



Agenda

-- INFORMAL AND REGULAR COUNCIL MEETINGS

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: JUNE 7, 1984

Day: THURSDAY

Time: 5:30 P.M. -- Informal Council Meeting
7:30 P.M. -- Regular Council Meeting

Place: COUNCIL CHAMBER

INFORMAL MEETING

Approx.
Time

5:30 CALL TO ORDER
ROLL CALL

Presented By

A. Report on Workshops

C. Kirkpatrick/
R. Gustafson
R. Gustafson

6:05 B. General Fund Definition

6:40 C. Intergovernmental Resource Center Update/Proposal

S. Siegel

7:15 ADJOURN

REGULAR MEETING

Approx.
Time

7:30 CALL TO ORDER
ROLL CALL

1. Appointment of Councilor to District 10 vacancy.

2. Introductions.

3. Councilor Communications.

4. Executive Officer Communications.

5. Written Communications to Council on Non-Agenda Items.

6. Citizen Communications to Council on Non-Agenda Items.

8:00 7. Consideration of Ordinance No. 84-173 relating to the
FY 1983-84 Budget and Appropriations Schedule; and
Amending Ordinance 83-153 (First Reading)

J. Sims

8:15 8. Committee Reports.

8:25 ADJOURN



Memo

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: June 7, 1984
To: Metro Council
From: Rick Gustafson, Executive Officer
Regarding: Executive Officer's Monthly Report

1. First, I want to welcome Larry Cooper to the Council and to Metro. I look forward to working with him.
2. Zoo Serial Levy

I have received Certification of the votes cast in all three counties on the Zoo Serial Levy measure at the Primary election. Any lingering doubts regarding its passage have vanished. The votes in the three counties are broken down as follows:

	<u>YES</u>	<u>NO</u>
Multnomah County	106,300	56,513
Washington County	39,172	18,920
Clackamas County	<u>25,897</u>	<u>18,084</u>
Totals	171,369 65%	93,517 35%

We can be pleased with the support in the region for the Zoo.

3. Multnomah County Planning Commission

Monday night, June 4, the Multnomah County Planning Commission approved by a 5-2 vote the landfill criteria change in the County's Comprehensive Plan. We are certainly pleased with this decision. While it is one of many hurdles on the way to making the Wildwood Landfill a reality, it is a very important one. This matter will come to the Multnomah County Commissioners for final approval and you will be advised as soon as it is scheduled.

The Court of Appeals should decide on the appeal of the LUBA decision this summer. If this appeal is successful, as well as any action by the State Supreme Court, we can proceed with further studies of the Wildwood site with the original conditional use permit received from the County. However, if we are not successful, we will apply for a new permit based on the amended landfill criteria approved by the Planning Commission and, hopefully, by the County Commissioners in the near future.

4. NARC Board

As reported to you earlier, I have been elected to represent Region X on the NARC Board. I am also a member of the Executive Committee and plan to play a key role in reviewing and changing the structure of NARC and improving the services for the larger regional jurisdictions. It is important that communications be strengthened and useful if this organization is to survive. I will keep you informed of changes as they occur, and I would welcome any ideas and suggestions you have.

5. NARC/UMTA CONFERENCE

I have been asked to participate in a NARC/UMTA Conference in Los Angeles on Public/Private Partnerships in Transit the latter part of June. I will present the Banfield Light Rail Project as a case study as part of a workshop entitled "Private Financing of Public Transit Capital." The role of the public and private sector in development along the Banfield Light Rail is attracting a great deal of interest and I hope I can return with useful information on the experiences of other areas as well.

RG/gl
1400C/D2



Memo

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: May 30, 1984
To: Metro Council
From: Rick Gustafson, Executive Officer
Regarding: REDEFINITION OF EXISTING GENERAL FUND AND PROPOSED
FIVE OPERATING FUND SYSTEM

The purpose of this memo is to redefine the existing General Fund and in so doing suggest a five operating fund system for the District. Such an effort will assist Metro in implementing the long-range financial policies adopted by the Council in January 1984.

The adopted general financial principles and the specific policies affecting the existing General Fund are as follows:

"To assist in the achievement of the broad goal of providing financial stability for Metro, the following general principles are adopted:

1. Each functional area shall have identified sources of revenue;
2. Each functional area shall prepare a five-year financial plan; and
3. Any new functions assumed by Metro shall have a source of funding.

The functional activities of Metro vary both in the nature of their services and in the source of their revenue. Therefore, the following policies are adopted by the Council to aid decision-making in each of the functional areas:

General Government/Mandated Services

1. General government and mandated services shall have an external source of revenue to cover their

direct costs and to pay their share of support services.

2. When specific funds are identified for general government and mandated services, interfund transfers shall no longer be used to support these activities.
3. The support services functions of the General Fund shall be totally financed from all Operating funds on the basis of actual use."

The redefinition of the current General Fund into two separate funds provides the structure for a five-operating fund system for Metro. Four of the operating funds, General Government, Zoo, Solid Waste and Intergovernmental Resource Center would have their own separate sources of revenue while the Support Service Fund would be funded from transfers from the other four operating funds. The following diagram (Figure 1) shows the proposed relationships and principal revenue sources for each fund.

The specific policies indicated above require the definition of the activities and costs for General Government/Mandated Services activities and costs for Support Services, and to a lesser degree the activities and costs of the Intergovernmental Resource Center. The principal distinction between these three functional areas are as follows:

- General Government/Mandated Services are those general government activities and costs which are required of Metro by statute. Included are Council (ORS 268.150), Executive Officer (ORS 268.180), UGB/Land Use Coordination (ORS 268.685 to 268.390), election costs (ORS 268.060) and Boundary Commission dues (ORS 199.457).
- Support Services are those activities provided to the various departments of Metro the costs of which can be charged to the receiving departments on the basis of use or benefit.
- Intergovernmental Resource Center provides technical and coordination services to governmental jurisdictions and agencies.

STAFF REPORT

Agenda Item No. A

Meeting Date June 7, 1984

CONSIDERATION OF RESOLUTION NO. 84-476, FOR THE
PURPOSE OF ADOPTING MISSION AND PURPOSES OF THE
METROPOLITAN SERVICE DISTRICT, AND RESOLUTION
NO. 84-477, FOR THE PURPOSE OF ADOPTING
PRIORITIES AND OBJECTIVES OF THE METROPOLITAN
SERVICE DISTRICT

Date: May 29, 1984

Presented by: Corky Kirkpatrick and
Rick Gustafson

FACTUAL BACKGROUND AND ANALYSIS

From February through April 1984, the Council, Executive Officer and department heads participated in a series of four workshops to develop a mission, purposes, priorities, objectives, operational recommendations and legislative objectives for Metro. These results of the workshops, as well as a summary of the meetings and preparation materials, are contained in a "Workshop Report." This report has been distributed to the Council for review.

The workshop discussions and results provide a basis for Metro's general direction and specific work over the next two years and it is anticipated that action will be taken by the Council on these results.

The Presiding Officer and the Executive Officer recommend the following Council actions with regard to the workshop results:

1. Adopt by resolution the Mission and Purposes.
2. Adopt by resolution the Priorities and Objectives.
3. Proceed with the Coordinating Committee review of the Council committee structure.
4. Finalize legislative priorities with the assistance of a contract legislative lobbyist.

Resolutions for the adoption of Mission and Purposes and Priorities and Objectives are attached. The Council should discuss fully the proposed resolutions, particularly the resolution containing the objectives since they have not been reviewed by the workshop participants.

The Presiding Officer and Executive Officer propose a sixth priority to be included in the adopted Priorities and Objectives for the organization which reads as follows:

Administer effectively the existing services of Metro.

This priority relates to the Mission and Purposes and provides a basis for reporting general administrative actions to the Council. It relates directly to Purpose No. 1 which states:

"Provide authorized services including solid waste disposal, zoo operations and Urban Growth Boundary management."

The Executive Officer intends to use the priorities as a basis for the FY 1984-85 Quarterly Program Reports to the Council. There is no priority which relates to ongoing administrative actions by the Council--actions which are important in maintaining an effective organization and the carrying out of our responsibilities. Therefore, a sixth priority would serve to highlight our ongoing services and responsibilities.

Also, upon further review and discussion of the objectives developed for Priorities 3 and 4, new language has been proposed which reflects more appropriately the actions needed to carry out those priorities. The proposed language, including changing the priorities to an alphabetical designation, are contained in the resolution.

PRESIDING OFFICER AND EXECUTIVE OFFICER'S RECOMMENDATION

The Presiding Officer and Executive Officer recommend the following actions relative to the above-mentioned workshops at this time:

1. Adoption of Resolution No. 84-476 relating to Mission and Purposes; and
2. Adoption of Resolution No. 84-477, as amended, relating to Priorities and Objectives.

COMMITTEE CONSIDERATION AND RECOMMENDATION

SR/srb
1327C/382
05/30/84

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING THE)	RESOLUTION NO. 84-476
MISSION AND PURPOSES OF THE)	
METROPOLITAN SERVICE DISTRICT)	Introduced by Councilor
)	Kirkpatrick and Executive
)	Officer Gustafson

WHEREAS, The mission of an organization provides a definition of why it exists; and

WHEREAS, Metro seeks a common understanding of its mission as a regional government; and

WHEREAS, A statement of mission and purposes can provide a basis for establishing the future direction and goals and objectives of an organization; now, therefore,

BE IT RESOLVED,

That the following Mission statement and Purposes are hereby adopted by the Metropolitan Service District:

MISSION:

The mission of Metro is to seek solutions to regional problems and to provide regional services supported by the citizens.

PURPOSES:

In carrying out its mission, Metro will:

1. Provide authorized services including solid waste disposal, Zoo operations and Urban Growth Boundary management.
2. Encourage public discussion regarding the provision of regional services.
3. Provide forums and analyses for mutual problem-solving.

4. Provide technical and coordination services to governments.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1984.

Presiding Officer

SR/srb
1327C/382
05/30/84



Memo

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: May 25, 1984

To: Council of the Metropolitan Service District

From: Steve Siegel *SS*

Regarding: Intergovernmental Resource Center (IRC) Funding: Proposal and Schedule

Metro seeks an understanding with member jurisdictions on two issues:

- (1) An organization which provides for meaningful local government involvement in the dues-supported program at Metro.
- (2) A funding mechanism for program years beyond July 1, 1985.

Attached are first-cut options for meeting both of these objectives. These proposals are draft concepts which are distributed to receive your review and comment. Attachment A outlines an option for meeting Objective 1. It proposes that all of Metro's dues-funded, local government assistance program be placed in a Center headed by a steering committee of member jurisdictions. Two options are discussed on the relationship between the steering committee and the Council. Attachment B proposes options for meeting Objective 2. It outlines two options for statutory changes to continue mandatory dues. Attachment G outlines a process and schedule necessary to have final understandings in place by October, 1984.

Attachments

ATTACHMENT A

OUTLINE OF PROSPECTUS FOR INTERGOVERNMENTAL RESOURCE CENTER (Ultimately to be adopted by Metro ordinance)

The Intergovernmental Resource Center (IRC) is an organization of local and regional governments, centered at Metro, for the purpose of promoting regional coordination and cooperation. For matters of regional and mutual concern, the IRC will:

1. Provide the organizational framework to ensure effective exchange of information and coordination between governmental bodies.
2. Promote intergovernmental cooperation through such activities as reciprocal furnishing of service, mutual and resource sharing.
3. Serve as a forum to identify, study and draw consensus conclusions.
4. Set a cooperative course of action.

ORGANIZATION

The Metro Council will create a steering committee for the IRC. The steering committee will be representative of the dues-paying membership and consist of elected officials/chief executive officers from:

City of Portland
Clackamas County
Multnomah County
Washington County
Cities of Clackamas County
Cities of Multnomah County
Cities of Washington County
Port of Portland
Tri-Met
State of Oregon
Others (?)
Metro

The steering committee will be chaired by the Presiding Officer of the Metro Council.

The steering committee will meet 2-4 times per year to:

1. Recommend/approve a base work program and budget to meet the technical program needs, priorities and policies of local and regional governments. Specific work requirements for members beyond the base program will be done under contracts.
2. Recommend/establish standing subcommittees or task forces to serve as regional consensus-building forums on issues/subject areas in the work program. The steering committee will establish/recommend a charge and membership for its subcommittees and task forces.
3. Monitor and amend the work program as necessary.

The subcommittees and task forces will serve as the vehicle to discuss issues of regional and mutual concern. Each subcommittee will be charged with drawing consensus conclusions and serving as spokesman for the regional consensus in its particular area, (for example, JPACT for transportation). As with JPACT, the Metro Council will take final action on matters affecting regional policy and procedures. Elected official groups would have associated staff subcommittees (i.e., TPAC for JPACT).

The IRC staff will be managed by an Administrator. The Administrator will be a Metro employee under the general supervision of the Metro Executive Officer.

FUNDING: AUTHORITIES AND OPTIONS

The IRC will be funded through dues assessed on its members, grants and service contracts. It is suggested that mandatory per-capita dues be maintained by statute. The dues rate for the member regional entities (Tri-Met, Port of Portland) will be set at a percentage of that applied to local governments.

Two options exist for the relationship between the Metro Council and the steering committee with regards to setting dues:

- (a) The JPACT model
- (b) The Boundary Commission model

In the JPACT model (Attachment C), the member jurisdictions would select their own representatives for the steering committee. The steering committee would recommend a work program and dues level to the Metro Council.

In the Boundary Commission model (Attachment D), the Metro Council would appoint the steering committee in accordance with ORS provisions. The Metro Council would have to seek the approval of the steering committee to establish the annual work program and dues level.

5/25/84

ATTACHMENT B: STATUTORY AMENDMENTS

The necessity for certain statutory amendments depends on the model selected for the steering committee:

JPACT Model

Requires amendments to ORS 268.513 (Attachment E) only, as follows:

- (a) ORS 268.513(1) add language that requires the Metro Council to consult with local governments on establishing annual dues rate.
- (b) ORS 268.513(1) add language on dues rate for member regional entities (as a percent of local government rate).
- (c) ORS 268.513(4) eliminate entirely.

Boundary Commission Model

Probably requires amendments to ORS 268.170 and ORS 268.513.

ORS 268.170 (Attachment F) may have to be amended in a manner analogous to ORS 199.450 (Attachment D) which establishes an advisory committee and prescribes its membership and function. Thus, rather than enacting Attachment A by Metro ordinance, these concepts would be enacted by statutory amendment to ORS 268.170.

ORS 268.513 would need additional amendments to those listed above for the JPACT model. The key change would be the requirement that the steering committee approve the work program and dues prior to Metro Council adoption. ORS 199.457 (Attachment D) illustrates the type of statutory language that may be required.

ATTACHMENT C

CURRENTLY EXISTING PROSPECTUS
for the
JOINT POLICY ADVISORY COMMITTEE FOR TRANSPORTATION
(JPACT)

A Joint Policy Advisory Committee for Transportation provides an ongoing forum for policy-level discussions and advice among elected officials and representatives of

agencies responsible for implementing the transportation plan. This committee reviews and advises on all matters forwarded by TPAC concerning transportation or air quality policies prior to consideration by the full MSD Council.

The Joint Policy Advisory Committee for Transportation is composed of three component groups: elected officials of general purpose local governments, representatives of implementation agencies, and the MSD Transportation Committee (a standing committee of the MSD Council).

The local elected officials on the JPACT are a sub-committee of the Local Officials Advisory Committee representing a cross-section of local governments in the area. In addition, elected officials representing Clark County and the city of Vancouver are appointed by the Clark County Regional Planning Council to sit on the JPACT.

Implementation agencies represented on the JPACT include the Oregon Department of Transportation, Tri-Met, the Port of Portland, the Oregon Department of Environmental Quality and the Washington Department of Transportation.

A Transportation Committee of the MSD Council has been established to review and advise the full Council on transportation/air quality policy matters. This committee is appointed by the Presiding Officer of the Council.

BOUNDARY COMMISSION MODEL

199.450

MISCELLANEOUS MATTERS

quorum may act for the commission. However, the approval of a majority of the members of the commission is required to:

(1) Adopt a final order under ORS 199.461.

(2) Adopt rules under ORS 199.452. [1969

c.494 §9; 1971 c.462 §4]

199.450 Advisory committee; membership; function; term. (1) Each boundary commission shall appoint an advisory committee to advise and assist the commission in carrying out the purposes of ORS 199.410 to 199.519. An advisory committee shall consist of nine members who are residents within the jurisdiction of the commission. Except for the public members, to be qualified to serve on a committee a person shall be a member of the governing body of a city, county or district located within the jurisdiction of the commission. The members shall include two city officers, two county officers, two district officers and three public members, one of whom shall serve as chairperson of the advisory committee. A governing body shall not have more than one member on the advisory committee. When only one county is under the jurisdiction of a boundary commission, then the committee shall consist of three city officers, one county officer, three district officers and the two public members. Any member of the committee may designate a representative who is an officer or employe of the member's city, county or district to appear and act for that member at any meeting of the committee.

