

MINUTES OF THE METRO COUNCIL MEETING

July 29, 1999

Council Chamber

Councilors Present: Rod Monroe (Presiding Officer), Susan McLain, Ed Washington, Rod Park, Bill Atherton, David Bragdon, Jon Kvistad

Councilors Absent:

Presiding Officer Monroe convened the Regular Council Meeting at 2:02 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATION

Councilor McLain said MPAC had reviewed issues such as the Metro Code amendments dealing with some of the UGB decisions. She said Mr. Cooper had been working with local staff to transition the amendments into the present code. She noted a resolution on the MPAC agenda, ESA and water issues. She said they had a thorough discussion about that and were looking at having a schedule which would bring any amendments to the resolution, which were to be to the Council or to Mayor Rob Drake by this Friday to get into the MPAC agenda for August 11. She said the last item was the discussion by MPAC on how Metro should use the solid waste contract savings.

Councilor Bragdon said he had supported Councilor McLain's resolution at MPAC and felt the outcome was positive. He asked if it was the chair's intent to bring the resolution back to the Growth Management Committee.

Councilor McLain said it was. She would ask the committee to vote on the amendments.

6. METRO LEGISLATIVE UPDATE

Paul Phillips, PacWest, representing Metro for the legislative session, said he was submitting for the record action of the 1999 legislature (See copy in permanent record of this meeting). He said the tracking included 241 measures, 87 of which went through, and the Governor signed 38 of

those. He said there were 40 measures awaiting action by the Governor and four (4) measures had been vetoed. He noted that not all of the measures were positive in Metro's perspective. The effective date for the legislation was generally October 23, 1999, although some of the pieces of legislation would not go into affect until January 1, 2000.

Of the measures PacWest tracked for Metro, 123 were land use related issues. He felt the next session would also include a big proportion of land use issues. He said that was a proactive opportunity for Metro. He said this was an almost total defensive session, trying to reestablish Metro as a place for good objective data. That was a very successful effort. He noted that 4 of the 5 bills they had asked for had passed and signed by the Governor. The fifth was not passed because the issue related to other concepts that were going on and it was decided to withdraw the measure (the pool chlorine issue).

The big issue at the end of the session was transportation funding. He commented that it passed out of the House relatively early, then it passed back out of the Senate late after great discussion. He said the measure was heavily lobbied by a combination of business interests, AFSCME, the building trades, and local and regional governments, including Metro. He said there was quite a bit of controversy but it did pass after the third vote. He said they were now sitting on the Governor's desk. He pointed out that the spending authority on the package had to go back through the Emergency Board as \$750 million so there were some things that the Council needed to be proactive in and work directly with the Emergency Board. He said the Emergency Board appointees were, from the Senate: Brady Adams, Gene Derfler, Ted Ferrioli, Lenn Hannon, Eileen Qutub, Gene Timms, Cliff Trow, Mae Yih, and Rick Metsger, and from the House, Lynn Snodgrass, Steve Harper, Leslie Lewis, Ben Westlund, Karen Minnis, Bob Montgomery, Jackie Winters, Barbara Ross, Kurt Schrader, and Gary Hansen. He noted that the substantive committees would be appointed by late August or early September.

He commented that the Joint Task Force on Water Quality, Senate Bill 133 (Salmon Stream Enhancement), prison siting, HB 2082 (the ODOT package), the Watershed Enhancement Program, and the pesticides issue (sales and tracking) which the Governor was going to sign, were all significant upcoming issues.

He suggested other areas the Council should focus on during the interim. He said the policy issues of transportation were anything but over: the cost responsibility and the weight/mile tax were two major issues that the Council would be watching. The land use issues would continue to be of focus. He said water environment issues, with the potential ESA listings and the activities in the Port and in the Willamette River, would also be big policy issues. He suggested direct interaction with the Emergency Board and being a resource for others who needed information would be a positive approach to take. He felt Metro was the repository for the best information on a variety of major issues. He noted that he and Ray Phelps had worked particularly hard during the later part of last year, before the session started, to educate people as to how Metro came into existence and what it actually did. He said he was shocked at the lack of knowledge about Metro's function. He felt opportunities for a greater financial commitment from the legislative standpoint for the Zoo were worthy of examining. He said growth planning and land use and transportation would still be major issues at the next session.

He said the session was adjourned but many things that were passed would not go into effect until October so there was a whole series of things that Metro must be engaged in on behalf of their constituencies to make sure their voices were heard.

