in intergovernmental affairs.

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### **Brad Nanke** **Councilor, Salem**

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For more than 20 years, Councilor Nanke has dedicated his time, talents, and wisdom to the city of Salem as an elected official and valued volunteer. Throughout his time on the city council, he has shown a strong sense of civic duty, a pragmatic and consistent approach to policymaking, and an openness to other points of view. Nanke served as the LOC president in 2016 and has been a board member for the LOC Foundation since 2014. He has also served on several LOC legislative policy committees.

A dedicated member of the Salem Community Emergency Response Team and local volunteer, Nanke also serves on the Salem area's public access television board, the Mid-Willamette Valley Cable Regulatory Commission, and the North Santiam Watershed Council.

Earlier this year, the Mid-Willamette Valley Council of Governments recognized Councilor Nanke for his outstanding leadership in regional and intergovernmental affairs. His contributions as a public servant range from developing policy of regional and state importance to getting his hands dirty pulling invasive plants from the North Santiam River watershed.

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### **Dr. Phil Cooper** **Professor, Hatfield School of** **Government, Portland State**



Dr. Cooper leads PSU's Public Administration program, where students develop the expertise, knowledge, skills, and abilities to lead local governments. He has organized a student chapter of the International City/County Management Association at PSU, created the first Practitioner-in-Residence program, and maintains a group of professionals as an advisory committee for the university's Local Government Master's Program.

Dr. Cooper was the first recipient of the Charles Levine Award, given by the American Society for Public Administration and the National Association of Schools of Public Affairs and Administration. Earlier this year, he received PSU's Branford Price Millar Award for Faculty Excellence. He also has received the College of Urban and Public Affairs Dean's Award for Scholarly Excellence for Senior Faculty.

Dr. Cooper is an honorary member of the Oregon City/County Management Association (OCCMA) and a Fellow of the National Academy of Public Administration.



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### Award for Excellence

## City of Eugene "Love Food Not Waste" Program

The program began in 2011 to reduce some of the food waste the city sends to a local landfill. More than 270 businesses and organizations currently participate, and over time have collectively helped divert nearly 18,000 tons of food waste. The commercial program provides businesses, schools, public facilities, and other organizations the option to have food waste collected at a lower rate than garbage service and hauled to processors to become compost. The bagged compost is then sold at local retailers under the LFNW name.

After a three-year residential pilot program, LFNW expanded citywide in 2019. It allows residential customers to place food scraps in their curbside yard waste bins to be made into compost. The city, with private and nonprofit partners, has engaged in extensive public education campaigns to support the program. The program has received an overwhelmingly positive reception from the public and has become an integral part of Eugene's solid waste system. The involvement and support of participating businesses, schools, haulers, processors, other organizations, and residents have been key to this success, making LFNW a collaborative, community-based endeavor.



### Award for Excellence

## City of Pendleton UAS Drone Range

Pendleton's City Council took an innovative approach to rural economic development when it established the Drone Range. With an investment of less than \$500,000, the city developed a premier, unmanned vehicle test range that has revitalized Pendleton's World War 2-era airport, more than doubled the airport's average annual revenue, and created more than 60 high-paying aerospace jobs.

First launched in the fall of 2013, the drone range was slow to develop but took off in 2016. It has attracted more than \$5.5 million in grants and has become a major economic driver in the community. Airport ground and building rents are now nearly six times higher than they had been historically and more buildings are under construction.

For the first time in decades, the Eastern Oregon Regional Airport operates in the black and UAS range revenue will likely exceed \$1 million this fiscal year. In addition, Blue Mountain Community College, Intermountain ESD, Pendleton High School, and Sunridge Middle School have all worked closely with the UAS range to create internships and new educational opportunities.



**On the Web:** View all the innovative city programs and community outreach programs nominated this year for the [Award for Excellence](#) and [Good Governance Award](#).

# CITY AWARD WINNERS

## Helen & Alan Berg Good Governance Award

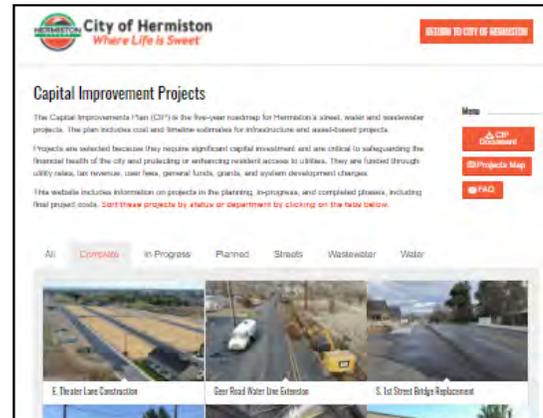
### City of Hermiston Capital Improvement Plan Website

HermistonProjects.com is an interactive website that keeps residents up to date and informed about the city of Hermiston's long-term street, water, and sewer upgrades and upkeep.

Projects in the city's five-year Capital Improvement Plan can be sorted on the site by department, status, or location to better understand how utility fees are being spent to maintain utilities and infrastructure. Each project page is updated with milestones and photos as work is underway, and final costs and descriptions are added when the job is done.

By turning the 200-page document into a user-friendly website, residents can learn about the unseen work of utility upgrades, expected timelines of major projects, and upcoming work that may close roads or affect utilities. The site also acts as a library of past projects as new work is planned.

HermistonProjects.com is updated regularly and will grow with the city of Hermiston. It's a valuable tool for understanding the process and true costs of development.



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# 2021 Legislative Session

## Uncharted Territory Ahead

*By Jim McCauley, LOC Legislative Director*



Lobbying efforts after the 2020 short session were literally flipped upside down due to the world-wide Coronavirus pandemic. For the LOC's intergovernmental relations team, along with much of the LOC staff and city leaders statewide, the pandemic response has been a 24-7 overlay on our legislative focus. Our efforts throughout the spring were focused on identifying needs of cities across Oregon following a series of executive orders issued by Governor Brown to control the spread of COVID-19 and respond to the public health emergency. Since the pandemic took hold in Oregon, there have been 54 executive orders, 10 Emergency Board hearings, two special sessions, and two line-item vetoes by the governor. These numbers illustrate the extent of decision making that has occurred during this crisis, and the mechanisms used by leadership for determining funding priorities, policy direction, and overall response to COVID-19. While the Legislature is set to convene its next regular legislative session at the end of January 2021, we fully expect additional emergency board hearings and the possibility of another special session before the end of 2020 as the state works to respond to the late season wildfires, while also making sure all federal pass-through funding, via the Coronavirus Relief Fund, is spent before the end of the year.

Throughout this spring, the LOC's seven policy committees met remotely to identify policy recommendations. Twenty-six policy recommendations were compiled on a ballot that was forwarded in June to the full LOC membership. Each city was asked to identify which of the 26 policies were a top priority.

Based on the voting and approval by the LOC Board in August, six legislative priorities will be the focus of the LOC advocacy efforts in 2021. In addition, the LOC Board added a seventh priority at its October meeting related to disaster relief and recovery. To this end, the LOC will be supporting legislation that improves recovery and rebuilding efforts in response to recent wildfires and other disasters, such as floods. The final seven legislative priorities are detailed in the following pages to provide greater detail on the specific issue behind each and the LOC's position on that issue.

