

## MINUTES OF THE METRO COUNCIL MEETING

March 27, 1997

Council Chamber

Councilors Present: Jon Kvistad (Presiding Officer), Susan McLain, Ruth McFarland, Patricia McCaig, Ed Washington, Lisa Naito (by phone)

Councilors Absent: Don Morissette

**Presiding Officer Jon Kvistad** called the meeting to order at 2:01 p.m.

### 1. INTRODUCTIONS

None.

### 2. CITIZEN COMMUNICATION

**Lewis Marcus**, Chair of Friends of Cathedral Park Neighborhood Association, Box 83010 Portland, OR 97283 stated that his group produced the Blue Heron Blues Festival and that they had applied for Metro Council grants for the past several years. He said that on January 24, last year, while a grant application was pending before the Appropriations Committee, he had received a phone call from a member of that committee who requested a \$1000 payoff to benefit third parties. He stated that Daniel Cooper, Metro General Counsel, had been investigating for 2 months and had released his findings. Mr. Marcus stated that he represented the Cathedral Park Neighborhood Association with unanimous consent of their Board of Directors to state that they were not satisfied with the conclusions and felt the findings did not address all the issues.

He said the accused person had denied the issues even though there had been witnesses, and he reiterated that the Association felt the findings had not addressed all the points when they concluded that basically the only thing out of order was it "may have created the appearance of impropriety". Mr. Marcus recommended that an independent counsel be appointed to look into the matter. He stated that ethics complaints pursuant to Executive Order #66, enumerated in the complaint, had not been specifically addressed by general counsel. He reiterated these complaints as "a violation of the public trust, appearance of impropriety, considering special interests over the public benefit, intervention on behalf of friends, failure to maintain a clear separation between personal life and metro activities, and friendships resulting in biased decisions". He stated that people in positions to make decisions about \$100,000s of dollars should take it very seriously and the issue should not be dismissed as merely the "appearance of impropriety". He stated he did not feel very good when he was leaned on for this and he felt this issue should be addressed more seriously.

**Presiding Officer Kvistad** asked Dan Cooper, Legal Counsel, to respond.

**Dan Cooper**, Legal Counsel, reminded the Council that they had received a memorandum from the Executive Officer explaining why legal counsel's recommendations were accepted and why specific actions had been taken in response to the complaint. He stated he would discuss the matter further and in greater detail with any interested party at any time. He stated that Executive Order created the Code of Ethics and the order stated that it was not intended to be enforceable as a matter of law but was advisory only. He said it was adopted by the Executive Officer and as a

Council Ordinance. He stated that the Council had not adopted any ordinance or regulation on ethics other than for financial conflicts of interest which were prohibited by Metro code as well as state law.

**Presiding Officer Kvistad** asked whether the Metro Council should ask the Executive Officer for response to this issue or should they ask for an executive session overview of potential liability.

**Dan Cooper** responded that Council could ask the Executive Officer to do whatever they wanted to ask him to do in that regard but it would not be appropriate for an executive session.

**Presiding Officer Kvistad** asked for Councilor comments and questions.

**Councilor Washington** claimed responsibility for this committee as chair of the North Portland Enhancement Committee. He stated he had not had any conversations or deliberations about the matter with anyone yet but he would do whatever counsel advised to clear the matter up.

**Councilor McLain** said it was important for Mr. Marcus to understand that Council had not had any action or review of this issue but would be more than willing to look into the issue. She professed good faith that legal counsel knew how to handle this request/review. She said she would be asking legal counsel for more specific information but she believed that the Executive Officer and legal counsel would have already done what was appropriate. She hoped that Mr. Marcus would come back after Council had a chance to review.

**Presiding Officer Kvistad** asked Councilor Washington to review this issue and report back to members of the Council.

**Councilor Washington** said he would get together with legal counsel and get back with a response as quickly as possible.

