



## **Willamette Falls Locks Authority**

### **Forming a Public Corporation: 2020 Legislative Session**

#### **Introduction**

The goal of the public corporation is to serve the people of Oregon by repairing, upgrading, operating, maintaining and providing public access to the Willamette Falls navigation canal and locks for commercial, recreational, cultural, historic, heritage, resiliency and tourism purposes.

Creating a public corporation is intended to provide for public accountability and policy – but also allow for flexibility and independence from government regulations in order to act more like a private enterprise.

If approved, the Willamette Falls Locks Authority would be formed and composed of a minimum of seven and no more than 11 members to serve four-year terms (staggered), with the eligibility for re-appointment. All members will be appointed by the Governor of Oregon, no later than 180 days after enactment. Members would include representatives from, but not limited to, the following categories:

- Federally recognized Oregon Native American Tribes
- Regional or municipal governments
- Marine industry
- Tourism industry
- Persons with experience in finance, marketing or economic development
- Property owners adjacent to the Willamette Falls navigation canal and locks

#### **Willamette Falls Locks Authority governance and members**

- Four members of the Oregon State Legislature will act as nonvoting observers and advisors to the Authority
- Members and staff of the Authority are not public employees
- The Authority selects a Chair and a Vice-chair, adopts bylaws, determines frequency of meetings and other activities
- The Authority appoints an Executive Director responsible for repair and operation of the locks and development of business opportunities that could be enabled by the locks

#### **Capabilities and requirements of the Willamette Falls Locks Authority**

- Establish broad authority to acquire, own, manage, repair, operate, lease and dispose of property – including the locks and all associated structures, land and easements
  - The public corporation may do this work directly, or hire outside entities (public agencies or private firms) for any of its operations and functions. This includes state and local agencies and the U.S. Army Corps of Engineers
- Acquire, receive, hold, keep, pledge, control, convey, manage, use, lend, expend and invest funds, appropriations, grants, gifts, bequests, stock and revenue from any source
- Establish, charge and collect use charges and fees for Authority services and the use of

Authority facilities (including charges and fees for commercial, passenger and motorized and non-motorized recreational craft)

- Make contracts and agreements, secure permits, enter into any partnership, joint venture or other business arrangement, create and participate fully in the operation of any business structure with any government, nonprofit or for-profit person or entity, whether public or private, that in the judgment of the Authority is necessary or appropriate to carry out the Authority's missions and goals—including training operators of the locks
- Sue or be sued
- Establish authority for the public corporation to seek legislative funding for future undertakings (not currently planned)
- Borrow money for the needs of the Authority, including issuing and selling revenue bonds or other debt
- Enter into multiple types of financing agreements, including credit enhancements, loans, lease-purchase and lines of credit
- Submit to periodic audits by the Secretary of State and conduct annual audits by a public accounting firm. Audit results shall be included in an annual report to the Legislature
- File an annual report to the Governor and the Legislature describing the activities and operations of the Authority during the prior year
- Establish provisions regarding employment – compensation, retirement, insurance and conflict of interest policy
- Obtain insurance or operate a self-insurance program, retain legal counsel and/or ask the Attorney General's office to provide legal services
- Broad operational authority, including authority to regulate operating practices to optimize the river experience for all users, to regulate practices related to environmentally hazardous materials, to establish days and times of service for different classes of users, to establish fares for different classes of users and to establish a certification program to enable self-operation by commercial users
- Establish advisory or technical committees
- Contract for law enforcement or security services
- Create a tax-exempt entity
- The Authority may exercise eminent domain only as needed to ensure the repair, upgrade, operation, maintenance, or access to the locks and its property and facilities
- The Authority shall cooperate with the owners of the dam and power plant as licensed by the Federal Energy Regulatory Commission and shall operate the locks in a manner that does not interfere with that operation

#### Termination of the Willamette Falls Locks Commission

Upon enactment of the Public Corporation, the Commission created by the 2017 Oregon Legislature through SB 256 or its executive committee will support the Public Corporation and the Commission will be terminated on June 30, 2021. The Commission will not be obligated to meet six times a year and instead will choose if and when to meet.