

2023 Legislative Session Preview

obbying efforts since the 2020 short session were literally flipped upside down due to the world-wide Coronavirus pandemic. As we transition from a global pandemic to an endemic, the 2023 legislative session will still feel similar to the previous two years because of the ongoing seismic upgrades in the Capitol.

Meanwhile, the LOC's advocacy efforts in 2023 will face several challenges and unknowns.

First, public access to the Capitol will be a hybrid of sorts. The public will have access to the building, but due to the ongoing construction, legislative leadership staff is recommending that meetings be set up in advance. In addition, they are advising that once meetings have concluded or testimony has been provided, participants should then leave the building. Virtual testimony will remain a component of committee hearings, and as we learn additional specifics closer to January, we will keep our members informed.

A second challenge for the LOC's advocacy efforts: one-third of the Legislature will be new because of the November election. Meanwhile, past interactions with the other two-thirds of the Legislature will have occurred in a virtual environment. We expect the relationship building with legislators to be challenging, as the dynamics of virtual interaction are much different from in-person. The turnover in the Legislature also presents a challenge to the grassroots effort that LOC members have rallied behind, because many cities will have new legislators representing their interests. This will make establishing relationships critical.

Senator Rob Wagner of Lake Oswego will be taking over as Senate President in 2023. Senator Tim Knopp from Bend will continue as the Senate Republican leader and Representative Vicki Breese Iverson of Prineville will continue as House Republican leader. Representative Dan Rayfield of Corvallis took over as Speaker of the House in February 2022. We will now



wait for committee selection process, which will be in place in advance of the 2023 session.

To be successful, LOC members will need to rally behind the LOC's 2023 key priorities. The League will need your collective help to focus on relationship building with legislators. When alerts go out, we'll need every city to take time to contact their legislators and provide input to legislative committees. The eight key priorities were approved by the board in August and help frame the lobby team's legislative focus. These priorities are described in greater detail on page 32.

Organizational Priorities

In addition, we have a set of organizational priorities that are critically important to the lobby team, because they help our evaluation of issues and provide some direction for a response. These organizational priorities are:

- **Reform Oregon's Property Tax System.** Adopted by voters in the 1990s, the current system based on Measures 5 and 50:
 - Is inequitable to property owners and jurisdictions alike;
 - Is often inadequate to allow jurisdictions to provide critical services;
 - Removes meaningful local choice; and
 - Is incomprehensible to most taxpayers.

Reform has been a longstanding priority for cities, and the LOC will continue to advocate for constitutional and statutory reforms to enhance local choice, equity, fairness, and adequacy.

- **Avoiding Unfunded Mandates.** During recent legislative sessions, cities have been inundated with mandates that require them to take on additional work and shift priorities away from locally identified priorities to those that the state deems to be of greater importance.
- **Preserving Local Decision-Making and Problem-Solving Authority.** While local communities often face similar challenges, the solutions and tools necessary to address those challenges are rarely the same for each local community. What works in one city, may not work in another.

- **Preserving Local Revenue Streams.** Local governments only have a few tools in their toolbox when it comes to sources that fund essential city services. While revenues have taken a hit from the COVID-19 pandemic and communities wait for the economy to bounce back, cities will start to rely more on the finite revenues from state shared revenues, franchise/ROW fees, lodging taxes, and property taxes than before. Therefore, these revenue streams should be preserved at all costs.

- **Serving in a Supportive Role to Provide Local Tools and Resources.** The LOC recognizes that the state budget is severely constrained, and is committed to recognizing this reality as it pursues legislative and programmatic investments. The LOC asks that the state similarly recognize the budget realities of local governments and work to identify opportunities for targeted investments and tools to address needs at the local level.

- **Avoiding Shifting of Additional Costs onto Local Government Partners.** The LOC is concerned that decreased general fund and lottery revenues could result in further shifting of state programmatic costs onto local governments. This includes program funding involving 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 Oregonians, or further cuts to the services they rely on.

Build or start your legislative outreach NOW. If you don't have a relationship with a state legislator, start one! If you have a new legislator, start the outreach now! Focus on the core education of what cities provide their communities and what issues create challenges. You might be surprised at the knowledge gap.