**Presiding Officer Kvistad** thanked Mr. Marcus for bringing the issue to Council's attention.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

**Mike Burton**, Executive Officer, noted his memo to Council concerning upcoming issues (a copy of this memo may be found in the Permanent Record of this Council meeting located in the Council Office) and explained previous ongoing issues listed on the memo which progress would be updated as needed. He drew attention to matters coming up in growth management, i.e. neighborhood, city agreements, intergovernmental agreements which were being prepared involving cities of Sandy and Canby, Clackamas County, Department of Transportation and Metro between those organizations. He stated the intent of those was to ensure separation of urban areas and coordination of growth projects. He said material would be prepared in April and distributed to Council as soon after that as possible.

He reminded Council of performance measures which had been turned over to Growth Management Committee which were intended to gauge progress in implementing the 2040 Concept. In the facilities area, Mr. Burton related the opening of the return loop path, the first component of the Oregon Project at the Zoo, was still scheduled for July. He explained the Oregon Project consisted of the path, classrooms, and a cougar and bobcat holding area.

Mr. Burton informed Council that the Oxbow Park area had a major mudslide March 16 which closed down the park for a week. He reported that it had been cleared and 200 feet of guard rail had been replaced by Multnomah County Transportation but they were still very worried about that entire strip leading into the park. He said they were monitoring it very carefully and hoped the dry weather would hold out.

He explained an Executive Order that would be issued in regard to disaster response criteria. He said there were people meeting to clarify Metro's responses to certain disaster levels, particularly regarding waste debris. He said Council had asked about this during the last round of floods and windstorms. He said policy making was in process and would be presented to Council very soon. He said that resolutions to approve amendments to the South/North Alternatives which amended the DEIS Alternatives to reflect the cost cutting measures that were directed by JPACT and the South/North Steering Committee would be distributed to Council shortly (in May). He commented that getting costs down to reflect ability to go forward with South/North would be a fairly major undertaking. Mr. Burton reported he had been asked by MPAC the previous night to pass on a resolution from them which a copy was already in front of Council, and someone would speak about it later.

#### **4. POTENTIAL ISSUES REGARDING STATE LEGISLATION**

**Mike Burton** stated that he and Councilor Washington and/or Presiding Officer Kvistad had been meeting with groups of regional partners regarding transportation plans. He summed up by stating he felt the difference between this legislative session and previous legislative sessions regarding transportation was their willingness to move a bill out of Representative Montgomery's House Transportation Committee. He stated that in the past, it was ODOT or users who went to the legislature and asked for a penny or two but there was a different attitude from the legislature now as far as awareness of major transportation problems in the state and the underfunded aspects of that. He reported that the following Monday was transportation day at the legislature. and there would be hearings in the house side. He said it looked like the legislature would be writing this bill and it would probably be something with a 5 x 2 with a \$20 registration increase, and it appeared that there was a willingness to place this into 2 funds, one for operations and maintenance and the other for modernization. He stated that the JPACT membership, which represents a regional consensus, had been meeting He stated that Councilor Kvistad and Counselor Washington were chairs of JPACT and the Transportation Committee, respectively, and were very involved in getting the consensus package together. He said Council would have a sheet soon that would outline goals. He said that how much of that would finally get through would depend on a lot of factors. He said the trucking association was active in asking legislature to look at weight-mile, as they have in the past. He said cost responsibility was also a factor, but the intent was to try to get a bill out of the house by mid-April. He stated that beyond the senate, he supposed it would have effect on what is now Ballot Measure 50, (which he called the daughter-in-law of Ballot Measure 47).

**Dan Cooper** stated that he had met with John Haige that morning and he felt much progress had been made toward reaching an agreement on how to restructure the bill.

**Councilor Naito** (by phone) stated that she had been in front of Bob Montgomery's Transportation Committee on Friday, and the Committee was receiving testimony on flexible funding of commuter rail and those kinds of issues. She said they seemed very receptive to looking at a transportation package and she was meeting with Ed Lundquist's group on that issue. She felt they were fairly close to resolution on most of the issues.

**Councilor Washington** said he was originally scheduled to go to Salem the previous night but did not go because the group had not gotten together. He said the group of that morning was to take information to Representative Brian and Senator Ken Baker. He stated that as a result of the meeting that morning there was a fairly strong sense of having come to a good agreement. He stated that everyone had done a good job working on a complex process.

