



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503 221-1646

Agenda

Meeting: **METRO COUNCIL**
Date: **July 26, 1990**
Day: **Thursday**
Time: **5:30 p.m.**
Place: **Council Chamber**

Approx.
Time*

Presented By

- 5:30 p.m. **CALL TO ORDER/ROLL CALL**
1. **INTRODUCTIONS**
 2. **CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS**
 3. **EXECUTIVE OFFICER COMMUNICATIONS**
 4. **CONSENT AGENDA**
- 5:35 **4.1 Minutes of March 8 and April 12, 1990 (Action Requested: Motion to Approve the Minutes)**
- 4.2 Resolution No. 90-1296, Endorsing a Tri-Met Grant Application for a Research, Development and Demonstration Project (Action Requested: Motion to Adopt the Resolution)**
5. **ORDINANCES, FIRST READING**
- 5:40 **5.1 Ordinance No. 90-358, Revising the Metro Code Section (5 min.) 4.01.050 to Include Exclusion from Zoo Premises (Referred to Zoo Committee)**
6. **ORDINANCES, SECOND READINGS**
- REFERRED FROM THE FINANCE AND ZOO COMMITTEES**
- 5:45 **6.1 Ordinance No. 90-355, Amending Metro Code (15 min.) 7.01.050 by Exempting Certain Payments to the Metro Washington Park Zoo from the Excise Tax (PUBLIC HEARING) (Action Requested: Motion to Adopt the Ordinance)**
- Van Bergen/
 McFarland

* All times listed on this agenda are approximate. Items may not be considered in the exact order listed.

7. RESOLUTIONS

REFERRED FROM THE FINANCE COMMITTEE

6:00
(5 min.) **7.1 Resolution No. 90-1303, For the Purpose of** **Wyers**
 Declaring Certain Property Surplus and
 Authorizing the Execution of a Sublease
 (Action Requested: Motion to Adopt the
 Resolution)

REFERRED FROM THE INTERGOVERNMENTAL RELATIONS COMMITTEE

6:05
(10 min.) **7.2 Resolution No. 90-1300, For the Purpose of** **Gardner**
 Establishing a Regional Compact Defining
 the Policy Framework for Determining How
 to Meet the regional Share of the
 Funding Requirements for Light Rail
 Projects and Endorsing a Funding Plan
 for the Westside Corridor Project and
 Initiation of an East Portland/Clackamas
 County Project (Action Requested:
 Motion to Adopt the Resolution)

6:15
(10 min.) **7.3 Resolution No. 90-1301, For the Purpose of** **Gardner**
 Endorsing Transportation Financing
 Mechanisms (Action Requested: Motion
 to Adopt the Resolution)

6:25 **8. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS**

8.1 Intergovernmental Relations Committee Report **Gardner**
 on Tri-Met Merger Subcommittee

8.2 Zoo Committee Report on Zoo Master Plan Update **McFarland**

8.3 Finance Committee Report on FY 1990-91 **Wyers**
 Performance Audit Report

6:40 **ADJOURN**

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* All times listed on this agenda are approximate. Items may not be considered in the exact order listed.

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

March 8, 1990
Regular Meeting

Councilors Present: Tanya Collier (Presiding Officer), Gary Hansen (Deputy Presiding Officer), Roger Buchanan, Tom DeJardin, Richard Devlin, Jim Gardner, David Knowles, Ruth McFarland, and Judy Wyers

Councilors Absent: Lawrence Bauer and George Van Bergen

Presiding Officer Collier called the meeting to order at 5:30 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Rena Cusma presented the FY 1990-91 Proposed Budget. Ms. Cusma reviewed the budget message, which was contained on page 1 of the budget document.

4. CONSENT AGENDA

The Presiding Officer announced that the following items were on the Consent Agenda for consideration:

4.1 Minutes of December 14, 1989

REFERRED FROM CONVENTION AND VISITOR FACILITIES COMMITTEE

4.2 Resolution No. 90-1226, For the Purpose of Supporting the Retention of the Name Dr. Martin Luther King, Jr. Boulevard as the Name of that Street

REFERRED FROM THE SOLID WASTE COMMITTEE

4.3 Resolution No. 90-1223, For the Purpose of Authorizing Execution of a Contract with Sweet-Edwards/EMCON, Inc. for Inspection Services at the St. Johns Landfill

Councilor McFarland requested item 4.1 be removed from the consent agenda; Councilor Knowles requested item 4.2 be removed from the consent agenda.

Motion: Councilor DeJardin moved, seconded by Councilor Devlin to adopt item 4.3 of the consent agenda.

Vote: The ten councilors present voted in favor of the motion. Councilors Bauer and Van Bergen were absent.

The motion carried.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 90-339, For the Purpose of Amending the Metro Code Regarding Appointments to the Metropolitan Exposition-Recreation Commission

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that the ordinance had been referred to the Convention and Visitor Facilities Committee for public hearing.

5.2 Ordinance No. 90-340, Adopting the Annual Budget For Fiscal Year 1990-91, Making Appropriations, Levying Ad Valorem Taxes and Creating Four New Funds

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that the ordinance had been referred to the Finance Committee for public hearings.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 90-333, An Ordinance for the Purpose of Imposing an Excise Tax

The Clerk read the ordinance by title only for a second time. The Presiding Officer announced that Ordinance No. 90-333 was first read before the Council on February 8, 1990 and referred to the Finance Committee. The Committee held public hearings on February 20 and March 1 and recommended the Council adopt the ordinance as amended.

Councilor Gardner, member of the Finance Committee presented the Committee's report and recommendations. He said that Ordinance No. 90-333A would impose an excise tax on persons using Metro facilities or services. He said that the 1989 State Legislature gave Metro the authority to impose the tax. Councilor Gardner said that the ordinance exempted certain persons and services and set a maximum 6 percent excise tax rate which could be lowered each year as part of the annual budget process. He indicated that the major services to which the tax would apply would be solid waste disposal, the zoo and convention center, and the

monies raised by the tax would be used to fund the general government functions of Metro and to partially fund planning functions of the District.

Councilor Gardner explained that two public hearings had been held. He said that motion to amend Ordinance 90-333 unanimously carried at the Finance Committee meeting of March 1; and the Committee unanimously recommended the Council adopt Ordinance No. 90-333A.

Presiding Officer Collier opened the public hearing; eleven persons testified as follows:

Ms. Wilma McNulty; Lake Oswego, OR provided written testimony in favor of preservation of open space and natural resource areas. That testimony has been filed with the official meeting record and is incorporated in these minutes by reference. She urged the Council to use a portion of the tax for preservation efforts.

Ms. Jeanne Orcutt; Gresham, OR provided written testimony opposing the excise tax. That testimony has been filed with the official meeting record and is incorporated in these minutes by reference. She said that she felt a public hearing on the ordinance should be held in each county and said that she felt that 5:30 p.m. was an inappropriate time to hold such a hearing. Ms. Orcutt said that she felt that the issue of imposition of the tax should be decided by the voters of the District. She requested information regarding what portion of the tax would be used to administer and enforce its imposition. Ms. Orcutt expressed concern that the tax in future years might be raised. Councilor Devlin explained that legislation limited the tax to 6 percent per annum of the overall revenues of the District.

Ms. Chris Wrench; Portland, OR said that she was representing Molly O'Reilly, President of Sensible Transportation Options for People. Ms. Wrench spoke in favor of strengthening regional government in the area of urban planning. She said that she and Ms. O'Reilly were concerned about the need to inventory natural resources. She urged the Council to adopt the ordinance to support planning in the area of natural resources.

In response to a question raised by Councilor McFarland, it was stated that the ordinance itself did not dedicate funds to planning for natural areas, but allowed use of the revenues for that function.

Mike Houck, representing the Audubon Society of Portland and member of Friends and Advocates of Urban and Natural Areas said that the Society supported the ordinance. He said that at previous Finance Committee meetings, funding levels for general

planning activities and specifically for natural areas inventory activities had been discussed and that was the basis for the Society's support of the measure. Mr. Houck said that he felt that transportation and surface water management planning would have major impact on natural areas. He said that he felt regional government should seek more stable and predictable funding for planning activities.

Mr. Houck said that he did not feel that the imposition of the excise tax needed to be put to a District-wide vote. He said that the impact of the tax on individuals and businesses would be very small. He reiterated that Metro had the authority to impose that tax.

Ted Runstein, Chair of the Metropolitan Exposition-Recreation Commission, said that he was speaking as an individual, but felt that he was advancing the consensus of the Commission. Mr. Runstein said that he recognized the need for stable funding for general government and planning activities. He said that the Commission was generally supportive of the excise tax, but was unsure how the Commission's facilities could pay their share of the tax when the facilities operated at a deficit. He requested that the tax rate be set as low as possible. Specifically as the excise tax was applied to the Convention Center, Mr. Runstein recommended that concessions, parking and utilities be excluded from the tax.

Jack Adams; Portland, OR said that he felt that the Oregon Convention Center was too new a facility to be included in the ordinance. Mr. Adams also said that he felt that the measure should be decided by the voters of the region.

Frank Gearhardt; Gresham, OR described the measure as a sales tax. He said that he felt that the voters of the region should be given an opportunity to decide the matter. Mr. Gearhardt said that he felt that the Council had a duty to refer the measure to the District's voters. He queried whether failure to submit the measure to a vote of the District promoted public apathy.

Barbara Walker; Portland, OR said that she supported the excise tax. She said that she felt that the excise tax was a fairer and more appropriate method of supporting general government and planning functions than the transfer system. She said that she felt that planning was an essential function of regional government, and noted that she felt that planning assisted both the development and environmental community and facilitated cooperation between. Ms. Walker said that she agreed with previous testimony advanced by Mr. Ted Runstein that exemptions should be allowed for facilities that operated at a deficit. She noted that the cost of the excise tax would be far less than the

cost of an election.

Councilor Gardner noted that the impact of the excise tax would be \$2.00 per household per year.

Phil Dreyer; President, Portland Fair Share; Portland, OR said that he felt that failure to submit the measure to a vote of the District would cause voters to lose faith in the Council and could jeopardize other tax measures. Mr. Dreyer said that he felt that the excise tax was a sales tax. He said that he did not feel that the Council had been "open and above board" regarding the excise tax. He urged the Council to advise the public what the tax would be used for and to tax based on the ability to pay.

Pat Boose; Portland, OR testified that she had considered the issues of need and size in her deliberations on the excise tax. She said that she felt there was a need for the tax, especially in the planning component and that she felt that the tax was minimal, and therefore did not merit referral to the voters. She noted the cost of referral to the voters was less than the tax itself.

Kevin Gernhart; Portland, OR questioned how much of the tax would be used for planning functions and how much to support bureaucracy. Mr. Gernhart stated that he felt that planning should be a long-term project and said that in his observation, the projects he saw were short term. He took exception to characterizing the excise tax as "minimal."

The Presiding Officer closed the public hearing.

Motion: Councilor Gardner moved, seconded by Councilor Devlin to adopt Ordinance No. 90-333A.

1st Motion to Amend: Councilor Ragsdale moved, seconded by Councilor Knowles to amend Ordinance No. 90-333A as follows:
7.01.050 Exemptions

(a) The following persons, users and operators are exempt from the requirements of this Chapter:

- . . .
- (6) Users who are sublessees, subtenants, sublicensees, or other persons paying compensation for the use of the Metro ERC Facilities [to lessees, tenants or licensees of Metro ERC Facilities] including payments by users for concessions or catering services made to

the Commission or its agents but not users who purchase admission tickets for events at Metro ERC Facilities that are available to members of the general public. (Brackets indicate deleted language, underlines indicate added language.)

Councilor Ragsdale said that this amendment would impose excise tax on Metro ERC Facilities' rentals, concessions, event labor, utility service and parking from the excise tax. He said that the amendment would be revenue neutral because it would be the same amount as what had been projected under the transfer system.

Councilor Knowles said that he supported the amendment and pointed out that the amendment would shift hotel/motel tax dollars into Metro. He noted that in the upcoming year, approximately half of the operation expenses of the Convention Center would be supported by hotel/motel taxes. Councilor Knowles noted that the Convention Center had a relatively narrow base of support and that it was critical to maintain the competitive stance of the Convention Center.

Councilor Wyers asked if the impact of the amendment Councilor Ragsdale proposed would cause rate increases in other areas. Councilor Ragsdale replied that it would not.

Vote on 1st Amendment: Nine councilors voted in favor of the amendment. Councilor Wyers opposed the amendment. Councilors Bauer and Van Bergen were absent.

The motion to amend carried.

2nd Motion to Amend: Councilor Wyers moved seconded by Councilor McFarland to amend Ordinance No. 90-333A to delete all existing language in Section 3 and replace it as follows:

"(a) This ordinance shall be referred to the electors of the District for their approval or rejection at the election to be held on June 26, 1990. The Office of General Counsel is directed to submit an appropriate ballot title to the Council for approval.

(b) If approved by the electors, this ordinance shall be in force and effect from and after July 1, 1990."

Councilor Wyers said that she felt the amendment she proposed would provide better representation and build Metro's credibility

with its constituents. Councilor McFarland spoke in favor of the amendment and said that she felt it important to refer the excise tax to allow the voters to respond. She cautioned the Council to use persuasion rather than coercion in the imposition of taxes. She said that she felt that the majority of the voters were in favor of the excise tax but were also in favor of voting on the tax.

Councilor Devlin said that in previous Finance Committee hearings, he had opposed the measure's referral to the voters because of the issue of timing. He said that most of the planning programs were at a stage where unless they received necessary funding, they would be in "desperate condition" in the upcoming year. He said that following an election, there would be a 30-day certification period. If rates were to be adjusted, legislation required they be legislated 90 days in advance of collection. He also stated that he did not believe that the measure should be referred to the voters.

Councilor Gardner said that he opposed the amendment and referral to the voters. He said that he felt that as elected representatives the Council had responsibility to make certain decisions for their constituency and that when decisions of major magnitude arose, it was the representatives' responsibility to refer those major issues to the voters. Councilor DeJardin stated that he felt the Council's role was weakened if all matters were referred to the voters. He said that he felt that by not referring each matter to the voters he felt the representatives were more accountable.