In addition to the seven legislative priorities, the LOC Board adopted an overarching organizational priority that will be a focus for both grassroots advocacy between cities and their respective legislators and for the LOC's advocacy team to use as a key message with legislative leadership and the governor's office. The purpose of this organizational priority is to make it clear to the state that cities play an integral role in providing critical core services to our citizens—but are being too asked to do more with fewer resources. We have seen unfunded mandates, attacks on local revenues, and preemption of local control in past legislative sessions. Many cities are facing significant budget challenges that have been exacerbated by recent events, but the need for critical core service delivery remains, and is even more important due to these unprecedented times. The LOC is urging the state to partner with us and, more importantly, to avoid legislation that could further diminish a city's ability to meet core service delivery and address the challenges of city budgets. As

part of this organizational priority, the LOC team will be communicating the following specific principles:

- **Avoid Unfunded Mandates.** In past years, and as a result of legislative action, cities have been inundated with mandates that require additional resources to implement new programs or work without the necessary funding to support these new programs and workload. As a result, city resources are shifted away from important core service delivery.
- **Preserve Local Decision-Making and Problem-Solving Authority.** Local control and decision-making remain core functions of local government and must be preserved in order to most effectively address challenges that Oregonians face. What works in one city may not work in another. While cities often experience similar overall challenges, the factors that drive those challenges are often unique, and, as a result, solutions should be tailored to address the unique aspects of each community.
- **Preserve Local Revenue Streams.** Only a few tools are available for cities when it comes to funding essential, local services. It's critical that cities remain in control of finite resources from state shared revenues, franchise/right-of-way fees, lodging taxes, system development charges, rate revenues and property taxes. These revenue streams should be preserved at all costs. Cuts or limitations to these revenue resources represent cuts to the core services that our citizens rely on and expect.
- **Serve in a Supportive Role to Provide Local Tools and Resources.** We ask the state to partner with us to recognize the budget realities and constraints of local governments, and to work with us to identify opportunities for targeted investments and tools to address needs at the local level. The cost of providing services has increased, and revenues have not kept pace.
- **Avoid Shifting Additional Costs onto Local Government Partners.** Decreased general fund and lottery revenues could result in further shifting of state programmatic costs onto local governments. This includes programmatic and agency funding that currently relies on a split of general fund and fees that may be paid by local governments. Any increase in fees to support state programs should be accompanied by an equitable increase in general fund investment. Increased costs to local governments mean increased costs for our citizens, or further cuts to the services they rely on.

The most important resource LOC member cities can provide is grassroots advocacy and communication outreach with state elected leaders in your communities. It is critical that you continue efforts to reach out to legislators and focus on educating them about your city's priorities along with the LOC's work for 2021. Your past communication efforts have slowed the legislative decision-making process, opened opportunities to either fix poor legislation, or stop efforts in their path. The LOC's advocacy team will need this kind of effort in advance of the 2021 session, and certainly during legislative deliberations that are expected when the Legislature convenes for the 2021 session. ■



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## 1 Mental Health Service Delivery

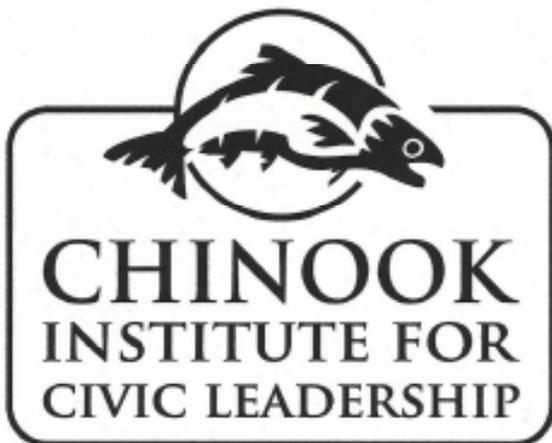
While the measurements are subjective and not in general agreement, most surveys of behavioral health and alcohol and drug addiction service availability place Oregon near or at the bottom of national rankings. As a result, Oregon ranks third in the nation for [alcohol-related deaths](#), and above the national average in [suicides](#). Anecdotally, most police chiefs that have participated in LOC conversations on this topic report a growing number of calls for service stemming from people in mental health crisis. The COVID-19 pandemic has exacerbated some of these issues, with the Portland Police Bureau reporting a 41% increase in suicide related calls (including attempts and threats) compared to this time last year.

To address this ongoing crisis, the LOC, through its General Government Committee and a vote of its membership, proposes the following objectives to improve behavioral health service delivery:

- **Investment:** The state of Oregon has never invested sufficiently in behavioral health services. The LOC will work to ensure that Oregon appropriates sufficient funds in the various agencies that provide behavioral and A&D services.
- **Decriminalize Mental Health:** Currently, there is not enough bed capacity to accommodate every person in a

mental health crisis that presents a danger to themselves or others. A priority for the LOC will be diverting mentally ill persons away from jail and into treatment beds or respite care.

- **Alcohol Availability:** Oregon sells beverages through the Oregon Liquor Control Commission for as low as \$6.39 for 750 ml of 80 proof products. Additionally, high alcohol malt beverages and fortified wine are available at low prices in grocery and convenience stores. A minimum price for an International Unit (IU) of alcohol (8 grams of pure spirit) should reflect the cost public agencies incur from alcohol-related public health and safety expenses. Reasonably increasing the price will result in decreased consumptions and increase resources to cities and other service providers.
- **Mental Health Parity:** While Oregon does require health insurers to provide mental health parity in their coverage, meaning that it should be treated differently than physical health needs, implementation of the law remains a problem. Persons with mental health needs who have coverage continue to have challenges getting treatment approved. The LOC will work with providers to provide greater access to treatment by ensuring true parity.



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## 2 COVID-19 Economic Recovery Investments

### Priority

The LOC will advocate for continued economic recovery strategies and investments for small business and workforce assistance in response to the economic impacts of the COVID-19 pandemic. Cities have been on the front-line of the economic response to the pandemic, standing up programs for small business assistance and economic support for affected workers. Many cities have little or no ability to help residents due to COVID-19 related revenue losses (lodging tax, gas tax, park fees, development fees, parking fees, utility charges, and so on). City elected officials know the needs of their individual communities and want to partner with the state in helping our residents through this difficult time, but need resources.

### Background

The COVID-19 pandemic has had a devastating impact on Oregon's small businesses and workforce. While the federal government and the state have made investments to support small business and their workers, more resources will be needed to support long-term economic recovery for Oregon's communities. The largest federal program for business support was the Paycheck Protection Program, and while 66,000 Oregon businesses were able to access these funds, the program was only intended to cover eight weeks of limited expenses. Unemployed workers received an additional \$600 in weekly unemployment benefits, but those supplemental benefits only lasted through the end of July. Despite significant gains since unemployment peaked at 14% in April, about 7.5% of Oregonians were still unemployed as of the September revenue forecast. Lower income workers have been disproportionately affected, and this is likely to be exacerbated going into the winter if there is a second wave of infections that leads to additional business closures.

### Desired Outcome

The LOC will continue to work in coordination with the business community and state and local economic development partners to advocate for long-term recovery and economic development support. This is likely to take several forms:

- Cities will need additional resources as federal Coronavirus Relief Fund monies and state matching programs will be exhausted by the end of the year. The LOC will work to make sure new resources allow for flexibility so cities can get the funds where they are needed most.
- Existing business incentive programs may need modification to reflect new economic realities. One example is the enterprise zone program, which will likely need allowances to prevent businesses that have suffered COVID-19 related employment losses from being disqualified from the program.
- Displaced workers will need continued assistance, and the LOC will support programs at both the state and local level to assist residents with necessities including food, housing, and utility assistance.



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## 3 Comprehensive Infrastructure Package

Infrastructure investment can play an important role in overall economic recovery, revitalization and job creation. City needs for infrastructure investment have continued to increase over the course of many decades, and the cost of infrastructure projects has increased as well. This has resulted in a backlog of critical infrastructure maintenance and improvements that are necessary to ensure ongoing community livability, and to support expanded capacity resulting from population growth and higher density housing options. Cities, especially those with smaller populations, simply can't afford to fund needed infrastructure investments alone. Historically, the LOC has worked with the state to ensure investments in infrastructure result in family-wage jobs, fair labor standards and important environmental protections. And while these shared values are important to preserve, we are finding that increased costs

associated with some projects mean that some communities will simply be unable to afford to make investments in infrastructure on their own.