(2) The advisory committee shall meet not less than four times a year to review the policies and practices of the commission. The advisory committee shall also meet on the call of the commission.

(3)(a) The committee may review each petition filed with the commission except a petition filed under ORS 199.495. If the committee reviews a petition, it may submit a recommendation on the petition to the boundary commission within 30 days after the petition is filed with the commission.

(b) The committee shall review each administrative rule of the commission prior to its adoption. The committee may propose any changes to the commission's rules, policies or practices as it deems necessary or desirable.

(4) In addition to its other functions and duties, the advisory committee shall review the annual budget of the boundary commission and any assessments levied under ORS 199.457. The advisory committee shall meet with the commission and may make such recommendations relating to the budget or assessments as it deems

necessary or prudent. The budget or an assessment levied under ORS 199.457 shall be effective only when approved by the advisory committee.

(5) A member shall serve for a term of two years. Of the members first appointed, however, four shall serve for terms of one year and five shall serve for terms of two years. The respective terms of the members shall be determined by lot at the first meeting of the advisory committee. [1969 c.494 §9a; 1971 c.462 §5; 1981 c.265 §6; 1983 c.336 §3]

199.452 Adoption of rules. A commission shall adopt, and may from time to time amend, rules to govern the proceedings before the commission. Except as provided in ORS 183.315 (1), a commission shall adopt and amend its rules in accordance with ORS 183.310 to 183.550. [Formerly 199.525; 1983 c.336 §4]

199.455 Expenses of members; employes; cooperation of local governments. (1) Each member of a boundary commission may receive travel and other expenses incidental to the performance of duties.

(2) A commission shall employ an executive officer and may employ administrative, clerical and technical assistants for carrying on its functions and it shall fix their compensation.

(3) The governing bodies of cities, counties and districts located within the area of jurisdiction of a boundary commission shall cooperate when requested with the boundary commission by providing information, records, materials and other forms of support and, if available, consulting services and staff assistance. [Formerly 199.530; 1981 c.265 §7]

199.457 Finances; tax levy by county; service charges; assessments; donations.

(1) Any county located within the jurisdiction of a boundary commission may levy taxes and expend funds for the purposes of ORS 199.410 to 199.519.

(2) A boundary commission may accept any funds, property or services, or the use of any property donated by any person, district, city or county in carrying out the purposes of ORS 199.410 to 199.519.

(3) A boundary commission, with the approval of the advisory committee appointed under ORS 199.450, may establish and collect reasonable service charges from persons, cities, the county or counties and special districts within its jurisdiction to defray the costs of operating the commission and carrying out the purposes of ORS 199.410 to 199.519. Such charges shall include, but not be limited to, fees

for filing a petition or resolution for a boundary change with the commission.

(4) In addition to any service charges established under subsection (3) of this section, a boundary commission may determine it is necessary to charge cities and counties within its jurisdiction for services and activities carried out under ORS 199.410 to 199.519. If the commission determines that it is necessary to charge cities and counties within its jurisdiction for any fiscal year, the commission shall determine, with the approval of the advisory committee appointed under ORS 199.450, the total amount to be charged and shall assess each city and county with the portion of the total amount as the population of the portion of the city or county within the jurisdiction of the commission bears to the total population of the area within the jurisdiction of the commission. For the purposes of this subsection, the population of a county does not include the population of any city situated within the boundaries of that county. An assessment made under this subsection shall not exceed the rate of 10 cents per capita per year for a boundary commission created pursuant to ORS 199.425 (1) or 21 cents per capita per year for a boundary commission created pursuant to ORS 199.425 (2).

(5) In addition to any service charges, established under subsection (3) of this section, a boundary commission may determine it is necessary to charge districts within its jurisdiction for services and activities carried out under ORS 199.410 to 199.519. If the commission determines that it is necessary to charge districts within its jurisdiction for any fiscal year, the commission shall determine, with the approval of the advisory committee appointed under ORS 199.450, the total amount to be charged and shall assess each district with the portion of the total amount as the assessed valuation of the district within the jurisdiction of the commission bears to the total assessed valuation of all districts within the jurisdiction of the commission. For purposes of this subsection, the assessed valuation of inactive or nonfunctioning districts shall not be included in the total assessed valuation of all districts and such districts shall not be assessed. For a boundary commission created pursuant to ORS 199.425 (1) any district with an assessed valuation over \$3,144,645,000 and less than \$10 billion shall be assessed a flat rate of \$5,000 per year and any district with an assessed valuation of \$10 billion or more shall be assessed a flat rate of \$7,500 per year and such district's assessed valuation shall not be included in the total assessed valuation of all districts within the jurisdiction of the commission. An assessment

made under this subsection shall not exceed .00159 dollars per thousand dollars of assessed valuation per year for a boundary commission created pursuant to ORS 199.425 (1). For a boundary commission created pursuant to ORS 199.425 (2) any district with an assessed valuation over \$1 billion shall be assessed a flat rate of \$2,500 per year and such district's assessed valuation shall not be included in the total assessed valuation of all districts within the jurisdiction of the commission. An assessment made under this subsection shall not exceed .00878 dollars per thousand dollars of assessed valuation per year for a boundary commission created pursuant to ORS 199.425 (2). However, assessments shall not be made by a boundary commission under this subsection against a highway lighting district organized under ORS chapter 372 or a county service district organized under ORS chapter 451 for the purpose of providing street lighting works.

(6) For each fiscal year beginning on or after July 1, 1982, the commission shall notify each city, county or district governing body of its intent to levy an assessment under this section and the amount of the assessment for each city, county and district at least 120 days before the beginning of the fiscal year for which the assessment will be made.

(7) The decision of the commission to assess the cities, counties and districts within its jurisdiction, and the amount of the assessment upon each, shall be binding upon those governmental bodies. Cities, counties and districts shall pay their assessment in equal quarterly payments as the commission may require except that any city or district with a total annual assessment of less than \$100 shall pay the total assessment in one instalment at the time specified for the second quarterly payment. [Formerly 199.535; 1981 c.265 §8; 1983 c.336 §5]

199.459 Local Government Boundary Commission Funds; purposes. (1) There is established in the State Treasury separate from the General Fund a fund to be known as the Portland Metropolitan Area Local Government Boundary Commission Fund into which shall be deposited all revenues received pursuant to ORS 199.457.

(2) There is established in the State Treasury separate from the General Fund a fund to be known as the Lane County Local Government Boundary Commission Fund into which shall be deposited all revenues received pursuant to ORS 199.457.

(3) Amounts in the funds established under subsections (1) and (2) of this section are contin-

268.505 Income tax; rate limitation; elector approval required. (1) To carry out the purposes of this chapter, a district may by ordinance impose a tax:

(a) Upon the entire taxable income of every resident of the district subject to tax under ORS chapter 316 and upon the taxable income of every nonresident that is derived from sources within the district which income is subject to tax under ORS chapter 316; and

(b) On or measured by the net income of a mercantile, manufacturing, business, financial, centrally assessed, investment, insurance or other corporation or entity taxable as a corporation doing business, located, or having a place of business or office within or having income derived from sources within the district which income is subject to tax under ORS chapter 317 or 318.

(2) The rate of the tax imposed by ordinance adopted under authority of subsection (1) of this section shall not exceed one percent. The tax may be imposed and collected as a surtax upon the state income or excise tax.

(3) Any ordinance adopted pursuant to subsection (1) of this section may require a nonresident, corporation or other entity taxable as a corporation having income from activity both within and without the district taxable by the State of Oregon to allocate and apportion such net income to the district in the manner required for allocation and apportionment of income under ORS 314.280 and 314.605 to 314.675.

(4) If a district adopts an ordinance under this section, the ordinance shall be consistent with any state law relating to the same subject, and with rules and regulations of the Department of Revenue prescribed under ORS 305.620.

(5) Any ordinance adopted by the district under subsection (1) of this section shall receive the approval of the electors of the district before taking effect. [1977 c.665 §22]

268.510 [1969 c.700 §18; repealed by 1981 c.641 §9]

268.512 Public lands within water control project subject to assessments and fees. Any land situated within a surface water control project undertaken by the district, the title to which is vested in the state or any county, city or town, shall be subject to assessment and imposition of service fees by the district. The full amount of assessments or service fees due against such land shall be paid to the district at the same times and in the same manner as other district assessments and service fees. [1977 c.665 §23a]

268.513 Service charge for planning functions of district. (1) The council, in its sole discretion, may determine that it is necessary to charge the cities and counties within the district for the services and activities carried out under ORS 268.380 and 268.390. If the council determines that it is necessary to charge cities and counties within the district for any fiscal year, it shall determine the total amount to be charged and shall assess each city and county with the portion of the total amount as the population of the portion of the city or county within the district bears to the total population of the district provided, however, that the service charge shall not exceed the rate of 51 cents per capita per year. For the purposes of this subsection the population of a county does not include the population of any city situated within the boundaries of that county. The population of each city and county shall be determined in the manner prescribed by the council.

(2) The council shall notify each city and county of its intent to assess and the amount it proposes to assess each city and county at least 120 days before the beginning of the fiscal year for which the charge will be made.

(3) The decision of the council to charge the cities and counties within the district, and the amount of the charge upon each, shall be binding upon those cities and counties. Cities and counties shall pay their charge on or before October 1 of the fiscal year for which the charge has been made.

(4) This section shall not apply to a fiscal year which ends later than June 30, 1985. [1977 c.665 §16; 1979 c.804 §10; 1981 c.353 §5]

268.515 Service and user charges; grants; loans. (1) A district may impose and collect service or user charges in payment for its services or for the purposes of financing the planning, design, engineering, construction, operation, maintenance, repair and expansion of facilities, equipment, systems or improvements authorized by this chapter.

(2) A district may seek and accept grants of financial and other assistance from public and private sources.

(3) A district may, with the approval of a majority of members of its governing body, borrow money from any county or city with territory in the district.

(4) A district may, by entering into loan or grant contracts or by the issuance of bonds, notes or other obligations with the approval of a majority of members of its governing body, borrow money from the state or its agencies or

268.130 [1969 c.700 §7; repealed by 1971 c.727 §191]

COUNCIL; EXECUTIVE OFFICER

268.150 Councilors; qualifications; terms; election. (1) The governing body of a district shall be a council consisting of 12 part-time councilors, each elected on a nonpartisan basis from a single subdistrict within the boundaries of the metropolitan service district. Each councilor shall be a resident and elector of the subdistrict from which the councilor is elected and shall not be an elected official of any other public body. Each councilor shall be a resident of the subdistrict from which the councilor is elected for not less than one year before taking office. The term of office for a councilor shall be four years beginning on the first Monday in January of the year next following the election. A vacancy in office shall be filled by a majority of the remaining members of the council. The councilor, before taking office, shall take an oath to support the Constitution of the United States, and the Constitution and laws of this state. Candidates for councilor positions shall be nominated and elected at the primary and general elections as provided in subsection (3) of this section.

(2) The Secretary of State shall reapportion the subdistricts after the data of each United States decennial census are compiled and released. The reapportionment shall provide for substantially equal population in each subdistrict. Area within each subdistrict shall be contiguous. In apportioning subdistricts the Secretary of State shall give consideration to existent precincts, maintaining historic and traditional communities and counties as opposed to following existent city or special district boundaries or the political boundaries of state representative or state senate election districts except when these political boundaries coincide with natural boundaries.

(3) ORS chapters 249 and 254, relating to the nomination and election of nonpartisan candidates for office, apply to the nomination and election of councilors except as provided in subsection (1) of this section and except for the following:

(a) Notwithstanding ORS 249.031, the nominating petition or a declaration of candidacy shall contain no statement other than the name of the subdistrict in which the candidate resides and a declaration by the candidate that, if nominated and elected, the candidate will qualify for the office.

(b) A candidate shall be nominated from the subdistrict in which the candidate resides. The number of signatures within the subdistrict required for a nomination is that required under ORS 249.072 (2), but the requirement that the petition contain signatures of persons residing in a number of precincts shall not apply. [1977 c.665 §6 (enacted in lieu of 268.200); 1979 c.804 §7; 1981 c.353 §3a; 1981 c.375 §3; 1983 c.350 §130]

268.160 Rules of procedure; officers; compensation and expenses. The council may adopt and enforce rules of procedure governing its proceedings in accordance with this chapter. At its first meeting after January 1 of each year, one councilor shall be elected by the council to serve as its presiding officer for the ensuing year. The council shall meet upon the request of the presiding officer or that of a majority of the council. Notwithstanding the provisions of ORS 198.190, councilors shall receive no other compensation for their office than a per diem for meetings, plus necessary meals, travel and other expenses as determined by the council. [1977 c.665 §6 (enacted in lieu of 268.200); 1979 c.804 §8]

268.170 Advisory committees to council; reimbursement to members. To assist in the performance of its duties, the council shall appoint advisory committees comprised of local government officials from the metropolitan area and any other areas receiving services from the district in accordance with this chapter. Members of the advisory committees shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the council. [1977 c.665 §20]

268.180 Executive officer to administer district; qualifications; election; term; salary; subordinates. (1) District business shall be administered, and district rules and ordinances shall be enforced, by an executive officer.

(2) The executive officer shall be elected in the same manner provided under ORS 268.150, but the officer shall be elected from the district-at-large on a nonpartisan basis. The number of signatures within the district required for nomination is that required under ORS 249.072 (2), but the requirement that the petition contain signatures of persons residing in a number of precincts shall not apply. The executive officer shall be a resident and elector of the district and shall not be an elected official of any other public body. The executive officer shall be a resident in the district for not less than one year before taking office. The term of office for an executive officer shall be four years beginning on the first

ATTACHMENT G

Intergovernmental Resource Center Development Schedule

June 7	Informal Council session: Discuss proposal and options which will be used to finalize staff-level understanding.
June 18-21	Final staff meeting--understandings reached.
June 28	Informal Council session: Report on final staff meeting.
July 2-6	Metro Council group to meet with local elected officials group to discuss options.
July 27	Concept proposal explained to House Interim Committee.
August	Concept proposal explained to elected officials forums in each county.
Mid-September	Metro regional forum on IRC proposal--Council receives formal comment.
September 27	Council endorses proposal to be used as testimony at House Interim Committee.
September 28	House Interim Committee recommendation.
October	Enact IRC steering committee (depending on option selected).
January-July	Seek required legislative amendments.

5/24/84

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE RELATING TO THE
FY 1983-84 BUDGET AND APPROPRIA-
TIONS SCHEDULE; AND AMENDING
ORDINANCE NO. 83-153

) ORDINANCE NO. 84-173
)
)
)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

The amendments to the FY 1983-84 Budget of the Metropolitan Service District (Metro) attached hereto as Exhibit "A" and amendments to the FY 1983-84 Appropriations attached hereto as Exhibit "B" to this Ordinance are hereby adopted.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1984.

Presiding Officer

ATTEST:

Clerk of the Council

JS/gl
0130C/353



Memo

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: June 7, 1984

To: Rick Gustafson

From: Dennis O'Neil *SMON*

Regarding: Revised Landfill Siting Criteria Recommended by
Multnomah County Planning Commission

Attached is a copy of the Ordinance creating criteria for approval for regional sanitary landfills as recommended by the Multnomah County Planning Commission on June 4th. The hand-printed words are those added by the Planning Commission June 4th. Also attached is a letter from Andy Jordan which contains his concerns about changes (brackets and cross outs) made previous to June 4th.

The most important sections are Criteria for Approval (11.15.7065) and Conditions (11.15.7070). A proposed site must meet ten performance standards before the County can find that it is suitable for a regional landfill. In determining suitability, the County may allow mitigation measures as long as these are sufficient to ensure that the impact would not prevent the beneficial continuation of existing uses on surrounding property. The landfill must be designed and operated to mitigate conflicts in nine areas to a level which meets state standards (if any) and the beneficial continuation test listed above. Also, the site must be reclaimed to the primary use (timber production for Wildwood) allowed by the zoning district. The soil productivity must be brought back as close as economically and technically feasible to that which existed before the landfill.

According to conditions (11.15.7070), the proposal (presumably the application) must provide a plan for site reclamation funded by a trust fund. This plan and fund must be sufficient to meet the reclamation criterion above. Metro must provide annual progress

reports about landfill operations. Also, other conditions may be imposed.

An application fee would be established which compensates the County for staff time including a contingent fee to cover the costs of a third opinion, in addition to opinions provided by specialists retained by the applicant and opponents.