## **5. REVIEW OF PROPOSED AMENDMENT TO SOUTH/NORTH DEIS ALTERNATIVES**

**Councilor Washington** explained that he had asked Mr. Brandman to brief the Council on South/North Lightrail weekly.

**Mr. Richard Brandman, Assistant Transportation Director**, briefed the Council on the issues that were in hand concerning the South/North Lightrail. He related recent activities in Washington, DC. Of two recent trips there, one included Councilors Kvistad and Washington who joined other regional elected officials to present to Congress the South/North Project proposed for this region on the next authorization of ISTEA. He said that the most recent trip in March was actually a hearing for the lightrail projects before the House Authorizing Committee and there had been very good unsolicited comments from members of that Committee with respect to the South/North Project. He stated that a meeting with all the members of the delegation had very good bipartisan support for the project and said meetings with high level staff from the Federal Transit Administration were encouraging with respect to Portland and this South/North Project. He said they thought of Portland as the model for the nation with respect to these projects. He stated that since December, staff had been working at Council's direction to cut costs and design a less expensive project that still achieved certain fundamental objectives. He explained why the project was so expensive and also other citizen concerns. He related the current proposal would cut more than \$500,000,000 out of the original \$1.5 billion project by deferring some segments at Clackamas Town Center, deferring construction of the North Mall from Pioneer Square to Union Station, and deferring construction at the Blazer Arena. He explained that changes in methods of calculation which reduced the inflation rate figure were based on discussions with the Federal Transit Administration. He explained that there were many other administrative changes which affected the cost estimations (see briefing document). He expressed the ultimate goal of a bi-state project to Clark County.

He reviewed the recommendations in the proposal. He said the recommendations would defer two (2) segments and add one (1); the Clackamas Town Center and Kaiser Hospital to the Rose Garden segment and the Clackamas Town Center to the Portland Expo Center segment, would both be deferred for financial reasons. He explained that the local funding vs expected Federal funds would not make that segment feasible. He explained the additional segment would be Clackamas Town Center to Lombard Street in north Portland and it was picked because it could be constructed during the next 2 congressional authorizing periods. He recited large community support by good responses to surveys on different occasions. He stated that he felt this solution would be most cost effective. He shared his schedule of operation and a schedule of upcoming public hearings and informational open houses on this proposal to which he invited people to attend.

He explained what would happen with the recommendation process and said that final engineering and design would be completed in 1999 with construction starting in late 1999. Projected completion date would be early 2004.

**Mr. Leon Skiles, Transportation Planning Manager**, was in attendance to answer questions.

**Councilor McLain** thanked everyone for their hard work and expressed her opinion that walking, biking, and transit were all part of a solution that included the automobile in a way where the congestion was going to be less. She stated that the effort was not to deny the use of the automobile in the important mix of transportation but to allow it to work well within the whole system.

## **6. CONSENT AGENDA**

6.1 Consideration of the Minutes of March 20, 1997 Metro Council Regular Meeting Minutes.

**Motion:** **Councilor Washington** moved the adoption of the minutes of March 20, 1996 Metro Council Regular Meeting.

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

**Discussion:** **Presiding Officer Kvistad** noted that Councilor McCaig was listed as absent unexcused on the minutes when in fact she had informed her staff member that she was at a doctor appointment. He indicated that this change would be made to the minutes.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed with corrections.

## **7. ORDINANCES - FIRST READING**

7.1 **Ordinance No. 97-683**, For the Purpose of Granting a Franchise to Pride Recycling Company for the Purpose of Operating Solid Waste Reload Facility.

**Presiding Officer Kvistad** assigned Ordinance No. 97-683 to Regional Environmental Management Committee.

7.2 **Ordinance No. 97-684**, Consideration of Amending and Readopting Metro Code 2.06 (Investment Policy); and Declaring an Emergency.

**Presiding Officer Kvistad** assigned Ordinance No. 97-684 to Finance Committee.

## **8. ORDINANCE - SECOND READING**

8.1 **Ordinance No. 97-680**, For the Purpose of Granting a Metro Franchise to American Compost and Recycling Inc. to Operate a Commercial Food Waste Processing Facility and Yard Debris Composting Facility.