Councilor Atherton noted that Mr. Phillips had given a good complete report. He asked if it would be valuable to have a round table session with the legislators.

Mr. Phillips strongly recommended such a discussion. Or a joint planning session of some kind, or hosting discussion items with different interest groups were all excellent ideas, especially during the interim.

Councilor Kvistad asked about the high speed rail funding. He wondered if the funding was for just the disabled funding portion or was it actually for the full funding.

Mr. Phillips said it was both.

Councilor Kvistad asked Mr. Phillips to give a brief overview of the transportation package.

Mr. Phillips referenced the last tab of the handout (found with permanent record of this meeting) which was Dick Yeats, Legislative Counsel's analysis of the tax plan. He indicated that he had the talking points they had used to lobby the measure through if Councilors wished to use them. He commented that Tom Bryan did a lot of work as did Charlie Hales so the measure could pass. It was a joint effort of everyone.

Councilor Kvistad thanked Mr. Phillips and his staff for doing a great job.

Councilor Washington echoed Councilor Kvistad's sentiments and said he appreciated the timeliness of the reports to the council. He also thanked Mr. Stone and Mr. Cooper for their work. He felt the advice regarding the interim session was good.

Presiding Officer Monroe said he, too, felt there was a lot of misunderstanding and misconceptions about Metro in Salem. He felt there had been great strides made but there was still a need to continue trying to change that.

Ray Phelps said Councilor McLain's participation had been very significant and he would love to have her with him more often in Salem. He said she had impressed the legislative bodies before which she had testified.

7. CONSENT AGENDA

7.1 Consideration meeting minutes of the July 22, 1999 Regular Council Meeting.

Motion: **Councilor McLain** moved to adopt the meeting minutes of July 22, 1999 Regular Council Meeting.

Seconded: **Councilor Park** seconded the motion.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

8. PUBLIC HEARING CONCERNING ALLOCATION OF PROJECTED SAVINGS FROM METRO'S SOLID WASTE DISPOSAL SYSTEM.

Presiding Officer Monroe opened a public hearing on the process for allocating any additional savings from the Waste Management Contract renegotiation that would take affect next January as well as contract re-negotiation with STS. He said Councilor Washington had committee

jurisdiction as Chair of the REM Committee and there would be additional public hearing before his committee as well as the full council before anything was finalized. He indicated that these public hearings were to listen to the public.

Tyrone Poole, Oregon Zoo, 4001 SW Canyon Rd., Portland OR 97221 said he was a Jefferson High School student and lived in northeast Portland. He said he and Ms. Jakien worked at the Oregon Zoo with the ZAP (Zoo Animal Presenters) team educating people about animals. He said Metro took 7.5% from all bonds and money made at the Zoo, which amounted to about \$670,000. He was worried that meant the smallest parts of the Zoo organization, like ZAP, would be erased from the budget. He asked Council to stop taking the 7.5% from the ZAP team because it was a great job that was not only educational for the people they took the animals to, but also for themselves.

Kasey Jakien, Oregon Zoo, 4001 SE Canyon Rd., Portland OR 97221, said she attended Cleveland High School and lived in southeast Portland. She said the ZAP program took animals to people who couldn't afford to go, or were otherwise unable to go to the Zoo, like children in area children's hospitals. She said this was the first year of the program and they could go for many years if they had more money to do it.

Councilor McLain complimented the students on their speaking skills and their information. She suggested asking their English teachers for some credit for the speech element of the state standards because of the great job they were doing.

Mr. Poole said they got biology credits for working with the ZAP team.

Nina Stables, 44901 SE Marmot Rd, Sandy, OR 97055 said she represented 21 granges in Clackamas County with over 3,000 members who had always been interested in environmental issues. She presented a resolution to the council (see copy in permanent record of this meeting) and introduced their legislative chairman. Mr. Luttrell, to explain the resolution.

Ed Luttrell, 44901 SE Marmot Rd, Sandy, OR 97005, said the granges felt that rural Clackamas and Washington Counties had an illegal dumping problem. Therefore, they resolved at their July 24 meeting that the Clackamas County Pomona Grange No. 1 urged the Metro Councilors to make grants to the Clackamas County Sheriff's Department for enforcement of illegal dumping of garbage, and further resolved that dumping fees be reduced with the balance of the projected cost savings. He said they felt illegal dumping was a major problem that created eyesores, health hazards and serious wildlife concerns that Metro could do serious positive actions on. They felt the sheriff's department was a good choice for some funding because they had local knowledge and were relied upon by all of unincorporated Clackamas County. He said solid waste disposal generated the dollars and their position was that the dollars should be used for these purposes.

