



METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

MEMORANDUM

Date: July 15, 1982
To: Mike Burton, Metro Councilor
From: Andy Jordan, General Counsel *Andy*
Regarding: Tri-Met Transfer

Pursuant to your request, I have prepared and attached an ordinance ordering transfer of Tri-Met to Metro. The ordinance provides for a Plan of Transfer to be prepared and implemented by the Executive Officer and approved by the Council. The actual transfer would not occur until the plan was approved and until preliminary steps could be taken. I recommend the procedure because taking over another institution is not something which can or should be done with a simple wave of the arm.

There are other procedures which you may wish to include. For example, you may wish to prepare a Plan of Transfer before deciding whether to order the transfer. You may wish to specify a citizen involvement mechanism in the ordinance, although the ordinance itself would normally be subject to one or more hearings in any event. I am sure other procedures can be devised and, perhaps, we should discuss them prior to release of the draft.

Let me know what else I can do to assist you in this regard.

AJ/gl
6370B/D3

Attachment

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

DRAFT

AN ORDINANCE ORDERING TRANSFER) ORDINANCE NO.
OF THE TRANSIT SYSTEM OF THE)
TRI-COUNTY METROPOLITAN TRANS-)
PORTATION DISTRICT TO THE)
METROPOLITAN SERVICE DISTRICT)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Purpose and Authority

(a) The purpose of this Ordinance is to transfer the transit system of the Tri-County Metropolitan Transportation District (Tri-Met) to the Metropolitan Service District (Metro) as authorized by ORS 268.370 and to implement and exercise each of the authorities and requirements of that statute.

(b) The Council finds, pursuant to ORS 268.370, that Tri-Met is a mass transit district organized under ORS 267.010 to 267.390 and that Metro functions within that district. The Council further finds that it is in the public interest that Metro order and assume transfer of the district to Metro for the purposes of consolidating functions, eliminating currently duplicitous activities, and providing for direct popular accountability of the region's transit authority.

Section 2. Order of Transfer

It is hereby ordered that the terms and authority of ORS 268.370 be exercised and that the transit system of the Tri-County Metropolitan Transportation District (Tri-Met) be transferred to the Metropolitan Service District (Metro).

Section 3. Implementation of Order

(a) The Executive Officer shall immediately proceed to implement Section 2 of this ordinance by preparing a Plan of

Transfer and by presenting said plan to the Council not later than _____ days from and after the date of adoption of this Ordinance. The plan shall include the actions which must be taken to provide for the transfer ordered herein and a schedule of times by which each action should be taken.

(b) Said Plan of Transfer shall be approved by the Council, with any modifications deemed necessary, within _____ days of presentation of the plan to the Council.

(c) Upon Council approval of the Plan of Transfer, the Executive Officer shall implement the plan and each of its provisions in accordance with the time schedule set out therein. The Executive Officer shall have all necessary authority, consistent with law, to carry out the terms of the plan and to take whatever other actions are deemed by the Executive Officer to be necessary or appropriate to implement the order of transfer.

Section 4. Effective Date

This ordinance is effective upon the date of its adoption; except, however, that Section 2 (Order of Transfer) of this ordinance shall be effective at 1:00 a.m.

on _____, 19__.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 19__.

Presiding Officer

ATTEST:

Clerk of the Council

AJ/gl/6371B/283
7/15/82