**Motion:** **Councilor Washington** moved adoption of Ordinance No. 97-680.

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

**Discussion:** **Councilor Washington** said that approval of this Ordinance would put a compost facility at 9707 N Columbia Blvd., in north Portland. The facility would collect organic

materials to feed red worms and sell the worm castings for soil amendments and a separate operation would compost yard debris. Councilor Washington urged approval of this ordinance.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 97-680.

No one came forward.

**Presiding Officer Kvistad** closed the public hearing.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

8.2 **Ordinance No. 97-681B**, For the Purpose of Amending Metro Code 5.02; Reducing Disposal Fees Charged at Regional Solid Waste Facilities and Making Certain Form and Style Adjustments.

**Motion:** **Councilor McLain** moved adoption of Ordinance No. 97-681B.

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

**Discussion:** **Councilor McLain** pointed out that Council had worked on this issue a long time. She explained that after review and consideration by both the Executive Officer and the Committee, it was voted that a \$70 reduction would be reasonable.

She explained "style changes" which tightened up some definitions regarding special waste and containers, and the ability of the Executive Officer to deny special waste permit applications if the special waste posed an unacceptable health and safety risk or damage the transfer station's equipment.

She explained the rebateable service charge and \$25 per ton charge for cash customers with covered loads, thereby rewarding good behavior and responsible action, and another change that allowed the Executive Officer to waive disposal fees under certain conditions or circumstances.

She explained the amendment to Section 10 of Section 701.020 to read each user of all solid waste facilities shall pay an additional tax of 1% of the payment charged by operator of the district as defined at previous meetings of the Council.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 97-681B.

**Judie Hammerstad, Clackamas County Commissioner**, representing MPAC and her commission. She noted the MPAC letter (a copy of this letter may be found in the Permanent Records of this meeting in the Council Office) requesting that the 1% excise tax not be approved and read the letter into the record.

Additionally she made comments on behalf of the Clackamas County Commission in opposition of the 1% excise tax going to parks and the Expo because they felt it was not a regional responsibility.

She requested notification from Council of appropriate times for her to appear or correspond, or otherwise enter effectively into the process, because it was difficult to find the excise tax item on the agenda by description.

**David White**, Regional Representative for the Tri-County Council, Oregon Refuse and Recycling Association, 1739 NW 156th Ave., Beaverton, OR 97006 and garbage haulers from the tri-county area voiced support for the position taken in a letter to the Council from Estelle Harland and copied to Mike Burton. He wanted to be sure Council did not mistake silence by industry for acquiescence to increase in the excise tax. He said he only heard about the public hearing by reading an article in the Oregonian in the last week that announced the increase and one that said the hearing was about the excise tax although it was not specifically noted on the agenda. He charged that it was frustrating for people trying to track the tax when communication from Metro was not reaching haulers. He also wondered if citizens were aware that their garbage bills pay for things not related to solid waste, that they were paying for the zoo and other services.

**Councilor McFarland** asked Mr. White if he was aware that the addition of 1% tax would not raise the tipping fee. She asked if the haulers would pass any of the \$5 a ton tipping fee reduction back to its customers.

**Mr. White** responded that the garbage collection rates were set by the local government based on expense reports provided to local government by haulers. He said that 2 hauler representative members on the committee recommended that a \$68 tipping fee was more appropriate even though the expense for disposal was a profit to haulers and the recommendation actually took profit from haulers because it reduced expenses. He said the industry was actually trying to save money and any savings would be passed along.

**Councilor McFarland** said she did not hear Mr. White say the \$5 a ton would be passed on, but that Sue Keil had said it several times in public.

**Mr. White** said he was not an employee of local government as Sue Keil was and since she was in charge of the Portland program, she was in a better position to say it so the Tri-County Council had asked her to, and she in fact did. He said he couldn't speak for everybody but certainly hoped that it would be passed on.

**Presiding Officer Kvistad** said that some members of the Council would be working on reducing the tipping fee further over the next year.

**Don McIntyre**, 929 SE Phoebe Ct., Gresham, OR 97080 expressed his displeasure with the Metro Council's actions regarding the 1% excise tax being attached to the tipping fee reduction in such a way that the tax increase was not noticeable in the title language. He reiterated Ms. Hammerstad's question as to why the "tax increase" was not at least in the ballot title in the agenda? He asked if it was an oversight or an example of how this government would continue to operate. He said that as a taxpayer and a citizen of the Metropolitan district, he resented the apparent, maybe misfeasance? He asked rhetorically for explanation of why a tax increase wouldn't have open hearings and testimony. He stated that he was going to become much more active as regards the Metropolitan Service District and would take a much more serious interest the conduct of this government in the future.