In order to better address this ongoing need and opportunity for economic recovery, the LOC will advocate for an increase in the state's investment in key infrastructure funding sources, including, but not limited to, the Special Public Works Fund (SPWF), the Brownfield Redevelopment Fund, and the Regionally Significant Industrial Site loan program. The LOC's advocacy will include seeking an investment and set-aside through the SPWF for seismic resilience planning and related infrastructure improvements that will help make Oregon water and wastewater systems more resilient.

In addition, the LOC will focus on targeted investments to support the following infrastructure needs:



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## Broadband Infrastructure

The deployment of broadband and telecommunications networks and services (public and/or private) throughout Oregon is critical to economic development, education, health and safety and the ability of residents to be linked to their governments. It is estimated that 5% of Oregon's population (about 200,000 Oregonians) does not have access to broadband. A significant barrier to the deployment of broadband infrastructure is funding. Cities need additional funding and support from various sources, including the state and federal government, allocated for increased or new, reliable, low latency broadband infrastructure that reaches speeds of at least 25 Mbps download and 3 Mbps upload or any updated speed standards as adopted by the FCC. Fiber broadband connections will be the backbone of newer technology, so it must be invested in now so that the digital divide is not exacerbated, and areas without a broadband connection do not continue to be left behind.

Additionally, the LOC will work to increase the state technical assistance programs and resources available to cities on broadband planning. Many federal grant programs require localities to have a broadband strategic plan in place before they are eligible for funds. In 2019, HB 2173 created the Oregon Broadband Office within Business Oregon. This office is charged with developing broadband investment and deployment strategies for underserved areas, promoting public-private partnerships, supporting local broadband planning, advocating for policies that remove barriers to broadband deployment, and helping communities access federal and state funds. However, the Oregon Broadband Office is staffed by one person. Additional investment in staffing resources for this office would help provide cities with broadband technical assistance that is needed.

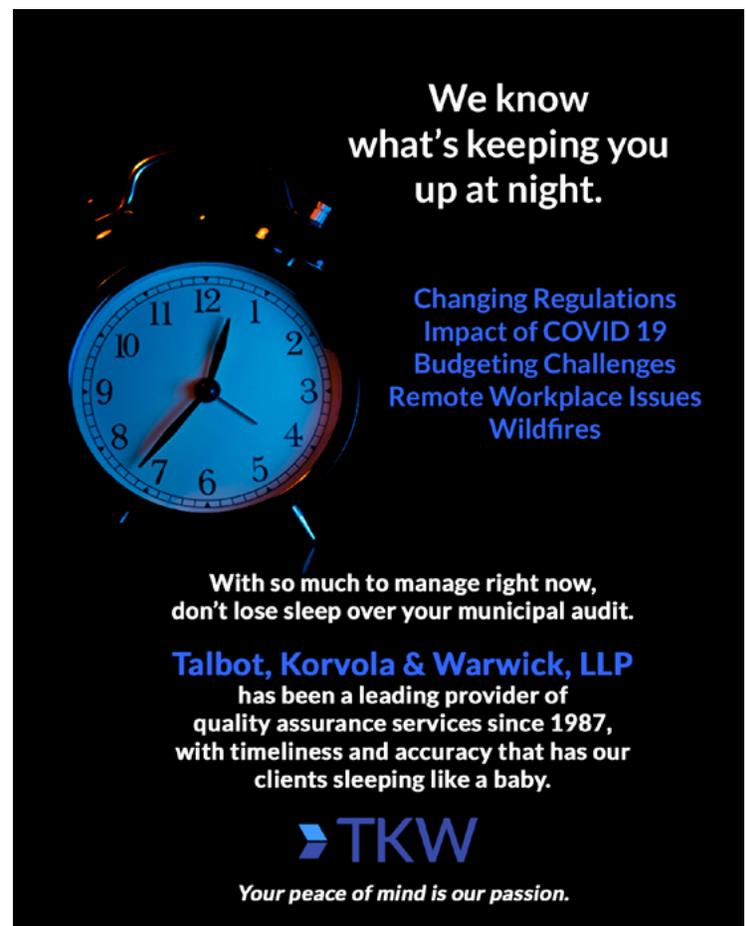
## Long-Term Transportation Infrastructure Funding

The LOC will be supporting opportunities for expanded transportation investment related to projects and policy choices that increase resources available to local governments. With the passage of the \$5.3 billion transportation package during the 2017 session, Oregon's State Highway Fund has continued to grow as the Legislature nears its full revenue implementation in 2024. This has meant additional funding for local governments, with a distribution formula that is split 50-30-20 between the state, counties, and cities. The additional \$5 million small city allotment program for cities with a population less than 5,000 has provided important funding for local projects.

## Drinking Water & Water Quality Investments

In 2016, the LOC surveyed its membership to better understand infrastructure needs associated with the provision of drinking water, wastewater and stormwater services. That survey, which will be updated in late 2020, identified more than \$7.6 billion in overall need for water-related infrastructure. The survey showed that Oregon's cities were facing unrealistic funding scenarios, with per capita needs ranging from \$2,500 in larger cities to \$10,600 for smaller cities.

The LOC will pursue additional funding through the state's Special Public Works Fund, which provides assistance through Business Oregon for a variety of public infrastructure needs, and will explore state bonding capacity opportunities for water-specific infrastructure needs. In addition, the LOC will pursue targeted grant funding assistance that will benefit smaller communities. This includes additional funding to conduct rate studies, feasibility studies and funding to help communities comply with new regulatory requirements.



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## 4 Property Tax Reform

### Priority

Systemic reform of the state's property tax system has been a longstanding priority for the LOC, and 2021 will again see us advocating in this area. As part of the Legislature's work in 2019, we saw passage of the Corporate Activities Tax, which will bring a significant new funding source for schools and take pressure off the state budget. Local budgetary challenges persist, and the Legislature must now refer a constitutional measure to voters to allow cities and other local governments to adequately fund the services that residents demand. The LOC is not seeking property tax revenue increases from the Legislature for cities or other local government taxing districts. That must remain a local choice for local elected officials and voters, as each community across the state has different needs and revenue circumstances. Instead, the LOC's priority is to ask the Legislature for reforms to the property tax system that would reestablish tax fairness and allow local governments to make real tax choices again. The current caps, permanent rates and growth limits have hamstrung communities arbitrarily. The result has been more city fees, deferred maintenance, and service cuts because cost increases are outpacing revenues. The limits of Measures 5 and 50 on the property tax system simply do not allow cities to work effectively. The LOC will ask the Legislature for reform to allow the property tax system to work again.

### Background

Property taxes are the largest source of revenue for cities, with \$1.51 billion imposed in FY 2019-20. Property taxes play a vital role in funding capital projects and the essential services that cities provide, including police, fire, roads, parks and more. They are also a key revenue source for counties, special districts, and school districts. Property tax revenues have been outpaced by rising costs due to the harsh limits and restrictions on the property tax system. This system is broken and in need of repair due to Measures 5

and 50, which are both now more than 20 years old. The tale of two houses (and two businesses) is the norm—this is the phenomenon of two properties with similar values having widely disparate tax bills. Compression is also the norm for most taxing districts—this is the phenomenon of voters approving tax increases, but the tax bill getting reduced due to Measure 5 limits.

### Desired Outcome

The LOC will take a leadership role in forming coalitions with the business community and other local government partners to help draft and advocate for both comprehensive and incremental property tax reform option packages that are consistent with principles adopted by its board of directors. The LOC will remain flexible to support all legislation that improves the system, with a focus on a property tax package that includes, but may not be limited to these elements:

- To restore local choice, a system that allows voters to adopt tax levies and establish tax rates outside of current limits and not subject to compression (requires constitutional referral).
- To achieve equity, a system that has taxpayers' relative share tied to the value of their property, rather than the complex and increasingly arbitrary valuation system based on assessed value from Measure 50 (requires constitutional referral).
- To enhance fairness and adequacy, a system that makes various statutory changes, some of which would adjust the impact of the above changes. For example, as a part of comprehensive reform the LOC supports a new reasonable homestead exemption (percentage of Real Market Value with a cap) but also supports limiting or repealing various property tax exemptions that do not have a reasonable return on investment.