Councilor Park asked Mr. Cooper if material collected outside Metro's jurisdictional boundary was subject to the excise tax.

Mr. Cooper said if it was brought to a facility inside the boundary it was subject to the tax.

Councilor Kvistad suggested that the grange people talk to Metro's enforcement people to figure out where the sites were.

Jack Kiley, Oregon Zoo, 2734 NE Bryce Street, Portland, 97212 said he lived and worked in the Portland area and was a volunteer of the Oregon Zoo for a year and a half. He was impressed and

astounded by the commitment and the number of volunteers at the zoo. He said there were 1,500 active volunteers, including over 300 teens. He explained some of the duties of the volunteers, for instance, assisting in animal care, groundskeeping, and visitor information. He urged the council to accept Mr. Vecchio's request to eliminate the excise tax on the Zoo and the volunteer program.

John Inskeep, Oregon Zoo Foundation, 9021 SW Palantine Hill Rd, Portland, OR 97219 explained that the purpose of the foundation was to raise community support for the zoo through financial, voter support, and enlisting the support from politicians. He stated that he was there to urge the consideration to eliminate the 7.5 excise tax that Metro imposed on the Zoo's gross earnings. He said that the reasons to support this were laid out by other board members and written comments. He asked if it was right for Metro to impose a tax on the gross earnings and at the same time ask for donations to support the Zoo's operations. He stated that Metro created a \$600,000 plus annual expense and then asked the community to make up for it at the Zoo. He added that the appeal was masked in the feel good issues of animal care and conservation and went on to say that the first \$670,000 raised in the name of the Zoo went to non-funded Metro departments such as planning. He noted that programs could have been funded from operations without the excise tax. He explained that this hurt their fund raising efforts in the past and would continue to do so in the future. He stated that those who donated both time and money to the Zoo had been supportive of the current situation, but now the opportunity existed to eliminate the issue and repeal the excise tax.

Ralph Gilbert, Oregon Zoo, P.O. Box 20096, Portland, OR 97294 amplified Mr. Inskeep's testimony. He suggested that if the 7.5% excise was eliminated, it would save about \$240,000 of the \$670,000 that was collected on admissions. He thought that the excise tax could still be collected from the food and sales items. He said a large amount of the dollars that supported the Zoo came from the tax, and a second tax would overload them. He suggested taking the 7.5% off the admissions.

Councilor Bragdon asked if they were advocating for a repeal of the excise tax or talking about continuing to collect the excise tax but directing it toward the Zoo.

Mr. Inskeep said he would advocate for elimination of the excise take without a reduction in the admission fees. He added as long as they were asking people to donate funds it was a problem to ask them for more. He noted that he did not think the Zoo's budget was too large.

Mr. Kiley said he concurred with Mr. Inskeep, but he thought the excise tax should be eliminated and any revenues should be kept in the operational funds of the Zoo.

Councilor McLain said she had a question for the speakers. She said by talking about eliminating the excise tax from the Zoo, there would then be the opportunity to work in new programs and take care of their own administration. She asked that if there was not going to be an excise tax, was the Zoo planning on taking care of all their own central functions.

Mr. Inskeep said he would direct the councilor to the Director of the Zoo to respond. He thought that those items were charged to the Zoo already and the Zoo paid a fee to Metro for those services. He noted that the excise was over and above those charges.

Councilor McLain said that was correct in a sense but the Zoo was paying for its own services.

Mr. Inskeep said the Zoo wrote a check for the services it received in addition to the excise tax. He said there was a bill from Metro and then an additional 7.5% taken off the top that he

understood was to help with Metro overall budget. He added since the Zoo was a natural profit organization the money would be used for programs at the Zoo or could be used to reduce the admission.

Councilor McLain said she thought that they had said the same thing.

Mr. Inskeep said he did not think they did, he understood that the Zoo would have to then contract out for services that it currently received from Metro. He noted that the services were paid for by the Zoo, not out of the 7.5%, but out of other funds.

Councilor McLain said she understood what he was saying, but she stated that if the Zoo was part of the 7.5% base then the support groups were spread over a larger percent of people. That meant the costs were lower, if the Zoo was taken out of that configuration those same services were going to cost more.

Mr. Inskeep said he thought the Zoo would find its share less than the excise tax.