Councilor Gardner stated that he felt that the time to debate referral of the excise tax to the voters was when the Legislature debated authorizing Metro to impose the tax. Councilor McFarland objected to Councilor Gardner's statement and said that she objected to feeling coerced to operate in a certain manner because it was too late to successfully accomplish a mission by another method. Councilor Hansen urged the Council not to refer the measure to the voters. He characterized the excise tax as a small tax that would accomplish much good in the future.

Councilor Wyers said that she was committed to the broadest possible base of citizen involvement within regional government. She said that she felt that the Council had an obligation to refer the measure to the voters.

Vote on 2nd Amendment: The vote was taken resulting in Councilors McFarland and Wyers voting aye. Councilors Buchanan, DeJardin, Gardner, Devlin, Hansen, Knowles, Ragsdale and Collier voting nay. Councilors Bauer and Van Bergen were absent.

The second motion to amend failed to carry.

Vote on Main Motion: Eight councilors voted in favor of the motion to adopt Ordinance No. 90-333A as amended. Councilors McFarland and Wyers voted against the motion. Councilors Bauer and Van Bergen were absent.

The motion carried, and the ordinance was adopted.

Presiding Officer Collier recessed the Council at 7:30 p.m.

The presiding officer reconvened the meeting at 7:40 p.m.

7. RESOLUTIONS

7.1 Resolution No. 90-1185, For the Purpose of Authorizing an Intergovernmental Agreement with the City of Portland to Fund Area Improvements in the Vicinity of the Oregon Convention Center

Councilor Knowles presented the Convention and Visitor Facilities report and recommendation. He said that the Convention and Visitor Facilities Committee had recommended the resolution's adoption in order to help fund area improvements in the Convention Center area including: 1) transportation, 2) street light improvements; highway improvements and a truck marshalling area. He noted that public and private contributions would fund the improvements. Councilor Knowles said that the resolution would approve an intergovernmental agreement to transfer funds budgeted for this purpose to the City of Portland.

Motion: Councilor Knowles moved, seconded by Councilor Ragsdale to adopt Resolution No. 90-1185.

Councilor Gardner spoke in support of the resolution and noted that the funds would be Metro's contribution to a pool of funds that would finance a wide variety of improvements in the Convention Center area. Councilor Ragsdale asked if the truck marshalling area had identified funding. Councilor Knowles replied affirmatively and stated that the truck marshalling area had been identified as one of the elements of the joint fund, but it was not a line item. Councilor Ragsdale asked if the Metro LID obligation would be reduced by this contribution. Councilor Knowles said that it would not.

Vote: The ten councilors present voted aye. Councilors Bauer and Van Bergen were absent.

The motion carried.

7.2 Resolution No. 90-1189, Providing for the Adoption of Bylaws for the Joint Policy Advisory Committee on Transportation (JPACT)

Motion: Councilor Ragsdale moved, seconded by Councilor Gardner to refer Resolution No. 90-1189 back to the Intergovernmental Relations Committee.

Councilor Ragsdale explained that at an earlier JPACT meeting that morning, JPACT had approved amendments to the resolution and that he felt it appropriate to refer the resolution back to the Intergovernmental Relations Committee to discuss those amendments.

Vote: The ten councilors present voted in favor of the motion. Councilors Bauer and Van Bergen were absent.

The motion carried.

8. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS

8.1 Progress Report on Committee Discussion of Department Priorities and Objectives

Councilor Collier announced that budget notebooks had been placed in each councilor's tray in the Council Office.

Councilor Knowles reported that the Convention and Visitor Facilities Committee had not met on the priorities and objectives. He said that he had met with staff and at the next Convention and Visitor Facilities Committee meeting the priorities and objectives would be developed.

Councilor Gardner reported that the Zoo Committee had met regarding the budget priorities and objectives and would continue their deliberations at their upcoming meeting. He said that the Committee's report would be finalized after their March 15 meeting. Regarding Finance Committee's responsibilities, Councilor Gardner said that the Finance Committee would review the Phase 1 Performance Audit and mid-year budget adjustment for the Finance and Administration before making their recommendation on goals and objectives. He stated that the Committee's recommendations would be submitted prior to the Budget Committee's review of that portion of the Proposed Budget.

Councilor Ragsdale reported that the Intergovernmental Relations Committee had reviewed policy issues regarding the Planning and

Development Department and had developed recommendations. He said that at the Committee's upcoming meeting, policy issues regarding the Transportation Department would be considered and forwarded to the Budget Committee.

In other Councilor Communications, Councilor McFarland reported that she was a member of the Hanford Advisory Committee and had attended a meeting the previous week regarding disposal of hazardous waste. She said that the advisory committee had discussed shipment of hazardous waste to salt caves in New Mexico. She said that while the timetable for the shipments had been erased, planning for shipment of the waste through Oregon was still underway. She said that the Committee had discussed safety issues and response teams. Councilor McFarland said that studies regarding radio active iodine would be conducted on persons who were children residing in three counties surrounding the Hanford area between 1940-1960.

Councilor Devlin reported that he and Councilor Bauer had been serving on a Washington County Solid Waste Committee. He said the Committee intended to present a conceptual plan in April and May to the Solid Waste Policy Advisory Committee and briefing to the Council.

Presiding Officer Collier announced that the Council policy retreat had been scheduled for April 14. She urged each councilor to attend. The Presiding Officer also announced that she had scheduled a meeting for Council committee chairpersons for March 22 preceding the regular Council meeting.

4.1 Minutes of December 14, 1989

Motion: Councilor McFarland moved, seconded by Councilor Wyers to adopt the minutes of December 14, 1989.

Motion to Amend: Councilor McFarland moved, seconded by Councilor Wyers to amend the December 14, 1989 minutes to as follows:

On page 1, reflect Councilor McFarland as being present under "Councilors Present." On page 9, reflecting consideration of the main motion on Resolution No. 89-1134A, amend to show Councilor Knowles voted in favor of the motion and Councilor McFarland voted against the motion.

Vote on Amendment: The ten councilors present voted in favor of the motion. Councilors Bauer and Van Bergen were absent.

The motion to amend carried.

Vote on Main Motion: The ten councilors present voted in favor of the motion. Councilors Bauer and Van Bergen were absent.

The motion carried.

4.2 Resolution No. 90-1226, For the Purpose of Supporting the Retention of the Name Dr. Martin Luther King, Jr. Boulevard as the Name of that Street

Councilor Gardner pointed out that the Convention Center was located on Martin Luther King, Jr. Boulevard. He said that he felt that if a measure to change the name of Martin Luther King, Jr. Boulevard were on the ballot, and if the measure were successful, it would create a harmful perception nationwide and be detrimental to attracting visitors to the Convention Center, Portland and Oregon. Councilor Gardner commented that he felt that Dr. King Jr.'s contributions to the world were significant enough that every person would benefit from a reminder of his life and the principles of equality and racial harmony that he represented. He noted that to have significant and much used facilities named for Dr. King would serve as that reminder.


Motion: Councilor Gardner moved, seconded by Councilor Knowles to adopt Resolution No. 90-1226.

Councilor Buchanan asked that the record reflect his support of the resolution. Councilor DeJardin also stated his support of the resolution.

Vote: The ten councilors voted in favor of the resolution. Councilors Bauer and Van Bergen were absent.

There was no other business, and the meeting was adjourned at 8:05 p.m.

Respectfully submitted,



Gwen Ware-Barrett
Clerk of the Council

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

April 12, 1990
Regular Meeting

Councilors Present: Tanya Collier (Presiding Officer), Gary Hansen (Deputy Presiding Officer), Lawrence Bauer, Roger Buchanan, Tom DeJardin, Richard Devlin, Jim Gardner, David Knowles, Ruth McFarland, George Van Bergen and Judy Wyers

Councilors Absent: Roger Buchanan

Presiding Officer Collier called the meeting to order at 5:30 p.m. and announced that minority reports for agenda item numbers 6.1, Ordinance No. 90-338 and 7.1, Resolution No. 90-1232, had been added to the agenda. She said the process would be to hear the minority report first, then the majority report, followed by a public hearing.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Rena Cusma introduced Phil Whitmore representing Tri-Met and Paul Reinhart representing the Winmar Company. She advised the Council that she had asked Messrs. Whitmore and Reinhart to give the Council an informational briefing on the shopping center project planned for Gresham located at the end of the MAX light rail line. Ms. Cusma said that the project had been an important priority for the region for federal funding. Messrs. Reinhart and Whitmore then briefed the Council on "Project Break-Even" a demonstration project utilizing a federal grant to increase ridership and revenue on MAX through joint development projects with the private sector.

4. CONSENT AGENDA

The Presiding Officer announced that the following items were on the Consent Agenda for consideration:

4.1 Minutes of January 25 and February 8, 1990

4.2 Resolution No. 90-1237, Approving a Request for Proposal Document for Marketing Research Services for a Three-Year Period at the Metro Washington Park Zoo

Motion: Councilor Ragsdale moved, seconded by Councilor Gardner to adopt the consent agenda.

Vote: The nine councilors present voted in favor of the motion. Councilors Bauer, Buchanan and Wyers were absent.

The motion carried.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 90-344, For the Purpose of Amending the Regional Transportation Plan Defining the Priority of the Hillsboro Extension of the Westside Corridor

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that the ordinance had been referred to the Intergovernmental Relations Committee for public hearing.

5.2 Ordinance No. 90-346, Amending Ordinance No. 89-294A Revising the FY 1989-90 Budget and Appropriations Schedule for the Purposes of Increased Solid Waste Operations and Establishing a Renewal and Replacement Reserve in the Solid Waste Capital Fund

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that the ordinance had been referred to the Solid Waste Committee for public hearing.

6. ORDINANCES, SECOND READINGS

6.1 Minority Report for Ordinance No. 90-338, Amending Ordinance No. 89-294A Revising the Budget and Appropriation Schedules for Fiscal Year 1989-90 for the Purpose of Meeting Increased Workload in the Accounting and Data Processing Sections of Finance and Administration

The Clerk read the ordinance by title only for a second time. The Presiding Officer announced that Ordinance No. 90-338 was first read before the Council on February 22, 1990 and referred to the Finance Committee. The Committee held a public hearing on the ordinance on March 19 and by a 3-1 vote recommended the Council adopt the ordinance as amended. She said that Councilor Devlin had at that time served notice of a possible minority report.

Councilor Devlin, member of the Finance Committee presented his minority report. He said that the ordinance before amending, included 9.5 full time equivalent employees (FTE). He said that the ordinance as amended (Ordinance No. 90-338A) would fund 5 FTE. Councilor Devlin said that his proposal (Ordinance No. 90-

338B) was to fund 7 FTE. He said that this staffing level was consistent with the recommendations of the Budget Committee for FY 1990-91.

Motion: Councilor Devlin moved, seconded by Councilor Gardner to adopt Ordinance No. 90-338B.

Councilor Gardner said that he supported the motion and that the positions were necessary due to the increased workload associated with consolidating exposition-recreation facilities with Metro. Councilor Van Bergen said that he supported phasing in the requested positions. He said that he did not see a need for earlier implementation.

The presiding officer opened the public hearing. No one testified.

Vote: A roll call vote was taken resulting in Councilors Devlin, DeJardin, Gardner, Hansen and Knowles voted in favor of the motion. Councilors Bauer, McFarland, Ragsdale, Van Bergen, Wyers and Collier voted against the motion.

The motion to adopt the minority report failed to carry.

Consideration of Ordinance No. 90-338A, Amending Ordinance No. 89-294A Revising the Budget and Appropriation Schedules for Fiscal Year 1989-90 for the Purpose of Meeting Increased Workload in the Accounting and Data Processing Sections of Finance and Administration

Motion: Councilor Van Bergen moved, seconded by Councilor Devlin to adopt Ordinance No. 90-338A.

Vote: The eleven councilors present voted in favor of the motion. Councilor Buchanan was absent.

The motion to adopt the ordinance carried.

7. RESOLUTIONS

7.1 Minority Report for Resolution No. 90-1232, For the Purpose of Reducing the Amount of Disposable Diapers in the Solid Waste Stream

Councilor DeJardin said that his proposal was consistent with the intent of the resolution, to reduce solid waste going into the landfill, increase recycling, develop more cooperative relationships between private industry, citizens and government in reaching these goals and encourage education and systems that

make recycling easier. He said that his primary concern with Resolution No. 90-1232A was that it targeted a specific product, disposable diapers. He pointed out that while the Council had stated that the resolution was not a ban, the public would construe it as a ban. Councilor DeJardin said that the resolution was predicated on public education, but the cooperation and resources of the paper industry were also necessary. He said that the paper industry had committed to work with Metro and solid waste collection authorities and others to develop plans for increasing recycling of paper and paperboard products.

Councilor DeJardin pointed out that disposable diapers users were not limited to children. He pointed out that older persons with incontinence problems were also consumers. After Council discussion, Councilor DeJardin withdrew his minority report for the purpose of supporting Resolution No. 90-1232A and proposing amendments.

Consideration of Resolution No. 90-1232, For the Purpose of Reducing the Amount of Disposable Diapers in the Solid Waste Stream

Motion: Councilor DeJardin moved, seconded by Councilor Hansen to adopt Resolution No. 90-1232A.

Councilor Hansen presented the Solid Waste Committee's report and recommendations. Councilor Hansen pointed out that the resolution's purpose was a waste reduction measure to encourage the public to discontinue using disposable diapers and use recyclable cloth diapers. Councilor Hansen pointed out that Resolution No. 90-1232A also sought to encourage a reusable product, and if disposable diapers were used, to encourage composting them as an alternative method of disposal.

The public hearing was opened.

Paul Cosgrove; Portland, OR, said that he represented the American Paper Institute and that the Institute wanted to move forward and work together with Metro toward solutions that made a positive impact on the amount of solid waste that was deposited in the landfills. He said that he felt that Metro should educate the public about the environmental impacts of choices between diapering products and that the education should be factual and balanced.