## 5 Housing and Services Investment

### Priority

The LOC will support increased investments for affordable housing, homeless assistance, and related services, including funding for: shelter, homeless services, case management, rent assistance, the development and preservation of affordable housing, and permanent supportive housing.

### Background

Cities large and small were facing escalating rates of homelessness well before the COVID-19 pandemic began and wildfires damaged multiple communities. The resulting loss of homes and continuing economic downturn will only increase the number of Oregonians facing eviction or experiencing homelessness. State general fund programs like the Emergency Housing Assistance (EHA) program and State Homeless Assistance Program (SHAP) have seen record investments in previous legislative sessions, and significant resources have recently been dedicated to housing and shelter in response to COVID-19 and wildfire. Meanwhile, Oregon's lack of available housing, high rents and high home prices continue to cause housing instability and challenge communities' ability to thrive.

The Legislature has also made record investments to fund the LIFT affordable housing development program and

preserve Oregon's existing affordable housing infrastructure. Permanent Supportive Housing is a key strategy for ending chronic homelessness that reduces downstream costs to public systems like public safety, emergency health care and corrections. The 2019 Legislature invested over \$50M to stand up a three-pronged permanent supportive housing program that includes:

- Development costs to build;
- Rent assistance to keep units deeply affordable; and
- Wrap-around services that are key to ensuring residents' long-term stability.

The state should continue investing in this model to bring more Permanent Supportive Housing across the state and ensure that the housing developed with the original \$50M continues to receive the necessary ongoing funding for rent assistance and supportive services.

### Desired Outcome

Recognizing that there is no single solution to solving Oregon's housing challenges, the LOC will advocate for additional state resources across the housing spectrum to address the most pressing housing issues facing Oregon today.

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## 6 Water Utility Rate and Fund Assistance

In response to economic impacts associated with the spread of COVID-19, many of Oregon's drinking water and wastewater utility providers have offered additional assistance to ratepayers. Water utility providers, for example, temporarily ceased water service shut-offs (disconnections) for nonpayment or past due bill collection.

However, impacts associated with residential ratepayer revenue losses and decreased water consumption from businesses that have either closed or limited operations has resulted in concerning revenue and budgetary impacts for many Oregon water and sewer utility providers. Some of these utilities have outstanding debt from prior infrastructure investments, and have expressed concerns that reductions in revenue may impact their ability to make required debt payments in the future.

In addition, the economic hardships that are being experienced by many Oregonians, especially in low-income and minority communities, will be ongoing—highlighting the need for additional ratepayer assistance investments that

focus on equity and Oregon's most vulnerable populations. Prior to COVID-19, water and sewer affordability has been an issue and concern for many cities and for ratepayers. While there are state and federally-funded low-income assistance and weatherization programs for home heating, there are no state or federally funded programs for water or sewer assistance. Many local governments have local low-income assistance programs, but the funding that is necessary to support those programs comes from ratepayer dollars. As a result, many cities feel limited to increase investments in ratepayer assistance programs, as this will only result in additional rate increases, potentially worsening the affordability challenge.

The LOC will work to identify funding for water utility ratepayer assistance and will work to establish a framework for the distribution of funds. In addition, the LOC will seek to ensure that any assistance programs are targeted to acknowledge existing inequities, especially for Black, Indigenous, other communities of color and for rural Oregonians.



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## 7 Responding to Natural Disasters

### Priority

The League will advocate for adequate resources from state and federal sources to respond to recent and future impacts of natural disasters in communities.

### Background

The full impacts of the late season wildfires will have long-lasting impacts in communities throughout Oregon. While the initiative to recognize the importance of supporting communities devastated by wildfire, fire was not the only natural disaster identified or experienced by communities in Oregon. Flooding has presented challenges to communities in Oregon ranging from coastal cities such as Tillamook, the mid-Willamette Valley, and in 2018 and 2019 floods along the Grande Ronde and Umatilla rivers threatened many communities from La Grande, Pendleton, Milton-Freewater, and Hermiston.

LOC will advocate on behalf of impacted communities for legislation that provides additional resources, efficiency

in recovery and rebuilding efforts, support of long-term economic recovery efforts, budgetary flexibility, and re-investment in infrastructure lost due to wildfire, floods and other natural disasters.

### Desired Outcome

Investments in infrastructure upgrades, repairs and resiliency will help rebuild communities, better ensure equity and access to critical services, protect public health and the environment, improve community resiliency and promote economic recovery. LOC is hopeful through our advocacy we can provide additional tools and support existing programs that allow communities to rebuild and reduce the impacts and risk of natural disasters.

\*\*The LOC board approved the addition of Responding to Natural Disasters as a legislative priority for the 2021 session at the October board meeting.



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## How Should Local Officials Communicate with Their State & Federal Representatives?

**W**hile the LOC works tirelessly to protect and defend the interests of Oregon's 241 cities in both the state Legislature and U.S. Congress, the voice of locally elected officials sometimes has a larger impact on state and federal legislators. When mayors and councilors communicate their support for LOC priorities, it can change the way state and federal legislators vote.

Writing, emailing, calling and face-to-face meetings are all effective ways to communicate your message to elected officials. The following communication tips will assist you in working with state and federal elected officials.

### 1. How Do I Deliver My Message to State and Federal Elected Officials?

First, and most importantly, get to know your legislators, U.S. Senators and Representatives. This should include getting to know their staff—it's the staff that will help you identify the best way to communicate with the elected officials themselves. Second, calling your elected officials directly is effective when you need to get a message across quickly. Writing your official is also helpful but should be reserved for those instances when the issue you are concerned about does not require an immediate response. Finally, meeting with your elected officials is an essential part of any advocacy effort. Like you, state and federal elected officials have busy schedules. As such, when you do have an in-person meeting with these officials, your message should be concise and quickly delivered. Generally, state and federal elected officials have time for meaningful and lengthy in-person meetings when they are home in their districts or when the Legislature or Congress are not in session.

### 2. What are the Do's and Don'ts of Calling State and Federal Elected Officials?

When calling state and federal elected officials, the LOC recommends you do six things:

- **Ask to speak with the elected official directly.** If they are not available, ask to speak with the appropriate staff person who is working on the issue. Staff has the elected official's ear and is often very knowledgeable about the details of your issue.

Remember, at times, the elected official's staff may be your greatest ally.

- **Know what you want to say and be concise.** Cover your main points early in the conversation.
- **Leave your name, city and telephone number.** This will make it easier for the elected official's staff to get back to you with the information on the issue.
- **Ask the elected official for their position on the issue.** If you talk with staff, let them know that you need them to get back with you regarding the elected official's position on the issue.
- **Thank them for their time.** Make sure you thank the elected official, or their staff, for the time they've provided you. Ask if you can provide additional information or be helpful in any way. Thanking the official, or staff, for their time should include sending them a short, written thank you note, which includes a concise summary of your position on the issue.

During your conversation with state and federal elected officials, *do not bluff*. If you are asked a question that you cannot answer, advise that you will get back to them and then follow up in a timely manner.

### 3. What are the Do's and Don'ts of Meeting with State and Federal Elected Officials?

When meeting with state and federal elected officials, LOC recommends you do four things:

- **Call first for an appointment, and ask for the appointment to be with the elected official.** Make sure you call and schedule an appointment; do not just show up at the official's office. When you schedule the appointment, you should explain the purpose of your visit and make it clear that you want to speak directly with the elected official. If the elected official cannot meet with you personally, ask to schedule an appointment with the staff person handling the issue you wish to discuss. It's equally helpful if you make the meeting convenient for the elected official, for example, scheduling it to occur at the official's office.