Finally, join us for **City Day at the Capitol** on January 25 to be heard and to work with other LOC members. We are making plans for the day, which include invitations to incoming Governor Tina Kotek and the entire leadership group from both chambers and major parties. ■



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2023 Legislative Priorities



The League of Oregon Cities' (LOC) Board of Directors unanimously adopted eight legislative priorities for cities for the 2023 and 2024 sessions. The priorities were identified through a committee process this spring and a vote by the LOC's 241 member cities this summer. The following eight issues received the most votes from members, and were adopted by the LOC Board:

1 Infrastructure Finance & Resilience, and Funding for Critical Infrastructure for Needed Housing

LOC Lobbyists: Michael Martin, mmartin@orcities.org; Ariel Nelson, anelson@orcities.org

Legislative concept: The LOC will advocate for increased state investment in key infrastructure funding sources, including, but not limited to, the Special Public Works Fund (SPWF), the Brownfield Redevelopment Fund, the Regionally Significant Industrial Site program, and set asides through the SPWF for seismic resilience planning and related infrastructure improvements to make Oregon water and wastewater systems more resilient. The LOC will also support comprehensive funding and technical support for infrastructure to make sure those projects selected for state funding are completed. In addition, the LOC will advocate to better align infrastructure resources to support the development of needed housing affordable at or below 120% of the average median income (AMI).

Background: As Oregon works to overcome its historic housing supply deficit, cities have limited tools to address the rising costs of infrastructure necessary to support the impact of new development. Increased state investment is needed to effectively address infrastructure costs and improve housing affordability. Increasing state resources in infrastructure programs that provide access to lower rate loans and grants will assist cities in investing in vital infrastructure. An LOC survey of cities in 2020 identified a need of \$9.7 billion over the next 20 years to cover water and wastewater infrastructure projects for the 100 responding cities.

2 Local Funding to Address Homelessness

LOC Lobbyist: Ariel Nelson, anelson@orcities.org

The LOC will seek state funding to support coordinated, local community responses to addressing homelessness.

3 Address Measure 110 Shortcomings

LOC Lobbyist: Scott Winkels, swinkels@orcities.org

Legislative concept: The LOC is advocating for the Legislature to convene a meaningful stakeholder conversation to reform Measure 110 to ensure the efficient and coordinated distribution of funds and effective inducements for entering treatment programs.

Background: In 2020, Oregon voters passed Ballot Measure 110, which significantly altered how Oregon treats simple possession of most narcotics. Criminal penalties for possession of small amounts of narcotics were replaced with a citation and a referral to a helpline, and funds were dedicated to harm reduction and treatment services. However, a small percentage of those receiving citations have actually appeared in court, and the distribution of funds was delayed by as much as seven months in some counties. The LOC is asking for a holistic and thoughtful review of Measure 110 to address Oregon's continuing and unabating addiction crisis.

4 Economic Development Incentives

LOC Lobbyist: Mark Gharst, mgharst@orcities.org

The LOC will support legislation to preserve and strengthen discretionary local economic development incentives, including the Enterprise Zone (EZ) Program, the Long-Term Rural Enterprise Zone (LTREZ) Program and the Strategic Investment Program (SIP).

5 Community Resiliency & Wildfire Planning

LOC Lobbyist: Ariel Nelson, anelson@orcities.org

Legislative concept: The LOC will support investments for climate and wildfire resiliency planning, as well as infrastructure upgrades, to fill existing gaps and assist cities in planning for extreme weather events and wildfire.

Background: Oregon communities are increasingly looking for help in planning for climate change impacts, including infrastructure upgrades, to handle extreme weather events. Cities of all sizes, particularly small to mid-sized cities, need technical assistance and additional capacity to better plan for and recover from climate events and wildfire. 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.

6 Transportation Safety Enhancement

LOC Lobbyist: Jim McCauley, jmccauley@orcities.org

Legislative concept: Expand authority to all cities for use of fixed and mobile radar and allow the use of photo radar in high-speed corridors. The LOC will also advocate for increased flexibility for local speed setting authority, increased investment in the “safe routes to schools” program and expanding the “great streets” programs.

