

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Work Session: Lane County Local Government Boundary Commission

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Meeting Date: February 14, 2007  
Department: Planning and Development  
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Agenda Item Number: B  
Staff Contact: Kurt Yeiter  
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#### **ISSUE STATEMENT**

A work session was requested by the City Council and Intergovernmental Relations (IGR) Committee to develop the council's legislative policies regarding the Lane County Local Government Boundary Commission. Legislation has been introduced that would eliminate the Boundary Commission and transfer funding through the Lane County Board of County Commissioners (SB 417).

#### **BACKGROUND**

The Lane County Local Government Boundary Commission is a state agency established in 1969 to review certain types of local government boundary changes. This commission is currently the only boundary commission remaining in Oregon. Its seven members, who are residents of Lane County, are appointed by the Governor for four-year terms. The Governor attempts to make appointments so geographic sections of Lane County are represented on the commission. The commission is currently staffed through the Lane Council of Governments (LCOG). Member jurisdictions help pay costs through annual assessments based on population. Eugene's projected assessment for FY08 is \$34,300.

The purposes of the commission are to simplify the local government system and guide urban expansion. Boundary changes include minor boundary changes, such as annexations to or withdrawals from cities or districts and transfers of territory from one city to another city, or one district to another district. Major boundary changes include mergers, consolidations, formations, and dissolutions of cities or districts.

The Boundary Commission has jurisdiction over the following: boundaries of cities; domestic water districts; rural fire protection districts; sanitary districts; sanitary authorities, water authorities or joint water and sewer authorities; park and recreation districts; highway lighting districts; vector control districts; county service districts; metropolitan service districts; geothermal heating districts; corporations organized for the purpose of supplying water for domestic use; library districts; and special road districts. The commission also has jurisdiction over the formation of new private water and wastewater companies or community systems and the extension of services outside their boundaries. The commission's statutory standards of review and additional information are contained in the synopsis attached to this memorandum.

As the sole boundary commission remaining in this state, Lane County's is a frequent topic during legislative sessions. The reasons for abolishing the Boundary Commission that staff hears include:

- The commissioners are not locally elected;
- The process may be slower or more expensive;
- There is little flexibility in their decisions due to their criteria;
- They are strict defenders of the adopted comprehensive plans;
- They are opposed by special districts; and
- The rest of the state gets by without them.

The City of Eugene has a history of defending the Lane County Local Government Boundary Commission at the legislature for the following reasons:

- The commission provides an impartial non-City/non-County forum for controversial issues, such as street annexations and the formation of special districts;
- Staff believes the commission operates more efficiently than would be possible if the City assumed its operations;
- State law governing non-boundary commission annexations does not allow annexations that are not contiguous to the main body of the city limits, which would restrict development, especially in the River Road and Santa Clara areas, or require major revisions to the Metro Plan;
- If the commission were abolished:
  - Many duties (e.g., minor boundary changes) would fall to the City, which has resource implications for the City;
  - Other duties (e.g., major boundary changes) will be transferred to Lane County, such as the formation/dissolution of special districts; and
  - Annexations of properties would require public hearings before the Planning Commission and City Council, which has scheduling implications for both bodies.

A memorandum that outlines the division of duties should the Boundary Commission be abolished is included as Attachment C.

#### Senate Bill 417

SB 417 was introduced by State Senator Vicki Walker and Representatives Phil Barnhart and Chris Edwards. It would abolish the Lane County Local Government Boundary Commission. There would be no transition period. All records would transfer to the State Archivist. Any remaining state moneys authorized to be expended by the Boundary Commission for the biennium beginning July 1, 2007, will be transferred to Lane County for “equitable distribution to local governments” for paying the costs associated with future boundary changes, including County expenses.

Representative Edwards addressed the Boundary Commission at its regular meeting on February 1, 2007. He said that he was not opposed to specific annexation requests, but he felt that the whole system of annexation in River Road and Santa Clara needed to be fixed, and that was the intention behind SB 417. Based on this and other statements made by candidates during the recent elections, staff believes that there is substantial momentum towards abolishing the Boundary Commission in the current legislature. Therefore, it would likely take significant effort to retain the Boundary Commission should the City Council decide to oppose SB 417 and similar bills.

#### **RELATED CITY POLICIES**

In the past, the City Council had a legislative policy to support the Boundary Commission. This year the council refrained from adopting any policy until after this work session.

## **COUNCIL OPTIONS**

The City Council has several options, from full support of the Boundary Commission in this legislative session, to remaining neutral, to supporting the bill that would result in the abolition of the Boundary Commission. Remaining neutral might be construed by the legislature as non-support.

## **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends full support of the Boundary Commission.

## **SUGGESTED MOTION**

Move that the City Council oppose SB 417 as a Priority 1.

Optional: Move to direct the City Manager to prepare a resolution stating the City Council's support for the Lane County Local Government Boundary Commission, to be approved by the council at a later date.

## **ATTACHMENTS**

- A. Boundary Commission Synopsis
- B. SB 417
- C. Memorandum from Paula Taylor, Executive Officer of the Lane County Boundary Commission, dated October 28, 2004

## **FOR MORE INFORMATION**

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