- **Bring any relevant material with you to the meeting.** Make sure you bring any relevant materials, documents and data with you to meeting. If you have a business card, make sure you bring one and leave it with the official.
- **Be efficient, articulate and respectfully tenacious.** The meeting should be brief and concise. If you are with a group of people, you may want to designate one spokesperson. You should be respectfully tenacious during your conversation, but do not show discouragement or angst. When the meeting concludes, ask the official if they will support or oppose the legislation you have been discussing.
- **Write a thank you note and make sure you follow up.** When the meeting concludes, please make sure you send the elected official or staff a thank you note. Even if the elected official does not support your position, it is still important to thank the official for their time and consideration. Use the thank you note as another opportunity to state your position. Always follow up and make it clear that you will assist in any way you can to make your position understood and supported.

Do not get defensive if the elected official or their staff don't support your position. As an elected official yourself, you understand better than anyone the difficult job state and federal elected officials are doing. Condescending, threatening or intimidating communications will alienate the official and you will need to work with the person again in the future.

#### 4. What are the Do's and Don'ts of Writing or Emailing State and Federal Elected Officials?

When writing or emailing state and federal elected officials, LOC recommends you do four things:

- **Use the correct address and salutation, and make sure there are no typographical or grammatical errors.** Make sure that your salutation identifies the elected official by their appropriate position (Senator, Congresswoman, etc.). Read your letter or email carefully to make sure it is grammatically correct and to ensure it contains no typographical errors.
- **State your position in the first sentence.** You should also include your position in the subject line if you send an email. Make sure to keep your message focused and concise, and identify what it is that you are asking the elected official to do.
- **Use your own words and city stationary.** Form letters are overlooked and discarded. To better ensure your words are read, make sure they are in fact your own words. If you are sending a letter, and your city has stationary, make sure to use said stationary.
- **Know the facts.** Make sure the information you provide is credible. Facts matter. If you can, find out how the elected official voted on this or similar issues in the past.

Do not use a negative tone in your writing. Remember, condescending, threatening or intimidating communications will alienate elected officials – and you will need to work with them again in the future. ■



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# Recovery Efforts Quickly Launched for Communities Devastated by Wildfires

By Melody Finnemore

In September, Oregon's historic wildfires killed at least 11 people, burned more than 1 million acres and destroyed more than 4,000 homes. The Holiday Farm Fire burned just outside of Eugene; the Beachie Creek, Riverside and Lionshead fires burned between Clackamas County and Salem, and were centered in the Mount Hood National Forest; the Echo Mountain Fire burned near Lincoln City; and several other fires burned in southern Oregon.

Within days, multiple recovery efforts were underway to rebuild communities and help residents get back on their feet. In Talent and Phoenix, nearly decimated by the Almeda Fire, Phoenix-Talent Schools organized a Fire Relief Day at Phoenix High School where several organizations, including the American Red Cross and the Federal Emergency Management Agency (FEMA), provided aid. Rogue Food Unites and World Central Kitchen provided hot meals from local restaurants and backpacks for students. The school district also helped organize school supplies to help students restart school.

Housing, already scarce before the fire, became an even more critical issue with the loss of so many homes. While FEMA trailers are a traditional option for some, several Talent residents united to form the nonprofit Remake Talent to create a template for sustainable rebuilding that could be used as a model for Phoenix, Medford and other southern Oregon cities impacted by the fire.

Led by Tucker Teutsch, the group is creating container homes that are equipped with windows for natural lighting and heat, a kitchen, shower, composting toilet, setup for a green roof and gray water system. Stacked container houses can accommodate large, multigenerational families who need the space, and the containers are easy to move and have utility hookups that can plug in anywhere. Multilevel, pop-up container shops could help business owners who have lost their storefronts, according to the *Ashland Tidings*.

Talent Elementary School is serving as a designated FEMA response site and makeshift office for members of the Oregon Trial Lawyers Association (OTLA), who have volunteered to help residents with replacing lost documents, registering for FEMA assistance and filing insurance claims, among other matters. As of mid-October, up to 40% of the 14,000 FEMA applicants who had filed by then faced ineligibility due to lost lease agreements, deeds, photo IDs and other documentation.

OTLA is hosting legal clinics in Talent, Medford and other southern Oregon communities as well as events in which attorneys go out into the community to meet with people who cannot



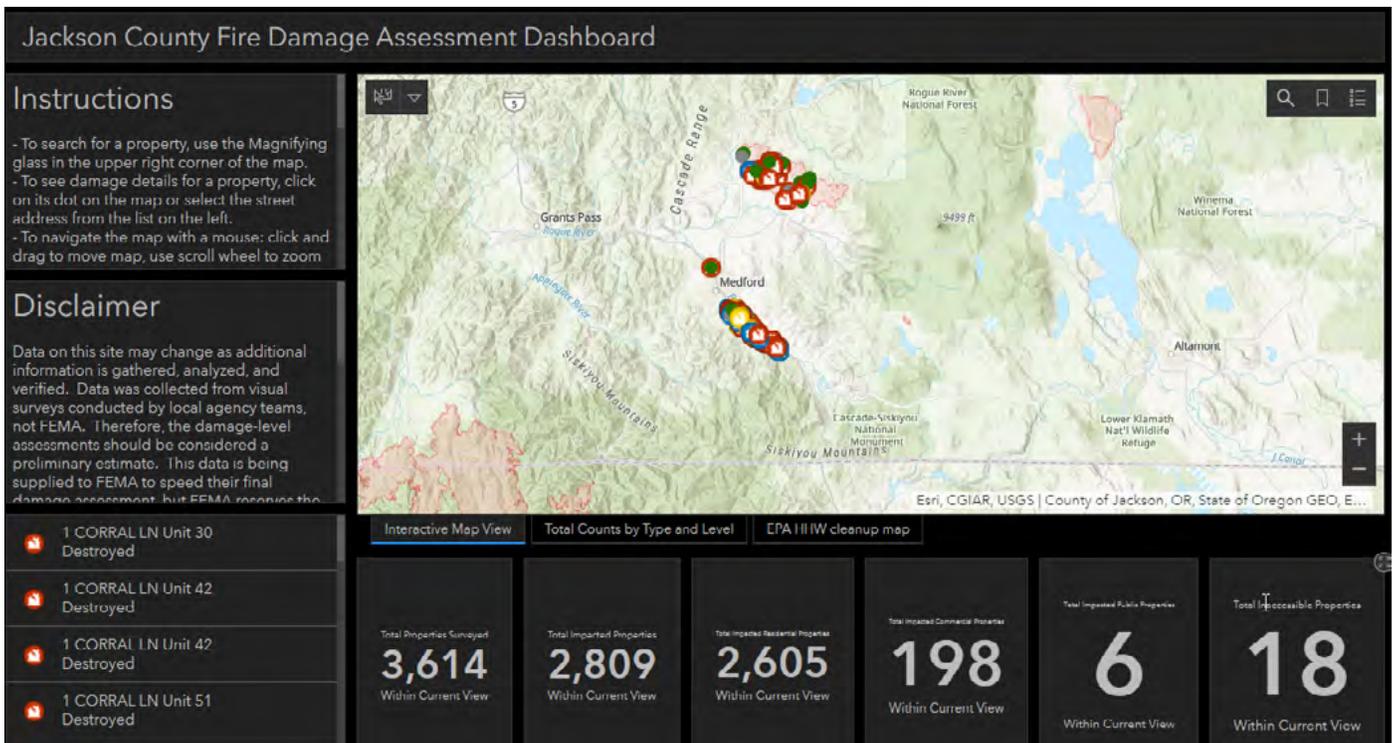
Attorneys who are members of the Oregon Trial Lawyers Association were among those who stepped in to help wildfire victims, many of whom needed guidance on replacing lost documents, registering for FEMA assistance and filing insurance claims, among other matters. *Photo courtesy of the Oregon Trial Lawyers Association*

come to them. The volunteers also have led pro bono sessions in Molalla, Estacada and other cities and plan to continue them. In addition, the OTLA has produced an FAQ and established a hotline for wildfire victims, and the Oregon State Bar posted on its website a notice for wildfire victims to contact its Lawyer Referral Service to see if they qualify for free legal assistance through its FEMA wildfire response panel and it created a hotline for victims to call.