The planning staff intends to meet with the County Commission staff in mid-June to discuss this Ordinance. The County Commission will then decide when and how it chooses to consider this Ordinance.

b1

Multnomah County Department of Environmental Services
Division of Planning and Development
2115 SE Morrison Street, Portland, Oregon 97214

STAFF REPORT AND RECOMMENDATION

PLANNING COMMISSION

June 4, 1984

This Staff Report consists of a recommended Action, Resolusion, and proposed Ordinance.

PC 1-84 Proposed Framework Plan and Zoning Code Amendment
(Criteria for Regional Sasnitary Landfills)

The proposed Ordinance would amend Plan Policy 31 (Community Facilities and Uses Location) to provide a framework for the new provisions in the Zoning Code. It would add provisions to the Community Service Section of the Zoning Code that:

- (1) Provide Definitions, Findings and Purposes for the Regional Sanitary Landfill provisions;
- (2) Provide Application Requirements;
- (3) Specify Approval Criteria for Regional Sanitary Landfills;
and
- (4) Require Conditions to mitigate adverse impacts, including reclamation.

The Planning Commission, at their May 7, 1984 hearing, deliberated on the language of the proposed Ordinance (attached). The Planning Commission made numerous changes to the proposed Ordinance. The Planning Commission will deliberate again on June 4, 1984 and may make additional changes to the proposed Ordinance. The Planning Commission may recommend the Ordinance to the Board of County Commissioners, after deliberation.

NOTE: The proposed Ordinance shows the deleted language with a ~~line through~~ the word(s) and new or replacement language with a [bracket] around the word(s).

RECOMMENDED

PLANNING COMMISSION

ACTION:

Recommend the proposed Ordinance, with revisions, to the Board of County Commisssiones by approving Resolution PC 1-84.

BEFORE THE PLANNING COMMISSION
OF MULTNOMAH COUNTY, OREGON

In the Matter of Recommending Adoption of)
an Ordinance creating Approval Criteria)
for Regional Sanitary Landfills, by amend-)
ing Policy 31 of the Framework Plan and)
the Zoning Code: MCC 11.15)
_____)

RESOLUTION

PC 1-84

WHEREAS, The Planning Commission is authorized by Multnomah County Code, Chapter 11.05 and by ORS 215.110, to recommend to the Board of County Commissioners the adoption of Ordinances to carry out and amend the Multnomah County Comprehensive Plan; and

WHEREAS, In the case of West Hills and Island Neighbors, Inc. v. Multnomah County, LUBA No. 83-018, Multnomah County's approval of a Regional Sanitary Landfill permit was remanded by LUBA; and

WHEREAS, The Planning Commission is recommending an action which is consistent with the above case and addresses the problem presented by that case in a responsible manner; and

WHEREAS, Further Findings supporting the adoption of the Resolution are listed in SECTION 1 - FINDINGS of the subject Ordinance; and

WHEREAS, Multnomah County has drafted and revised the proposed Ordinance with the participation and input of interested persons; and

WHEREAS, The Planning Commission has considered the proposed Ordinance at an informational meeting and four public hearings, for which notice was given as required by law, and Whereas, all interested persons were afforded an opportunity to appear and be heard; now, THEREFORE,

BE IT RESOLVED, that the Ordinance captioned "An Ordinance amending Framework Plan Policy 31 and MCC 11.15.7015 and .7020, and adding MCC 11.15.7045-- .7070 (the Zoning Code) to establish Approval Criteria and Conditions for Regional Sanitary Landfills", is hereby recommended for adoption by the Board of County Commissioners. A copy of said Ordinance is attached.

Dated this _____ day of _____, 1984

MULTNOMAH COUNTY PLANNING COMMISSION

By _____
Dean Alterman, Chairman

APPROVED AS TO FORM

JOHN B. LEAHY
County Counsel for
Multnomah County, Oregon

By: _____
Peter Kasting,
Assistant County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ordinance No. _____

An Ordinance amending Framework Plan Policy 31 and MCC 11.15.7015 and .7020, and adding MCC 11.15.7045-.7070 (the Zoning Code) to establish approval criteria and conditions for regional sanitary landfills.

Multnomah County Ordains as follows:

SECTION 1 - FINDINGS

A. Pursuant to the Zoning Code, MCC 11.15.7005 to .7030 the County considered and approved a permit request by the Metropolitan Service District (METRO) for a regional sanitary landfill in case number CS 18-81 [reversing the Hearings Officer]. The Board based its approval on Findings, among others, that a regional need for a landfill was unquestionably established. It was also found that the unavoidable negative impacts of the proposed landfill on nearby rural lands could be kept to an acceptable level by virtue of strict conditions attached to the permit. The Board took into account both on-site and off-site impacts.

B. In the case of West Hills and Island Neighbors, Inc. v. Multnomah County, LUBA No. 83-018, the County's approval of the regional sanitary landfill permit was remanded by LUBA. ~~The basis for the decision was LUBA's opinion that the general approval criteria in the County Zoning Code, MCC 11.15.7015 (Community Service Use), were so strict as to rule out approval of the use. LUBA found no indication in the existing Ordinance or the Comprehensive Framework Plan that the unique nature of a regional sanitary landfill could be taken into account by the Board in applying the general permit criteria.~~ The County's approach of mitigating adverse impacts by imposing protective conditions was considered not to replace the approval criteria.

C. In overturning the regional landfill permit, LUBA gave a literal interpretation of the County's approval criteria. For instance, a Finding under Policy 16 of the Framework Plan that the availability and use of "....Fish Habitat; Wildlife Habitat areas" will not be limited or impaired, could not be made. Any interference with these broad areas was deemed to not meet the Policy. Such an interpretation was not intended by the County Board. This Ordinance is aimed at clarifying the Board's intent.

D. The County Board takes special note that LUBA's Opinion leaves room for the clarification of intent embodied in this Ordinance. A portion of LUBA's Opinion states:

"...The County has made a legislative determination; that sanitary landfills and certain other uses are to be subjected to the scrutiny of the Community Service designation criteria. Had the County wished to ease one or more criterion for a particular kind of use, it should have said so in the Ordinance". (Page 7). Another part states: "We are uncertain, as to why the County did not enact more liberal standards for siting such uses. From the briefs, it appears the County recognizes the severe problems in locating unpopular and yet necessary uses. It would appear special criteria emphasizing mitigation instead of consistency (with adjacent uses) would be in order" (Page 16, n. 6).

E. The legislature and this Board have recognized that solid waste disposal is a matter of regional concern. Policy 31 of the Framework Plan (Community Facilities and Use) was revised by the Board in July of 1980 to comply with LCDC Goals, and reflect the Board's recognition of METRO's authority and responsibility in sanitary landfill siting. However, according to the recent Opinion of LUBA, the policy revision apparently did not go far enough in setting forth the approach which this Board would take in reviewing a request for a regional sanitary landfill. Accordingly, it is appropriate that the Board amend that Plan Policy and the Approval Criteria in the Zoning Code to indicate its intent.

F. The provisions for the review of Sanitary Landfills comply with Goals 1 through 9 and Goal 11 of Oregon's Statewide Planning Goals as follows:

- (1) Goal 1 (Citizen Involvement) and Goal 2 (Land Use Planning). The public hearing process adopted by Multnomah County to amend the Comprehensive Plan and Zoning Code fulfill these requirements and the agency coordination required by the Ordinance.

The proposed amendments were developed using a limited but adequate public notice and review procedure. The Ordinance was available for comment by interested persons and groups. Several parties participated in the review and drafting of the proposed Ordinance prior to the public hearing.

Notices were published prior the Planning Commission and Board of County Commissioners' hearing in this matter. Notices and meetings were forwarded to over twelve persons or groups, who represented a wide cross-section of opinion on this issue.

The Decision by the Land Use Board of Appeals (LUBA No. 83-018) casts a shadow on the County's acknowledged Plan and Zoning Ordinance. Based on that Decision, the Framework Plan, and further analysis in light of the Goals, the Ordinance was drafted, reviewed and revised as necessary at several public hearings, before adoption.

Because of the County's acknowledged Plan, ~~the need for isolation of a Regional Landfill~~, Goal 11 requirements, and the State legislature's intent for landfills, the County is not taking an exception to any State Goal. The amendment to the Plan is not one which substantially changes the acknowledged Plan and Ordinance. ~~It merely clarifies the criteria on which a decision is made, consistent with Goal 2.~~ The Comprehensive Plan Policies are incorporated into the approval criteria. Further, the adopted Criteria are consistent with the Exceptions Rule under Goal 2 (require Alternative Sites Study, etc.).

- (2) Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands). The County's Framework Plan and Zoning Code act to allow sanitary landfills [as a Community Service use] in any district, given certain Findings. The Farm and Forest Zoning Districts are not being changed, so the County's Acknowledged Plan remains intact in that respect. The amendment will make the approval criteria clearer for sanitary landfills. The amendment will not allow new uses or intensification of uses, inconsistent with the Framework Plan. Condition and mitigation requirements will insure that sanitary landfills will not adversely affect farm or forest uses [, on adjacent land]. A reclamation requirement will insure that farm or forest uses may occupy the site in the future, consistent with the above State Goals.
- (3) Goal 5 (Open Spaces, Scenic and Historical Areas, and Natural Resources). Landfills can entail significant adverse visual impacts because of their size and configuration. To mitigate these impacts is an Ordinance requirement. Natural resource values are required to be protected and mitigated by the imposition of conditions. Areas within the Significant Environmental Concern District are further protected.
- (4) Goal 6 (Air, Water and Land Resources Quality) and Goal 7 (Areas Subject to Natural Disasters and Hazards). These Goals are satisfied by requiring that the site be suitable, that any adverse impacts be mitigated, and that State agency approval be secured. The significant Environmental Concern District provides further protection for these areas.
- (5) Goal 8 (Recreational Needs). The Ordinance does not specifically address recreational needs. However, the Ordinance would provide protection of recreational facilities by screening and possible re-use of the site after reclamation. The Significant Environmental Concern District provides further protection for park and recreation areas.
- (6) Goal 9 (Economy of the State). By designating sanitary landfills as Community Service Uses, Multnomah County recognizes the importance of these facilities to the local and regional economies.

- (7) Goal 11 (Public Facilities and Services). By establishing clear and detailed Approval Criteria, the Ordinance complies with the requirements of this Goal to provide public services in an orderly and timely fashion. Unnecessary expenditures and costly time delays will be avoided if applicants are aware of the requirements.

Multnomah County recognizes its responsibility in providing adequate public services. It also recognizes that landfills should be ~~isolated and buffered~~ to reduce adverse impacts to surrounding lands. ~~This may necessitate placing these facilities in rural areas. However,~~ [B]ecause a landfill employs few people and has other characteristics, it does not induce urban development inconsistent with other Goals.

G. The provisions for sanitary landfill review comply with the applicable policies of the Framework Plan as follows:

- (1) Policy 2 (Off-Site Effects). Potential geologic, groundwater, and other off-site impacts are considered by determining suitability and by providing mitigation requirements in the Ordinance.
- (2) Policy 31 (Community Facilities and Uses Location). Sanitary landfills are considered under a section entitled "Solid Waste Management". This Policy makes it clear that the County recognizes METRO's and DEQ's authority in siting landfills. The County also recognizes the importance of this public facility by providing a separate Policy and Community Service Section (created by this Ordinance).
- (3) Other Plan Policies. The Ordinance provides for Approval Criteria and Conditions, which when applied to a proposed landfill site, will result in substantial compliance with other applicable Plan Policies.

SECTION 2 AMENDMENT OF PLAN POLICY 31

Framework Plan Policy 31, as amended by Section 9, Ordinance No. 233, is amended to read (new language underlined):

SOLID WASTE MANAGEMENT

Solid waste is a regional concern requiring regional solutions. Multnomah County recognizes METRO's responsibility and authority to prepare and implement a solid waste management plan and the METRO's procedures for siting a Sanitary Landfill and will participate in the procedures as appropriate.

The County recognizes that METRO may find a public need for a Regional Sanitary Landfill and that such a Landfill, wherever located, will entail some adverse impacts. The County [further] ~~also~~ recognizes that environmental impacts are [also] within the review authority of other agencies, such as the Department of Environmental Quality.

The County shall provide for Approval Criteria which emphasize site suitability, protection through mitigation of impacts, and reclamation [.] ~~rather than avoidance of any impacts.~~ The Zoning Code shall contain appropriate and detailed implementing language for this Policy. This Policy and all other applicable Plan Policies are implemented through Section 11.15.7045 to .7070 of the Zoning Code.

SECTION 3. AMENDMENT OF ZONING CODE

A. MCC 11.15.7015 is amended to read (new language underlined; deleted language [bracketed]):

In approving a Community Service use, the Approval Authority shall find that the proposal meets the following Approval Criteria, except for transmission towers [, which shall meet the Approval Criteria of MCC.7035:] (See MCC.7035 and Regional Sanitary Landfills (See MCC.7065):

B. MCC 11.15.7020 is amended by adding the following:

(25) Regional Sanitary Landfills

C. MCC 11.15 is amended to add:

REGIONAL SANITARY LANDFILLS

11.15.7045 Definitions.

(A) Regional Sanitary Landfill shall mean a general purpose landfill facility which is designed and operated for the disposal of the region's solid waste and which METRO or its franchisee [shall] operate. This definition does not include any local or limited-use sanitary land-fill.

by itself or as a component of a network of such facilities

(B) METRO shall mean the Metropolitan Service District or its successor. (County or other authorized unit of government).

(C) Suitable shall mean adapted or adaptable to a use.

(D) Mitigate shall mean to make less severe, less painful or less of a loss *to the level provided for in ~~Section~~ 11.15.7045-7070*

11.15.7050 Board Findings - The Board Finds:

(A) A landfill may need to be located within Multnomah County based on Solid Waste Management Plan & Study by Metro

(B) There is a need to provide approval criteria and to require reclamation for the benefit of the site and the surrounding area.

(C) There is a need to provide for a review, to determine whether the proposed site is suitable and whether adverse impacts to the surrounding area can be mitigated.

(D) ~~That a regional sanitary landfill will produce some adverse impacts on the surrounding area.~~

11.15.7055 Purpose

The purposes of MCC .7045-.7070 are to:

(A) Determine whether a proposed landfill site is suitable and whether it can be reclaimed for uses allowed by the underlying zoning district.

(B) Mitigate any adverse impact to the surrounding area by the imposition of conditions on the design, operation and off-site effects of the proposed landfill.

(C) Assure that the proposed landfill site has been determined preferable to other sites, based on an Alternative Sites Study conducted by METRO [.] ~~or its franchisee~~

11.15.7060 Application Requirements

An application for a Community Service Use permit under these provisions shall be filed on forms made available for that purpose. Information, maps, and reports submitted shall be deemed by the Planning Director to be ~~the minimum necessary~~ to determine compliance with the criteria. ~~Detailed Engineering Plans are not required at this point.~~

[Application fees should be compensurate with staff time and expertise necessary to review an application.]

*including a CONTINGENT FEE
to cover the costs of ANY 3rd
opinion.*

11.15.7065 Criteria For Approval.

The Approval Authority shall find that:

(A) METRO or its franchisee has adopted Landfill Site Selection Criteria that addresses environmental, operational and land use factors; they have applied these criteria to a study of alternative landfill sites; and have determined that, based on the criteria, a preferred site has been selected for development. ~~The Approval Authority shall only determine that the above process was used and shall not substitute its judgement on the selection of the preferred site.~~

(B) The site is suitable for the proposed landfill, considering each of the factors below. In determining suitability, the Approval Authority shall also apply the following test to the findings for each of the factors: [The Approval Authority] ~~A reasonable person~~ finds, after mitigation of impacts, that the impacts of the factor ~~would~~ would not prevent the beneficial continuation of existing uses on surrounding property.