Mr. Cosgrove said that he felt that the third "Whereas" clause of the resolution that recited ". . . average baby requires approximately 3,120 diaper changes a year. . ." was not an accurate statement. He said that the Institute also supported

amending recital 2. in the "Be It Resolved" section of the resolution, because as written, the resolution implied that the total environmental costs and impacts of cloth diapers was less than disposable diapers. Mr. Cosgrove said that information provided by the National Resources Defense Council did not conclude that environmental impacts of cloth diapers were less than disposable diapers. Mr. Cosgrove also recommended that the resolution include another recital in the "Be It Resolved" section stating clearly that the resolution was not a ban on disposable diapers. The language he supported was "That Metro recognizes that recycling, including composting of disposable diapers is better solid waste policy than a ban."

Councilor Hansen pointed out that the Solid Waste Committee had not addressed a ban or recycling in regard to disposable diapers. He asked Mr. Cosgrove to explain how he planned to use the proposed language with other governments. Mr. Cosgrove replied that the intent was to clarify regarding whether the resolution was or was not intended to be a ban. He also explained that there were disposable diaper recycling projects and he intended to use the resolution as a whole as the official policy of Metro on this issue.

In answer to a question raised by Councilor Van Bergen, Mr. Cosgrove stated that the National Resources Council was an environmental organization active in solid waste, air pollution and water quality issues. He also stated that the organization was an environmental organization and not a joint business/environmental organization. Councilor Ragsdale asked Mr. Cosgrove if he had any objection to deleting the words "to the maximum extent feasible" in the sixth recital of the "BE IT RESOLVED" section of the resolution. Mr. Cosgrove said that he did not object.

Councilor Knowles quoted a portion of a letter dated April 11, 1990 from the James River Corporation addressed to Councilor DeJardin. He said that the letter stated "My company is anxious to work with Metro to make sure that our collection and disposal systems, and educational efforts, achieve the best possible results in recycling paper products and preventing reusable paper fibers from being deposited in our landfills." Councilor Knowles asked Mr. Cosgrove if that commitment would be in effect whether or not the amendments Mr. Cosgrove prepared were adopted. Mr. Cosgrove stated that the commitments were in force and would remain in force. He said that the intent of the amendments was to move beyond an adversarial role into one of cooperative effort.

Ron Lustik; Proctor & Gamble, Cincinnati, OH, said that he was chairman of The Diapers Manufacturing Group which represented 12

companies that made 70 percent of the diapers sold in the United States. He said that his group was interested in working with Metro and other groups to solve solid waste problems. He said that Proctor & Gamble was involved in a diaper compost project and would soon begin a project to study the recyclability of disposable diapers. When asked if he supported the proposed amendments, Mr. Lustik said that in the interest of accuracy and clarity, he did.

Tom Novick; Citizens for Cloth Diapers; Portland, OR, submitted written testimony and said that his organization was composed of individuals representing environmental concerns, health care professionals, child care professionals and the recycling community. He said that the group's purpose was to help inform the public of the effects of disposable diapers on the environment. Mr. Novick said that his group supported Resolution No. 90-1232A, but did not support the amendments proposed in the minority report.

In regard to composting disposable diapers, Mr. Novick pointed out that questions regarding collection and separation of disposable diapers needed to be examined. He also stated that he did not feel it was necessary to amend the resolution to specifically state that the resolution was not a ban and that he felt that information could be conveyed by means of press releases and educational information.

Mal Bellafronto; Vice President of Operations, Pope & Talbot; Portland, OR, said that his company was the fourth largest producer of disposable diapers in the country and was the seventh largest producer of tissue products in the country. Mr. Bellafronto said that all of his company's paper products were made with 100 percent recycled fibers. Mr. Bellafronto expressed general support for the resolution and particular support for consumer education and composting as a desirable solid waste management policy.

Steffanie Anderson; Babyland Diaper Service; Portland, OR, testified in favor of Resolution No. 90-1232A. She said that she felt that the proposed amendments to the resolution confused rather than clarified the issue. She said that with the approach of Earth Day, she felt it an appropriate time for Metro to advance the resolution. Ms. Anderson also commented on the number of cloth diapers as opposed to disposable diapers the average baby would use per year. She said that she thought the figures should be about the same.

Dale Sherbourne; Concerned Citizens for Waste Water Management; Portland, OR, said that he felt that a fee on disposable diapers could help fund projects to divert disposable diapers to the

composter. He suggested establishing separate collection cans at public places for the soiled products.

The public hearing was closed.

1st Motion to Amend: Councilor DeJardin moved, seconded by Councilor Devlin to amend Resolution No. 90-1232A to delete the third "Whereas" clause. [Whereas, The average baby requires approximately 3,120 diaper changes a year and which results in over 1,000 pounds of waste per child; and]. (Bracketed language is deleted.)

There was considerable Council discussion regarding an accurate figure for the number of diaper changes per year. Councilor Devlin emphasized that he felt that if the resolution contained a figure, it should be a supportable figure. Councilors Gardner and Bauer said that they felt that having a figure in the resolution demonstrated the magnitude of the figure. Councilor Knowles and Gardner said they supported replacing the figure of 3,120 with a range.

Vote on Amendment: A roll call vote was taken, resulting in Councilors Devlin, DeJardin, Ragsdale and Van Bergen voting in favor of the motion. Councilors Bauer, Buchanan, Gardner, Hansen, Knowles McFarland Wyers and Collier voted against the motion. Councilor Buchanan was absent.

The motion failed to carry.

2nd Motion to Amend: Councilor Gardner moved, seconded by Councilor Wyers to amend the third "Whereas" clause of the resolution to read ". . . average baby requires approximately 2,000 to 2,500 diaper changes . . ."

Councilors Bauer and Van Bergen questioned whether the range quoted would still generate over 1,000 pounds of waste per child. Councilor Ragsdale suggested that a different approach would be to relate the tons of solid waste going into the waste stream generated by disposable diapers to a figure per child rather than the average number of changes per year.

Vote on 2nd Motion to Amend: Councilor Wyers voted aye. The ten other councilors present voted nay. Councilor Buchanan was absent.

The amendment failed to carry.

3rd Motion to Amend: Councilor Ragsdale moved, seconded by Councilor DeJardin to amend the third "Whereas" clause to read "WHEREAS, Using disposable diapers, the average baby contributes over 1,000 pounds of waste per child per year, and"

Vote on 3rd Motion to Amend: Ten councilors voted in favor of the motion. Councilor Van Bergen voted nay, and Councilor Buchanan was absent.

The motion carried.

4th Motion to Amend: Councilor DeJardin moved, seconded by Councilor Devlin to amend recital 2. of the "Be It Resolved" section to read: "That Metro shall actively encourage [the use of environmentally sound alternatives to disposable diapers] consumers and institutions to consider costs and environmental impacts in their selection of diapering products." (Brackets indicate deleted language; underlines indicate added language.)

Vote on 4th Motion to Amend: A roll call vote was taken resulting in Councilors Devlin, DeJardin, Gardner, Ragsdale and Van Bergen voted in favor of the amendment. Councilors Bauer, Hansen, Knowles, McFarland, Wyers and Collier voted nay. Councilor Buchanan was absent.

The amendment failed to carry.

5th Motion to Amend: Councilor Devlin moved, seconded by Councilor Gardner to strike the words "environmentally sound" in the second recital in the "Be It Resolved" section.

Vote on 5th Motion to Amend: A roll call vote was taken, resulting in Councilors Devlin, DeJardin, Gardner, Hansen and Ragsdale voting aye. Councilors Bauer, Knowles, McFarland, Van Bergen, Wyers and Collier voted nay. Councilor Buchanan was absent.

The motion failed to carry.

6th Motion to Amend: Councilor DeJardin moved, seconded by Councilor Bauer to add an eighth recital to the "Be It Resolved" section as follows: "8. That Metro recognizes that recycling, including composting, of disposable diapers is better solid waste policy than a ban."

Vote on 6th Motion to Amend: A roll call vote was taken resulting in Councilors DeJardin, Ragsdale and Van Bergen voting aye. Councilors Devlin, Gardner, Hansen, Knowles, McFarland, Wyers and Collier were absent. Councilor Bauer abstained, and Councilor Buchanan was absent.

The motion failed to carry.

7th Motion to Amend: Councilor Ragsdale moved, seconded by Councilor Gardner to amend the resolution in the "Be It Resolved" section as follows: 1) in the first recital, change the word establish to establishes, and delete the words "to the maximum extent feasible;" 2) in the sixth recital, delete the words "to the maximum extent feasible;" 3) in the seventh recital, delete the words "be empowered to;" 4) change subsection "b." of the seventh recital to recital number 8., and amend to read: "The Solid Waste Policy Advisory Committee shall . . .;" 5) rename recital 7c. to 7b.; and throughout the resolution change landfill to landfills.

Vote on 7th Motion to Amend: The eleven councilors present voted aye. Councilor Buchanan was absent.

The motion carried.

Councilor Van Bergen said that he felt source separation should be encouraged. Councilor Devlin asked the record to reflect that while he would support the resolution he was uncomfortable with the words "environmentally sound" and that he felt more thorough documentation with supportable evidence should have been done.

Vote on Main Motion: Ten councilors voted in favor of the motion. Councilor DeJardin voted against the resolution, and Councilor Buchanan was absent.

Resolution No. 90-1232A was adopted as amended.

Presiding Officer Collier recessed the Council at 8:30 p.m. and reconvened the meeting at 8:35 p.m.

7.2 Resolution No. 90-1233, For the Purpose of Approving Projects and Programs for the One Percent for Recycling Program 1989-90 Fiscal Year

Councilor Wyers reviewed the Solid Waste Committee's report and recommendations contained in the Council agenda packet. She noted that ten projects were selected for funding from the 52 proposals submitted. She pointed out that two individuals in the solid waste collection and recycling business had objected to the funding of a materials collection vehicle on the basis that they felt the project did not meet the funding criteria and would create unfair competition. Councilor Wyers said that the Advisory Committee felt that since the collection vehicle included a plastic grinder to granulate plastic collected on collection routes, it met the funding criteria.

Councilor Ragsdale said that he felt with the increase in the size of the Solid Waste Department budget, the One Percent for Recycling Programs should be re-evaluated. Councilor Gardner said that the Budget Committee had considered that issue. Councilor Wyers said that the program and criteria would be reviewed and re-examined in the upcoming fiscal year.

Motion: Councilor Wyers moved, seconded by Councilor DeJardin to adopt Resolution No. 90-1233.

Vote: The eleven councilors present voted in favor of the motion. Councilor Buchanan was absent.

The motion carried.

8. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS

8.1 Budget Committee Report

Councilor Van Bergen complimented the Council, Budget Committee and staff on their efforts. He said that he particularly appreciated the fact that deadlines were met. Councilor Van Bergen said that the public hearings on the budget had concluded, and the Committee would have a final review of the budget on April 19.

8.2 Update on Zoo Ballot Measures Campaign

Councilor Gardner said that the campaign was progressing well, and phone banks were running four nights per week. He said that the campaign committee had set a goal of \$150,000. He also noted that the Oregonian had endorsed the measure.

In other Councilor communication, Councilor Ragsdale announced that the Intergovernmental Relations Committee would hold an informational meeting on April 24 to discuss a ban on phosphate detergents.

Council Meeting April 12, 1990
Page 11

Council Administrator Carlson announced the Council would hold a special meeting on May 3 to consider the budget.

There was no other business, and the meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Gwen Ware-Barrett

Gwen Ware-Barrett
Clerk of the Council

Agenda Item No. 4.2
Meeting Date: July 26, 1990

Resolution No. 90-1296

INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT

**RESOLUTION NO. 90-1296, ENDORSING A TRI-MET GRANT APPLICATION
FOR A RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECT**

Date: July 11, 1990

Presented by: Councilor Devlin

COMMITTEE RECOMMENDATION: At the July 10, 1990 Intergovernmental Relations Committee meeting, Councilors Gardner, McFarland and myself voted unanimously to recommend Council adopt Resolution No. 90-1296. Councilor Bauer was excused.

COMMITTEE DISCUSSION/ISSUES: Transportation Department Director Andy Cotugno presented the resolution which allows Tri-Met to apply to the federal Urban Mass Transportation Administration (UMTA) for a \$54,000 grant to evaluate a West German computer-controlled bus dispatching system. Tri-Met will contribute \$36,000 for a total \$90,000 project to analyze implementation of a "Flexible Operations and Command and Control System." UMTA supports Tri-Met's project which qualifies as an UMTA Section 6 research, development and demonstration project.

Responding to Committee questions about the evaluation process, Mr. Cotugno explained the grant will fund Tri-Met's investigation of the system's application for handicapped and lift services. This will not be a pilot project; additional funding would be required for that type of work.

The Committee raised no additional issues or questions about the resolution or Tri-Met's application.

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BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ENDORSING A) RESOLUTION NO. 90-1296
TRI-MET GRANT APPLICATION FOR) Introduced by George Van Bergen,
A RESEARCH, DEVELOPMENT, AND) Chair, JPACT
DEMONSTRATION PROJECT)

WHEREAS, The Urban Mass Transportation Administration (UMTA) is authorized to undertake research, development, and demonstration projects (Section 6) in all phases of urban mass transportation; and

WHEREAS, Tri-Met has been encouraged by UMTA to participate in such a project; and

WHEREAS, The project calls for an implementation analysis for a Flexible Operations Command and Control System (FOCCS) as detailed in Exhibit A; now, therefore,

BE IT RESOLVED:

That the Council of the Metropolitan Service District hereby declares:

1. That the grant application of Tri-Met for a Section 6 research, development, and demonstration project is hereby endorsed:

UMTA Funds	\$54,000
Tri-Met Funds.	<u>36,000</u>
	\$90,000

2. That the Transportation Improvement Program be amended to reflect these actions.

3. That the Council of the Metropolitan Service District finds the project in accordance with the Regional

Transportation Plan and hereby gives affirmative Intergovernmental Project Review approval.

ADOPTED by the Council of the Metropolitan Service
District this ____ day of _____, 1990.

RES. 90-1296
BP:lmk
6-28-90

EXHIBIT A

AN IMPLEMENTATION ANALYSIS FOR A
FLEXIBLE OPERATIONS COMMAND AND CONTROL SYSTEM (FOCCS)
IN PORTLAND, OREGON

SUMMARY

Tri-Met is seeking an UMTA-funded grant to (1) conduct a critical review of a West German automated command and control system that integrates fixed-route transit, dial-a-ride minibus, and contract taxi services, (2) evaluate the technical and economic feasibility of adding audiotex/videotex components, carpool matching capabilities, and Intelligent Vehicle Highway System (IVHS) components to the system, (3) evaluate the technical requirements to add a FOCCS component to Tri-Met's central control plans, (4) evaluate the cost-effectiveness of FOCCS in Portland's rapidly growing suburbs and other low density areas, and (5) design an operational test for those components which would be suitable for the Portland area.