## Wildfires Initiate Changes in Policies, Plans

The Almeda Fire accelerated Ashland's decision to review its emergency evacuation plan after residents reported traffic bottlenecks while trying to evacuate. Police Chief Tighe O'Meara told the Medford NBC affiliate the city already was planning to pay a consultant to evaluate the plan and had hired KLD Engineering of New York to do it.

In Redmond, the city council in late October moved forward on an ordinance permitting temporary emergency accommodations



The [Jackson County Fire Damage Assessment Dashboard](#) includes data on wildfire-impacted properties.

for recreational vehicles, trailers and other vehicles. Bend implemented similar measures earlier in the month specifically to help people displaced by the wildfires. In both cities, vehicles parked on private property must be temporary in order to prevent negative impacts.

Also in late October, Oregon's Land Conservation and Development Commission (LCDC) approved new temporary rules that allow emergency housing villages outside of urban growth boundaries. It also eases rules for siting temporary housing in campgrounds and next to existing rural residences, according to Oregon Public Broadcasting.

Jackson County, where more than 2,300 homes were destroyed, faces the biggest need for housing and most of the losses were mobile homes where low-income residents lived. Josh LeBombard, the Southern Oregon regional representative for the LCDC, said the difficulty of finding emergency shelter for thousands of displaced residents within Phoenix and Talent led officials to look at other options.

FEMA is first looking at reconfiguring current buildings such as local college dormitories. The new state rules would also allow FEMA to look at the areas just outside the two cities, which are urban reserves that are now in rural use, but would be used for urban expansion if necessary.

In addition, state and local governments and nonprofit groups may also develop their own emergency housing villages to accommodate undocumented residents and others who are wary of federal authorities, LeBombard told OPB.

Under the new rules, emergency housing outside urban growth boundaries could be permitted for up to three years. A county could also grant up to two 12-month extensions. Commissioners unanimously approved the temporary rules, which expire in May. They also said they want to consider permanent rules next year for accommodating future disasters, including the threat posed by a massive Cascadia earthquake. ■

*Ms. Finnemore is a Portland-area freelance writer. Contact her at [precisionpdx@comcast.net](mailto:precisionpdx@comcast.net).*

## LOC's Emergency Procurement FAQ Available for Cities



Cities with questions about public procurement and contracting during an emergency are encouraged to review the LOC's recently updated [Emergency Procurement FAQ document](#), which can be found in the LOC's online [Reference Library](#). The document provides answers to commonly

asked questions about public procurements and public contracts during, and in response to, emergency situations.



# Property Coverage and Considerations for Wildfires

**F**or our CIS members with property coverage, your agent is standing by to assist you in reporting and working through your claim.

CIS' property coverage has been designed for the unique needs of Oregon's cities and counties and offers the following services and coverages for a fire loss:

- The initial clean-up of the covered structure. We can help you locate contractors to perform this clean-up activity. We have contracts in place with Belfor and ServePro of Douglas County with pre-established rate schedules. You can use another contractor if you prefer.
- The cost of temporary replacement of the structure. Perhaps a space is available to rent, or we can use Agility to provide you with a temporary office (trailer)—plus computers, phones and power.
- The restoration or reproduction of important lost records up to \$100,000.
- Up to \$15,000 of employee's personal property in a covered structure, if property was used in the member's operations.
- The cost of architects, engineers, and project managers to help you rebuild.

- The expenses to rebuild your structure.
- The expenses to replace the contents and related equipment, inside or outside of the structure.
- We can make advance payments to help with your expenses.

## Recovery v. Valuations of Property

CIS offers a variety of valuations (types of recovery), depending on the age and condition of property and whether it has been appraised. The recovery value is different based on the valuation. Your agent can help explain the difference and what each of your damaged or lost properties have for a valuation (as noted on your CIS property schedule).

Most structures are covered at guaranteed replacement value. Structures with a valuation of actual cash value (ACV) will have a recovery limited to the market value or replacement value minus depreciation, whichever is lower.

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# It's Time to Dust off Your Camping Ordinances:

## A Recent Ruling in Homelessness Case Impacts all Oregon Cities and Counties

By Aaron Hisel, Gerald L. Warren and Associates

We know it's a balancing act to provide grace and resources to those experiencing homelessness, while ensuring that enforcement action can still be taken to make sure public property remains accessible and safe for everyone.

That balance was recently shifted again in the class action case, *Blake, et al. v. City of Grants Pass*.

While the case *is* on appeal, this article provides you with some key takeaways. Before we get into those, a little background is in order.

### Helping Homeless and Ensuring Public Safety Conflict

Tensions between providing for the homeless and ensuring public safety has always existed. Over the years, Oregon's cities and counties have taken steps to address these issues. Despite those efforts, federal courts recently issued two opinions that restrict local governments' options to address these challenges.

### Previous 2018 *Martin v. Boise* Case Was First Attempt to Address Issue

The Ninth Circuit Court of Appeals handed down the first case, *Martin v. City of Boise*, in September of 2018. That opinion said it's unconstitutional under the Eighth Amendment to criminalize the involuntary act of sleeping in public if there are not "realistically available" shelter alternatives sufficient to house all of the homeless individuals in that jurisdiction.

According to *Martin*, no analysis was necessary as to any individual's circumstances because if there were more homeless than available shelter spaces, all of the homeless were deemed "involuntarily homeless" and, therefore, could not be subject to criminal "punishment."

### 41 Days after the *Martin* Opinion Issued, the City of Grants Pass Was Sued

The Oregon Law Center (OLC is a non-profit legal office) took no time in suing Grants Pass in federal court on behalf of a class of "involuntarily homeless" plaintiffs.

In this suit, OLC sought to expand *Martin* by arguing that public bodies could not enforce any camping-related ordinances against the homeless "unless and until" sufficient place(s) where the homeless could lawfully sleep and rest were provided.

### Federal Judge Sides with the Class of Homeless Individuals

On July 22, 2020, Magistrate Judge Clarke issued a sweeping Opinion and Order that ruled against the city and sided with the class of homeless individuals.

While it's not apparent from reading Judge Clarke's Opinion, the parties were primarily arguing about the difference between the involuntary act of sleeping or resting, and the voluntary act of maintaining a campsite for an extended period of time on public property. The two sides also argued about whose burden it was — the government's or the homeless individual's — to prove that a person residing on public property had nowhere else to go.

Judge Clarke's opinion can only be interpreted as requiring all cities and counties to carve out exceptions — in their ordinances — where the homeless can lawfully engage in sleeping without risk of enforcement.

### Can Cities Fine the Homeless?

Judge Clarke also determined that a monetary fine of any amount against the class of "involuntary homeless" individuals when no other alternatives are provided would be excessive under the Eighth Amendment.

### Grants Pass Appeals Decision, but Appeals Can Take Two Years

Again, the City of Grants Pass, with the support of CIS has appealed Judge Clarke's rulings.

One of the major challenges with the appeal is that the process in the Ninth Circuit currently takes approximately two years, so the judgment from this case will be in place for the foreseeable future.