**Councilor McLain** commented there had been 5 meetings within the last 3-4 weeks with this issue on the agenda with a public notice and they had also asked for public testimony and review. She added that he was able to attend this meeting.

**Councilor McCaig** asked Councilor McLain to provide her a list of the 5 meetings for the excise tax that had been on the agenda.

**Councilor McLain** agreed.

**Renee Canon**, Lake Oswego Budget Committee, 4589 Galewood #C Lake Oswego, OR 97035 asked for clarity on where the excise tax would be going. She had heard that it would go to planning, parks, greenspaces or openspaces. She asked for a line item list similar to the budget, in order for her to understand where the 1% money is going to go.

**Councilor McFarland** said in the publicly noticed and publicly attended Budget/Finance Committee meeting they passed a resolution which said it would go to Parks. She offered to meet with Ms. Canon to go over the specifics.

**Councilor McCaig** asked to clarify that this resolution was voted on in the Finance/Budget Committee. The vote was 5 to 1 with Councilor McCaig voting nay. She said the motion was specifically that \$633,000 would go to parks, but the reality was that of that the net benefit to parks was only \$160,000.

**Presiding Officer Kvistad** said that there was a deadline from Multnomah County to find a stable source of funding for the parks and as part of that the Council was looking for ways to split the Expo funding for parks and tie it to utility funds. He explained that was why the dedication of the entire amount to the parks department both to replace revenue and provide new revenue and develop other funds.

**Councilor McLain** asked Mr. Cooper about the legal aspects of Council's notice as far as the public meeting law.

**Dan Cooper** said that the notice given was within the requirements of the public meeting law which said that the actual full text of the ordinance must be on file with the Council at least 3 days before the ordinance was considered.

**Bill Spidal**, Rate Payer, 3645 SW Glenwood, Portland, OR agreed with Mr. McIntyre's comments that if the Oregonian had not written about this meeting he would not have been sitting there. He reported that the Oregonian and the Daily Journal of Commerce had pointed out that this ordinance was "gigantic pork". He stated that increasing the excise tax 1% would transfer approximately \$650,000 into the general fund which he felt Council could spend at their discretion without any oversight by citizens. He expressed his opinion that any commissioner who supported this pork should be voted out at their next election. He also felt it was a violation of public notice because the only reason the majority of the people in attendance were there because of the Oregonian article the day before. He stated that at the end of the meeting, if Council voted in an increase of the excise tax he would file a complaint with the Standards and Practices Board asking them to investigate whether the public hearing notice had been met. He said that as of this meeting day, they did not think it had happened and he could not find the meeting and had to ask somebody to help find it.

**Presiding Officer Kvistad** closed the public hearing at 3:13 p.m.

**Councilor McCaig** asked Mr. Cooper about Charter Section 40 regarding the one subject rule in ordinances. She said she felt this ordinance violated the one subject rule.

**Mr. Cooper** responded that the one subject rule was construed rather broadly in the courts. He stated he believed it would be defensible because it all related to solid waste and solid waste fees.



**Councilor McCaig** stated, "Thank you. In a perfect world, I think this would be a pretty easy process. I'd have an opportunity to vote on reducing the tip fee, which I do support. I'd have an opportunity to finish the budget process and determine the needs of this agency in building consensus and some support for those needs. And lastly, I'd have the opportunity to vote on increasing the excise tax to cover those needs. But because of the process we followed, I cannot do that. As a result, I am going to be voting no on reducing the tipping fee, which I think is a significant accomplishment for this agency.