BACKGROUND

The Americans with Disabilities Act and increasing demands for elderly and disabled services will require a greater integration of fixed-route and door-to-door services. Additionally, a Tri-Met survey found that less than one percent (1%) of commuters who live and work in Portland's suburbs use public transportation to get to work. This low transit ridership rate, combined with high population and employment growth rates and limited resources for new road construction means that traffic congestion will be a growing problem in Portland's suburbs during the next few years unless something is done now.

Although Tri-Met's bus and rail transit services are doing a good job in reducing the use of cars for commuter trips within Portland's city limits and for trips between the suburbs and downtown, these fixed-route transit modes alone are not well suited for many trips within the suburbs and to business parks. The costs of fixed-route bus and rail are too high unless smaller local and feeder services are available.

During the past decade, the Federal Republic of Germany (West Germany) developed the Flexible Operation Command and Control System (FOCCS) that integrates several fixed-route transit and flexible-route paratransit transportation services. FOCCS utilizes computer terminals at numbered checkpoints (e.g. bus stops, shopping centers, train stations, ferry terminals) to collect trip requests (e.g. origin checkpoint number, destination checkpoint number, size of party) from riders. Based on historical travel patterns, the FOCCS central computer assigns the most cost-effective transit or paratransit vehicle available to pick up the waiting passengers at the checkpoint. The vehicle's description, scheduled arrival time and other pertinent information are transmitted back to the waiting passengers via the computer terminal. FOCCS also uses "smart cards" for billing and/or security purposes.

Tri-Met cosponsored a seminar on FOCCS in Portland by a team of West German transportation experts in 1987. Although the ridership gains and the cost reduction benefits of FOCCS in West Germany are impressive, it is not clear that comparable gains could be achieved in the United States without some important modifications. West German cities have fewer automobiles per capita and higher gasoline costs and greater population densities than Portland and most other U.S. cities. Pending requirements to increase door to door service to the disabled along with recent developments in computers and telecommunications, however, may make it possible to modify FOCCS and develop a command and control system that is cost-effective for U.S. cities and counties.

One area of technology which may prove beneficial to transportation management is audiotex/videotex. During the past decade, newspapers, banks and other companies in the United States have established audiotex and videotex operations to provide business and residential users with a wide variety of new information services (e.g. home-banking, teleshopping, electronic mail, sports scores, weather forecasts, transit schedules) over ordinary telephone lines. Audiotex patrons use touchtone telephones to directly enter and receive information from remote computer systems. Videotex patrons use either computer terminals or personal computers (PC's) to directly enter and receive this information. Prodigy, a joint venture between IBM and Sears, has recently started offering videotex services in the Portland metropolitan area.

Also, during the past year, the U.S. Department of Transportation (USDOT) announced its support for a greatly expanded Intelligent Vehicle-Highway Systems (IVHS) program. IVHS is an umbrella term for a group of technologies that use computers, telecommunications and electronics to improve mobility and reduce congestion, air pollution, gasoline consumption and traffic accident rates. IVHS now includes the use of videotex and audiotex technologies in Advanced Traveller Information Systems (ATIS) that can provide the public with timely and accurate information about alternative transit, paratransit, taxi and ridesharing services. FOCCS is one example of an IVHS/ATIS application.

OBJECTIVES

The first objective of this project is to conduct a critical review of FOCCS and its applicability to Portland and other U.S. cities. This supports the National Transportation Policy (NTP) plan "to learn of and share information about innovative transportation technologies and operations being delivered around the world".

The second objective is to determine if FOCCS would be a good foundation on which to build a public transportation (including taxi and ridesharing) command and control system for Portland and/or the U.S. market. West Germany has invested years and many millions of dollars developing and testing the FOCCS software. Although FOCCS does not support rideshare matching features, audiotex/videotex inquiries, or IVHS components at present, the U.S. may be able to save considerable time and money by adding these features to FOCCS rather than starting the design and development of a public transportation command and control system from scratch.

Tri-Met is at an appropriate point to consider FOCCS application because Tri-Met is presently implementing a central dispatch operation for all elderly and disabled services in the three-county Portland metropolitan area. A study will commence soon to evaluate the creation of a centralized operations control for light rail, bus, paratransit and customer information. This centralized control study will include an assessment of state of the art dispatching and automatic vehicle locating (AVL) systems, key components to any operation command and control system.

A third objective will be to determine if a modified FOCCS could provide cost-effective alternatives to the single occupancy vehicle in Portland's suburbs, business parks, and low density areas. The Suburban Transit Study concluded that in Washington County, only 0.6% of home based, non-work trips and 0.9% of work trips within Washington County are made by transit. And as much as this demonstrates the failure of transit to serve the suburban market, it also demonstrates the opportunity for non-traditional modes to tap this large market. The question is whether FOCCS program could tap this market in a more cost effective way than present alternatives allow.

A fourth objective is to determine what hardware and software and operating requirements would be necessary to incorporate the West German command and control system, or similar system, into the paratransit central dispatch or the planned centralized operation and control for all of Tri-Met's service.

A final goal is to develop a plan for an operational test of a modified FOCCS system for a portion of the Portland area. There are numerous communities within the Portland metropolitan area which would be conducive to a test of a FOCCS type system. Some analysis must take place to determine if factors such as local services, localized commuting to employment, an active senior center and a cooperative telephone company are available. These and other factors would increase the likelihood that a small scale test would be indicative of a larger example.

FINAL REPORT

A report addressing these issues will be written and specifically include:

- 1) An analysis of the present capabilities and cost-effectiveness of FOCCS.
- 2) An assessment of the cost, time and problems to add the following specific capabilities to FOCCS.
 - a) rideshare matching
 - b) audiotext/videotext inquiry
 - c) other IVHS features
- 3) An evaluation of the cost-effectiveness of FOCCS in Portland with and without a, b and c above.
- 4) An assessment of how FOCCS could be integrated with the Paratransit Dispatching Operation and/or Tri-Met's planned Centralized Operations Control.
- 5) A plan for testing the FOCCS program.

PROPOSED FEDERAL/LOCAL MATCH

\$ 54,000	UMTA Funds	60%
<u>36,000</u>	Tri-Met Funds	<u>40%</u>
\$ 90,000	Total	100%

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 90-1296 FOR
THE PURPOSE OF ENDORSING A TRI-MET GRANT
APPLICATION FOR A RESEARCH, DEVELOPMENT, AND
DEMONSTRATION PROJECT

Date: June 28, 1990

Presented by: Andrew Cotugno

PROPOSED ACTION

This resolution would endorse Tri-Met's grant application for an Urban Mass Transportation Administration (UMTA) Section 6 research, development, and demonstration project:

UMTA Funds	\$54,000
Tri-Met Funds.	<u>36,000</u>
	\$90,000

TPAC has reviewed this project and recommends approval of Resolution No. 90-1296.

FACTUAL BACKGROUND AND ANALYSIS

UMTA is authorized to approve grants to undertake research, development, and demonstration projects (Section 6) in all phases of urban mass transportation including the development, testing and demonstration of new facilities, equipment, techniques and methods.

UMTA has encouraged Tri-Met to participate in a Section 6 project for the implementation analysis of a Flexible Operations and Command and Control System. The West German version to be studied integrates several fixed-route transit and flexible-route paratransit transportation services using highly innovative techniques.

A complete description of the proposed project is detailed in Exhibit A to the resolution.

Agenda Item No. 5.1
Meeting Date: July 26, 1990

Ordinance No. 90-358

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING THE)
REVISION OF METRO CODE SECTION 4.01.050)
TO ALLOW EXCLUSION FROM ZOO PREMISES)

ORDINANCE NO. 90-358

Introduced by Rena Cusma
Executive Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

The Metro Council currently authorizes ejection from Zoo premises by the Director, his/her designate or by any peace officer. This has been helpful in preventing immediate anti-social or inappropriate behaviors. However, there is a need for applying longer term sanctions against entering the Zoo grounds for some cases.

NOW, THEREFORE,

Metro Code Section 4.01.050 Penalties is amended to read as follows:

4.01.050 Penalties:

(a) Each violation of these Rules and Regulations shall be punishable by a fine of not more than \$500.

(b) In addition to prosecution under paragraph (a) above, any person violating these Rules and Regulations may be ejected from the Zoo. The decision to eject shall be made by the Zoo Director or his/her designate, a security officer, or a peace officer.

(c) In addition to the measures prescribed in subsection (a) and (b) above, violation of these Rules and Regulations may be grounds for exclusion from Zoo premises. In the event of a violation of these Rules and Regulations or a violation of any of the laws of the State of Oregon, any police officer, Zoo security Officer, Zoo official, or any

individual providing security services under contract with Metro may exclude for a period of not more than forty-five days, any person who violates any provision of these Rules and Regulations, or any of the laws of the State of Oregon.

(1) Written notice shall be given to any person excluded from the Zoo premises. The notice shall specify the violation of Zoo Rules and Regulations or State law which is the basis for the exclusion and shall specify the dates covered by the exclusion. The notice shall be signed by the issuing party. Warning of the consequences for failure to comply with the exclusion shall be prominently displayed on the notice.

(2) A person receiving an exclusion notice may appeal to the Metro Council in accordance with the Contested Case procedure in Chapter 2.05 of the Metro Code.

(3) At any time within the period of exclusion, a person receiving an exclusion notice may apply in writing to the Zoo Director for a temporary waiver from the exclusion. The Zoo Director may grant a temporary waiver of an exclusion upon a showing of good cause for said waiver.

ADOPTED by the Council of the Metropolitan Service District this

_____ day of _____, 1990.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

AMR:ck
excl.sr

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 90-358
REVISING THE METRO CODE SECTION 4.01.050
TO INCLUDE EXCLUSION FROM ZOO PREMISES

Date: July 5, 1990

Presented by: A. M. Rich

FACTUAL BACKGROUND AND ANALYSIS

The Metro Council currently authorizes ejection from Zoo premises by the Director, her/his designate or by any peace officer. While this has been very helpful in solving immediate anti-social or inappropriate behaviors, there is a need for applying a longer term sanction in more serious cases, as outlined below.

1. During the summer of 1989 a young man was ejected from the Zoo for shooting plastic bread-wrapper clips, with a rubber band, at several specimens in the animal collection; the same young man returned twice more and repeated this act. During any given year many persons are ejected for shoplifting at the Zoo gift shop. The perpetrators and Metro Washington Park Zoo would be better served using the exclusion and knowing a particular offender would not return within a specified time, unless he wished to risk an official processing for trespass.
2. Longer term exclusions would be appropriate in the following situations:
 - a. concert disruption or disturbance
 - b. actions which are against public decency
 - c. actions which pose a threat to visitors, staff, the animal collection or property.

For these reasons, staff recommends amending the Metro Code to permit the use of exclusions in the manner prescribed by Metro Legal Counsel, which has been incorporated into this revision.

EXECUTIVE OFFICER'S RECOMMENDATION:

The Executive Officer recommends approval of Ordinance No. 90-358.

Agenda Item No. 6.1
Meeting Date: July 26, 1990

Ordinance No. 90-355

FINANCE COMMITTEE REPORT

ORDINANCE NO. 90-355, AMENDING METRO CODE SECTION 7.01.050 BY EXEMPTING CERTAIN PAYMENTS TO THE METRO WASHINGTON PARK ZOO FROM THE EXCISE TAX

Date: July 6, 1990

Presented By: Councilor Wyers

COMMITTEE RECOMMENDATION: At the July 5, 1990 Finance Committee meeting Councilors Collier, Devlin, Gardner and myself voted unanimously to recommend Council adopt Ordinance No. 90-355. Councilor Van Bergen was excused.

COMMITTEE DISCUSSION/ISSUES: Zoo Director Sherry Sheng presented the ordinance, noting the proposed Metro Code additions do not deviate from the intent of the Council's excise tax enactment, but the ordinance serves to clarify implementation of the tax at the Zoo. Specifically, the ordinance clarifies that Zoo funds received from development efforts -- special contributions, donations, bequests, designated non-profit organizations fundraising campaigns -- are not subject to the excise tax. These provisions are consistent with current practice and the excise tax implementation to date.

In response to Council staff questions, Ms. Sheng noted the Summer Concert series tickets would be subject to the excise tax. Ms. Sheng emphasized the ordinance serves to exempt only Zoo development efforts from the excise tax and Section 7.01.050(a)(8)(E) clearly provides for applying the tax on "all payments received ... for admission to the Zoo, or which entitle individuals to receipt of food, beverages, goods, or rides on the Zoo train..."

The Committee noted if the Zoo or Friends of the Zoo were to hold a special fundraising event at the Oregon Convention Center the admission charge would be exempt from the excise tax.

The Committee raised no additional issues or questions about the ordinance.

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BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING METRO)	ORDINANCE NO. 90-355
CODE SECTION 7.01.050 BY EXEMPTING)	
CERTAIN PAYMENTS TO THE METRO)	Introduced by Rena Cusma,
WASHINGTON PARK ZOO FROM THE)	Executive Officer
EXCISE TAX)	

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

The Council finds that Metro currently receives on behalf of the Metro Washington Park Zoo certain payments in the nature of contributions, bequests, sponsorships, program underwriting, grants, or support for promotional efforts. These payments may be subject to the Excise Tax pursuant to the terms of the Metro Code Chapter 7.01. It is appropriate to exempt such payments from the excise tax since the payments received by the District are not necessarily related to the use of the Zoo by the person making the payment, while in general the excise tax is imposed on the use of District Facilities.

NOW, THEREFORE,

Metro Code Section 7.01.050 Exemptions is amended to read as follows:

7.01.050 Exemptions:

(a) The following persons, users and operators are exempt from the requirements of this Chapter:

(1) Persons, users and operators whom the District is prohibited from imposing an excise tax upon under the Constitution or Laws of the United States or the Constitution or Laws of the State of Oregon.