- (1) Site Size, when the site is of sufficient size to satisfy METRO's landfill needs and to allow for any buffering of adverse impacts;
- (2) Traffic Routes and Capacities, when projected traffic will not create dangerous intersections or traffic congestion, considering road design capacities, existing and projected traffic counts, speed limits and number of turning points. Traffic must have access to collector or arterial streets and not use local streets;
- (3) Geologic Conditions, when [substantial] evidence ~~from a certified geologist~~ indicates that the site is geologically stable enough to support the landfill; [such evidence shall be limited to testimony from State of Oregon Certified Engineering Geologists;]
- (4) Surface and Groundwater Conditions, when flooding would not occur, where surface water can be feasibly controlled and diverted away from the landfill, where leachate or other landfill pollutants would not be discharged into adjacent public or private waterways such that State and Federal water quality standards will be exceeded, and where groundwater sources of domestic [(human and livestock)] water supply would not be contaminated;
- (5) Soil and Slope Conditions, when soils and topography allow feasible operating conditions for the landfill, and would not result in ~~excessive~~ [substantial off-site] soil erosion and sedimentation; [on-site soil erosion must be controlled

10. Fire danger, where the landfill will not significantly increase fire danger in a given area and where there shall be adequate fire protection facilities in place at the site and in the surrounding community. *including state system if any.*

ON SITE

to the extent that the productive capability of adjacent land is not reduced;]

- (6) Leachate and Gas, when site characteristics, such as geology and slope, will permit the safe and effective collection and treatment of these landfill by-products; and where such by-products can be controlled;
- (7) Critical Habitat of Endangered Species, where such habitat and species, if found, will be protected [pursuant to State and Federal law;] ~~to the satisfaction of the responsible State and/or Federal agencies; and~~
- (8) [historically anthropologically, & archeologically significant areas, where such areas, if found, will be protected pursuant to State and Federal law]
- (9) Public Facilities and Services, where all such facilities necessary to serve the landfill are either available or ~~can be made available~~ [programmed for the area; and]
- (10) Fire Standards Criteria: ~~Undetermined from Tape~~

In determining suitability of the above factors, the Approval Authority [may] ~~will~~ place substantial weight on DEQ's Findings for approval or denial of a preliminary application.

- (C) The proposed landfill is designed and operated so as to mitigate conflicts with ~~adjacent uses. Adverse impacts on~~ surrounding uses [Conflicts] with regard to the following shall be identified and mitigated (mitigation shall be made to the level of the applicable State standard, ~~if none exists, to a level that substantially reduces the impact and that can be practically achieved~~ ^{FRANKLY AS} ~~will allow the beneficial continuation of existing uses on surrounding lands~~ ^{NOT PREVENT THE});]

- (1) Visual appearance, including lighting; [on surrounding property shall be minimized]
- (2) Signing;
- (3) Hours of Operation;
- (4) Odors;
- ~~(5) Fire Danger;~~
- (5) Safety and security risks;
- (6) Noise levels;
- (7) Dust, and other air pollution;
- (8) Bird and vector problems; and
- (9) Damage to fish and wildlife habitats.

- (D). The proposed landfill site is capable of being reclaimed to a primary use permitted in the underlying zoning district. For resource districts (CFU, EFU, MUF, MUA), the primary use will be

THE SOIL PRODUCTIVITY, IF A NATURAL RESOURCE ZONE, IS CAPABLE OF BEING BROUGHT BACK TO THE CLOSEST LEVEL ECONOMICALLY AND TECHNICALLY FEASIBLE TO THAT WHICH EXISTED ON THE SITE PRIOR TO THE LANDFILL.

the resource for which the district was created (i.e., timber production in CFU, farmland in EFU, etc.).

11.15.7070 Conditions.

- (A) The proposal provides a plan for the reclamation of the site, ~~in accordance with DEQ standards.~~ *In compliance with 11.15.7065(B). The implementation of the rec. plan shall be funded by a Trust Fund deemed sufficient by the approval authority.*
- (B) Approval for all phases of the proposed landfill must be received from all governmental agencies having jurisdiction over sanitary landfills. Such agencies shall be consulted by Multnomah County for the setting and enforcement of permit conditions. Preliminary approval from DEQ is necessary prior to County approval. Final DEQ approval is required prior to the construction and operation of the landfill.
- (C) METRO or its franchisee shall provide annual reports, ^{within 90 days of anniversary of approval of} to the County, describing the landfill operation and compliance with permit conditions.
- (D) Other conditions of approval shall be specified in the decision and all be reasonably imposed to insure compliance with the purposes and criteria of these provisions, ~~[and conditions as to be determined to be in the public interest.]~~

ADOPTED this _____ day of _____, 1984.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By _____
Arnold Biskar, Presiding Officer

AUTHENTICATED by the County Executive on the _____ day of _____, 1984.

By _____
Dennis Buchanan, County Executive

APPROVED AS TO FORM:

John B. Leahy, County Counsel
for Multnomah County, Oregon

RECEIVED JUN 1 1984

May 31, 1984

Multnomah County Planning
Commission
2115 SE Morrison
Portland, OR 97214

Re: Landfill Siting Criteria

Dear Planning Commission Members:

I am writing on behalf of the Metropolitan Service District with respect to the most current draft of the proposed Landfill Siting Criteria as indicated in the June 4, 1984 staff report. There are two primary issues with which we are concerned.

Section 7065(B)(10) relates to fire standards and was added to the draft by the Planning Commission at its last meeting. As indicated in the staff report, the tape recording of the meeting failed to clearly include the language of the addition. Our notes indicate that the amendment was as follows:

10. Fire danger, where the landfill will not significantly increase fire danger in a given area and where there shall be adequate fire protection facilities in place at the site and in the surrounding community. *including state syst. if any*

Assuming the accuracy of the above language, we find two problems with the proposal. First, the word "and" after the words "given area" should be "or". As it presently reads, the language would require fire protection facilities at the site and in the surrounding community even where no significant increase in fire danger is found. If no significant increase exists, then the requirement for additional fire protection facilities at the site and in the surrounding community would be unnecessary.



RALPH BOLLIGER
LEWIS B. HAMPTON
ARTHUR L. TARLOW
KEITH W. GRIFFEN
JOHN S. CAVANAGH
BRUCE L. SCHAFER
E. ANDREW JORDAN

BILL MOSHOFSKY
OF COUNSEL

1000 S.W. CEDAR HILLS BLVD.
SUITE 102
PORTLAND, OREGON 97225
TELEPHONE (503) 641-7171
FAX: 360401 INTERPULSE PTL

Secondly, and more importantly, the language "and in the surrounding community" presents a significant problem for landfills in rural areas. Even though adequate fire protection facilities exist at the site, there may be no or very little community fire facilities. And, since the risk of fire in a rural area is primarily a forest fire risk, community firefighting facilities would not likely be helpful in the event of fire. It is the Oregon State Forest Service which provides forest firefighting services and their facilities may not be located in the immediate community. The language of the addition might be construed to require a landfill operator to provide a local community with firefighting facilities which would be of no significant benefit to the landfill operation. Therefore, we propose that the second clause of the provision be amended by changing the "and" to "or" thereby allowing that facilities must be adequate either at the site or in the community depending upon which facilities are needed for the particular site.

The second problem we see in the draft relates to Section 7065(B) which provides that "the impacts of the factor would not prevent the "beneficial continuation" of existing uses on surrounding property". In applying that beneficial continuation test to Subsection 4 of Section B, for example, it appears that the test could be construed to disallow a landfill in the event that the landfill would prevent an existing use on a surrounding parcel. Although it would be reasonable under those circumstances to require the landfill operator to purchase such parcel or pay for damages, it is not reasonable to deny the landfill on those grounds. For example, if one house was located next to a proposed landfill, and if the use of that property for residential purposes would be lost because of the landfill, it is more reasonable to require the landfill operator to buy the lot then to simply deny the landfill. Therefore, it should be made clear in the language that a prospective landfill operator has the option of buying a parcel or paying damages for the loss of beneficial use of the parcel without having the project denied.

Multnomah County Planning
Commission
May 31, 1984
Page 3

Thank you for your consideration of the above
suggestions and I hope to discuss them with you at your
meeting of June 4, 1984.

Very truly yours,

BOLLIGER, HAMPTON & TARLOW

E. ANDREW JORDAN

EAJ/cwd/7847H

cc: Bill Adams
Dennis O'Neal

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING)	RESOLUTION NO. 84-477
PRIORITIES AND OBJECTIVES FOR THE)	
METROPOLITAN SERVICE DISTRICT FOR)	Introduced by Councilor
THE NEXT TWO YEARS)	Kirkpatrick and Executive
)	Officer Gustafson

WHEREAS, The Metropolitan Service District has adopted a Mission and Purposes statement setting forth its definition as a regional government; and

WHEREAS, Metro wishes to define the actions to be taken and the results to be achieved in the next two years; now, therefore,

BE IT RESOLVED,

That the following priorities and objectives are hereby adopted by the Metropolitan Service District:

PRIORITIES AND OBJECTIVES

Priority A: Administer Effectively the Existing Services of Metro

Priority [No. 1] B: Establish and Maintain Adequate and Firm Financial Support for all Services

Objectives:

1. Define elements of General fund and Support Services fund.
2. Adopt formal policies for solid waste fees.
3. Secure authorization for permanent General fund.
4. Secure permanent finances for Zoo operation and maintenance.
5. Establish long-term financial support with local governments for stable financing of Intergovernmental Resource Center.
6. Offer specific legislative proposals for improving Metro financing.

Priority [No. 2] C: Secure a Long-Term Disposal Site as a Key Element of a Solid Waste Disposal System

Objectives:

1. Achieve maximum use of the St. Johns Landfill site through reduction, diversion and operational techniques.
2. Obtain re-issuance of Wildwood land use permit at county, state and judicial levels.
3. Complete alternatives study and adopt 1984 Solid Waste Management Plan update.
4. Continue state of the art environmental management of the St. Johns Landfill.
5. Create a public awareness of the need and challenges of securing a long-term disposal site through an open process of public discussion.
6. Examine statutory changes which would improve our solid waste system.

Priority [No. 3] D: Strengthen the Relationships with Local and Regional Jurisdictions for Solving Mutual Problems

Objectives:

1. [Prepare and implement an Intergovernmental Elected Officials' Forum at Metro which is authorized to prescribe the IRC work program and dues level to support the work program.] Reach an understanding with key interests on the organization for a long-term relationship with local governments.
2. [Expand the scope of the Forum from solely transportation issues to a broader array of regional issues.] Enact the agreed upon local government organization.
3. [Prepare and implement an intergovernmental staff committee structure to facilitate the Forum.] Propose and obtain passage of legislation necessary to implement a local government organization and program.
4. Refine in-house capability, both technical and support services, to better match needs of new intergovernmental relationships.
- [5. Determine legislative requirements of new relationship and gain passage.]

Priority [No. 4] E: Identify Regional Service Needs and Analyze Options for their Provision in Cooperation with Constituency Groups

Objectives:

1. [Create Intergovernmental Elected Officials' Forum to provide a mechanism for mutual problem identification and analysis.] Assist and support the creation of ad hoc study groups as needed to address regional service needs.
2. [Establish and gain consensus on an orderly process for accomplishing Priority No. 4 within realistic resource limits.] Seek a source of revenue for funding various regional service needs, studies and implementation plans.
3. [Build a better working relationship between Metro Councilors and their local government counterparts.] Review and prioritize service needs periodically by the Council.
- [4. Have Council better establish specific priorities on service delivery issues so that resources are not spread so thin as to eliminate any hope of accomplishing anything.]
- [5. Have Public Affairs Department develop and implement a plan to have Metro representatives meet with civic groups to discuss regional service needs.]
- [6. Have Council periodically allocate time to identify and prioritize regional service needs.]

Priority [No. 5] F: Increase Public Awareness and Involvement in Regional Issues

Objectives:

1. Continue to provide information to the public on Metro's activities, programs and services, utilizing internal and external publications and audio-visual media.
2. Maintain a dialogue with citizens on regional issues by participating in meetings scheduled by existing community organizations.
3. Invite civic, professional and business groups to Metro facilities for periodic briefings and tours.
4. Provide periodic informational forums on regional issues, including the annual Metro conference.
5. Schedule periodic Metro Council meetings around the region.

6. Actively seek speaking forums in the region for Metro elected officials.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1984.

Presiding Officer

SR/gl
1327C/382
05/31/84

Memorandum
May 30, 1984
Page 3

There is some interpretation in the application of these definitions. Certain activities and costs can be placed in the General Government/Mandated Services area, in the Support Services area or in the Intergovernmental Resource Center area. Information is being developed based on the FY 1984-85 Budget, which will describe the level of funding for each of the three functional areas. The information will include both the direct costs of the functional areas plus each area's share of the Support Services costs (indirect costs).

The information to be provided as described above is based on existing programs in the Proposed FY 1984-85 Budget. New or increased programs and the costs there of would be additions to that information. Two possible additions which should be discussed refelect priorities suggested at the Council/Executive Officer/Department Head Workshops.

Workshop Priority No. 3 states:

"Strengthen the relationship with local and regional jurisdictions for solving mutual problems."

The question to be answered is should additional funds be included in the cost of General Government to support this priority and, if so, how much?

Workshop Priority No. 4 states:

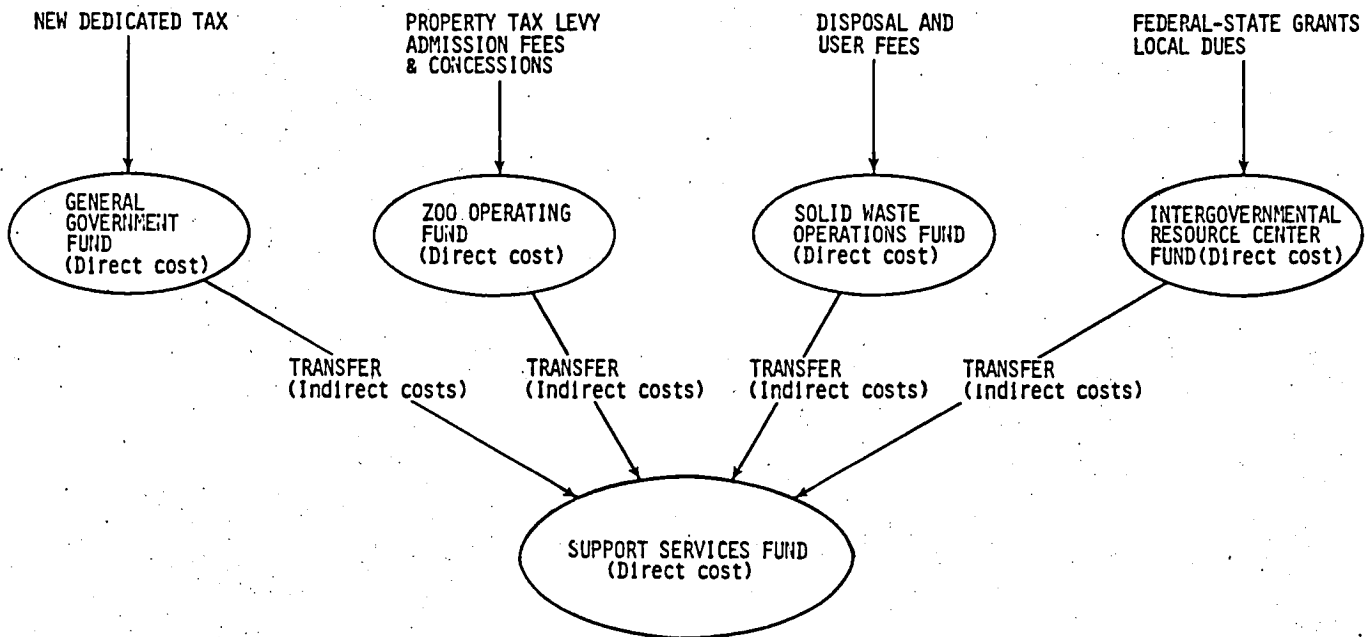
"Identify regional service needs and analyze options for their provision in cooperation with contractual groups."

Again, should additional funds be included in the cost of General Government to support this priority and, if so, how much?

RG/DEC/srb
1306C/D4
05/30/84

Fig. 1

Proposed Five Operation Fund System



Meeting Date June 7, 1984

CONSIDERATION OF AMENDMENTS TO THE FY 1983-84
BUDGET AND APPROPRIATIONS SCHEDULE, ORDINANCE
NO. 84-173

Date: May 25, 1984

Presented by: Jennifer Sims

FACTUAL BACKGROUND AND ANALYSIS

The attached proposed ordinance provides for various budget and appropriation schedule changes. The package of detailed budget amendments, Exhibit A, is available on request. This ordinance offers the final opportunity to amend the current year budget. Proposed changes provide for several unbudgeted expenses as described below. Also, these year end amendments insure that expenditures will be within the appropriate levels.

General Fund

1. A transfer of appropriation totaling \$14,405 is proposed for Executive Management primarily to cover legal counsel costs as a contractual service rather than Personal Services.

2. A transfer from Contingency to Finance and Administration for Personal Services of \$11,000 is proposed to pay for Social Security adjustments owed for prior years. The entire General Fund portion will be charged to this department.

3. A transfer from Contingency to the interfund transfer appropriation is proposed to cover two Planning Fund costs that require discretionary monies. First, a prior commitment of \$11,600 should be transferred to supplement the LCDC grant. Second, \$10,400 is owed from the Planning Fund for Social Security adjustments.

4. A transfer of \$5,000 from Contingency to the Budget and Administrative Services Division contractual services line item is proposed for support to the Columbia-Willamette Futures Forum. The Council made this commitment at its February 23, 1984, meeting.