We know that we have more needs than we have money. And I do not want to hide behind some curtain that there is no problem. We have more needs than we have money. We heard testimony yesterday from the zoo after cutting \$1.7 million out of their budget and losing 16 FTE, ten real people, testifying in front of us about the jobs they are losing. \$1.7 million. We have needs in planning of over \$140,000, probably actually much more than \$140,000. MPAC is making a recommendation to us that we prioritize our needs and that we put our money into planning. We have incredible needs in parks. We have over \$500,000 in immediate needs, not to mention \$3 million in capital improvement and long-term maintenance needs. So, I do not want anybody walking away from this meeting believing that my vote "no" today has anything to do with trying to avoid addressing these needs. Because I think they are real, and I think we are going to need to look at new revenue sources.

But what I object to, very strongly, is this process. As chair of the budget committee, it has not been on my agenda, nor did I get formal notice last week that it was going to be brought up. So I am curious about the five meetings where it was discussed. I do not believe there has been adequate notice and discussion. And because a lawyer or legal counsel says that we are within the law, that does not mean we are doing it right. That is the minimum standard we have to meet. We have a responsibility and an obligation to create a higher standard and a vote of confidence with our voters. Not a minimum standard. You cannot build support for an idea, understanding of a need, with the public in a week.

I truly believe we have a difficult job to do. I have said this before. We have got to take very complex issues, we have to break them down, we have to discuss them openly. We have to grapple with the decisions. We have to do our work in public. We have to let people see us make these decisions and grapple with these choices. Because as a result of that, we have a chance to build support and confidence in us as a government. The process we followed contributes to the growing skepticism people have about this government. And I think they should be skeptical. We have increased a tax, but we are saying we have not. We have tied it to another piece of legislation. We have never printed it on an agenda, and we have spent less than a week on it.

We are starting off on a dangerous course, and I don't get it. I don't understand why. Today, at least seven appeals have been filed with the state on our last decision on Urban Reserves. That process did not build confidence with our partners about the role and the process that this government follows generally. Today's decision continues to the erosion of confidence in this government. At the request of the executive officer, of the chair of the budget committee, and the chair of the solid waste committee, we have asked the council to delay and separate these decisions."

**Presiding Officer Kvistad** reiterated his objections from when the Council took over parks and stated that he was still not comfortable having to propose this way of funding it. He said that it was the right thing to do and he was willing to live up to the commitment made then and be responsible for it. He said he would be voting yes on this issue.

**Councilor McLain** closed by saying that she did not take the budget process at Metro lightly and understood her responsibilities to all the programs under Metro management according to the charter which did not provide funding to carry out those responsibilities. She responded to Councilor McCaig's previous comments, despite Presiding Officer Kvistad's objections, about sufficient notice and the ethics of the tax being included with the tipping fee reduction. She informed Councilor McCaig of the dates of the 5 previous meetings and summarized the meetings for her.

**Vote:** The vote was 5 aye/ 1 nay/ 0 abstain. The motion passed with Councilor McCaig voting nay.

## 9. CONTRACT REVIEW BOARD

9.1 **Resolution No. 97-2320**, For the Purpose of Amending the South/North Intergovernmental Agreement (Contract No. 903678) With the Tri-County Metropolitan Transportation District of Oregon.

**Motion:** **Councilor Washington** moved adoption of Resolution No. 97-2320.

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

**Discussion:** **Councilor Washington** reviewed the history of this resolution and the amendments to it and urged Council to approve this resolution.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

## 10. RESOLUTIONS

10.1 **Resolution No. 97-2458**, For the Purpose of Establishing Principles Regarding Implementation of LRT to the Portland International Airport.

**Motion:** **Councilor McLain** moved adoption of Resolution No. 97-2458.

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

**Discussion:** **Councilor McLain** indicated that this resolution had also been in front of JPACT and its purpose was to confirm interest in LRT and connecting with the airport in the future.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

10.2 **Resolution No. 97-2464**, For the Purpose of Adopting the FY 1998 Unified Work Program.

**Motion:** **Councilor McLain** moved adoption of Resolution No. 97-2464.

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

**Discussion:** **Councilor McLain** said the purpose of this resolution was to approve the work program and lay out consistent cooperative planning. She said it would give the Executive Officer authority to apply for and accept grants or agreements if they were part of the work program. She offered to answer questions and said the entire resolution dealt with transportation.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

10.3 **Resolution No. 97-2467**, For the Purpose of Amending the MTIP and Adopting a Joint Metro/ODOT Region 1 Recommendation to the Oregon Transportation Commission to Allocate Anticipated FY 1998-2001 State Modernization and Regional Flexible Funds.