### Now What Can You Do (and What Can't You Do)?

Below are some key takeaways to keep in mind as you continue to address these thorny issues surrounding homelessness and the general welfare of all your citizens:

- **Does your ordinance make it illegal to sleep or camp on all public property at all times?**

If your Ordinance prevents individuals from putting any bedding down or taking even rudimentary measures to shield

*(continued on page 38)*

themselves from the elements on all public property at all times, this is more likely to be found unconstitutional — even if there are times and/or places in which no enforcement action is taken.

Even an Ordinance that limits “camping” often includes a complete ban on simply “sleeping” as part of the definition of camping. In all likelihood, such a ban would also not survive a court challenge.

An alternative to a complete ban on sleeping in public is to insert a time limitation. This would significantly decrease risk and add clarity. (e.g. “camping is defined as [insert description] ... for more than 24 hours.”)

- **Does your ordinance call for criminal citations, or civil infractions?**

From a risk management perspective, we recommend that local governments’ camping ordinances be civil infractions that allow a range of “punishments” other than arrest, and not misdemeanors. This is, in part, because of another Ninth Circuit case that came out the same day as the Grants Pass opinion, called *Pimentel, et al. v. City of Los Angeles*, issued July 22, 2020.

In *Pimentel*, the Ninth Circuit held for the first time that the Eighth Amendment ban on excessive punishments applies not just to criminal punishments, but also to civil fines, subjecting fines of any amount to an analysis by courts about whether they are “too much.” The Court upheld a \$63 parking fine as constitutional but questioned whether an additional \$63 the City charged for late payment was also constitutional and sent the case back for further review of that issue.

Presumptive fines schedules should be revised with this in mind, keeping an eye out for hidden fines — usually fees to be tacked on for collection or non-payment. The clearer your ordinances can be about alternative options to fines (such as community service), the less likely there is to be a successful challenge to the “punishment” associated with an ordinance violation.

## “Tools” Cities and Counties CAN Use According to Judge Clarke

Judge Clarke’s Opinion still allows for citations to be issued to homeless individuals for littering, harassment, urinating and defecating in public. Judge Clarke felt these were the available “tools” in the local government’s toolbox. One wonders, however, if such citations might also be challenged as equally “involuntary” aspects of being involuntarily homeless.

## Now is the Time to Review Your Ordinances and Enforcement Practices

These decisions are novel so they will almost certainly impact your ordinances. Below are steps to minimize legal challenges regarding where the homeless can sleep or camp.

1. Have your City Attorney or County Counsel review this article, the *Blake, et al. v. City of Grants Pass* Motion for Summary Judgment briefing, and the resulting Opinion alongside your current or proposed Ordinances.

## CIS Planning Virtual Conference for 2021

Our members’ health and safety are our top priority and because of the ongoing health concerns from COVID-19, we have decided to shift our Annual Conference to be completely virtual for 2021. We will be contracting with a top provider for our virtual platform to provide our attendees with the best experience. Plans are already underway with topics such as lessons learned from the COVID-19 pandemic, cyber security, new employment laws and other legal updates, cultural inclusivity, and more! We have lots of topics in mind for sessions, but we always want to hear from you. If you have any new ideas for conference sessions, please submit them at [www.questionpro.com/t/ABIBhZiokR](http://www.questionpro.com/t/ABIBhZiokR).

## Season Two of CIS’ Popular Shark Tank Announced

In February 2020, we kicked off our popular Shark Tank and now we’re seeking submissions for next year’s participants. The deadline to submit your Shark Tank idea is **Monday, Nov. 30!** We’re asking for you to submit your idea through our simple online submission form at [sharktank.questionpro.com](http://sharktank.questionpro.com).

**IMPORTANT NOTE:** Your entity must have property, liability, or workers’ compensation coverage with CIS, and the project must be related to one of those coverages.

You can submit as many project ideas as you like, but only one will be selected per member to present at the virtual conference. The project can be one that’s already underway or a future project. If you submit a proposal but are not selected as a finalist, you’ll still win by receiving one free registration per entity to CIS’ 2021 Virtual Annual Conference.

The projects will be reviewed and evaluated by CIS’ sharks in advance of the conference. Three projects will be selected and presented by the member during a special shark-tank session.

The winner will receive \$5,000, the first runner up will receive \$2,500, and the second runner up \$1,000.

Three finalists will be selected by **Dec. 15.**

## More from CIS

- [Pandemic Creating Uncertainty in Health Insurance Market](#)
- [More Virtual Public-Safety Trainings Offered through CIS Learning Center](#)
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2. Have your City Attorney or County Council review the Judgment and related injunction that Judge Clarke entered in the *Blake, et al. v. City of Grants Pass* matter. This Judgment and injunction seek to address the concerns in his Opinion, but leaves Grants Pass with a workable set of guidelines while the appeal process proceeds.
3. If you or your attorney still have questions, reach out to CIS General Counsel Kirk Mylander: [kmylander@cisoregon.org](mailto:kmylander@cisoregon.org), (503) 763-3812.
4. For situations where litigation is threatened, Kirk Mylander may refer you to my firm, the Law Office of Gerald L. Warren and Associates, to consult at no cost to your organization.

### A Few More Key Takeaways from Grants Pass — City's Arguments Have Little Impact

Advocates for the homeless freely admit that their goal is to use every means possible, including litigation, to force local government to provide free “low barrier” housing to the homeless. These advocates push for cities and counties to allow indefinite camping in specifically designated areas — much like the tent city models found in Portland.

While we don't want to discourage public bodies from expending resources to help those in need, we cannot recommend any of these alternatives as an effective form of liability risk

management. These “solutions” do not actually solve any of the legal issues addressed here and will likely create additional liability risks.

Judge Clarke rejected every form of alternative shelter or place the homeless had available to sleep in the Grants Pass area. (e.g. it was not within the physical boundary of the City, it had a religious affiliation, it was not HUD approved as a shelter). It had no impact on his constitutional analysis.

Logically, even if the resources existed to build “low barrier” housing for all, there would still be those who cannot co-exist with others. Some of the “involuntary” reasons might include mental health, communicable disease, restraining orders, etc., and those individuals still must sleep somewhere.

In addition, as some public bodies have moved to dictate specific locations where homeless must sleep, a multitude of other liability issues arise under a separate “danger creation” constitutional doctrine.

Examples: “You made me sleep here and something bad happened to me,” or “You made this encampment where I have to be, and so you must also provide additional support such as toilets, drinking water, washing stations, and security.”

There may still be policy and political reasons to pursue these types of alternatives, but those options must be weighed against an increase in liability risk and cost. ■



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## KEIZER Parks Master Plan Update

Keizer's City Council recently approved a contract to update the city's Parks Master Plan, and over the coming months will ask residents for their feedback on what improvements need to be made to local parks and what a city-sponsored recreation program should encompass.

The city council approved a parks services fee in 2017, and the additional funding has allowed it to update paths and equipment throughout the system. Among the improvements are the installation of a new play structure at Claggett Creek Park.

"The parks services fee allows us to do things and consider doing things I never dreamed we would be able to do," Keizer Public Works Director Bill Lawyer told the Keizer Times. "It's exciting to be part of that."

The city is still catching up on a long to-do list, but Lawyer can see the day when a recreation program is within reach.

"We want to know what people in the city would want out of a recreation program," he said. "It might be programs for adults and kids and it could range from classes to more athletic interests. The only thing I would rather the city not get involved in is running youth sports programs."

The personnel capacity running a youth sports program would entail probably still lies outside the city's grasp. While running sports leagues might be out of the question, Keizer Little League (KLL) Park will be brought into the city's parks planning for the first time since it was constructed. It means KLL Park will be eligible for more direct city funding when it comes to upkeep and improvements, and Lawyer would like to know from residents how to balance spending there in relation to other spaces, according to the *Keizer Times*.