5. All other changes are for the purpose of insuring that expenditures do not exceed appropriations.

Planning Fund

In the Transportation Department, a transfer from Materials and Services to Personal Services is proposed for two reasons. First, Social Security adjustments must be paid and, second, fringe costs are exceeding budget.

Zoo Operating Fund

In the Zoo Operating Fund, a transfer from Contingency to Personal Services is proposed for two reasons. First, Social Security adjustments totaling over \$8,600 must be paid. Second, Fringe costs are projected to exceed budget.

Solid Waste Operating Fund

On February 23, 1984, the Council amended the appropriations for the Solid Waste Personal Services for a net reduction of \$7,165. This was done to reflect a shift of staff into the General Fund. At that time there was no corresponding reduction in resource estimates for the Solid Waste Operating Fund. In order to show a balanced fund it is recommended that the Appropriations Schedule be amended to officially show the unappropriated balance of \$7,165.

All Other Funds

No changes are proposed in other funds at this time. Following an analysis of the May 1984 financial reports additional changes may be recommended at the Council's June 28 meeting.

EXECUTIVE OFFICER'S RECOMMENDATION

Adopt Ordinance No. 84-173 amending the FY 1983-84 Budget and Appropriations Schedule.

COMMITTEE CONSIDERATION AND RECOMMENDATION

JS/srb
1310C/382
05/29/84

EXHIBIT B

SCHEDULE OF APPROPRIATIONS

<u>GENERAL FUND</u>	<u>Current Appropriation FY 1983-84</u>	<u>Amendment</u>	<u>Revised Appropriation</u>
Council			
Personal Services	\$ 58,897	\$1,500	\$ 60,397
Materials & Services	54,520	0	54,520
Capital Outlay	0	0	0
Subtotal	<u>\$113,417</u>	<u>\$1,500</u>	<u>\$114,917</u>
Executive Management			
Personal Services	\$204,448	(14,005)	\$190,443
Materials & Services	34,575	14,405	48,980
Capital Outlay	1,350	(400)	950
Subtotal	<u>\$240,373</u>	<u>0</u>	<u>\$240,373</u>
Finance & Administration			
Personal Services	\$ 628,466	11,000	\$ 639,466
Materials & Services	695,248	5,000	700,248
Capital Outlay	113,065	0	0
Subtotal	<u>\$1,436,779</u>	<u>16,000</u>	<u>\$1,452,779</u>
Public Affairs			
Personal Services	\$209,624	5,000	\$214,624
Materials & Services	47,640	(5,000)	42,640
Capital Outlay	0	0	0
Subtotal	<u>\$257,264</u>	<u>0</u>	<u>\$257,264</u>
General Expense			
Contingency	\$ 74,894	(39,500)	\$ 35,394
Transfers	163,169	22,000	185,169
Subtotal	<u>\$238,063</u>	<u>(17,500)</u>	<u>\$220,563</u>
Total General Fund Requirements	\$2,285,896	0	\$2,285,896
<u>PLANNING FUND</u>			
Development Services			
Personal Services	\$199,298	0	\$199,298
Materials & Services	62,470	0	62,470
Capital Outlay	0	0	0
Subtotal	<u>\$261,768</u>	<u>0</u>	<u>\$261,768</u>
Transportation			
Personal Services	\$454,546	16,000	\$470,546
Materials & Services	233,374	(16,000)	217,374
Capital Outlay	0	0	0
Subtotal	<u>\$687,920</u>	<u>0</u>	<u>\$687,920</u>

<u>PLANNING FUND</u>	<u>Current Appropriation FY 1983-84</u>	<u>Amendment</u>	<u>Revised Appropriation</u>
Criminal Justice			
Personal Services	\$85,723	0	\$85,723
Materials & Services	3,670	0	3,670
Capital Outlay	0	0	0
Subtotal	<u>\$89,393</u>	<u>0</u>	<u>\$89,393</u>
General Expense			
Transfers	\$525,673	0	\$525,673
Subtotal	<u>\$525,673</u>	<u>0</u>	<u>\$525,673</u>
Total Planning Fund Requirements	\$1,564,754	0	\$1,564,754
<u>TRANSPORTATION TECHNICAL ASSISTANCE FUND</u>			
Materials & Services	<u>\$473,805</u>	0	<u>\$473,805</u>
Total Transportation Technical Assistance Fund Requirements	\$473,805	0	\$473,805
<u>CRIMINAL JUSTICE ASSISTANCE FUND</u>			
Materials & Services	<u>\$450,000</u>	0	<u>\$450,000</u>
Total Criminal Justice Assistance Fund Requirements	\$450,000	0	\$450,000
<u>SEWER ASSISTANCE FUND</u>			
Materials & Services	\$2,000,000	0	\$2,000,000
Transfers	5,000	0	5,000
Contingency	<u>1,315,000</u>	0	<u>1,315,000</u>
Total Sewer Assistance Fund	\$3,320,000	0	\$3,320,000
<u>ZOO OPERATING FUND</u>			
Personal Services	\$2,748,821	\$14,600	\$2,763,421
Materials & Services	1,532,951	0	1,532,951
Capital Outlay	276,066	0	276,066
Transfers	3,773,352	0	3,773,352
Contingency	<u>136,735</u>	<u>(14,600)</u>	<u>122,135</u>
Total Zoo Operating Fund Appropriation	\$8,467,925	0	\$8,467,925
Unappropriated Balance	<u>800,000</u>	<u>0</u>	<u>800,000</u>
Total Zoo Operating Fund Requirements	\$9,267,925	0	\$9,267,925



Memo

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: June 7, 1984
To: Metro Councilors
From: Rick Gustafson, Executive Officer
Regarding: Schedule of Future Funding Discussions

The following is a schedule of discussions on future funding issues:

Thursday, June 28, 1984	Presentation of alternative options for General Fund definition and financial data
Thursday, July 5, 1984	Further review of options and financial data
Thursday, July 26, 1984	Consideration of General Fund tax sources
Friday, July 27, 1984	Presentation of IRC concept to Special Task Force on Regional Government
Thursday, August 2 and August 23, 1984	Further consideration of funding proposals
Thursday, September 6, 1984	Adoption of Legislative funding package
Friday, September 28, 1984	Final meeting of Special Task Force on Regional Government

<u>ZOO CAPITAL FUND</u>	<u>Current Appropriation FY 1983-84</u>	<u>Amendment</u>	<u>Revised Appropriation</u>
Capital Projects	\$3,250,757	0	\$3,250,757
Contingency	180,067	0	180,067
Total Zoo Capital Fund	\$3,430,824	0	\$3,430,824
Unappropriated Balance	4,380,483	0	4,380,483
 Total Zoo Capital Fund Requirements	 \$7,811,307	 0	 \$7,811,307
 <u>SOLID WASTE OPERATING FUND</u>			
Personal Services	\$ 687,785	0	\$ 687,785
Materials & Services	5,867,880	0	5,867,880
Capital Outlay	17,400	0	17,400
Transfers	2,321,710	0	2,321,710
Contingency	531,362	0	531,362
Total Solid Waste Fund Appropriation	\$9,426,137	0	\$9,426,137
Unappropriated Balance	0	0	7,165
 Total Solid Waste Operating Fund Requirements	 \$9,426,137	 0	 \$9,433,302
 <u>SOLID WASTE CAPITAL FUND</u>			
Capital Projects	\$6,419,600	0	\$6,419,600
Transfer	165,700	0	165,700
Contingency	505,000	0	505,000
Total Solid Waste Capital Fund	\$7,090,300	0	\$7,090,300
 <u>SOLID WASTE DEBT SERVICE FUND</u>			
Materials & Services	\$824,700	0	\$824,700
Total Solid Waste Debt Service Fund Requirements	\$824,700	0	\$824,700
 <u>SOLID WASTE ST. JOHNS RESERVE FUND</u>			
Unappropriated Balance	\$337,500	0	\$337,500
Total St. Johns Reserve Fund Requirements	\$337,500	0	\$337,500

JS/srb
1311C/371
05/29/84

VERBATIM TRANSCRIPT OF INFORMAL COUNCIL MEETING
ON INTERGOVERNMENTAL RESOURCE CENTER PROPOSAL

JUNE 7, 1984

Gustafson: Over the last couple of months, I've gotten the impression that this topic is of interest to the Council so I've asked Steve to make a presentation to the Council on this topic.

Van Bergen: I feel this is something from outer space which is hungry, with its lips rolled back swallowing itself.

Siegel: Is that a yes vote. Usually when you come up here you want to get some feedback from the Council--have to encourage that. I guess we won't have to do that this time.

First of all, let's start off with the objectives of the effort, the major primary objectives of the effort, and this is all referred to in the memorandum that's in your packet. We're looking for an understanding with member jurisdictions--and I'll underscore the word understanding--on two issues. First of all, the development of some kind of meaningful long term relationship, and secondly, on a funding mechanism. My objectives for the past four months have been to try to create a concept proposal which will serve as the mechanism for reaching that understanding. We've really done it on two tracks. First of all we have had a number of meetings with the Council--I've used the workshops and the Regional Development Committee and other meetings of the Council, to find out the Council's needs, desires, opinions, sensitivities and so on. And second of all, we've been running a series of workshops with City Managers and County Administrators and program administrators from all the major cities and the counties in the region to find out their needs, desires, sensitivities, and issues.

The concept proposal in the memorandum represents where we are right now, at least I thought at 5:29 today that I was getting very close, and I think I still am getting very close, to having a good concept proposal that's very close to agreeable. But again, the objective is not to make it the proposal, but just the mechanism for the Metro Council to work with local government officials to develop that understanding.

The objectives of this presentation are first of all to explain that proposal and secondly to describe some of the local government reaction to the proposal to date, which comes out of these meetings that we've had with the bureaucrats, and third of all, to suggest a specific schedule, and I have to laugh because number four was to promote discussion but I think we'll cross off number four for the time being.

If I can turn your attention to the memorandum, we'll start off with objective number one which is to define an organization for meaningful local government involvement in the dues supported program at Metro. That organization is, under this concept, defined through a prospectus which ultimately is adopted in this proposal by ordinance by the Metro Council. So that relationship is defined by ordinance by Metro. The relationship starts off with the development, or the concept, of the Intergovernmental Resource Center as a place for local governmental and regional governments to get together to cooperatively deal with problems of mutual and regional concern. And it's primarily a technical group which is aimed at consensus building. The organization for that center consists first of all of a steering committee, and maybe that's not quite the right word, maybe executive committee or some other such notion, which would consist of some kind of representation, and I have a standard list in the memorandum and that can be added to or subtracted from I suppose. But it consists of representation of the dues paying membership with the chair of that committee being the Presiding Officer of the Metro Council. The function of that group would be to do essentially three things, and it would be to either recommend or approve, and we'll get to those two options in a minutes, but recommend or approve a base work program and budget for the Intergovernmental Resource Center, and secondly, to recommend or establish committees or task forces which will serve as the regional consensus building forums for all of the issues or subject areas in the work program that require that type of involvement. And then thirdly, to monitor and amend the budget and work program as necessary throughout the year. This group is really intended to meet maybe two to four times a year. The task forces or the committees themselves would have a charge and a representation established in the work program and they actually would do the substantive work in a subject area. Naturally the staff would be Metro staff and would work under the Executive Officer.

In terms of funding, we're looking for mandatory dues funding for the Intergovernmental Resource Center. Basically, the same approach that we have today with probably one exception--we're at least examining the option of including Tri-Met and the Port of Portland in as mandatory dues governmental units. Two options exist for how the work program and dues would be set. The first one we call the JPACT model, for lack of a better word, and the second one we call the Boundary Commission model. Under the JPACT model, the member jurisdictions would select their own representatives for the steering group of the IRC and the steering committee would recommend a work program and dues level to the Metro Council. In the Boundary Commission model, the steering committee, or this local elected officials committee, would have to approve the work program and budget. And that's the way the Boundary Commission is run today. Naturally, either model, the Metro Council must also approve the entire budget for the Metropolitan Service District which would include the budget for the Metro Council.

The first option, the JPACT model, is the one that we went into discussions with with the local governmental officials that we've been having meetings with and the Boundary Commission model is the suggestion that came out of that particular group. I'll get back to that in a second. But what you see here is a concept proposal with two options for the relationship between Metro and local governments which would be enacted by ordinance.

Objective number two, is to a getting a stable funding base for the resource center. That would be done by statutory amendments which are shown in Attachment B and there's some slight differences depending upon whether we go with the JPACT model or the Boundary Commission model. In either case, we're looking for the elimination of the sunset clause. The elimination of that particular clause establishes mandatory dues. In either case, we're hoping to look for language which would include Tri-Met and the Port of Portland as mandatory dues paying agencies. The primary difference evolves around language that now states that the Metro Council in its sole discretion would set dues. In the JPACT model that would probably need to be amended to say the Metro Council, in consultation with its local officials group, would set dues. And in the Boundary Commission model, that language would have to say something like the Metro Council would set dues based on an approved level by its local officials committee. The purpose of today's presentation is not to get the specific language in

place, but just to kind of outline the basic concept. Included in this package is the Boundary Commission--the relevant statutes of the Boundary Commission enabling legislation so you can get a sense of what that language might be. So, we what have here is essentially a package of a Metro ordinance and some statutory amendments that in combination meet both objectives, and what you see is two different options.

Perhaps, before I get into the local government reaction to this I should go through the program and schedule for the next six months, and that will give you a better sense of what to do with this particular--what we would intend to do with this particular proposal and therefore give you a better view for what it is. The schedule is shown on the last page of that memorandum, in Attachment G, and in some ways it's very similar to the one that Rick just proposed because we're keying in on the same milestone points.

What we will do is if this concept proposal is within reason to the Council, if we get the go ahead today, we will meet with--the Executive Officer and myself--will meet with the local government group that we've been meeting with to date to kinda of finalize a memorandum which would be used in discussions between the Metro Council and their elected officials. I'm assuming that this memorandum that's in front of you today is very close to what they can agree with. After that meeting we would come back on the 28th of June, at the next meeting of the Council, to report on that particular meeting. If everything is okay, we would try to set up a meeting between a group of Metro Councilors and a group of elected officials to see if some understanding could be reached. And by that, I essentially mean if everything else is in place, it's really the difference between the JPACT model and the Boundary Commission model. I am sure that the Metro Council and the elected officials would be able to agree on something quickly and if that occurred, we would try to present a status report on this proposal to Glenn Otto's committee on the 27th, there would be some information distributed to local governments during the month of August, and sometime in mid-September we would hold for what we call, for lack of a better work, a regional forum on this issue, which would essentially be a final opportunity for the Metro Council to hear from local governments on this particular proposal and essentially would be a hearing on the proposal. Assuming that went well, we would be looking for the Metro Council to endorse that proposal, which it agreed to with local governments,

before September 28th, propose it at the September 28th meeting of Glenn Otto's committee, and then enact the ordinance on the IRC in October and then lobby the legislation through between January and July.

The third thing I wanted to do is just talk about the local governments' reaction. Here we're dealing with the City Managers and County Administrators. So far it's been very good. I've been--everybody seems pretty supportive of the proposal. There's a major recognition of the services that we can and do provide. This type of relationship is--seems to be one that they would enjoy working with and quite frankly I can't think of one negative comment that's come up in all the meetings that we've had. So, so far things are looking pretty good. The one issue that did come up is this notion of whether or not this local officials committee would approve or recommend. What we did is we described two options and really feel that the best way to resolve that issue is to have the Metro Council in face to face discussions with local officials, reach an understanding at an elected officials level. And that's where it stands.

Kirkpatrick: Councilor Oleson.

Oleson: Steve, how many people--if you had to pick a number right now--how many people do you see sitting on the steering committee and how many of those would be Councilors?

Siegel: We haven't really tried to pin that down because there's--if you can reach a basic agreement in early July, we have a couple of months to iron that out. What's shown here is essentially...

Gustafson: Maybe there's a way to answer your question, Bob, very simply. JPACT has fourteen members. Three of them are Metro Councilors. The Metro Council chairs the JPACT. They also have the State DEQ, ODOT, the Port of Portland, Tri-Met and a representative from the cities of each of the three counties, a representative from each of the counties and a representative from the City of Portland. That's the composition of the JPACT right now. And our sense has been that it would be fairly close to that. That seems to have been very successful in the past.

Oleson: So it would be a similar kind of configuration?

Gustafson: Yeah. Right now the local jurisdictions appoint the members to each of the areas. The composition of that group, though, is at the discretion of the Metro Council.

Oleson: Well, I can see what the dilemma is, or could be, in terms of getting into buying of the proposal. I guess you got to remember that there's the other side and I've always had reservations about how much we've given up to the JPACT process and I certainly wouldn't support anything that went any further that in terms of watering down the influence of this body in that area of decision making. I will be one of your hard sells on this probably.