Background: With the addition of fixed and mobile photo radar along high-crash corridors and other transportation routes, the city of Portland and other cities have demonstrated improved safety outcomes in neighborhoods. The LOC’s efforts to expand the use of fixed photo radar during the 2019 and 2021 sessions failed. For 2023, the LOC Transportation Policy Committee selected a series of public safety outcomes that framed a legislative priority. This concept focuses on extending the same safety tools available for a few select cities. Fixed photo radar is limited to Portland and only for use in high-crash corridors. The use of mobile photo radar is confined to Albany, Beaverton, Bend, Gladstone, Medford, Milwaukie, Oregon City, Tigard, and Portland. There is no justifiable explanation for limiting photo radar to a select list of cities. Every community should have equal access to these tools.

7 Full Funding & Alignment for State Land Use Initiatives

LOC Lobbyist: Ariel Nelson, anelson@orcities.org

Legislative concept: The LOC will support legislation to streamline and fully fund local implementation of any recently adopted or proposed state land use planning requirements, including administrative rulemaking.

Background: Recent legislation and executive orders have made significant changes to the state’s land use planning process, which has resulted in increasing burdens for local government. While the LOC shares the state’s policy goals, these updates have resulted in extensive, continuous, and sometimes conflicting rulemaking efforts that are not supported by adequate state funding. Cities simply do not have the staff capacity or resources needed to implement current requirements. Existing planning updates should be streamlined to enable simpler, less costly implementation and any new proposals must be aligned with existing requirements.

8 Lodging Tax Flexibility

LOC Lobbyist: Mark Gharst, mgharst@orcities.org

The LOC will advocate for legislation to enhance flexibility in cities’ use of transient lodging tax revenues. The goal is to help cities better serve visitors and improve local conditions that support the tourism industry. ■



How Three LOC Priorities Will Have Local Impacts

By Melody Finnemore

Among the LOC's priorities for this session are support for legislation that preserves and strengthens economic development incentives, including the Enterprise Zone (EZ)

Program, the Long-Term Rural Enterprise Zone (LTREZ) Program and the Strategic Investment Program (SIP). For cities like Umatilla and Gresham, these programs have generated hundreds of jobs, millions in annual revenues that help support schools, and billions of dollars in investments.

The LOC also is advocating for legislation to enhance flexibility in cities' use of transient lodging tax revenues. The goal is to help cities better serve visitors and improve local conditions that support the tourism industry. Newport and Seaside, along with many other cities, could use more of that money for road repairs and infrastructure as well as public safety and additional staffing.

Another of this year's priorities, local funding to address homelessness, will further support coordinated, local community responses to addressing homelessness. The Oregon Mayors Association (OMA) Homelessness Taskforce has crafted a proposal for the Legislature's consideration that will fund several coordinated efforts already underway as well as new efforts.

City leaders from Umatilla, Gresham, Newport, Seaside, North Plains and Hermiston shared with *Local Focus* how these legislative priorities directly impact local residents and will, in the years to come, continue to strengthen their communities.

Economic Development Incentives

Umatilla City Manager David Stockdale likens the region's LTREZ program to a "domino effect" that has generated many positive impacts for the community. These impacts range from increased revenues for the city, to eased financial burdens on the local school district that helped pass a general obligation bond for new school facilities, to more jobs and housing for the people who live there.

The economic development incentives span over a decade to the first data center Amazon completed in Umatilla. When the online retail giant built its first data center in 2012, Umatilla's annual budget was \$13 million. That doubled in 2016 when Amazon built its second center and, with a third center due for completion in 2024, the city's annual budget is now \$55 million in order to keep up with the community's demands for services.



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Amazon is building its third data center in Umatilla, thanks to the region's Long-Term Rural Enterprise Zone program.

“By the time we get these abatement dollars, we’re able to turn around and leverage those funds for other economic development and it’s a match with federal and state dollars,” Stockdale said, adding more than half of its budget this year comes from federal and state sources.

Umatilla has negotiated one EZ that is five years, four LTREZs that are 15 years each, and one SIP with the county. City leaders recently completed negotiations on the final two LTREZs. The economic development incentives have allowed the city to earmark at least \$50,000 a year for public safety and at least an additional \$50,000 per year for schools.