**Motion:** **Councilor Washington** moved adoption of Resolution No. 97-2467.

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

**Discussion:** **Councilor Washington** described Metro's responsibility to transportation improvement and explained the types of improvements this resolution would fund. Urged yes vote to this large important resolution.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion was adopted unanimously of those present.

10.4 **Resolution No. 97-2470**, For the Purpose of Authorizing the Executive Officer to Enter into Two Multi-Year Intergovernmental Agreements, One with Clackamas County and One with Portland Public Schools.

**Motion:** **Councilor Washington** moved adoption of Resolution No. 97-2470.

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

**Discussion:** **Doug Anderson**, acting Waste Reduction Manager with Regional Environmental Management and **Genya Arnold**, Waste Prevention and Composting Division gave brief background on the program to the Council and elaborated on the benefit to schools from the program at Councilor Washington's request.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present and by phone.

10.5 **Resolution No. 97-2472**, For the Purpose of Approving Change Order No. 1 of the Public Contract with Peoplesoft Inc. for the Provision Consulting Services.

**Motion:** **Councilor McCaig** moved adoption of Resolution No. 97-2472.

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

**Discussion:** **Ms. Jennifer Sims** explained this was the item that was on the Finance Committee meeting and said that it was not a budget increase for the influence project, but a shift of funds within that.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present and by phone.

10.6 **Resolution No. 97-2473**, For the Purpose of Approving the Installment/Purchase Financing Whereby Sawy Leasing Corp. Leases/Purchases Certain Equipment to Metro Pursuant to an Installment Purchase Agreement; And Authorizing the Chief Financial Officer or Her Designee to Execute the Installment Purchase Agreement and Such other Documents and Certificates as May be Necessary to Carry Out the Transactions Contemplated by the Aforementioned Agreement.

**Motion:** **Councilor McCaig** moved adoption of Resolution No. 97-2473.

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

**Discussion:** **Councilor McCaig** explained that this resolution moved a debt to another creditor and allowed a better interest rate while it would keep the same services for a net savings of \$45,000 for computerware.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously

10.7 **Resolution No. 97-2474**, For the Purpose of Approving the Lease/Purchase Financing Whereby Sawy Leasing Corp. Lease/Purchases Certain Equipment to Metro Pursuant to a Lease/Purchase Agreement; and Authorizing the CFO or Her Designee to Execute the Lease/Purchase Agreement and Such Other Documents and Certificates as May be Necessary to Carry Out the Transactions Contemplated by the Aforementioned Agreement.

**Motion:** **Councilor McCaig** moved adoption of Resolution No. 97-2474.

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

**Discussion:** **Councilor McCaig** summarized the resolution and had Miss Simms add comments in explanation.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

## 11. COUNCILOR COMMUNICATIONS

**Councilor Washington** said that Tri-Met had turned down providing shuttle service from the west side and downtown areas to the Smithsonian Exhibit and asked fellow Councilors to sign a letter he was sending to Tri-Met in support of requesting them to reconsider the decision.

**Presiding Officer Kvistad** declared that Statements of Economic Interest were due and should be turned in. He announced that the Council Library would be unavailable for the next week due to dealing with the Urban Reserve records but arrangements could be made if space was needed for meetings.

He asked for objections to cancelling the April 3, 1997. Council meeting because there were too few items for the agenda. When he received no objections, Presiding Officer Kvistad cancelled the next meeting of the Metro Council.

Presiding Officer Kvistad requested that everyone on the Council keep close watch on their animosity levels and recognize that there were guests at the meetings. He stated that Council would need to keep control because it reflected poorly on the Council.

## 12. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 4:30 p.m.

Prepared by,

Chris Billington  
Clerk of the Council

DOCUMENT NUMBER	DOCUMENT DATE	DOCUMENT TITLE	TO/FROM
032797c-01	032797	MPAC letter	Kvistad from Rob Drake
032797c-02	032797	Executive Communication	Council from Mike Burton
032797c-03	032697	letter	Mary Pearce
032797c-04		SouthNorth Transit Study	