(2) Persons who are users and operators of the Memorial Coliseum, Portland Civic Stadium or the Portland Center for the Performing Arts.

(3) Persons whose payments to the District or to an operator constitute a donation, gift or bequest for the

receipt of which neither the District nor any operator is under any contractual obligation related thereto.

(4) Any persons making payment to the District for a business license pursuant to ORS 701.015.

(5) Any person which is a state, a state agency or a municipal corporation to the extent of any payment made directly to the District for any purpose other than solid waste disposal, use of a Metro ERC facility, or use of the Metro Washington Park Zoo.

(6) Users who are sublessees, subtenants, sublicensees, or other persons paying compensation for the use of Metro ERC Facilities to lessees, tenants or licensees of Metro ERC Facilities including payments by users for concessions or catering services made to the Commission or its agents, but not users who purchase admission tickets for events at Metro ERC Facilities that are available to members of the general public.

(7) An operator of a franchised processing center that accomplishes material recovery and recycling [sic] as a primary operation.

(8) Persons making payments to the District on behalf of the Metro Washington Park Zoo for the following purposes:

(A) Contributions, bequests, and grants received from charitable trusts, estates, nonprofit corporations, or individuals regardless of whether the District agrees to utilize the payment for a specific purpose including all payments to the Zoo Parents program;

(B) Corporate sponsorships or co-promotional efforts for events that are open to the

general public, or for specific capital improvements, educational programs, publications, or research projects conducted at the Zoo;.

(C) Payments that entitle a person to admission to a fund-raising event benefiting the Zoo that is not held on the grounds of the Zoo;

(D) Payments that entitle a person to admission to a special fund-raising event held at the Zoo where the event is sponsored and conducted by a nonprofit organization approved by the Council and the primary purpose of which is to support the Zoo and the proceeds of the event are contributed to the Zoo;

(E) Notwithstanding the provisions of subsection (A) through (D) above, all payments received by the District for admission to the Zoo, or which entitle individuals to receipt of food, beverages, goods, or rides on the Zoo train shall be subject to tax regardless of whether payment is received from an individual or otherwise on behalf of special groups

including but not limited to employee and family member picnics, corporate or family parties, or similar events.

(b) Any person, user or operator that is exempt for the payment of an excise tax pursuant to this section shall nonetheless be liable for compliance with this Chapter and the payment of all taxes due pursuant to any activity engaged in by such person which is subject to this Chapter and not specifically exempted from the requirements hereof. Any operator whose entire compensation from others for use of a District facility is exempt from the provisions of this Chapter shall be deemed to be a user and not an operator.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1990.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

DBC/gl
1027

STAFF REPORT

REQUESTING APPROVAL OF ORDINANCE NO. 90-355
AMENDING METRO CODE SECTION 7.01.050
BY EXEMPTING CERTAIN PAYMENTS TO THE
METRO WASHINGTON PARK ZOO FROM THE EXCISE TAX

Date: June 18, 1990

Presented by: Y. Sherry Sheng

FACTUAL BACKGROUND AND ANALYSIS

Historically, the people of the region have supported their Zoo in broad-based ways. On-going tax support helps provide up to 50% of the zoo's operating base. In addition, because of our unique role in the community and state, many individuals, groups, corporations and foundations have taken extra steps to support us in our efforts to seek excellence as a zoological institution.

To help meet our mandated 50%-50% match of tax dollars, the Zoo seeks contributions. With donated in-kind and financial support we are able to stretch further the earned revenue and tax funding. Individual, corporate and community sponsors have played an important role in our future as tax funding of growth and development becomes more competitive. By federal definition, a zoo is a museum with a living collection, a cultural institution with a specific mission to fulfill. Under this designation, contributors are often motivated to support the Zoo's mission first and specific operational capital programs second.

With the passage of the Zoo's tax base, public support will grow at a cap of 6% annually. The increased costs of operations and construction put greater reliance on income from enterprise revenue sources and from contributions: contributions are budgeted in FY 91 to generate almost \$1.3 million.

For the Zoo's development program to succeed and help balance the Zoo's annual budget, we have to provide incentives for people to go beyond basic payment of gate fees and their property taxes. To do so, staff has developed contribution funding opportunities and experiences above and beyond the basic Zoo experience.

In light of the agency's recent adoption of an excise tax, and the non-specific nature of existing language in the Metro Code, staff recommends that the Code be amended to provide for a clear mechanism for the Zoo to continue its success in fund development. The staff recommends the exemptions from the excise tax as listed in the attached Ordinance Amendment.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of this Ordinance.

elph.ck
Codextax.sr

Agenda Item No. 7.1
Meeting Date: July 26, 1990

Resolution No. 90-1303

The Finance Committee will consider Resolution No. 90-1303 at their July 19 meeting. The Committee's report and recommendations will be distributed at the July 26 Council meeting.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF DECLARING
CERTAIN PROPERTY SURPLUS AND
AUTHORIZING THE EXECUTION OF A
SUBLEASE

)
)
)
)

RESOLUTION NO. 90-1303

WHEREAS, Metro has leased the building at 2000 S.W. First Avenue, Portland, Oregon, for ten (10) years; and

WHEREAS, Pursuant to ORS 271.310(3) it has been determined that 6,000 square feet is not immediately needed for public use; and

WHEREAS, Pursuant to ORS 271.360 a sublease has been proposed with Gregson Parker, CPA, a sole proprietorship for 540 sq. ft. attached hereto as Exhibit "A" and incorporated herein; now, therefore,

BE IT RESOLVED:

1. That surplus property is declared to exist at 2000 S. W. First Avenue; and
2. That the Executive Officer is authorized to execute the attached contract with Gregson Parker, CPA for sublease of surplus property.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____ 1990.

Tanya Collier, Presiding Officer

OFFICE SUBLEASE

This Sublease made as of this 1st day of August 1990 between the Metropolitan Service District, a municipal corporation of the State of Oregon, hereinafter referred to as "LESSEE," and GREGSON PARKER, C.P.A., a sole proprietorship, hereinafter referred to as "SUBLESSEE."

RECITALS

1. LESSEE has leased the premises described herein from Lessor Amco-Portland, Inc., a corporation, under a separate Lease Agreement between Lessor and LESSEE, herein referred to as the "Master Lease" and attached hereto as Exhibit "A."

2. SUBLESSEE desires to sublease a portion of those premises from LESSEE located at 2000 S. W. First Avenue, Portland, Oregon.

3. The parties desire to have a Sublease agreement defining the terms of the Sublease.

In consideration of the mutual covenants contained herein, the parties agree as follows:

1. Description of Premises. SUBLESSEE subleases from LESSEE a portion of the premises demised to LESSEE by Lessor under the Master Lease, which portion of the premises subleased hereunder is described in Exhibit "B" which is attached hereto and incorporated herein. In addition, SUBLESSEE shall have the right to sublease up to two (2) parking spaces in the parking

area of the Master premises, which spaces shall be designated by LESSEE under the conditions described in paragraph 4d. below.

2. Warranty by Lessee. LESSEE warrants and represents to SUBLESSEE that the Master Lease has not been amended or modified except as expressly set forth herein. In addition, LESSEE is not now, and as of the commencement of the term of this Sublease will not be, in default or breach of any of the provisions of the Master Lease, and LESSEE has no knowledge of any claim by Lessor that LESSEE is in default or breach of any of the provisions of the Master Lease.

3. Term. The term of this Sublease shall commence August 1, 1990, and end on January 1, 1992, or one year, five months (1 year, 5 months) after the commencement date, unless otherwise sooner terminated in accordance with the provisions of this Sublease or incorporated provisions of the Master Lease or unless extended as described in paragraph 10.

4. Rent. SUBLESSEE shall pay to LESSEE as rent, without deduction, setoff, notice, or demand, at 2000 S. W. First Avenue or at such other place as LESSEE shall designate from time to time by notice to SUBLESSEE, the following sums:

- a. During the first through the one year, five month of the term, the sum of Four Hundred Ninety-Six and 66/100th Dollars (\$496.66) per month in advance on the first day of each month of the term.
- b. The above sum is based on 540 square feet of subleased space. The sum also includes rent for use of common space which includes use of lobbies, elevators, restrooms, and other common areas and facilities. The above sum

does not include rent for parking area use which is described in subparagraph d.

- c. SUBLESSEE shall pay to LESSEE upon execution of this Sublease the sum of Four Hundred Ninety-Six and 66/100th Dollars (\$496.66) as rent for the last month of the term. If SUBLESSEE fails to pay rent or other charges in paragraphs 5 or 6 when due under this Sublease, the LESSEE shall allow the SUBLESSEE a ten (10) day grace period before considering the SUBLESSEE in default and LESSEE may use or apply all or any portion of the last month rent for the payment of any rent or such charges then due and unpaid. If LESSEE uses any portion of the last month rent, SUBLESSEE shall, within ten (10) days after written demand by LESSEE, restore the last month rent to the full amount originally deposited, and SUBLESSEE'S failure to do so shall constitute a default under this Sublease. LESSEE shall not be required to keep the last month rent separate from its general accounts, and shall have no obligation or liability for payment of interest on the last month rent. In the event LESSEE assigns its interest in this Sublease, LESSEE shall deliver to its assignee so much of the last month rent as is then held by LESSEE.
- d. SUBLESSEE shall have the right to sublease up to two (2) parking spaces. The rate for each space shall be Seventy Dollars (\$70) per month. SUBLESSEE by the execution of this Sublease gives notice that it exercises its right to two (2) spaces. Rent for each space subleased shall be due and payable on the first day of the month. SUBLESSEE may terminate its sublease of a parking space or spaces by giving LESSEE written notice thirty (30) days in advance of SUBLESSEE'S intention to terminate. Neither a failure by SUBLESSEE to sublease all two (2) spaces at any time nor a termination by SUBLESSEE of its sublease of a space or spaces shall prevent SUBLESSEE thereafter from subleasing up to two (2) spaces as provided herein. SUBLESSEE may exercise its right to sublease any previously terminated parking space by giving LESSEE written notice thirty (30) days in

advance of SUBLESSEE'S intention to sublease a space or spaces.

5. Use of Premises. The premises shall be used and occupied only for office purposes as allowed under the Master Lease and for no other use or purpose. No heating or air condition services will be available from 7:00 p.m. to 7:00 a.m. or on weekends, except on weekends requested by SUBLESSEE during February, March and April. Elevator service will be available at all times.

6. Assignment and Subletting. SUBLESSEE shall not assign this Sublease or further sublet all or any part of the premises without the prior written consent of both LESSEE and the Lessor under the Master Lease. LESSEE agrees not to unduly withhold consent to allow SUBLESSEE to sublet or assign a portion of the premises.

7. Applicable Provisions of Master Lease. All applicable terms and conditions of the Master Lease are incorporated into and made a part of this Sublease as if LESSEE was the Lessor thereunder, SUBLESSEE the LESSEE thereunder, and the premises the Master premises, except that the following sections of the Master Lease are expressly not applicable:

Section 2 (Renewal Term), Section 4 (Utilities and Government Impositions), Section 8.6 and 8.7, Section 10 (Insurance and Indemnification), Sections 11.1 and 11.4, Section 22.3, Section 36 (Net Lease), Section 37 (Appraisal), Section 21 (Right of First Offer), Section 38 (Fix Up Period and Fix Up Work), Exhibit "B," Schedule 1, and Section 39 (Early Termination).

SUBLESSEE assumes and agrees to perform the LESSEE'S obligations under the Master Lease during the term to the extent that such obligations are applicable to the premises, except that the obligation to pay rent to Lessor under the Master Lease shall be considered performed by SUBLESSEE to the extent and in the amount rent is paid to LESSEE in accordance with Section 4 of this Sublease. SUBLESSEE shall not commit or suffer any act or omission that will violate any of the provisions of the Master Lease. LESSEE shall exercise due diligence in attempting to cause Lessor to perform its obligations under the Master Lease for the benefit of SUBLESSEE. LESSEE shall perform the obligations assigned to LESSEE by Sections 4, 6, 8.1-8.5, and 11.1 of the Master Lease. If the Master Lease terminates, this Sublease shall terminate and the parties shall be relieved of any further liability or obligation under this Sublease, provided however, that if the Master Lease terminates as a result of a default or breach by LESSEE or SUBLESSEE under the Sublease and/or the Master Lease, then the defaulting party shall be liable to the non-defaulting party for all damage suffered as a result of such termination. However, it is understood that LESSEE has the independent and contractual obligation to pay the Master Lease LESSOR even if SUBLESSEE is unable to pay rent. Notwithstanding the foregoing, if LESSEE exercises any right to terminate the Master Lease in the event of the partial or total damage, destruction or condemnation of the Master premises or the building of which the Master premises are a part, the exercise of

such right by LESSEE shall not constitute a default or breach hereunder.

10. Renewal. SUBLESSEE may extend this Sublease only upon mutual agreement of the parties for a term consistent with LESSEE'S term under the Master Lease. SUBLESSEE shall give notice of his intent to extend this Sublease ninety (90) days prior to the termination of this Sublease.

11. Insurance. SUBLESSEE must provide to LESSEE proof of coverage for bodily injury and property damage liability for a combined single limit of Five Hundred Thousand Dollars (\$500,000). SUBLESSEE shall have LESSEE named as an additional insured on any liability insurance coverage SUBLESSEE carries for activities conducted on the premises.

12. Indemnification. Throughout the term of this Sublease, SUBLESSEE and LESSEE will indemnify and hold harmless each other from loss, liability and damage for personal injury and property damage, or either, resulting from SUBLESSEE'S or LESSEE'S acts or failure to act or SUBLESSEE'S or LESSEE'S use of the premises.

13. Consent by Lessor. This Sublease shall be of no force or effect unless consented to by Lessor by Lessor's acknowledgement hereunder.

14. Grace Period. Except for the ten day (10) grace period for payment of rent and charges in paragraph 4, if SUBLESSEE fails to perform any other obligations hereunder LESSEE shall provide written notice specifying the nature of the alleged

default to SUBLESSEE and allow SUBLESSEE thirty (30) days thereafter to cure or if the nature of the default is such that it cannot be completely cured within thirty (30) days, SUBLESSEE must commence curative action with the thirty (30) day period and proceed diligently to complete the cure as soon as possible before LESSEE may declare a default. After giving thirty (30) day notice to SUBLESSEE, which may run concurrently with the notice of default, LESSEE may use or apply any portion of the last month's rent to cure such default following the procedures described in paragraph 4.