Gustafson: We're not selling anything.

Oleson: It sure sounds like it.

Gustafson: Let's try to go back here a little bit. Take one step back. First, there's a value in providing services on a coordination basis and we do that now. And there's a mutual agreement with ourselves, I think, and the local governments that there's a benefit in pooling our resources, say, in the transportation area where it's not a question of whether it's done regionally or locally, it's done at every level. The roads on the city level, roads are done on the county level, transit is done a regional level and roads are done at a state level. So everybody's involved. And we serve a very useful role in providing in single place for everybody to get together. So there's a benefit in doing that. Now, the question is, how do you do it. Up to now, we've done it on a sole discretion of our own to set the budget and programs with the dues with one provisio, that the legislature then sunsets every few years. We've done it in '81 and we're doing it again in '85. Now, you have two options to the ones we've offered to you if you want to discuss those. One is no legislation at all and simply do it on a voluntary basis--you contribute whatever you feel like contributing for each jurisdiction. We can do that. Or, we could consider the option of continuing a sunset clause on the dues. Now, those are also options available to you, as well as the ramifications. I don't want to limit you to other considerations, but I don't want to be put in the position as appearing to be selling you something. I'm operating under the impression that we do need legislation and action. I have, in my mind, precluded the option of a voluntary association. If that's wrong, I think I'd better hear it now. If we need action, then it's up to us to structure something that will pass the legislature. It's up to us and our responsibility to structure something that will pass the legislature and that's the prospective that I'm working with here in terms of work supporting your efforts to put together some state policy.

Kirkpatrick: Councilor Williamson.

Williamson: I apologize. I was out of the room and I'm kind of spaced out tonight, I'm tired. I might have missed this. Why do we need legislation?

Gustafson: Because the dues sunset on July 1, 1985.

Williamson: But why do we need legislation. We've had some conversation with Councilor Deines and Councilor Van Bergen on legislation to institutionalize this body and so forth. Do you see the need for legislation in that. Is that what you're saying.

Gustafson: The legislation is only needed in terms of defining a funding source for the continuation of coordination services, unless we do it on a voluntary basis. We can either do it on a voluntary basis or we seek state law authorizing the continuation of dues. There is an assumption here that we do need some political support for legislation that we're asking to pass. So, at this point we're raising issues that need to be discussed with the local jurisdictions. Jack can verify that the first question out of every legislator's mouth is what do the local jurisdiction's think. So, this is an attempt to structure a proposal that the local governments will support so that we can get the legislation passed if legislation is desired.

Deines: Charlie, the one thing I'd like to point out is that what I see here is something that is different from what we did in 1981, which was to go for a continuation of the dues. What I see here is, and I think that this Council needs to talk about that, is that I see a fairly broad expansion of the dollars that we're talking about. We're talking about this proposal here going for voluntary dues basically for the IRC, or some dues level for the IRC, and then asking the legislature to fund a general purpose government. By the same token, I have not seen any proposals to reduce the amount of dollars that we're taking in, in either solid waste or the zoo, which are currently funding general government.

Gustafson: Wait a minute. You haven't seen any to increase. You haven't seen any at all. You will see financial proposals that reduce the transfers from solid waste and the zoo and IRC.

Siegel: The proposal does not, as stated so far, doesn't really anticipate more money. I think it's really a matter of better defining how funding sources which have a specific association with the program. In other words, coming up with a cleaner way to budget, not necessary implying that there would be more money.

Williamson: Aside from the money my concern is the governance of this thing, of this committee. I don't know how this is going to work and I had to see something institutionalized into state law that we can't change. JPACT had four councilors on it for awhile, it had one councilor on it for awhile, it had three councilors on it for awhile, and it changes around. And I had to see an abomination created that we're stuck with and that we can't change without going back to the legislature. I personally would prefer--I mean CRAG was created by the legislature and you don't want to go back to that. So I hate to see a governed body created in the statute in stone. I would prefer that whatever body is appointed is like the JPACT and that this Council can approve the membership and appoint the members and not--I don't know, you said you wanted to have some sort of feedback from the Council as to whether or not legislation is necessary. I agree that legislation is necessary as to the funding and maybe for some sort of compromise, or maybe that's what the legislature is going to want, but I think it will work a lot better...

Gustafson: That's what's proposed. The JPACT model says that the Metro Council designates the membership and the specific drafting is very important and yes you ought to look at that.

Williamson: Well, I thought maybe Councilor Van Bergen and Councilor Deines had something else in mind.

Deines: No, no. Charlie, we were talking not about this at all but--I wasn't talking about this particular thing at all. I was just saying that--we were talking about some other programs, things that Metro might get involved in and my comment was is that I think a relationship with the local governments needed to become more closely defined in the law as to what that relationship is or you're going end up, not pertaining to the IRC as it is to new proposals for areas that Metro wanders off into.

Gustafson: The JPACT model is the one that we had originally proposed. And there is an alternative that has been suggested but certainly nobody is lined up behind that. My recommendation to the management group that I worked with was simply let's get the issues out and let's not decide between how the committee is structured or what the law looks like but set it up so that the Council and the elected officials can have that conversation, and not the staff members. So, all we're attempting to do here is share that with you and set it up so you're fully grounded on the issues so that you can begin discussions with local officials

about exactly what it is in the legislation we'd put in there. And no question, the preference is the less, the better.

Kirkpatrick: Councilor Bonner.

Bonner: As I understand the proposal, it's to have this steering committee--it's likew a super JPACT but also there is still a JPACT.

Siegel: Yes.

Bonner: And there are other kinds of JPACT-type things in the future.

Siegel: Yes. The steering committee is budget essentially.

Bonner: Why wouldn't you just keep JPACT and have another local government officials' PAC or whatever we want to call it and have that group assigned the responsibilities that you assign to the steering committee. The steering committee, it seems to me, like it would be too big, too--I don't like it.

Siegel: That misses a couple of needs. First of all, when the budget is formed, the common denominator is how the dues are applied so you can't really have separate groups each deciding what they want to do with the dues and not having some group that looks at the composite use of that group. I think secondly what you're going to find is you need more than one other group. When I first wrote the first proposal, I thought there'd just be one super-group period, and found out that that really wasn't very smart because depending on the issue, you're going to want to get a variety of different people involved. So, what this does is it first of all takes care of that common denominator problem of how the dues are applied across different program areas in some kind of organized manner, and second of all, accommodates the needs to have a variety of different people involved, different local officials involved on different issues.

(There is a comment by Councilor Bonner as to the many layers being established missing from the transcript. This is because the tapes were being changed during his statement.)

No, there's not another level because the, and it's stated in here maybe not clearly enough, that when those task forces or committees, take JPACT for example, are established in their program area they will be the consensus building body, and that consensus, that position because it's not really a

decision because none of this has decision making status, but that consensus does not go through the steering committee to be reaffirmed. That consensus goes directly from that group, from that task force or that committee, to whatever agencies or jurisdictions that are affected by it that have the authority to make a decision. And the decision status is still within local governments or the Metro Council, not within these task forces. So, for example, if you have a task force on criminal justice through the IRC, you may have a variety of sheriffs and DA's and county commissioners, and they'll draw a consensus conclusion that Metro ought to come up with a recommendation that Metro should issue bonds to build a regional jail--that's only a recommendation that Metro participated in making. It's still up to the Metro Council to actually decide that that's what it will do.

Kirkpatrick: Councilor Kelley.

Kelley: I apologize for being late. I have a question and maybe I missed something but in Resolution No. 84-477, under Objective Three, it talks about setting up a scenario such as you describe and putting it under legislation. And yet I think I understand you to say that the proposal that you're setting down doesn't require legislation. So straighten me out, I'm very confused.

Siegel: Again, there's two parts. The actual organization under the JPACT model is actually set up through Metro ordinance and the legislative part of that really relates to, primarily to eliminating the sunset clause on the dues. So the organization would be established by Metro ordinance. The Boundary Commission model gets a little more complex. But still would primarily be established through Metro ordinance, although there may need to be a little legislation--other legislative changes--if you use the Boundary Commission statutes, as an example, although after reading them I'm not sure they're a good example.

Kirkpatrick: Basically, what it boils down to is that we don't want to go to the legislature and propose extension of the dues without having the consensus of the locals and whatever it takes to get that should be acceptable to us.

Kelley: But the language, though, under Resolution No. 84-477(3) does seem to say that we are going to specifically legislate structurally-wise, government-wise. It seems to say that to me.

Siegel: I don't have that in front of me so I can't say. But if it does, we ought fix that.

Kirkpatrick: It says, "Propose and obtain passage of legislation necessary to implement a local government organization and program".

Siegel: And what that's referring to, although perhaps not said clearly enough, is maintaining the mandatory dues.

Gustafson: The local government organization is already in the law.

Kirkpatrick: Right.

Other discussion? Councilor Bonner

Bonner: Actually the wellspring of all this is the need to maintain the dues and that is probably the thing that brings it up to us immediately now. Obviously there are long range, you know, coordination problems we want to deal with but it is not possible to consider going to the legislature and asking for some source of funds for the general fund and not have to continue the dues at all.

Gustafson: Yes.

Bonner: I mean it's possible too, I know that, but that, as far as you're--is it a judgement about what the legislature will do that makes you come away from that and settle on trying to get the dues.

Gustafson: I would urge you to evaluate philosophically whether that would, in fact, be appropriate to use the general funds of Metro for the purposes of true coordination. You might want to talk philosophy about where the source of money should come from for true coordinated efforts. Because, as Steve mentioned, there's no transferring of decision making authority. The decision making authority rests with the jurisdictions providing the service and the coordination is a consensus building process for the jurisdictions involved in that particular service. There's no requirement that they abide by that. And you could certainly look at the general fund as a source of revenue, rather than having the local jurisdictions paying into it. I think there's a healthy part of having the various jurisdictions contribute financially to those services.

Bonner: You could have a voluntary dues system then.

Gustafson: Yes, you could.

Bonner: But certainly coordination among local governments is a mandate, is state mandated service we're suppose to provide. That is all through the--all through our statute. So it certainly meets that test.

Gustafson: That's right. So you could ask for the general fund source and get rid of the dues.

Kirkpatrick: Let me ask the Council if it would be acceptable to them to break for fifteen minutes at this point, come back to our regular agenda which appears to me to be fairly straight-forward and come back to this issue so that we can talk more about the philosophical aspects, such as the proposal that Councilor Bonner just made of including coordination as part of our mandated responsibility and part of the general funds and maybe having the IRC be entirely on fees and services for the technical things and the coordination out of the general funds. Is that all right with the Council if proceed in that manner?

(At this time, the Council recessed the Informal until after the conclusion of the Regular Council meeting.)

Kirkpatrick: Let's go back then to our discussion on IRC. If Steve and Rick want to come back on the hot seat. It's my understanding that what we would like to accomplish tonight is enough of an idea of where we're going for the staff to get back together one last time with the City Manager, the County Executives, the people that they've been meeting with on a staff level. We were just really getting started into a conversation about whether we want to have our staff continue to propose that we want to have mandated dues at some level in a separate budget for IRC or whether we want to include that coordinating function as part of the general fund portion of our fund seeking for the next year. Do you have more to say, Ernie.

Bonner: No, I'm just basically looking for other options. I think that's basically what you guys are about right now, looking for some options.

Gustafson: Maybe I could add a slight clarification. I don't think it's necessary for the Council to commit to anything tonight. We're hoping to tie up or complete the discussions with the local technical and professional level people and I think it's most important, simply, that the key issues and the key points that you have, the Council, you begin to understand and articulate. And my hope is that the Presiding Officer could then establish a number of Councilors to work with her in terms of meeting with the local officials and building a better consensus

with the local officials and a proposal for the Council. I don't think that proposal for the Council really has to come back here for a couple of months but it's very important that you understand the key issues right now. So, I think it's--I guess the most important goal tonight to get all the issues out on the table and if there are other options that we should look at, I think we should keep those open. I don't think we should preclude any options unless there's unanimous agreement that we should preclude those options.

Kirkpatrick: Other comments. I might ask, in the discussions at the staff level, have they talked at all, or have you proposed at all an idea of not having a separate IRC funding base but including that coordination as part of the general fund?

Siegel: No.

Gustafson: No. I'm sure they'd be receptive.

Siegel: I'd like to know why we would propose that, I suppose.

Kirkpatrick: If we could get their support to go to the legislature to lobby for the general fund, that would be to our advantage.

Siegel: They're more than willing to help. I don't know if they're going to help you lobby for the general fund but there's a very major incentive in there already for them to want to which is they all recognize that some of the dues are transferred into the general fund right now. So, from the prospective of the program people who we're dealing with, they essentially see a ten or a fifteen or a twenty percent, whatever it might be, mark up on their actual costs based on the transfer into the general fund. So, I've had many of this group mention to me that it would be great to get that cost out of their dues so that their money can go directly into the services that they want. So you have that incentive structure already.

Deines: Well, I was going to say, as I mentioned earlier, you can ask the legislature for whatever you want. I think the more you ask them for, the less likely you are to get anything. In good conscience, as a former Councilor in the next legislative session, I would find it damn hard to go down there and tell the legislature that they ought to fund both Metro and the cities on that part of that program. Somebody locally better pay. If you're not willing to pay, then my comment would be, is you better not play. I think the

legislature would feel the same way. They've got their own agencies that they're not funding. I think definitely we need to work so that if we have the funding for the general fund or the general government from the legislature, that we definitely have funds come from some form of local government to support the IRC.

Siegel: I think that's an important point. I mean, this is a very pure system. It's pay for service, and you know the same question, I suppose, could be asked why don't we include the solid waste or the zoo, certain zoo funds in the general fund as well. The answer is that those are set up...

Deines: I hope we don't get on the same basis as the state does at St. Johns in paying for services.

Siegel: Right.

Gustafson: We pay and pay.

Siegel: I was just saying that what you really have is a bunch of user groups that are paying for a specific service and that's what the dues represent.

Kirkpatrick: Councilor Hansen.

Hansen: Just a couple of general comments. You said you wanted feedback from the Council. I would seriously doubt I'll ever be able to support a proposal similar to this. A kinda of general philosophy--I think I was elected to make decisions for Metro and not a representative from the City of Portland. You know, there's going to be a great many questions in terms of who the Council representatives will be, how the various members of the committee will be appointed. You've still got a tremendous amount of work to do on this issue. Earlier it was said that you're trying to get cities to buy off and the State of Oregon to buy off eventually. Keep in mind you've got to get the Metro Council to buy off and so far my concerns on this haven't really been addressed or really articulated or solicited. So, keep plugging on it.

Gustafson: Madam Chairman, I'd like to respond to that.

Kirkpatrick: Okay.

Gustafson: And I'll see if I can control myself. We're not separate. I appreciate that we're doing some work and presenting it to you. We're trying to represent your best interests and that's where we are. So I think it's important to try to get back together. There's

nothing that we can propose or do without the Metro Council's support. Second, I appreciate that this is the first time you've seen it but you took a position already. And I think it's important to make sure that you look at it and understand it fully before you take a position because it is a difficult issue. It has some very important principals in it and we're not trying to undersell those principals but I react strongly to the point that we've got to sell you too. The proposal that we have is that there is legislation that is necessary. We're proposing to take the leadership in getting some legislation through to maintain the coordination function at Metro. The Council can certainly choose the option of discontinuing the coordination function at Metro and if you translate your position, that's what you translated it into, is, I'm not interested in being involved with legislation like this, which means we go off in some other direction. And I think we'd better get that settled right now. If we're way off base, then let's get back on base together because we're trying to represent the Council's interests in. And it isn't a question of us convincing you to support this. We've got to try to represent your interests so you can effectively put through, by agreement of this Council, some kind of legislative program that will allow the coordination function to remain here. It remains here today. There is a sunset clause on it. It requires either renewal legislation or a new arrangement. One of the two things. Or discontinuance. One of those things are required. We don't have the choice of saying, well, let's just kind of leave it the way it is. Even that requires legislation.

Hansen:

I guess my point is being very careful on this, in terms of losing one or two Councilors because of miscommunication on some of the details to the point that when it gets down to the final Council approval, that you might not have it because you've lost several of us along the way on different individual problems that have come up on it. And this is advice. It could happen. At which point the whole effort could come to naught.

Kirkpatrick:

Well, the reason for tonight's session, in fact, is to get this kind of input and this kind of dialogue. Are there specific things, Councilor Hansen, that you're objecting to or is it the concept in general of continuing coordination. Let's deal with that first.