Stockdale said that, as the city’s relationship with Amazon has grown over time, the company’s commitment to the community has evolved as well.

“The first time they came in we were just happy to be a partner. Then, as they continued to invest, we were able to have the conversation about how they can be more of an engaged community partner and start chipping in for schools,” he said.

Housing is another piece of that partnership. In 2018, the city conducted a buildable lands assessment that showed a shortage of 1,200 housing units. Previously, the most homes it had built in any given year was 13, and it had added just 100 new homes over more than a decade.

(continued on page 34)



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However, with one Amazon data center completed in 2018 and another under construction, 60 homes were built. The number continued to grow and Umatilla now adds 100 or more homes each year. An 81-acre site for 324 houses off Grant Avenue is now under development.

“Amazon helped to show developers that the need is there, our population growth is happening and a large anchor tenant is making significant investments. New employees are coming in and are getting above median market wages,” Stockdale said.

Since Gresham adopted its EZ program in 2006, it has brought in more than \$1 billion in new buildings, tenant improvements and improved equipment. Its EZ requires adding new jobs, creating career pathways with a focus on local residents, and paying a community service fee in the final two years of a five-year abatement. The companies are expected to increase employment by 10% and the average wage must be 200% of minimum wage with strong benefits, the *Portland Tribune* explained in a 2021 article about the program’s success.

“That tool has been extremely beneficial to the city, not only for recruitment of new companies but also to help support our existing companies,” said Erika Fitzgerald, AICP, the city’s senior economic development specialist, noting that in addition to hundreds of millions of dollars in new investment, the EZ has helped to create more than 1,000 new jobs.

Gresham redesignated its EZ program in 2016 with the full support of its mayor and city council. The next redesignation is set for 2026, but the state program sunsets in 2025. She said an extension of the sunset date is critical for Oregon as a whole, and especially Gresham because it has seen so many benefits from it.

“We have few economic development tools in the state of Oregon, and the enterprise zone is a really important tool for economic development practitioners to be able to do the work that we do,” said Fitzgerald, who also serves as vice president of the Oregon Economic Development Association’s Board of Directors.

Lodging Tax Flexibility

Newport Mayor Dean Sawyer has long puzzled over how lodging tax percentages set in 2003 were determined. The current rate dedicates 70% of new room taxes after 2003 toward tourism promotion or tourism-related facilities and no more than 30% for a city’s general fund. Prior to that, local governments could determine how the tax should be divided for tourism and governmental purposes. For the city of Newport, the split was more even, with 54% dedicated to general operations and 46% for tourism promotion.

“I’ve asked around and no one seems to know how the Legislature came up with that figure,” he said. “That causes us a burden because we have to spend 70% on promotion or facilities and we are a small town with other needs.”

As an example, Sawyer notes, Newport has 20,000 to 30,000 people putting wear and tear on its streets, yet receives the same amount of funding for road repairs as Independence. While they both have populations of about 10,000 people, Newport is



Flexibility in using lodging tax dollars would benefit the city of Newport, a popular year-round tourist destination. The city would use the flexibility to invest in roads, sidewalks, public safety and infrastructure.

frequented by tourists at a higher rate.

“Whenever the price of gas goes up the price of asphalt goes up, so it’s very expensive for us,” he said.

In addition to the wear on the roads, Newport’s popularity as a tourist destination drives up public safety costs through medical emergencies, drunk driving arrests, domestic disputes and theft, among other issues.

Overall inflation is a factor for the city as well, with costs for the goods and services it needs increasing. Its primary source of funding is property taxes, and between rate limitations and the 3% limit on the growth of assessed values those revenues are not keeping pace with the rise in inflation.

While Newport has a host of infrastructure and other municipal needs, it has no shortage of tourists and doesn’t do any promotion at all during the summers because its lodging is mostly booked. Its Seafood & Wine Festival, held each February, also draws ample visitors during the coast’s “shoulder season.”

Furthermore, investment in roads, sidewalks, trails and other infrastructure improves the experience that people have when visiting places like Newport. Investment in these areas is good for tourism, Sawyer said.

“Newport is a big tourism town and tourism is a significant source of revenue for us. We’re just asking for more flexibility in how we spend the lodging tax revenue,” he said. “I’ve talked

with several communities on the coast as well as Portland and Bend. This will impact most cities around the state because most areas have tourists.”