15. Condemnation. SUBLESSEE and LESSEE agree that if a reduction in rent results from condemnation as described in Section 14 of the Master Lease which affects SUBLESSEE'S premises, then LESSEE shall reduce SUBLESSEE'S rent proportionate to the reduction in square footage of SUBLESSEE'S space.

SUBLESSEE

Date: _____

By: _____
Gregson Parker

LESSEE

Date: _____

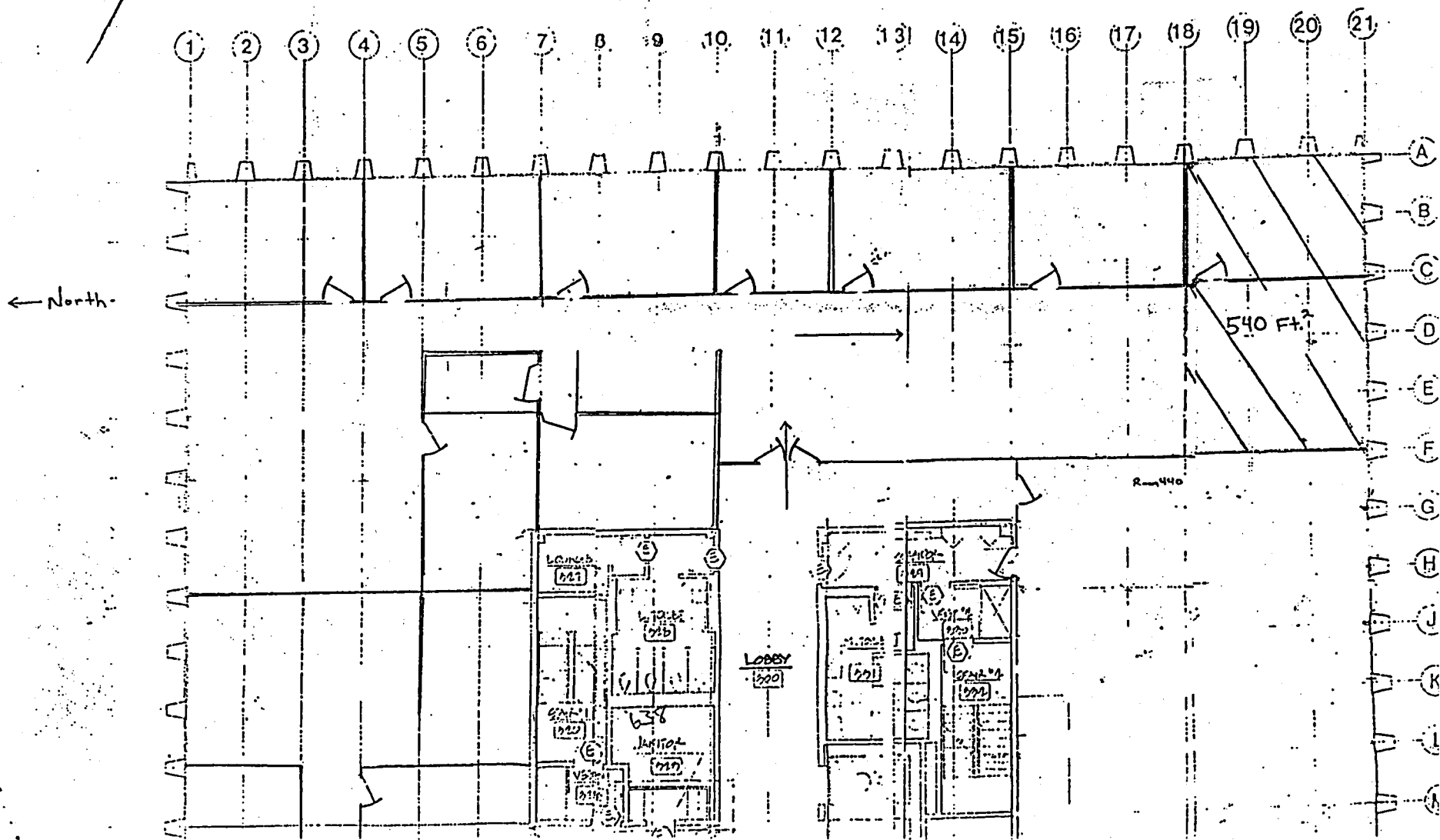
By: _____

Title: _____

JS/LS/gl

1030

Fourth Floor



STAFF REPORT

CONSIDERATION OF A SUBLEASE WITH GREGSON PARKER,
CPA FOR SPACE AT 2000 S.W. FIRST AVENUE, PORTLAND,
OREGON

Date: July 16, 1990

Presented by: Jennifer Sims

FACTUAL BACKGROUND AND ANALYSIS

The purpose of this Staff Report is to present to the Council a proposed sublease for approval. The proposed sublessee is Gregson Parker, CPA, a sole proprietorship.

Highlights of the sublease are as follows:

1. \$10.00 sq. ft. lease cost
2. No leasehold improvements
3. 596 sq. ft. (including load factor) on the southeast corner of the fourth floor
4. Occupancy August 1, 1990 to January 1, 1992
5. Up to two allocated parking spaces at a rate of \$70 per month

Babicky, Bunce & Parker, P.C. previously held a sublease for 4,068 sq. ft. on the east side of the fourth floor, including the proposed Parker space. The Babicky sublease has been terminated making that space available for other uses since Metro does not need all of the space. The proposed sublease is short-term to coincide with a potential relocation of Metro's offices.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of the sublease agreement with Gregson Parker, CPA.



GRANT/CONTRACT SUMMARY

METROPOLITAN SERVICE DISTRICT

GRANT/CONTRACT NO. 901375 BUDGET CODE NO. 513-041414-347220-00000
 FUND: Building DEPARTMENT: F&A (IF MORE THAN ONE) - - - -
 SOURCE CODE (IF REVENUE) - - - -

INSTRUCTIONS

1. OBTAIN GRANT/CONTRACT NUMBER FROM CONTRACTS MANAGER. CONTRACT NUMBER SHOULD APPEAR ON THE SUMMARY FORM AND ALL COPIES OF THE CONTRACT.
2. COMPLETE SUMMARY FORM.
3. IF CONTRACT IS —
 - A. SOLE SOURCE, ATTACH MEMO DETAILING JUSTIFICATION.
 - B. UNDER \$2,500, ATTACH MEMO DETAILING NEED FOR CONTRACT AND CONTRACTOR'S CAPABILITIES, BIDS, ETC.
 - C. OVER \$2,500, ATTACH QUOTES, EVAL. FORM, NOTIFICATION OF REJECTION, ETC.
 - D. OVER \$50,000, ATTACH AGENDA MANAGEMENT SUMMARY FROM COUNCIL PACKET, BIDS, RFP, ETC.
4. PROVIDE PACKET TO CONTRACTS MANAGER FOR PROCESSING

1. PURPOSE OF GRANT/CONTRACT lease for office space at Metro Center

2. TYPE OF EXPENSE PERSONAL SERVICES LABOR AND MATERIALS PROCUREMENT
 PASS THROUGH AGREEMENT INTER-GOVERNMENTAL AGREEMENT CONSTRUCTION
 OTHER

OR

TYPE OF REVENUE GRANT CONTRACT OTHER Sublease

3. TYPE OF ACTION CHANGE IN COST CHANGE IN WORK SCOPE
 CHANGE IN TIMING NEW CONTRACT

4. PARTIES Gregson Parker, CPA and Metro

5. EFFECTIVE DATE August 1, 1990 TERMINATION DATE December 31, 1991
 (THIS IS A CHANGE FROM _____)

6. EXTENT OF TOTAL COMMITMENT: ORIGINAL/NEW \$ 10,823.30
 PREV. AMEND _____
 THIS AMEND _____
 TOTAL \$ 10,823.30

7. BUDGET INFORMATION

A. AMOUNT OF GRANT/CONTRACT TO BE ^{earned} SPENT IN FISCAL YEAR 1990 ~~8~~ 91 \$ 7,003.26
 B. BUDGET LINE ITEM NAME Lease AMOUNT APPROPRIATED FOR CONTRACT \$ -0-
 C. ESTIMATED TOTAL LINE ITEM APPROPRIATION REMAINING AS OF _____, 19____ \$ N/A

8. SUMMARY OF BIDS OR QUOTES (PLEASE INDICATE IF A MINORITY BUSINESS ENTERPRISE)

SUBMITTED BY _____ \$ _____ MBE
 AMOUNT
 SUBMITTED BY _____ \$ _____ MBE
 AMOUNT
 SUBMITTED BY _____ \$ _____ MBE
 AMOUNT

9. NUMBER AND LOCATION OF ORIGINALS One Each: Contract File, Department, Contractor

10. A. APPROVED BY STATE/FEDERAL AGENCIES? YES NO NOT APPLICABLE
 B. IS THIS A DOT/UMTA/FHWA ASSISTED CONTRACT YES NO
11. IS CONTRACT OR SUBCONTRACT WITH A MINORITY BUSINESS? YES NO
 IF YES, WHICH JURISDICTION HAS AWARDED CERTIFICATION _____
12. WILL INSURANCE CERTIFICATE BE REQUIRED? YES NO
13. WERE BID AND PERFORMANCE BONDS SUBMITTED? YES NOT APPLICABLE
 TYPE OF BOND _____ AMOUNT \$ _____
 TYPE OF BOND _____ AMOUNT \$ _____
14. LIST OF KNOWN SUBCONTRACTORS (IF APPLICABLE)
- | | | |
|------------|---------------|------------------------------|
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
15. IF THE CONTRACT IS OVER \$10,000
 A. IS THE CONTRACTOR DOMICILED IN OR REGISTERED TO DO BUSINESS IN THE STATE OF OREGON?
 YES NO
 B. IF NO, HAS AN APPLICATION FOR FINAL PAYMENT RELEASE BEEN FORWARDED TO THE CONTRACTOR?
 YES DATE _____ INITIAL _____
16. COMMENTS:

GRANT/CONTRACT APPROVAL

<p>INTERNAL REVIEW</p> <p><i>[Signature]</i> DEPARTMENT HEAD</p> <p><i>[Signature]</i> FISCAL REVIEW</p> <p><i>[Signature]</i> BUDGET REVIEW</p> <p style="text-align: right;">7-17-90</p>	<p>CONTRACT REVIEW BOARD (IF REQUIRED) DATE _____</p> <p>1. _____ COUNCILOR</p> <p>2. _____ COUNCILOR</p> <p>3. _____ COUNCILOR</p>	<p>COUNCIL REVIEW (IF REQUIRED)</p> <p>DATE _____</p>
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- LEGAL COUNSEL REVIEW AS NEEDED:
- A. DEVIATION TO CONTRACT FORM _____
- B. CONTRACTS OVER \$10,000 _____
- C. CONTRACTS BETWEEN GOVERNMENT AGENCIES _____

Agenda Item No. 7.2
Meeting Date: July 26, 1990

Resolution No. 90-1300

The Intergovernmental Relations Committee will consider Resolution No. 90-1300 at their July 24 committee meeting. The Committee's report and recommendations will be distributed at the Council meeting.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING) RESOLUTION NO. 90-1300
A REGIONAL COMPACT DEFINING THE) Introduced by Rena Cusma,
POLICY FRAMEWORK FOR DETERMIN-) Executive Officer
ING HOW TO MEET THE REGIONAL)
SHARE OF THE FUNDING REQUIRE-)
MENTS FOR LIGHT RAIL PROJECTS)
AND ENDORSING A FUNDING PLAN FOR)
THE WESTSIDE CORRIDOR PROJECT)
AND INITIATION OF AN EAST PORT-)
LAND/CLACKAMAS COUNTY PROJECT)

WHEREAS, The Regional Transportation Plan adopted by Ordinance No. 89-282 identifies light rail transit (LRT) expansion as a key element of meeting the region's transportation needs; and

WHEREAS, The Council of the Metropolitan Service District adopted Resolution No. 89-1035 defining a comprehensive transportation finance strategy including funding for LRT; and

WHEREAS, The next regional priorities for LRT funding include the Westside Corridor project from downtown Portland to Hillsboro and an East Portland/Clackamas County project; and

WHEREAS, A regional share of matching funds will be required in addition to state and federal funding for each of these projects to implement the final approved base project; and

WHEREAS, There will be regionwide and direct user benefits derived from these base projects; and

WHEREAS, Local governments may wish to add features to the project to meet local objectives; and

WHEREAS, The Transportation 2000 Committee and JPACT

have recommended this LRT financing compact involving regionwide, user and local funding sources; now, therefore,

BE IT RESOLVED:

That the Council of the Metropolitan Service District

1. Adopts the Regional Compact as reflected in Exhibit A as the policy framework for determining how to meet the regional share of the funding required for light rail transit projects and declares its intent to incorporate this financing policy in the next update to the Regional Transportation Plan.

2. Based upon the policy framework defined in the Regional Compact, endorses proceeding with the funding plan for the Westside Corridor project and initiation of an East Portland/Clackamas County project as reflected in Exhibit B.

ADOPTED by the Council of the Metropolitan Service District this ____ day of ____, 1990.

Tanya Collier, Presiding Officer

EXHIBIT A

REGIONAL COMPACT ON LIGHT RAIL FUNDING

Scope of Compact

1. This compact defines the regional guidelines for determining how to meet the regional share requirements for light rail capital construction costs.
2. This compact applies to all light rail projects proposed for funding by JPACT.
3. Capital construction costs covered by this compact include:
(a) project development, engineering and design studies,
(b) right-of-way acquisition, (c) construction, (d) electrification, and (e) vehicle purchase.
4. The regional match requirement for a project is equal to the total project cost minus the federal share minus the state share. The actual percentage split between these sources will depend on the federal legislation in effect at the time, the characteristics of the project and other practicalities.