The master plan update process is scheduled to run through April and Lawyer wants to take advantage of surveys, input at parks board meetings and, he hopes, some in-person gatherings if the pandemic can be contained in the near future.

The city awarded the \$79,993 Parks Master Plan contract to Portland-based MIG Inc. Ross Recreation of Portland is installing the new play structure at Claggett Creek Park.



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# GRESHAM

## New Groundwater System Underway

In early October, the Gresham City Council took the first step toward a break from the Bull Run Reservoir by approving a partnership that will begin the process of creating a new system to supply the city with drinking water.

Councilors unanimously voted to form an intergovernmental agreement with the Rockwood People's Utility District to develop a groundwater system. The union between the city and Rockwood PUD will allow the partnership to apply for federal funds and mitigate future rate increases, the Gresham Outlook recently reported.

In its most recent newsletter, the Rockwood People's Utility District noted that the construction and operations of joint and independently owned groundwater supply systems will benefit both entities by sharing the costs to expand groundwater capacities in order to mitigate exposure to rising wholesale water rates imposed by the city of Portland.

Designs for a new well house, piping, treatment facility and reservoir and rehabilitation of an existing reservoir are at the 30% design phase. Construction is scheduled to begin in the spring. The drilling of Cascade Well 7 is complete and development of Cascade Wells 8 and 9 continues, according to the district.

The Gresham City Council's agenda points out that Bull Run's water supply is one of the last remaining untreated public sources in the country and, due to ongoing detections of cryptosporidium, is required by the EPA to design and construct a treatment system. The water filtration plant is anticipated to cost between \$820 million and \$1.2 billion and is scheduled to become operational in 2027.

When this occurs, the purchase price of water from Portland will increase and Gresham's share of the capital expense would be about \$100 million. Other large-scale projects needed to update Portland's aging water infrastructure and upgrade to better seismic resiliency will further increase the cost. Gresham was required to inform Portland by 2021 whether it wanted to enter into another 20-year water purchase term as a wholesale customer or not.

"Further developing Gresham's groundwater supply infrastructure to fully eliminate the need to purchase water from Portland in the future is anticipated to cost roughly \$65 million," the city council's agenda states.

"This option is expected to result in significantly cheaper water production costs than water from the City of Portland, especially



in future years. It also allows Gresham better control over water supply and quality decisions, such as whether or not to fluoridate. Another water source in the region could also improve the region's ability to supply water after a significant earthquake or other natural disaster."

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# OREGON CITY

## Police Station, Municipal Court Building Open

The Oregon City Police Department hosted an Oct. 6 ribbon-cutting ceremony for its 34,000-square-foot Robert Libke Public Safety Building, also the new home of the municipal court.

Libke, who in 2013 was shot and killed while responding to a house fire on Linn Avenue, was honored again during the ceremony officially opening the facility to the public. A select list of attendees paid homage to the fallen officer at the event by unveiling his bronzed boots, an effort led by Oregon City community members and a local artist, the *Oregon City News* reported.

“This ribbon-cutting ceremony is our first step in the new legacy of our department and our service to the residents of Oregon City,” said Police Chief James Band. “This building will be a beacon of safety for our community for years to come.”

Band, who received an award from city commissioners for his efforts on the project, worked with citizens and architects on a police-station design that highlights a glass façade to communicate transparency and put people at ease as they visit police officers or the court.

The building features private interview rooms and separate entrances for suspects and victims. Its new courtroom will function as a city commission chambers and it houses an emergency operations center. Cross-laminated timber used in building the police station is among its sustainable features, according to the *Oregon City News*.

In 2014, city commissioners approved purchasing the shuttered Mt. Pleasant Elementary School from the Oregon City School District at the site of the police station. Although the school was demolished to make way for the new structure, an arch window from the school was retained as part of a memorial to it.

In 2017, Oregon City voters approved a \$16 million revenue bond measure to build a police headquarters replacing OCPD’s former 1960s building that failed to meet state standards. Essential needs facilities will be required to meet seismic standards by 2022.

In the months ahead, the OCPD anticipates inviting the public to the Robert Libke Public Safety Building through online, virtual tours, the *Oregon City News* reported.



Oregon City Officer Robert Libke’s widow and daughter, Wendy and Ziva Libke (middle), joined members of the city commission, the city manager and police chief in cutting the ribbon on the new OCPD headquarters.



Oregon City’s Robert Libke Public Safety Building opened in October.

### Have City News to Share?

Email us your copy (500 words max.) detailing your city’s notable achievement (i.e., a project, initiative, award or individual honor), preferably with an image.

**Contact:** Kevin Toon, [ktoon@orcities.org](mailto:ktoon@orcities.org)

# NEHALEM

## New Wayfinding, Interpretive Signage

The city has installed new interpretive boards and directional, parking and gateway signs as part of a countywide master wayfinding plan developed in 2016 by the Tillamook Coast Visitors Association (TCVA). The plan was approved in 2019 and funded from the portion of the county transient lodging tax managed by the TCVA, according to the *Tillamook Headlight Herald*.

“We worked with TCVA on plans, signage and content that would fit our strategic vision for Nehalem, as well as to direct visitors to services such as restrooms, our city park and the North County Recreation District’s (NCRD) performing arts center,” City Manager Dale Shafer told the newspaper.

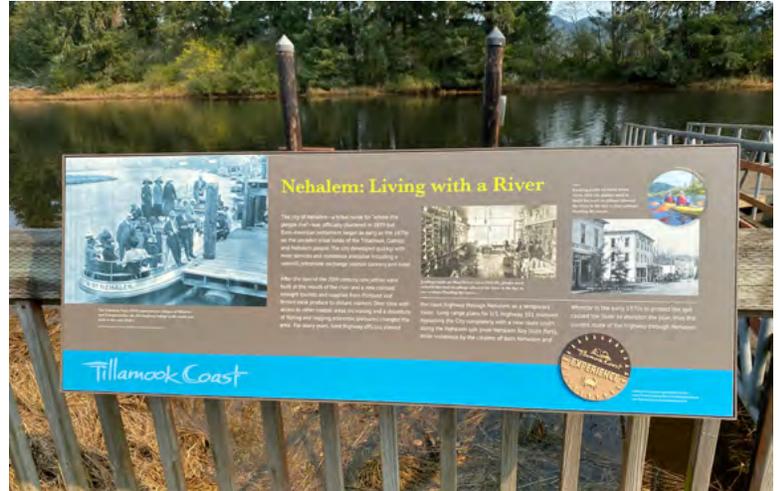
Downtown Nehalem now has two interpretive signs, one about the city’s watershed and the other about living along a river. Other signs include a city map, a greeting for visitors approaching from the river and a new city park sign featuring the history of Native Peoples. A parking sign on the corner of 7th and U.S. Highway 101 has a tsunami route map on one side. The city plans additional signage as more wayfinding funding becomes available.

The plan includes a new facility entrance sign for NCRD’s performing arts center, and an interpretive board that tells of the town’s commitment to teach each child to swim.

In 2015, the Tillamook Board of County Commissioners asked the NCRD to make wayfinding a priority. The plan outlines a blueprint for types and designs of signage while allowing each city or unincorporated area to adapt with their own logo and color palette. Each community also determines the type of interpretive signage, providing a way to share stories important to their area and vision plan, the *Tillamook Headlight Herald* reported.

In the 2019-20 fiscal year, TCVA also funded Neskowin-area tsunami signage, a Nestucca Rural Fire District emergency message sign, Tillamook Bay interpretive signs developed by Tillamook Estuaries Partnership, and lumber mill and train history signage at the Port of Garibaldi. In addition, wayfinding plans were developed for Rockaway Beach, Wheeler and Pacific City-Broton Road.

TCVA works with Lennox Insites and Partners in Design. Nehalem’s signs were fabricated and installed by Ramsey Signs, according to the *Tillamook Headlight Herald*.





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