Seaside Council President and Mayor-Elect Steve Wright agrees with Sawyer and is gratified to see the issue rise as a legislative priority after several years of discussion. “We have a lot of tourism already and we’re really good at getting people to come here. We just want a little more flexibility in how we use that 70% of the lodging tax.”

Wright said that Seaside’s tourism numbers skyrocketed after pandemic restrictions eased and visitors could return. The city has a population of about 7,000 people, but on any nice weekend in the winter that number can double and, during summer months, grow sixfold.

Like Newport, Seaside needs more of its lodging tax revenue for infrastructure maintenance, public safety and other operating costs. These include staffing up for major events such as Spring Break, the July 4th celebration and its annual beach volleyball tournament.

“We’re not saying we’re not going to promote tourism, but our hands have been tied a bit,” Wright said. “It’s also pertinent to note that Seaside is one of the very first cities in the state that reached out to do what we could to help the lodging industry when COVID hit and we shut down.”

He noted that Seaside allowed the local lodging industry to retain the city’s portion of the lodging tax for the first quarter of 2020, which amounted to about \$800,000. It also provided \$250,000 in grant funding to support local businesses, and each of its water customers received a credit of \$50.

“We reached out and tried to help everybody as we could. We recognized the importance of our lodging industry by giving that money back to them,” Wright said, adding Seaside has one of the few convention centers on the coast as well as a welcome center.

“Tourism is an important industry to us and we’re trying to do everything we can to support it. We’d just like a little more flexibility,” he said.

Homeless Response Funding Proposal

The OMA Homelessness Taskforce, formed in May 2022, met regularly over the summer and fall to develop its homelessness plan, which was finalized and approved Oct. 14. The plan was subsequently emailed to all 90 members of the Oregon Legislature and the three gubernatorial candidates.

The taskforce’s plan to address the homelessness crisis in Oregon is a partnership between the state and its 241 cities. This partnership will allow for the establishment and expansion of local, community-based responses that provide immediate shelter and needed services for unhoused Oregonians. During the 2023 Legislative session, the OMA will propose two separate, yet parallel, budget proposals.

The first is a budget package that provides direct allocation to cities for homelessness response and prevention services. Under

this proposal, each city would receive allocated funds of \$40 per resident based on the latest official population estimates from Portland State University. The OMA taskforce, recognizing that some small, rural cities have smaller populations, has asked for cities to receive at least \$50,000 in annual funding.

The direct allocation proposal also provides for cities to have the ability to use money for their own homelessness response and prevention services, or redirect funds to community partners who are required to use the money for homelessness response and prevention services.

“In North Plains, for example, we have partnered with the Forest Grove Foundation, the local Salvation Army, Washington County Homelessness Services and Community Action,” said Mayor Teri Lenahan, president-elect of the OMA.

“We do not have the infrastructure, affordable housing or shelters that are needed so, in our particular situation, if we have somebody who is homeless we would be more likely to partner with those organizations to help us out,” she said, adding North Plains would use the money for prevention services instead of building shelters or contracting with someone to build shelters.

With a \$50,000 guarantee for all cities, and a \$40 per resident multiplier in place, based on the April 19, 2022, PSU population estimates, the total amount requested would equal about \$123.5 million annually.

(continued on page 36)



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The second portion of the proposal requests a budget package for coordinated capital construction investments for specific shelter and transitional housing projects statewide. It is expected that a final dollar amount needed for capital construction investments will total between \$125 million and \$175 million.

“This is a very specific ask and it is intended to be an ongoing ask. Each community has its own unique challenges and the ‘one-size-fits-all solution’ will not work for every city. We want the State of Oregon to own this and trust the cities’ mayors when they say, ‘Yes, this is an ongoing problem and we want a collaborative approach to fix it,’” Lenahan said.

Fellow taskforce member Dr. David Drotzmann, mayor of Hermiston, said his city is among those whose financial resources have been significantly impacted by homelessness, making it difficult to provide other operational services that are required.