Policy

1. The regional match is the shared responsibility of Tri-Met, Metro, Multnomah County, Clackamas County, Washington County, Portland, and other cities specifically served by a project.
2. The regional match shall be met through the financial participation of groups or areas (defined on the basis of jurisdictional boundaries) in relation to the benefit they receive.
3. The amount of financial participation by or within a jurisdiction is a function of (a) its share of regionwide benefit, (b) its user benefits and (c) its local benefits.

Regionwide Benefit

1. Each rail project proposed for funding by JPACT has a general regionwide benefit due to the ability of the regional rail system to help meet regional objectives regarding: air quality, highway service levels, urbanization, jobs, transit efficiency and others.
2. The regional match for each base light rail project will, in part, be funded from a regionwide revenue source.

3. The base project is that combination of design and alignment options which is approved by the project steering committee and the implementing agency as meeting regional objectives.
4. The actual source of these regionwide funds will be determined on a project-by-project basis but would include such sources as (a) regional bonds or levies, (b) regional vehicle fees or taxes for constitutionally allowed purposes (if any), and (c) pools of funds derived from a metropolitanwide base (including funds from Clark County, Washington, if extended across the Columbia River).

User Benefit

1. User benefit participation is a contribution towards the regional match of a base project by governments whose constituencies are directly served by the light rail project. User benefits are received by (a) residents served by the project, (b) businesses served by the project, and (c) customers of public attractors or facilities served by the project.
2. The amount of user benefit participation in the regional match for a project will be determined on a project-by-project basis.

Local Benefits

1. Each light rail project will have a local benefit due to its ability to help meet local comprehensive plan objectives regarding urban design, development and others.
2. These local benefits may accrue to a community from modifications to the base project requested or required by the local jurisdiction.
3. The regional match requirements associated with modifications to the base project to meet local objectives is the responsibility of the requesting jurisdiction.

Source of User and Local Benefit Matching Funds

1. The source of revenue for the user benefit and local benefit portions of the regional match is to be determined by the responsible jurisdiction unless JPACT were to find a particular source detrimental to the region's interest.

Implementation

1. Each jurisdiction receiving local and/or user benefits shall adopt a resolution of intent to fulfill its agreed-upon

regional match responsibility prior to final approval of the regionwide revenue source. The resolution of intent shall state the amount and due date(s) of all user and local benefit contributions towards the regional match requirement.

2. Subsequent to the approval of the regionwide revenue source but prior to signing of the federal Full-Funding Agreement for the project, each jurisdiction providing user or local benefit match shall adopt a formal Intergovernmental Agreement which obligates the specified revenue to the project in accordance with the agreed-upon due date.
3. Tri-Met shall establish two accounts:
 - a. The Westside Light Rail Construction account.
 - b. The East Portland/Clackamas County Light Rail account.
4. Upon passage of the General Obligation Bond measure, \$110 million of bond authorization will be allocated to the Westside Light Rail Construction account. In addition, \$21 million of "user benefit" revenues are to be committed to the account as recommended by T-2000. The Westside Policy Steering Group shall recommend the use of the Westside Light Rail Construction account to the Tri-Met Board.
5. Upon passage of the General Obligation Bond measure, \$15 million of bond authorization will be allocated to the East Portland/Clackamas County Light Rail account. In addition, \$2 million of "user benefit" revenues are to be committed to the account as recommended by T-2000. The East Portland/Clackamas County Policy Steering Group shall recommend the use of the East Portland/Clackamas County Light Rail account to the Tri-Met Board.
6. Bond proceeds and "user benefit" revenues in the light rail accounts will be used for the base project. The base project will not be enhanced subsequent to executing the Full-Funding Agreement with revenues from the initial bond or initial "user benefit" contributions.
7. Revenues initially allocated to the East Portland/Clackamas County Light Rail account will not be expended for purposes other than alternatives analysis and engineering until such time as the federal Full-Funding Agreement for the Westside Light Rail project is fully executed.
8. It is the intent that the funds made available to the Westside Light Rail Construction account, that are not required for the final base project and not needed for financing

contingencies, will be transferred to the East Portland/Clackamas County Light Rail account. Subsequent to executing the Full-Funding Agreement for the Westside Light Rail project, unused Westside Light Rail Construction funds may be transferred to the East Portland/Clackamas County account. Such transferred funds may not be obligated until such time as the Westside project is fully under contract for construction.

9. If needed, the Westside project may apply for revenue from the East Portland/Clackamas County Light Rail account.
10. An annual status report of each account will be submitted annually to JPACT.

SS:lmk
90-1300.RES
7-11-90

EXHIBIT B

FUNDING PLAN FOR THE REGIONAL SHARE OF LIGHT RAIL TRANSIT

I. Regionwide Revenue Source

The primary focus of this funding plan is to secure matching funds to construct the Western extension of MAX. However, regional residents prefer to simultaneously fund prudent initial steps toward development of an East Portland/Clackamas County Max extension which makes progress toward a third line and reduces long-term costs for this corridor (such as engineering and early right-of-way acquisition). As such, it is recommended that the Tri-Met Board seek voter approval for a \$125 million General Obligation Bond measure for the following program:

- A. \$110 million toward the regional share of matching funds for the Westside MAX construction. This estimate includes funding for the base Westside project plus a Capital Reserve Account as required by the Urban Mass Transportation Administration. This funding level assumes that the state will provide 12.5 percent matching funds and that up to 75 percent federal funding will be available for the project.
- B. \$15 million for initial steps on an East Portland/Clackamas County MAX project, including engineering studies and right-of-way acquisition.

The bond measure will permit Tri-Met to manage the distribution of these resources between the Westside MAX Construction account and the East Portland/Clackamas County account. However, the Regional Compact provides procedures and limitations on how transfers between accounts will be considered. This action is intended to allow decisions to implement these projects to proceed and is subject to final project approval in conformance with state and federal law. In addition, the Westside Policy Steering Group and an East Portland/Clackamas Policy Steering Group will recommend the use of these respective accounts to the Tri-Met Board and status of these accounts will be reported annually to JPACT.

II. Special Benefit Participation in MAX Implementation

To ensure that (a) the funding contributions are in relation to benefit and (b) maximum use is made of existing resources, consistent with the Regional Compact, it is recommended that those jurisdictions that represent benefitted

residents, businesses and users contribute toward the Westside and East Portland/Clackamas County LRT accounts established at Tri-Met. These funds, in combination with bond proceeds, state matching funds and federal funds, will be used for the base project approved for that corridor.

It is recommended that the following jurisdictions adopt a resolution of intent to participate in the Regional Compact for LRT financing and commit to provide their specified contribution:

Portland - \$1 million by December 1990 and \$6 million by July 1993 for Westside MAX.

Washington County - \$5 million by July 1993 for Westside MAX.

Tri-Met - \$1 million by December 1990 and \$6 million by July 1993 for Westside MAX.

Metro - \$2 million by July 1993 for Westside MAX with a zoo station.

Clackamas County - \$2 million by July 1993 for initiation of an East Portland/Clackamas County MAX line.

Additions to the base project requested by local jurisdictions will be incorporated into the project if additional funding is provided by that jurisdiction.

ACC:lmk
7-11-90
90-1300.RES

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 90-1300 FOR THE PURPOSE OF ESTABLISHING A REGIONAL COMPACT DEFINING THE POLICY FRAMEWORK FOR DETERMINING HOW TO MEET THE REGIONAL SHARE OF THE FUNDING REQUIREMENTS FOR LIGHT RAIL PROJECTS AND ENDORSING A FUNDING PLAN FOR THE WESTSIDE CORRIDOR PROJECT AND INITIATION OF AN EAST PORTLAND/CLACKAMAS COUNTY PROJECT

Date: July 12, 1990

Presented by: Andrew C. Cotugno

PROPOSED ACTION

This resolution would endorse a regional policy framework (a Regional Compact) for financing the regional share of LRT projects and endorse proceeding with a financing plan consistent with the Regional Compact as follows:

1. It is recommended that Tri-Met submit to the voters a \$125 million General Obligation Bond measure to provide:
 - a. \$110 million for the regionwide share of matching funds for Westside LRT construction; and
 - b. \$15 million towards initiation of LRT in the East Portland/Clackamas County area to include engineering and right-of-way acquisition.
2. It is recommended that jurisdictions that represent directly benefitted residents, businesses and users of these LRT corridors provide an additional contribution toward the basic project in relation to the benefits realized as follows:

Portland	\$ 7 million
Washington County.	5
Tri-Met.	7
Metro (Zoo).	2
Clackamas County	2
	<hr/>
	\$23 million

JPACT has reviewed this policy framework and recommends approval of Resolution No. 90-1300.

FACTUAL BACKGROUND AND ANALYSIS

In January 1989, a comprehensive regional transportation funding proposal involving federal, state and regional funding recommendations was adopted by Resolution No. 89-1035. This funding proposal established a comprehensive funding strategy for:

- Major Regional Highway Corridors
- LRT Construction
- Urban Arterials
- Expanded Transit Operations

The 1989 Oregon Legislature approved a number of key elements of this proposal. This resolution endorses proceeding with aspects of this program dealing with the region's share of LRT financing. These recommendations were developed by the Transportation 2000 Committee.

Regional Compact

The Regional Compact is proposed for adoption to establish the policy framework for the region's share of LRT financing. Consistent with the policy action defined in Resolution No. 89-1035, this regional share will be used to allow implementation of LRT in combination with federal transit funding and is based upon seeking half the local matching funds from the state.

The Regional Compact establishes that the regional share of funding for implementation of an LRT corridor should be comprised of contributions from a regionwide revenue source to reflect the regionwide benefits resulting from the project plus contributions from jurisdictions representing residents, businesses and users that are directly benefitted by the project. Definition of this "basic project" will be defined through the project development process and will be recommended by the policy steering group of affected jurisdictions. In addition to this basic project, additions that are incorporated into the project to meet local objectives will be the financing responsibility of the requesting local jurisdiction.

Funding Proposal

Consistent with the Regional Compact, this resolution endorses a specific funding proposal which includes a regionwide funding contribution plus jurisdictional contributions commensurate with regionwide and direct benefits.

To provide the regionwide contribution, it is recommended that Tri-Met submit to the voters a \$125 million General Obligation Bond measure to provide:

1. \$110 million for matching funds for construction of the Westside LRT project; and
2. \$15 million to allow initial steps toward an East Portland/Clackamas County project.

In addition, jurisdictions representing directly benefitted residents, businesses and users are recommended to contribute toward the basic project as follows:

Portland - \$1 million by December 1990 and \$6 million by July 1993 for Westside MAX.

Washington County - \$5 million by July 1993 for Westside MAX.

Tri-Met - \$1 million by December 1990 and \$6 million by July 1993 for Westside MAX.

Metro - \$2 million by July 1993 for Westside MAX with a zoo station.

Clackamas County - \$2 million by July 1993 for initiation of an East Portland/Clackamas County MAX line.

The total funding level for the Westside LRT project (\$110 m. + \$21 m. = \$131 million) is based upon providing one-half the local match (the other half is assumed will be provided by the state), up to 75 percent federal participation and allows for inflation and interest earnings over the construction period. This amount provides the matching funds to allow decisions yet to be made on the scope of the Westside LRT project including whether a tunnel will be built and the possible extension to Hillsboro. Approval of this funding does not constitute final project approval which is subject to state land use law and federal environmental impact requirements. In the event certain Westside LRT project elements are not implemented, the remaining funds can be transferred to allow further progress on the East Portland/Clackamas County project.

The "Implementation" section of the Regional Compact provides the procedures for determining the use of these funds for the Westside project and the transferability to the East Portland/Clackamas County fund, including the following:

1. The "basic" project to meet regional objectives will be defined through the Westside Policy Steering Group.
2. The funds in the Westside Construction account (\$131 million) will be available for use on the "basic" project including allowance for contingencies, inflation and other project-related costs.
3. Those funds will not be used to enhance the "basic" project and, after execution of the federal Full-Funding Agreement, any residual funds will be transferred to the East Portland/Clackamas County account to help advance a second corridor.
4. Any funds transferred, however, are not to be spent until the Westside project is fully under contract for construction.

For example, it is possible that certain Westside project elements, such as a tunnel, Hillsboro extension, Sylvan station or Henry Street alignment, may not be included in the "basic" project. As such, this may make \$10-20 million available to transfer to the East Portland/Clackamas County account. Any additions to the "basic" project needed to meet local objectives will be the financial responsibility of the requesting jurisdiction.

The funding level for the East Portland/Clackamas County project (\$15 m. + \$2 m. = \$17 million) is based upon providing local funds for engineering and right-of-way acquisition for an East Portland/Clackamas County LRT project. This seed money will allow evaluation of various improvements in the I-205 and Milwaukie corridors. Approval of these funds does not constitute final project approval which is subject to state land use law and federal environmental impact requirements. Once a final decision is made to build one of the East Portland/Clackamas County LRT projects, these funds will be available to advance engineering and right-of-way acquisition. These activities can either be pursued with local funds or these funds can be used as local match for federal funds. In this manner, the next corridor after the Westside will be ready to proceed to construction when the Westside construction is complete.

The "Implementation" section of the Regional Compact provides the procedures for determining the use of these funds for the East Portland/Clackamas County project, including the following:

1. The "basic" project to meet regional objectives will be defined through an East Portland/Clackamas County Policy Steering Group.
2. The funds in this account (\$17 million) will be available for engineering and right-of-way acquisition. However, funds will not be expended on right-of-way acquisition until after the Westside project has an executed federal Full-Funding Agreement.
3. Any funds transferred from the Westside Construction account to this account will be available for engineering, right-of-way acquisition plus for use towards construction.
4. If any funds in the East Portland/Clackamas County account are needed for the Westside project, application for the funds can be made to the East Portland/Clackamas County account and the East Portland/Clackamas County Policy Steering Group.

For example, if the Westside project requires \$136 million, as estimated under one financial scenario (rather than the \$131 million now available), then transferring \$5 million from the East Portland/Clackamas County account may be requested.

Alternatives

Other funding mechanisms were considered and rejected, as follows:

1. The Local Option Vehicle Registration fee was the preferred approach when the authority was sought from the '89 Legislature. However, since the voters in May 1990 failed to approve the constitutional amendment which would have

permitted its use for transit, this option is not available.