Hansen:

I'm going to have to--need a lot more convincing on the whole program. But I'm sure there will be pretty

of time for that and I'm sure it's within reason. I'm very concerned about the make-up of--I will be very concerned about the make-up and representation. That's going to have to be something that's going to have to be worked out very slowly and very carefully. For example, just glancing at it, the City of Portland and Multnomah County, you know, are only two of many, many organizations and groups of organizations that are represented, and yet it's a very large part of the region. If they are in turn asking for, acting and approving Metro programs, conceivably I could insist upon proportional representation based on population.

Gustafson: The proposal is, at this point, and if you disagree with it, then let us know, is that the Metro Council would determine the composition of this Committee and that it would not be advice only on Metro programs, it would be on only those issues for which are determined to be coordination issues which would not take decision making away from any governmental body, but is simply a place for coordination to exist where you share common interests.

Kirkpatrick: It would have nothing to do with solid waste, it would have nothing to do with any other regional things.

Hansen: I think I understand that.

Kirkpatrick: Councilor Waker.

Waker: Well, it was kind of in my mind that the organization would have--that one of the things I was hoping that it would have something to do with would be to eventually provide some sort of a forum for consolidation of some of the services that are currently provided, although that may not be a popular first topic of discussion. I have in mind that along the line it's a topic that needs to be discussed. There is no forum that exists now to deal with the issue of consolidating water districts in some way that can make it happen or consolidating sewer districts or library districts or any other things. So, I guess what I'm thinking is that I would hope that we could consider getting some sort of service district type of representatives into this organization. I'm not sure what I mean by that, but maybe somebody from a water district somewhere in the region and somebody from a sewer district somewhere in the region, some of these independent governments, if you will, that are providing single services in limited areas so that we can perhaps provide some way sooner or later to address that topic which is just not feasible to address right now.

Siegel:

Maybe I can explain how this proposal is envisioned to deal with that kind of issue. First of all, on this steering committee, the theory of it is, and I'm not trying to defend it as much as to explain it, the theory of it is that it's made up of the representatives of the dues paying members. It's similar in a sense to co-op, if you will, where the board of directors made up of the co-op members sits on a budget committee. Now, the way an issue like the consolidation of water districts might work is that that executive committee can determine that water service provision and the way it's done and the multiplicity of agencies involved in it is an issue and put that into the work program, and in doing so establish a task force on that particular issue. And in establishing that task force, it would establish a charge and a membership and that membership very well could include representation from the water districts. It might even be made up of only representatives of water districts for that matter. So, this proposal doesn't exclude that possibility, but at least as it's written there, it did eliminate that from the steering committee.

Waker:

So you answer in general terms is that the make up is arranged around political representation of electors who are dues paying members, except that that doesn't apply to the Port of Portland, Tri-Met, and the State of Oregon.

Gustafson:

They all pay.

Waker:

But they pay so they have a separate category so maybe we should ask some of the service districts if they want to volunteer to pay and if they want to join the club. We could use the money.

Gustafson:

One other point is that the proposal really does not speak to how those issues are dealt with. Certainly the forum could be a place where consolidation of districts could be discussed but in no way would it preclude, or would I think you would want to support precluding, the option of the Metro Council choosing to form its own task force to investigate that because the collective local governments is not always the best place to discuss the consolidation of services. So, this simply doesn't speak to it and would allow that forum if it were successful in doing it, or the Metro Council to form its own and fund it out of the general fund. All those options are still available and it was our understanding of your intent that the maximum flexibility was desired for the Metro Council and that's what we're pursuing.

Kirkpatrick: I want to go back to the original question, if I could for a moment. Is there anyone who does not want to pursue Metro being active in the coordination of local governments?

Van Bergen: That's too broad a question to determine a response. I've got a statutory requirement that I do that of course. How can I sit here and vote yes or no to do that or not do that. I think the key here, as I see this, is that we're searching for some way to fund this organization and these duties, which includes coordination.

Kirkpatrick: Except that if we're looking at legislation, one of the things we can propose is taking that out of the statute. And I guess my question is simply directed at whether we think as this regional body that should be one of our functions.

Van Bergen: Well, that's your statement. Mine would be that we're funded now by this membership fee arrangement and what we can scrape off these other funds as they go by the front door out there. And we have to make a decision as to whether we want to continue by way of the legislature on the membership fee basis or give them some alternative and there seems to be an opinion, or feeling around here, that this scheme--and scheme is not a bad word--that this scheme of a coordinated IRC thing is more palatable and would get more support from the cities and counties than will this law membership fee, and maybe we should throw this other one out on the table. I can't--and that's the one we have to speak to here, I think. We can make the framework and come back to it once we get something passed. But I don't know which is better. I'm frankly more inclined to like the raw fee arrangement. It has a pattern of work now for four or six years. People know what it is and they know what they've got. Where this other is a new story.

Siegel: Could you elaborate on that. I couldn't quite...

Van Bergen: Well, if I wasn't being clear. I like what we've got.

Kirkpatrick: He'd like to have an extension of the dues without a sunset clause.

Van Bergen: I don't mind the sunset clause. I think the sunset clause is just as valid as the annual sunset clause we have on our school district.

Siegel: I guess this has been said before, but I think it deserves to be said again. You know, one of the statutory requirements is to have a local officials

advisory committee. And so to a certain extent what you have in this proposal is the same thing as currently exists except that, hopefully, two things. One, that the sunset clause is eliminated, which you may disapprove of, but secondly, that it tries to structure a committee and give it a function so that local officials might actually show up and participate in the Metro process. (Tape turn) We've yet to figure out a system that actually works. And what you have here, one hopes, is a system that might work. At least it's a system, if nothing else.

Van Bergen: But we're speaking of different things. I'm speaking only as to how we're going to fund this area. The two ways that are on the table here right now is the way we have now and this program of the IRC as being a vehicle to the legislature for funding. If you asked me the option of what I like, I like what we got.

Kirkpatrick: Councilor Waker.

Waker: I don't like what we got because although what we got may get us the money, it doesn't get us the necessary consensus building with local governments to really provide the potential to make beneficial changes for the public. And that's what I find in this concept. I want to say I support the concept although I'm making some questioning comments. I think that both Rick and Steve know that this is the sort of thing we've talked about and I'm supportive of the general notion of getting local government officials invested more heavily in the process of the program so that when decisions are made, we then have a base that the decision is made on of support that we can use. When we make the decisions by ourselves, we just don't--the factual matter is we don't have the necessary stature to get into new areas, like trying to solve Johnson Creek. But if we had had a well founded base of officials to get into that problem, maybe it still would have failed, but it would have had a better opportunity. So, I like the format of trying to--keeping something for ourselves cause we have to make the decisions but also getting local governments invested in the process so we have support for what we're trying to do in an orderly process.

Gustafson: Madam Chair. Maybe we ought to have a short discussion about what we really are today because there's certainly some different impressions. The law does say through our sole discretion we can set the dues, and that's true until July 1st of 1985. The most successful program, bar none, throughout the region, and noted nationally, is our transportation program. And we have a committee called the Joint

Policy Committee on Transportation that reviews the budget and votes on the work program annually for Metro's budget in transportation. It enjoys far and away the greatest amount of support from the local jurisdictions. It's been a very effective consensus building tool and far outstrips any other regional service in terms of the ability to build a regional consensus toward a solution. The reason that we're proposing the JPACT model is frankly because of its success in building a broad base of support with Metro and the local jurisdictions. It exists today that it provide advice on our budget and we abide by that advice. It doesn't tie our hands behind our back. It's been very important and very meaningful and it would be nice, ideal, if we could begin to take that kind of consensus building and spread it to more regional services. I guess I disagree with Councilor Van Bergen suggesting that there is major dramatic changes if we simply agree to seeking the advice of local jurisdictions as to how much we're going to charge them for the services we theoretically are providing them, which is a collective set of services that we all benefit from, not just Metro or not just one jurisdiction, but we all benefit from, whether that's a household survey, or regional data, or the latest, the public facilities planning effort that's going on. I think it's been successful in transportation and that we should capitalize on it.

Van Bergen:

Well, the key words I think were abide by their advice. I've been on this thing now for a year and a half, thereabouts, and JPACT was just a mystery to me as far as initials when I came, and it's still pretty much a mystery although I think I'm figuring it out. I think I'm finding that the people from the cities and the counties in the area get together and they--based on some happenings of anywhere from six months to ten years ago, they strike bargains and those bargains that they make as to who gets a stop light or an overpass there or whatever it may be, then come the advice to us and we abide by that advice. I don't recall one situation yet where we as a group have entered into any real discussion of any of the plans that come from JPACT and say no, we're not going to go with that. Now, maybe I've missed that one that we have declined to go along with, but that's my point. We abide by that advice to the point of servancy. And that's what I'm fearful of in this situation. I don't want you to stop exploring this thing but...

Gustafson:

You need to name an authority that Metro has, statutorily, that it has let JPACT dictate. The fact of the matter is that JPACT is a Metropolitan Planning

Organization required by the federal government, that is based on consensus building with all of the jurisdictions involved. There was one time, in my mind over the last five years, that the Metro Council has actually exercised its authority and that's in the adoption of the Regional Transportation Plan. And the Metro Council was deeply involved that because that's a direct statutory responsibility. The remainder of our transportation function today, other than the authority to take over Tri-Met, rests in federal requirements for consensus building, and the Regional Transportation Plan. We need to make a distinction between how we act in the capacity as a coordinator, where we should abide by the collective advice, versus how we act in carrying out the state law which, in the case of transportation, set in the Regional Transportation Plan, in voting to take over the transit agency.

Waker:

If I may add a comment. I think that, Councilor Van Bergen, you're partially correct and partially incorrect with JPACT. The part you're correct about is that when we came along the pots, the E4 pots of money had been divided up essentially and those jurisdictions get to do what they want. Where you're incorrect is that that organization was very successful in getting the State of Oregon to spend state money in the metropolitan region--I wouldn't want to say to the detriment of others--but to the complaint of other parts of the state that we're getting more than our fair share. So I guess in the sense of it, of the metropolitan region, that organization is doing a heck of a good job for the region and getting more attention paid to us. So you're partially right, you're partially wrong.

Van Bergen:

The first thing I said at 5:30 tonight was that I was not after JPACT. I'm taking a little bit of a charge against JPACT if it be used as the example on which we're going to do these other things. And I appreciate all these things about the federal law. That's the reason I seldom say anything about it. We've got our representatives on there, this is fine. This federal money is not ours and hooray. But it's that concept of JPACT where the authority of that whole show is apart from this Council in effect. It's a different thing and I don't want to see that concept, frankly, applied to these other functions we might want to get into.

Gustafson:

But I think there are cases, I guess, where certain services that are of mutual interest that can be served more effectively through some kind of a coordination basis as opposed to strictly by the transfer of the authority.

Van Bergen: We're required to do that right now.

Gustafson: All we're attempting to do is to try to set up a structure so the coordination side can work and not--and we agree completely with not taking away any of the Metro authority. I think your concern is valid and all we're attempting to do is to argue that we're trying to represent your interests in saying that Metro should not give up any of its authority. For instance, I don't think Metro should say that the transportation planning authority, then, is the local officials responsibility. Right now the state law says that we set the regional functional plan and that we set a plan for sewers and we can set a plan for transportation. There's no proposal here to suggest that there's any dilution or diminishing of Metro's authority. I would not support that and I'm submitting that as a premise that we have. We've talking strictly about the area coordination where it's still as far as the policies are concerned, it's a voluntary participation of area entity in terms of the policy results. That group, for instance, should not vote either up or down to either force us to take over Tri-Met or to prohibit us from taking over Tri-Met. That's the business, and the state law is very clear whose responsibility that is, it's the Metro Council's responsibility, and there should not be any change in that. At the same time we're looking to try to set up a mechanism to continue the successful coordination effort, which I think you could argue, have been successful.

Siegel: Maybe just in expanding on that a little bit which is--I'm approaching this thing from really a different prospective. I'm really trying to look at the day to day work and what takes to get something done. And I think it is important to stress, and it's kind of re-emphasizing what Rick just said. I've been here for seven years and the only time I've ever gotten anything done is when we really went through that consensus building model. And I think it's important to understand that the Metro Council participates in that. It has, using JPACT as the example, three members on the committee, and I think if you gain a consensus with Metro Council participation, why should one feel compelled to have to be opposed to it.

One of the problems I've had is in the other areas besides transportation, I've had a major problem in getting to the point where I can actually have a consensus building operation. In transportation it's required by federal law and there's all kinds of money associated with it, so it's pretty easy there. Try to do it in any other area, okay. I know I can't get

anything done until I pull that off, but try to get to that point. I tried for about twelve months in the area of infrastructure, couldn't really do it. I couldn't really do it because when I tried to pull people together to get some local government involvement, which was the only way I was going to deal with the issue, everybody asked, well, why is Metro involved. And that was always the key question. What are you doing here, what do you have to offer? One of the reasons that the system is designed the way it is is to get those kind of agreements up front so that when we decide to go into an area such as urban services, when we think that's the right thing for us to do, we're trying to solve a regional problem, that we get some kind of organized fashion for getting all the people we're going to have to get agreement from to pull something off anyway, get that agreement up front that we're going to study this together. So I don't take a budget that's suppose to solve a problem and spend that entire budget trying to get to the point of putting an organization together to solve the problem. I think when you begin to examine what's being proposed, it's important for you to begin to recognize, if you will, some of the--maybe some of the less interesting issues, like authority I guess is real interesting issue, and get down to some of the more practical issues like how do you really efficiently use your money. How do you actually get things done. JPACT's only bringing in thirty to fifty million dollars a year in transportation funds. Last year we brought in forty percent of all the unappropriated federal transportation funds in the entire nation. I don't think you should worry so much about the fact that you agree with JPACT after you worked in coming up with a consensus opinion and it was so successful that you went along with it. There's nothing really that wrong.

Marge left me a note that said that if this issue of lost of authority or so on comes up, that you ought to point out that really what are we trying to do, and she said, one, we want to make sure that we're getting things done. I think that is the number one issue, and that is the number one issue that you ought to focus on--how do your really get things done. And second of all, and maybe this is a little more parochial, she says how do we make sure that we gain some credit from doing it, and I guess her note here goes on to say that, from her perspective anyway, this proposal is a proposal that gets things done and has Metro's name associated with getting things done. She also goes on to point that Metro continues to control the ordinance which set up this particular structure, the staff, the overall budget, the collection of

revenues, and the ultimate buy-off on regional recommendations.

Kirkpatrick: Councilor Bonner.

Bonner: I think there's another thing besides getting things done which was the right thing to do. In this case, although, I don't think anybody would disagree about coordination. We need to find some way to make the actors in the region act like a team because that's the way you will get something done. But, and so, I don't have problems with trying to find that kind of thing with local governments and so on and so forth, and it's particularly nice if they paid for it themselves. But the part that concerns me a little bit is that when it gets to the larger thing and I look over to this other place where it says, can we get--will the state legislature decide that we will have some general purpose or other kinds of authority which does not require that we get the approval of the local governments, which is free of it. Because it's more than just the authority issue with me, it's sort of like, will they therefore be able to set the agenda. Will they constrict it down to what they want to handle. They don't want--I mean, some of the things we might want to look at, they would absolutely be mortified about, okay. So, to me this other part of the package, you know, is the one I keep worrying about a lot. Can we get some money from the state legislature to make sure that in areas where we are not doing things which we think are right but which you could never get this other group ever agree to do. Will we have the money to at least look at that. Give the citizens, not the local elected officials, but the citizens of the region an opportunity to look at that and decide. Not let it get stopped there, okay. So, now, to the extent that such another effort is going on in this--and even to the extent that those local elected officials would help us get to some general funds, and elevate this thing to equal importance with this thing called coordination of local government and get working on that, I'm much worried about this thing over here. And the other thing is that if it takes a so-called JPACT model, okay, I assume that means that it's like the JPACT we have here now, right. What happens is that they basically advise the Council, and we have a working arrangement with JPACT and I don't know--probably not all the members of the Council are that comfortable with it but I'll bet you a good majority of Council is comfortable with JPACT and the relationship we've worked out over a period of years. If we are sticking close to that, and not getting very far away from that, we at least have got something that we could try

for a couple of years, or a few years, or whatever. Try it. As long as it's like Councilor Van Bergen is saying, don't put this in the state laws for God's sake. You know, keep it here locally where we can adjust it and tune it up to what we need. That makes me a lot more comfortable if I'm going to see something that I've already seen. And if we can get some serious efforts going to make sure that we don't have to do just what they permit us to do. We have some other options and we have another--because we have another audience, the regional citizens.

Gustafson: That's excellent input because it has to be understood and I'm assuming this is, again a principal of the Council, that this whole idea of advice or whatever is based upon the approval of a general fund taxing authority for Metro. Without it, the legislature and us are both left out without a fund to pay for general costs. The dues have been used for that purpose. Without the general fund, any notion of sort of tighter restriction on where the dues go just can't be agreed to.