Councilor Kvistad said this had been a bug of his for a long time. He noted that taking money out of the facilities for general functions of this agency was not healthy. He added that Metro needed to become more efficient within the agency and the loss of that revenue could be to a degree offset by our becoming more efficient. He stated that the Zoo was part of the Metro team and paid a share into the system. He stated that he agreed with those testifying that we needed a tax structure that did not tax our own facilities. He said if they could not come to agreement to return the dollars directly to the tax payer, then he said the next best thing would be to back fill this money.

Presiding Officer Monroe said this was a listening post hearing. The purpose of the hearing was to listen to what the public had to say.

George Bing Sheldon, Business Committee for Arts and Culture, 123 NW 2nd Portland OR 97209 said they were here to talk about Arts and Cultural facilities and the excise tax. He reminded the council that when the facilities were built they required on-going maintenance. He noted that what he would like to suggest was that the tax be returned directly to the facility or maintained by Metro and reinvested in the facility. He added that the arts facilities suffered for years because of inadequate maintenance. He suggested that a system be built up for continuing maintenance.

Lee Stephenson-Kuhn, Northwest Business Committee for Culture and Arts, 520 SW Yamhill Portland, OR seconded Mr. Sheldon's message to the Council and urged the reinvestment of the excise tax to a capital investment fund. As a downtown businessman he said that he took pride in the public theaters, convention facilities, Art Museum, Zoo and more. He stated that Portland had become a destination for people all over the world and we needed to make sure the facilities were up to that. He urged them to provide the funding for the maintenance of these facilities.

Presiding Officer Monroe said he understood that under the contract with the City of Portland that the arts facilities were not subjected to the excise tax.

Mr. Cooper said the current excise tax code provision exempted PCPA and the stadium from paying the excise tax. The contract stated that if you did receive tax from them then the proceeds would have to be dedicated to MERC purposes.

A.G. Budland-Lindstrand, Business Committee for Culture and Arts, 7286 SW Ascot Ct. Portland, OR said he had lived in this community for 40 years. He said they came as a group to not urge the council to reduce some funds to them, he said he saw funds at hand and people looked for that. They were here today to request money be set aside for the maintenance of the facilities. He noted the embarrassment in taking visitors to the city auditorium and seeing thread barren seats. He noted the same issues with the roads and highways. He said he was taught through business that if you didn't prepare for business it only got worse. He urged the council, if there was extra money then dedicate it to the facilities.

Kathleen Stephenson-Kuhn, Northwest Business Committee for Culture and Arts, 221 NW 2nd Portland OR 97209 explained that Northwest Business for Culture and Arts was a advocate of over 150 companies to encourage investment for arts, heritage, and humanity. She said there mission broadened and they were advocating for the Zoo and facilities that had these programs. She said she was there to encourage reinvesting excise tax back into all of the facilities. She then read a letter into the record, a copy of which may be found in the permanent record of this meeting.

Wayne Rifer, Recycling Advocates, 1975 NW 113th Portland, OR 97229 said they urged not to decrease the tipping fee. They looked at recycling as a private sector activity which was very interactive. He explained that when a certain fee level was set for the tip fee, investments were made on the recycling side. He added that when the fees changed, there was a debilitation of the recycling side which could put them out of business. He asked to allocate the savings back into the solid waste system. Possibly there could be some difficult policy issues caused by a service fee. He then asked the Council to take a look at the use of these funds so that they may be used for key projects such as the division of waste from landfill and the conservation of nature resources. The final statement was to look at new program opportunities.

Jeanne Roy, Recycling Advocates, 2420 SW Boundary St., Portland, OR 97201 said they thought if Metro was willing to invest \$3 million a year for the next six years that Metro may be able to meet the recycling goal for the year 2005 which was 50%. She noted that the current recycling rate was 36%. REM staff did a report that said business recycling was 56% of what it should be and in construction demolition they were at 34% in 1997. She noted that those two areas contributed to 68% of the total waste. Recycling Advocates have seven areas where Metro could get the best use of this money: 1) a grant to local governments for new recycling programs. 2) media campaign, 3) waste evaluations, 4) being market development, 5) an organics such as commercial organics incentive fund, for a period of five years Metro would subsidize the collection of food waste. She asked for investment money for two food composting sites for the region.