2. A property tax base was rejected because it would be permanent and extend beyond the period needed to raise construction funds.
3. A property tax serial levy was rejected because a bond measure extends the burden for a longer period of time, thereby producing a lower annual tax rate.
4. An income tax imposed at the regional level was rejected because it was felt that voter support would not be available for a new taxing mechanism.

In addition, a bond measure would not be subject to the property tax limitation which is on the ballot in November while a serial levy and property tax base would be reduced. Furthermore, use of a Tri-Met enacted General Obligation Bond measure would not hinder or help the question of a Metro/Tri-Met merger. If the merger were to proceed, the general obligation debt would still apply to the same Tri-Met district boundary approved by the voters.

Financial Impact

The General Obligation bonds would likely be issued in two increments (1991 and 1996) for 20 years each. The property tax rate would be approximately 18¢ per \$1,000 of assessed value when the first increment is issued in 1991. This rate would steadily decline to 1996 as increased assessed value is added to the tax base. In 1996, when the second issuance of bonds takes place (to the full \$125 million level), the rate would increase to 23¢/\$1,000 of assessed value. Thereafter, to the 20-year retirement of the debt, the rate would steadily decline to approximately 9¢/\$1,000. The overall average rate during the life of the measure would be 14¢/\$1,000. This represents the following tax bill in 1992 at the time of the first bond issuance (@ 18¢/\$1,000):

Average Home Price	-	\$85,000	-	\$15.30
Median Home Price	-	\$70,000	-	\$12.60

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 90-1300.

90-1300.RES
7-16-90

Agenda Item No. 7.3
Meeting Date: July 26, 1990

Resolution No. 90-1301

The Intergovernmental Relations Committee will consider Resolution No. 90-1301 at their July 24 committee meeting. The Committee's report and recommendations will be distributed at the Council meeting.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ENDORSING) RESOLUTION NO. 90-1301
TRANSPORTATION FINANCING)
MECHANISMS) Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Regional Transportation Plan, adopted by Ordinance No. 89-282, identifies a comprehensive transportation improvement program for the Portland metropolitan area; and

WHEREAS, Resolution No. 89-1035 adopted a comprehensive financing strategy for major highway corridors, LRT construction, urban arterials and expanded transit operations; and

WHEREAS, Oregon Revised Statutes, Chapter 864, allows Metro to seek voter approval for a local option vehicle registration fee under certain conditions; and

WHEREAS, Resolution No 90-1300 provides for endorsement of a financing plan for Westside LRT construction and initiation of LRT in the East Portland/Clackamas County area; now, therefore,

WHEREAS, The Transportation 2000 Committee and the Joint Policy Advisory Committee on Transportation have recommended approval of this resolution; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District

1. Endorses proceeding with implementation of a local option vehicle registration fee consistent with the concept draft for the statutorily required Intergovernmental Agreement defined in Exhibit A.

2. Directs staff to prepare the full Intergovernmental

Agreement consistent with Exhibit A for submission to Metro, Multnomah County, Clackamas County, Washington County, City of Portland and Tri-Met for approval.

3. Endorses proceeding with a ballot measure for the regionwide share of the local matching funds for the construction of preferred East Portland/Clackamas County alternative after the Preferred Alternative Report is submitted for approval.

4. Endorses working with Tri-Met to ensure that additional operating revenues are secured by July 1993 to permit expansion of bus and LRT service throughout the region.

ADOPTED by the Council of the Metropolitan Service District this ____ day of _____, 1990.

Tanya Collier, Presiding Officer

EXHIBIT A

CONCEPT DRAFT OF INTERGOVERNMENTAL AGREEMENT
ON A REGIONAL VEHICLE REGISTRATION FEE FOR ROADS

A. Purpose of Intergovernmental Agreement

1. Meet requirement of ORS which permits vote on Vehicle Registration Fee.
2. Establish Metro as the lead agency.
3. Establish time frame for regional ballot.
4. Specify process to finalize regional ballot measure.
5. Establish procedures for administering funds if regional measure passes.
6. Terminate if regional ballot measure does not pass within specified time period.

B. Time Frame

1. The regional measure shall be on the ballot on an election date by November 1992.
2. The specific election date will be determined in accordance with the procedures set forth in this intergovernmental agreement.
3. This intergovernmental agreement terminates effective December 1, 1992 unless the regional Vehicle Registration Fee measure has passed.

C. Purpose of Vehicle Registration Fee

1. Revenues from the Vehicle Registration Fee must concern arterials, collectors or other improvements designated by JPACT as required by ORS.

D. Amount of Fee

1. The regional Vehicle Registration Fee shall be an amount equal to the state fee.

E. Annual Allocation of Proceeds to Regional Arterial Funds

1. Metro shall establish five distinct sub-funds to the Regional Arterial Fund.

- a. The Multnomah County Regional VRF Fund
 - b. The Clackamas County Regional VRF Fund
 - c. The Washington County Regional VRF Fund
 - d. The City of Portland Regional VRF Fund
 - e. The Regional Allocation VRF Fund
2. Prior to allocating gross proceeds to the five funds, Metro is appropriated one-tenth of one percent of gross proceeds (net of deductions by DMV) for administrative costs.
 3. Three-quarters of the remaining net proceeds will be allocated to the four jurisdictional sub-funds (a through d) on the basis of their pro-rata share of regional vehicle registrations.
 4. The remaining one-quarter of the net proceeds shall be allocated to the Regional Fund (Fund e).
 5. Interest earnings derived from each sub-fund shall accrue to that sub-fund and be allocated and disbursed in accordance to the procedures of that sub-fund.

F. Allocation of Revenue in Funds to Projects

1. Monies within the Regional Arterial Fund may be disbursed only for a program of projects recommended by JPACT.
2. The Metro Council may choose to accept the recommendation or remand it to JPACT for revision.

G. Procedures for Ballot Measure

1. JPACT shall recommend a resolution to place the regional Vehicle Registration Fee on the ballot. This resolution is to specify the precise Vehicle Registration Fee program and election date.
2. The Metro Council may choose to accept the recommendation or remand it to JPACT for revision.

H. Amendments to Intergovernmental Agreement

1. This intergovernmental agreement may be amended by mutual agreement of the signatories.

I. Termination of Intergovernmental Agreement

1. This intergovernmental agreement may be terminated by the written request of two-thirds of the signatories. Termination of the intergovernmental agreement will terminate the regional Vehicle Registration Fee effective at the beginning of the calendar year following the termination request.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 90-1301 FOR THE PURPOSE OF ENDORING TRANSPORTATION FINANCING MECHANISMS

Date: July 17, 1990

Presented by: Andrew C. Cotugno

PROPOSED ACTION

This resolution would commit to pursuing several transportation funding measures, as follows:

1. A local option vehicle registration fee by Metro for a Regional Arterial Fund by December 1992.
2. A regional funding measure for construction funding for an East Portland/Clackamas County project when the project is finalized and submitted for approval.
3. Increased funding for expanded bus and LRT service by July 1993.

This resolution is a companion measure to Resolution No. 90-1300. On July 12, JPACT recommended approval of Resolution No. 90-1301.

FACTUAL BACKGROUND AND ANALYSIS

While Resolution No. 90-1300 endorses proceeding with an immediate LRT financing proposal, this resolution deals with funding for several other aspects of transportation funding over the next 18+ months. These recommendations were developed by the Transportation 2000 Committee.

Regional Vehicle Registration Fee

The '89 Oregon Legislature provided under ORS Chapter 864 the authority for Metro, Tri-Met or the counties to seek voter approval for a local option vehicle registration fee at a level up to that collected by the state. Statute also requires that before such a fee can be imposed, an Intergovernmental Agreement (IGA) between Metro, Tri-Met, the three counties and Portland must be executed specifying which jurisdiction will place a measure on the ballot, for what amount and for what purpose. This resolution endorses a concept draft for the required IGA and directs staff to submit the full agreement to the required jurisdictions for approval. Endorsed in this concept IGA are the following provisions:

1. Metro will be the implementing agency.
2. The IGA will be valid and allow for placing a measure on the ballot prior to December 1992.

3. The funds will be used to establish an Arterial Fund with projects selected 75 percent by local jurisdictions and 25 percent by regional priority.
4. The program of projects must be approved by JPACT and can be accepted by the Metro Council or returned to JPACT for amendment.

Execution of the IGA will allow the participating jurisdictions to proceed with work necessary to define the specific program of projects and date for the ballot measure. A subsequent action will be necessary to place the measure on the ballot.

Funding for East Portland/Clackamas County LRT

While Resolution No. 90-1300 provides for initial steps toward an East Portland/Clackamas County LRT corridor, a future funding action will be necessary to provide construction funding. This resolution commits to pursuing such a funding measure when a final project has been approved.

Funding for Expanded Transit Operations

While Resolution No. 90-1300 provides for LRT construction funding, it does not provide for transit operations. In order to implement the expanded level of bus and LRT services required, increased funding will be needed. Although existing Tri-Met resources will allow for operating the LRT once constructed and a minimal level of bus service, the needed level of service expansion cannot be financed without increased funding. This resolution commits to seeking the needed funds by July 1993. This will allow dealing with the matter over the next two legislative sessions.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 90-1301.

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7-17-90

Agenda Item No. 5
Meeting Date: July 24, 1990

Resolution No. 90-1293A

INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT

RESOLUTION NO. 90-1293, ESTABLISHING A PROCESS FOR PURSUING THE MERGER OF TRI-MET WITH THE METROPOLITAN SERVICE DISTRICT

Date: June 28, 1990

Presented by: Councilor McFarland

COMMITTEE RECOMMENDATION: At the June 26, 1990 Intergovernmental Relations Committee meeting, Councilors Bauer, Devlin, Ragsdale and myself voted unanimously to recommend Council adopt Resolution No. 90-1293 as amended. Councilor Gardner was excused.

COMMITTEE DISCUSSION/ISSUES: The Committee discussed the resolution's intent which is not to automatically assume Metro wants to take over Tri-Met. Councilor Ragsdale identified two key questions to be addressed by consideration of a merger: 1) What are the benefits of having two separate agencies versus one agency addressing regional transit and transportation planning issues? 2) What benefits might the public realize from a merger?

Committee members discussed different merger issues including elected representation for Tri-Met, increased time demanded of Councilors if a merger occurs, governance options, the importance of a multi-modal approach to transportation planning, impacts on the Joint Policy Advisory Committee on Transportation (JPACT).

The Committee unanimously supported amending the resolution to identify the Executive Officer in the second "Whereas", referring to elected representation, and to change the "Be It Resolved" to replace the proposed Tri-Met Merger Task Force with a subcommittee of the IGR Committee. On the latter change, the Committee felt the Council should establish its own subcommittee because a separate policy advisory committee is not warranted for all major Council decisions.

Regarding Exhibit A, Transportation Department Director Andy Cotugno recommended at least six months for the subcommittee's work, exclusive of start-up and wrap-up time, and dedicated staff for the project.

Upon further discussion, the Committee unanimously supported amending Exhibit A as follows:

- A) Change the title to Tri-Met Merger Subcommittee;
- B) Amend the subcommittee's charge to "develop a strategy on merger" ... instead of "recommendation";
- C) Reduce the membership to nine members, eliminating representatives from Tri-Met Administration, the State, the City of Portland and the three counties and adding one representative each for a "large payroll taxpayer" and "small payroll taxpayer";
- D) Eliminate the staffing section and allow the subcommittee to work with Council staff to determine needs;
- E) Extend the timeline from November 1 to December 31, 1990.

A public hearing was opened, but no one appeared to testify. The Committee recommended sending the resolution as amended to the full Council for consideration July 12, 1990.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

SUPPORTING THE MERGER OF TRI-MET)	RESOLUTION NO. 90-1293A
WITH THE METROPOLITAN SERVICE)	
DISTRICT AND ESTABLISHING A PROCESS)	Introduced by Rena Cusma,
TO PURSUE THE MERGER)	Executive Officer and the
)	Intergovernmental Relations
)	Committee

WHEREAS, The Metropolitan Service District under Oregon Revised Statutes Chapter 268.370 is granted the authority to merge with the transit system of the mass transit district, which for the Portland Metropolitan region is the Tri-County Metropolitan Transportation District of Oregon (Tri-Met); and

WHEREAS, The District believes the merger of Tri-Met would benefit the citizens of the mass transit district by providing directly elected representation through the Council of the Metropolitan Service District and the Executive Officer, potential economies of scale and cost savings from consolidation, and greater public accountability; and

WHEREAS, In order to pursue a merger of Tri-Met with the District, a process must be established to develop comprehensive information on potential costs and benefits of a merger, to actively involve representatives of all interested parties, and to prepare specific actions to remove impediments to a merger; and,

WHEREAS, The Joint Policy Advisory Committee on Transportation (JPACT) has been established to provide recommendations to the District on transportation policy matters; now, therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District supports the concept of a merger of the Tri-County Transportation District of Oregon with the Metropolitan Service District and establishes a subcommittee of the Council Intergovernmental Relations Committee with membership and charge as outlined in Exhibit A hereto to pursue the merger.

2. That the Council of the Metropolitan Service District requests that JPACT, as a forum of local elected officials and transportation operating agencies, conduct a study of the transportation planning and transit service implications of a merger and report to the Council Intergovernmental Relations Committee no later than October 31, 1990.

ADOPTED by the Council of the Metropolitan Service District
this 12th day of July, 1990.

Tanya Collier, Presiding Officer

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EXHIBIT A

TRI-MET MERGER SUBCOMMITTEE

1. CHARGE -- The Tri-Met Merger Subcommittee shall act as an advisory body to the Council Intergovernmental Relations Committee and the full Council to compile and clarify information on legal and financial questions regarding the merger of Tri-Met with Metro; to develop strategies for a merger; to study the potential costs and benefits of a merger; to coordinate with JPACT on the study provided in item 2; and if a merger appears justified, to identify the best model to pursue with a specific plan for implementation.

2. MEMBERSHIP --

Metro Council,	3	representatives (1 as Chair)
Metro Executive Officer,	1	representative
Tri-Met Board of Directors,	1	representative

Total 5 members

3. TIMELINE -- The Intergovernmental Relations Committee is to report to the Council no later than December 31, 1990 on the Subcommittee recommendations and merger plan.

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