In addition to the OMA taskforce’s request, Drotzmann would like to see additional state resources for affordable housing and behavioral health services. “Our mental health professionals are severely undercompensated. It’s a very challenging profession, and those folks need to be compensated appropriately,” he said.

Drotzmann noted that flexibility with the funding is essential. “Hillsboro’s solutions aren’t Hermiston’s solutions, so we need to have the flexibility to work locally with our partners,” he said.

“We are definitely willing to partner with the state on policies that have a proven track record of being effective for multiple regions and cities,” Drotzmann added. “We understand that every community is different and every community’s issues are different.”

Hermiston has partnered with Umatilla, Echo and Stanfield to implement the Practical Assistance through Transitional Housing (PATH) Project. Two acres in Umatilla have been designated for a main facility that would allow for overnight stays and transitional housing in sleeping huts with room for one or two people. The PATH Project also would provide showers, meal facilities, indoor and outdoor common areas, and a navigation center that would offer support services.

Lenahan called the taskforce’s proposal “a game changer for some of our communities” that is generating a lot of excitement.

“I can’t advocate enough for the mayors leading this on-the-ground response on homelessness because mayors know their communities. We know if we need prevention, we know if we need capital improvement, and cities just can’t do it by themselves. We need joint leadership and joint ownership and a partnership to help our residents have a better life,” she said.

Ms. Finnemore is a Portland-area freelance writer. Contact her at precisionpdx@comcast.net. ■



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Contact the LOC Advocacy Team

Reach out to the LOC Intergovernmental Relations team if you have questions or need more information on legislative bills and priorities:

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LOC Legislative Webpage – Resources for Cities

The [Legislative page](#) on the LOC website is your resource during the 2023 session. Information you'll find there includes:

- Details on each of the eight legislative priorities;
- The latest legislative news;
- City Day at the Capitol resources and registration;
- How to contact your legislator;
- Bill tracker links and tutorials on how to get the most out of these legislative tools.



REGISTRATION NOW OPEN

CITY DAY AT THE CAPITOL JANUARY 25, 2023

The LOC invites current elected and appointed city officials to join mayors, city councilors, and city staff members for our City Day at the Capitol on **January 25, 2023** starting at 9 a.m. in Salem. This event is your chance to stand with other city officials from around Oregon in support of legislative actions that will return greater local authority over local decisions. It is also the time to let legislators know how actions they take could impact our communities and the difficult decisions we make. By coming together, our collective voices will make a difference to advance our legislative agenda.

Highlights of City Day at the Capitol will include presentations from the LOC's government relations team on legislative priorities, and briefings from Oregon's new governor and legislative leadership about their priorities for the 2023 session. You will also have time for individual visits with your legislators, afternoon seminars and a legislative reception with legislators and staff. We expect nearly 200 people to attend.

The most important part of the day will be your individual visits with legislators. The LOC will provide transportation to the Capitol. You are encouraged to schedule your visits with your state Senators and Representatives during the afternoon (1 p.m. - 4:15 p.m.). More information on scheduling visits will be provided with your registration confirmation.

The Legislative Reception will be held that evening from 4:30 p.m. - 7 p.m. at the Salem Convention Center.

Registration for City Day at the Capitol is due by 5 p.m. on Thursday, January 19.

Register online at www.orcities.org.

Preliminary Agenda

8:15 a.m. Registration and Continental Breakfast Begins

9 a.m. – 1 p.m. General Session

Invited Speakers:

- Oregon Governor Tina Kotek
- Senate President
- Senate Republican Leader
- Speaker of the House
- House Republican Leader

1. Welcome from LOC Board President and OMA President
2. Messages from LOC Executive and Legislative Directors
3. Legislative Landscape
4. Capitol Construction Process
5. Working with Legislative Staff - Paperless Offices
6. LOC Legislative Priorities

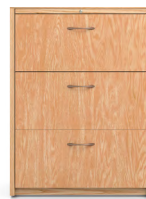
12 p.m. – 5 p.m. Afternoon Activities

- Boxed lunches available at Salem Convention Center
- Shuttle bus to Capitol for scheduled legislative visits and Local Government Center leaves every 15 minutes.
- Workshops at Local Government Center
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- State agency tables at Salem Convention Center

4:30 p.m. – 7 p.m. Legislative Reception

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