Waker: Well, I lost the thread of my--Ernie made a lot of points there, but the one point he made was a question that he asked that somebody on the Council asked me when I was seeking appointment. And the question at the time was whether I was going to act in the interests of my district or was I going to act in the interests of the Metropolitan Service District as a region. And the answer I had at the time was, I didn't know, it all depended, and I think that same--I mean, that's the same answer that you have to presume that people have good intentions and that they will, when necessary, act in the best interests of the region and not parochially and we'll never know and we'll never find out unless we try it. It's just like you never knew about how I--what I would do until you tried me and I'm not sure what you decided though what I'm doing but I think, you know, it goes both ways depending on where you see your duty.

Bonner: I'm sure the local governments will never see their interests as regionally. It's a question of interests. It's not a question of good will, it's a question of interests.

Waker: Yeah, but in a sense an organization like this kind of creates the opportunity to divide and conquer in a friendly way, if you know what I mean. That is, their not all going to have the same sore spots and so you may find that one of them may not be too happy with the topic at hand but the rest of them may sincerely think that it's worth studying. And so that topic

will get studied without us being the sole source of the pain, therefore, have a better chance to reach a successful conclusion.

Gustafson: But a principal in this is that no authority is taken away from Metro and given to this committee. That's a principal that there isn't a requirement that in order for us to put a levy on the ballot for libraries that we have the approval of this committee.

Bonner: I hope I didn't imply that. Just one more question, Councilor Waker.

Kirkpatrick: Who didn't sleep at all last night.

Waker: I didn't sleep a wink at all last night.

Bonner: Does that mean that you foresee much of the efforts of the Council and questioning or probing other areas or offering choices out to the citizens about how they want to deal with a certain regional problem--you see most of that as actually originating and being taken care of by the IRC.

Waker: I see the IRC as an opportunity to deal more effectively with some of those questions possibly. A couple of things--this is the last time I'll say it tonight. But a couple of things that bothered me was last year when the Futures Forum took a poll, found out that a lot of things needed to be changed but there wasn't anyway--the least likely group to get it down was government itself, which bothers me. Secondly, we have made some investments--we've made some investments of public dollars in studies to look at urban service cost issues and yet as we sit here today, we don't have any method to get a return on our investment in any dynamic way. We can hope, but I'm not going to hold out much hope that when local governments receive their reports they'll say, ah ha, we ought to do this. So I'm kind of concerned that we ought to try and seek some way to where they have to say, ah ha, we ought to see if we can get so and so to do something about this. We don't really have a way to get our money back so to speak. We may find out some interesting things but we don't have, I think, the means to do anything about it. So, those are my last two things.

Kirkpatrick: Other comments. Do you have enough direction, too much direction?

Gustafson: Where should we go from here? Should we come back on the 28th? Believe me this debate has been internal and with the Council as to exactly what it is that

we're doing, and there's a lot of uncertainty and concern about it and it's very important for the Council to feel comfortable, and I agree completely with Gary that we really have to have almost unanimous, at least comfort, if not support with this whole idea, because it's a critical part of the package for the organization's future. Do we need to do more, provide some more information?

Waker:

Well, I think the answer is that staff, if you will, ought to meet with Councilor Hansen individually, so you can have a thorough discussion and a less voluminous format, and others on the Council and talk about how, you know, the whole philosophy of how this proposal got put on paper. I think that would help Councilor Hansen and perhaps others if their not sure where they're at to understand it. That would be my suggestion. And when you get that all done, then bring it back here and let's do something about it.

Kelley:

It looks like it's sized down just from the discussions. I think that was perhaps one of the problems of the proposal was that it's bigger than a breadbox, that it would require legal action, that it would be in concrete, and the agenda or the charge of these people was rather ambiguous. I think if I were going to make a suggestion it would be to make the charge of the committee a little bit more precise so we can understand exactly what is expected of them, and what the outcome would be, and to size down the whole thing so that it would be easier for us to assimilate.

Kirkpatrick: Other comments?

Bonner: Didn't Development Committee--do they have a recommendation about this?

Kelley: We've had some discussions that were very similar to the ones that we are having tonight but no recommendations have been made by Development.

Bonner: Would there be any value in having the different councilors grapple with it and...

Kelley: I think that would be very valuable.

Bonner: Do you think the Councilors could help convince the Councilors?

Kirkpatrick: The Development Committee has to convince the Services Committee.

Bonner: What Councilor Waker's saying, I think, some more information has to be provided some Councilors. But maybe you ought to take it upon yourself the task of putting a group together to carry the battle to the Council with Councilors.

Kirkpatrick: Okay, I'm willing to do that.

Hansen: In other words, you give the Solid Waste Systems Plan to Development and have Services hold the hearings on...

Siegel: Just a little clarification. Again, one must remember that the final proposal will be here in September and so for those thing it's too late, it's actually pretty early. But the one thing that we had intended, and I just want to know where this fits into your thinking now was to get a group of Councilors together with a group of local elected officials in July to begin to actually formulate a final proposal. Again, this was only meant to serve as a mechanism for those discussions. Do you want to--certainly the staff can meet with whichever Councilors need additional information or discussion on this issue as quickly as possible. But do you want to have some Councilor to Councilor discussions in the next month and still proceed to a Councilor to other local elected official session in early July. Is that still where we are as per the recommended schedule?

Kirkpatrick: I think as long as we're not going to those elected officials with a proposal but only seeking their information and their input at that point, it's okay. I would not, though, like to go to elected officials from those jurisdictions with a proposal when there's this much disagreement on the Council.

Van Bergen: May I enter just a second before Mr. Waker gets out of here. I've had this thing come up in Development Committee a couple of times and it's always been presented the same way, and this isn't a cheap way out now. I don't want it to sound that way. But you guys outline the prospectus for us, and it's been always been let's get some responses from you, what you may think. And I don't know, my lifestyle is, you frame the issues more clearly when I want somebody to judge on it, my work, and we spend a lot of time framing those issues clearly so that someone can judge them and say we are right and we are wrong. And we've done the same thing again here tonight. You guys are really pretty brilliant in giving us something that's fairly mushy. I don't mind coming up with a hard response to what you might success and I'll accept that you're only suggesting it. But it's not specific

enough. I don't see anything in here until the last few minutes where you have had to emphasize five times in a row that we will not be bound by what this damn committee says, you know. You've effectively said that here the last three or four times, and now I hear it. But I didn't hear it reading this report. I think that's a real concern. It's waffley. And no one is going to get fired because they put it down hard.

Gustafson: Well, it's...

Van Bergen: How many people are going to be on the committee--five! And what programs will they have to possibly set up these separate committees--A, B, C, D, and E, that's it. No more further Council approval.

Gustafson: There are two things and maybe we can do a fair job of describing. There are two issues going on here. First, there's the coordination thing which is always going to be loose, and then there's specific Council action. There's two things in hard language that you need to do. One is develop a legislative proposal and language, and we'll have that for you in the next meeting, the specific language that we would propose--not necessarily the ones that the legislators will support but we would propose. The second thing is a Council ordinance creating a local officials committee. And that's fairly hard too, specifying members and all that sort of thing. Although it does depend upon the legislation that you draft. So we can provide you those two products which are your specific actions. So that part of it is hard. The soft part is still, well, what is this coordination body do and then that's when the room starts swaying because it sort of depends on how effective they are. No one predicted when JPACT was formed in 1979 that they would develop a single regional position for the six year construction plan of the State of Oregon, which we did this year and got fully adopted. If we had proposed that in 1979, it never would have happened. You have to sympathize that this is not easy, and I've been trying to do it since I got here in 1979. I've been trying to structure some kind of a meaningful relationship and this is, believe me, so clear to me in comparison to what we've been looking at before that I'm overwhelmed.

Van Bergen: I'm very happy for you.

Gustafson: But we can bring those two things back, which is legislation and the Council action, the specific places where the Council exerts control.

Siegel: Next meeting? I don't think you can, I'll tell you the truth. Because I think really what you have to do is you got to go forward a little bit and agree on a basic concept and then work out a couple of details with local officials before you can actually pin down some of those specifics.

Bonner: Why couldn't a small committee of the Council established by the Presiding Officer work out something that's fairly specific along the lines Councilor Van Bergen's been talking about.

Gustafson: There's one reason why.

Bonner: And that's not adopted by the Council, okay, that's not official. That's not something we're laying down as a gauntlet, although it would be a starting point, but it would be more specific. I'll tell you it is hard. It's hard to buy into something that isn't a little more specific.

Siegel: What's unspecific?

Bonner: Well, like some of the issues we just talked about, like Councilor Van Bergen was saying. Making sure that it's clear where the final authority, I think, is is one thing that I know you don't want to bring up but that's what's making people a little unsure.

Siegel: It's not that it's not brought up, it's not affected by what's being proposed. There's a million things that are not affected by what's being proposed and they're not stated at all in that particular document. I don't know how you can flip--I think you have to look at it for what it is and it actually is reasonably specific. It says that you will establish a committee of local government officials that will either recommend or approve a budget, and it's those two options, and one of those options has got to be selected. I think once that occurs...

Bonner: We've made the decision on recommend or establish, right. Have we given guidance about that tonight?

Siegel: Well, you don't have to negotiate with us. We agree.

Bonner: No, I understand.

Siegel: But you see, I think you need to have that kind of conversation with the local elected officials to get that squared away. I think once that's squared away, the legislation and the ordinance become real simple.

Kirkpatrick: Councilor Kelley.

Kelley: I referred before the agenda of this task force or the subcommittees, or whatever this is, and I'm going to go back to it and say, it says to discuss issues of regional and mutual concern. I've heard that a few times and I still don't know what that means. What do you mean, mutual and regional concern?

Siegel: Describe the word "regional". Metro's been trying to do that for five years now. But, the point is, I think it's simple that when the consortium of people that are putting money into this pot agree that they have mutual interest that they want to study together, that's the issue, that is what that work program becomes. It can be parks, it can be criminal justice, it could be transportation, it can be all the above.

Kirkpatrick: Councilor Waker.

Waker: There's something else not in there and that is what happens, for instance, if it was parks. What happens if this group studies parks and determines that there ought to be a regional parks system. Then they also have to decide whether that system ought to be governed by a new regional park board or whether that system ought to be assigned to the Metropolitan Service District. Whichever way they choose, if that becomes law, then that group will no longer be dealing with regional parks. Their duties will have been discharged. We will then do it or some other group will do it, and that will become then not on their agenda anymore. They'll be done with it. So it becomes a vehicle to make things happen that they will no longer have control of, or even interest in.

Kelley: Or these five or twenty-five or whatever people could decide we aren't going to do regional parks.

Waker: Frankly, I must presume that if they staff the committee and write the agendas and staff reports, there'll be some opportunity to put things on for discussion that are of regional interest and are important and will get discussed, and that some rational conclusions will be reached. If they're not, then we'll have to reconsider what we're trying to do. We have to assume that the people will do--act in the best interests of the region until proven otherwise.

Kirkpatrick: Councilor Bonner.

Bonner: With reference to that, though. The JPACT charge remains as it is here and it's specific--reviews and advises on all matters forwarded by TPAC concerning transportation or air quality. So JPACT is specific. This other thing is hovering above everything--give me some violin music.

Gustafson: Wait a minute. Our proposal is very specific--it's JPACT-like.

Bonner: Now Councilor Kelley's question is what is the specific charge, and I'm saying that standing subcommittees of this will have a specific charge, like JPACT would be a standing subcommittee of this, whatever it is, and it has a specific charge. It's just that--why is it so hard to write something more specific than...

Waker: Because it will be limiting also.

Gustafson: I think the specifics that you're looking for...

Waker: You're going to limit yourself right off the block.

Gustafson: The Metro Council will designate the membership of the Committee, that they will review the budget annually, but it will be advisory to the Metro Council, and that their primary job is to review the budget and work with the Metro Council in appointing task forces. Is that the specifics you're looking for.

Bonner: Right. It would review a work program. It would review a budget. It would make a recommendation, advise the Council.

Waker: Councilor, all you have to do to kill this whole thing is to make a shopping list. Say this group is going to look at regional parks. That's all you'll need to never have it happen. Or look at regional anything, name it. The way to get it off the ground is to not name anything. Let the group work out its own agenda, and hope that they do the right things.

Gustafson: There's a second point which is about this specifics. Yes, it should be specific but it's important for this Council to make sure that it has, of all of the needs that you're developing this evening, that you have some idea of what's really important and what's not really important, and what's a sensitive cord with legislators or local government officials, or your other constituents. So that you make sure as you're developing the specifics of this proposal, you don't sink it before it gets off the ground.

Van Bergen: I admit that any enabling action you want to draw has to be general in scope. And that's the way it is with every damn agency in the state because the legislature has this problem with everything that comes up, they cannot be specific. But what we're talking about here tonight are the regs or the ordinances of what's going to be and at the same time you're talking about what type of enabling act you're going to take down to the legislature. Now, I'll go along with you. It's going to be weasel words and all the rest of the goo gooey you're going to send down there and you're going to tell these folks you're going to--I'm concerned before we endorse this damn thing to take it down there that I have a pretty good idea of what you're going to do with it once it gets done, and you have the opportunity to do that.

Kirkpatrick: And that's why Rick offered to draft an ordinance for us to look at, but Steve's afraid of that, that local jurisdictions will view that as...

Bonner: There is some language here that's more specific, Councilor Kelley, which I think is a good base. It's on the bottom of attachment "A". Actually, as I go back and look at that, that's...

Waker: May I be excused.

Kirkpatrick: Thank you for your good input.

Kelley: Item 1, that is clear direction, and I'm comfortable with what is being presented to us with that language. I'm not sure what item 2 means. If item 2 was true then the paragraph that follows on item 3 maybe says the same thing, I'm not sure.

Gustafson: What's item 2?

Kelley: It says, "The subcommittees and task forces will serve as a vehicle to discuss issues of regional and mutual concern. Each subcommittee will be charged with drawing consensus conclusions and serving as spokesman for the regional consensus in its particular area."

Bonner: There's other things they do. They don't just discuss. They review and recommend. That could be worked out, right?

Kelley: Yes, it could.

Siegel: I'm sorry. Can you just repeat that concern?

Kirkpatrick: It's on the tape.

Siegel: Now I've got to listen to three hours of tape.

Kelley: I simply read the paragraph on page 2, starting with "The subcommittees and task forces will serve as the vehicle to discuss issues of regional and mutual concern. Each subcommittee will be charged with drawing consensus conclusions and serving as spokesman for the regional consensus in its particular area," etc., etc. I'm not sure what that means and I don't think it gives us any clear direction as to what you're trying to tell us. And if, as Councilor Bonner pointed out, it isn't like JPACT in that regard.

Siegel: Is it not like JPACT?

Kirkpatrick: The steering committee would not be, is that what you mean.

Siegel: Here we're talking--that paragraph is not referring to the steering committee. I don't want to belabor the point but we do want to--we're going to come back and fix this all up and I just want to make sure I catch this point. What is the difference between this and JPACT? Or why is this less clear than JPACT?

Bonner: JPACT has a specific charge.

Siegel: Which is?

Bonner: Review and recommend and advise on all matters in transportation, blah, blah, blah....

Siegel: What this says is that the charge of each task force would be--a very specific charge for each task force would be established when that task force was called for in the work program. Okay, so if you have a parks task force, it will have the same charge essentially, I suppose, as JPACT would but for parks.

Bonner: I think basically all you have to do is you have to say that one standing subcommittee will be JPACT, it has the following charge, blah, blah.

Siegel: Okay.

Bonner: I mean because I think that's what you're talking about. In other cases, I don't know if you can be more specific in other cases or not, but you certainly could about JPACT.

Siegel: What is important is that--maybe this is some of the problem. When we say draw a consensus conclusions, that sounds a little mushy I suppose, but that is really what it's going to have to do because it will not have any decision-making authority. That is essentially what JPACT does.

Bonner: They'll vote.

Gustafson: JPACT very seldom votes.

Bonner: They take some official action by....

Gustafson: By consensus.

Bonner: If there are no objections, I assume this is unanimous, that kind of thing.

Siegel: Yeah, but there's no decision. It's a way of reaching--knowing if you have a consensus or not.

Gustafson: Example, you can vote and give money to the state for 217 Sunset Highway but the Oregon Department of Transportation will determine if they build it.

Bonner: But that's in the nature all these advisory committees.

Siegel: Right.

Bonner: Somehow I think we are not communicating.

Gustafson: I think we've...

Bonner: Enough output.

Kirkpatrick: I will put together about three members of the Council to work with the Executive Director and Steve on this issue, both in terms of working with the other Councilors and with other elected officials, and do that before our next meeting.

If there is nothing else to come before us, we are adjourned.

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