Alice Norris, MERC, 141 Ogden Drive, Oregon City, OR 97045 Clackamas County representative to the MERC Commission, said they were Metro's partners in the public facilities and she said the concern was the maintenance of those facilities. She said the ongoing concern was capital improvement, deferred maintenance, and long range capital projects. She stated that she was there to advocate for creating a pooled capital fund from the excise tax that was already collected for capital projects. She noted that it would be regionally supported.

Larry Harvey, 22830 SW 93rd, Tualatin, OR 97062 read into the record a letter (a copy of which may be found in the permanent record of this meeting). He added that it was important to understand that the folks who had been testifying concerning the facilities were not advocating

that waste funds be used to override the cost of the facilities. He noted alternatives would be nice.

Presiding Officer Monroe closed the public hearing.

9. COUNCILOR COMMUNICATION

Councilor McLain said Metro was out in the public at the Washington County Fair, she then encouraged the councilors to visit the fair. She noted that Councilor Kvistad had a friend come and have a fish picture taken at the fair and this was to be hand delivered to the Council.

Councilor Kvistad said that this person was a friend of 30 years and the father of the executive director of Oregon Department of Transportation.

Councilor Park said he had traveled and seen different newspapers concerning Smart Growth, problems with development, and the homebuilders were not able to develop at a high enough density. He noted that across country, there was a different scale of density.

Councilor Washington referred to a letter he had given to the Councilors (a copy of which may be found in the permanent record of this meeting). He had been thinking about decisions that would need to be made for percentage or per ton excise tax. He noted that these decisions would impact the workers, and that there should be discussions with them.

Councilor McLain appreciated Councilor Washington's letter. She noted that with the conversation at MPAC last night and from the audience today they had to deal with not only the regional facilities but parks and greenspaces. There were a lot of issues that folks believed were Metro's responsibility. She stated that they had to be creative with all responsibilities that the charter indicated were Metro's legal mandates.

10. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at 3:31 p.m.

Prepared by,

Chris Billington
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
072999c-01	1999 Legislative Session	Metro Legislative Report	TO: Metro Council FROM: Pac/West Communication	
072999c-02	1999 Legislative Session	1999 General and Solid Waste Legislation	TO: Metro Council FROM: Pac/West	

072999c-03	1999 Legislative Session	1999 Lan Use Legislation - Senate	Communication TO: Metro Council FROM: Pac/West Communication
072999c-04	1999 Legislative Session	1999 Land Use Legislation - House	TO: Metro Council FROM: Pac/West Communication
072999c-05	1999 Legislative Session	1999 Transportation Legislation	TO: Metro Council FROM: Pac/West Communication
072999c-06	7/29/99	Contract Savings Decisionmaking Timeline	TO: Metro Council FROM: Ed Washington, REM Chair
072999c-07	7/28/99	RACC Request for \$75,000 from Solid Waste Contract Savings to Complete Metro's 1999-2000 Investment in RACC programs	TO: Metro Council FROM: Pam Baker, Chair Regional Arts and Culture Council
072999c-08	7/28/99	Recycling Advocates testimony to Metro Council on Projected Savings from Contact Change Order	TO: Metro Council FROM: Recycling Advocates
072999c-09	7/29/99	Solid Waste Savings	TO: Metro Council FROM: Karen Siefle President/Owner M&M Productions
072999c-10	7/29/99	Email concerning Allocation of Metro Solid Waste Disposal System Funds	TO: Metro Council FROM: Bernie Foster
072999c-11	7/24/99	Metro Savings Resolution	TO: Metro Council FROM: Clackamas County Ponoma Grange
072999c-12	7/21/99	Key Messages on Excise Tax Levied on Facilities	TO: Metro Council FROM: Larry Harvey Public Relations
072999c-13	7/29/99	Solid Waste Savings	TO: Metro Council FROM: Elizabeth

072999c-14	7/29/99	Solid Waste Savings	Kaufman TO: Metro Council FROM: J. Clayton Hering Northwest Business for Culture & Arts
072999c-15	7/27/99	Solid Waste Savings	TO: Rod Monroe and Ed Washington FROM: Dan Saltzman Portland City Commissioner
072999c-16	7/26/99	Solid Waste Savings	TO: Metro Council FROM: Stephanie Oliver Public Affairs Director The Oregonian
072999c-17	7/29/99	Solid Waste Savings	TO: Metro Council FROM: Bernie Foster, The Skanner Foundation Training Center
072999c-18	7/28/99	Solid Waste Savings	TO: Metro Council FROM: Julie Mancini and Carrie Hoops Literary Arts