

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING A) RESOLUTION NO. 85-544
COUNCIL POSITION ON PROPOSED)
LEGISLATION ESTABLISHING A STATE) Introduced by
ADVISORY COMMISSION ON INTER-) Councilor Ernie Bonner and
GOVERNMENTAL AFFAIRS) Executive Officer Rick Gustafson

WHEREAS, Government's ability to effectively and efficiently deliver services to our citizens could be enhanced by improving the structural, functional and financial relationships which currently exist among federal, state and local governmental entities; and

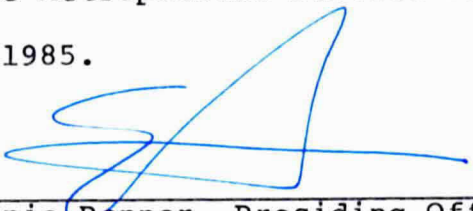
WHEREAS, No formal mechanism currently exists to share information about current developments in local government operation with all of Oregon's cities, counties and special districts; and

WHEREAS, Such information-sharing is a necessary precursor to more efficient and effective service delivery to the public; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District supports passage of House Bill 2308 which would establish a Commission on Intergovernmental Affairs to provide a formal mechanism for sharing information directed at improving the ability of all levels of government to serve the public.

ADOPTED by the Council of the Metropolitan Service District
this 28th day of February, 1985.



Ernie Bonner, Presiding Officer

House Bill 2308

Sponsored by Representative McCracken, Senator Otto

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Creates Commission on Intergovernmental Relations. Establishes terms, qualifications, number and method of appointment of commission members. Prescribes duties, powers and functions of commission. Appropriates \$140,000 from General Fund, to commission.

A BILL FOR AN ACT

1
2 Relating to the Commission on Intergovernmental Relations; and appropriating money.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** As used in this Act:

5 (1) "Commission" means the Commission on Intergovernmental Relations established by section 2 of this
6 Act.

7 (2) "District" has the meaning given that term by ORS 198.010 and, in addition, means a council of
8 governments established under ORS 190.003 to 190.110 and a local government boundary commission formed
9 under ORS 199.410 to 199.519.

10 (3) "Local government" includes a city, county and district.

11 **SECTION 2.** (1) There is established the Commission on Intergovernmental Relations consisting of 14
12 members appointed as provided in section 3 of this Act and the executive secretary of the Commission on Indian
13 Services who shall serve as a member of the commission *ex officio*.

14 (2) The term of each appointed member of the commission is four years and shall begin on January 1 in an
15 even-numbered year. Before the expiration of the term of an appointed member, the appointing authority shall
16 appoint a successor. A member is eligible for reappointment. If there is a vacancy for any cause, the appointing
17 authority shall make an appointment to become immediately effective for the unexpired term.

18 (3) Members of the commission are not entitled to compensation for service on the commission. However,
19 in accordance with the rules of the commission and ORS 292.495 (2), members may be reimbursed from funds
20 available to the commission for actual and necessary travel expenses incurred by them in the performance of
21 their official duties.

22 **SECTION 3.** Fourteen members of the commission shall be appointed as follows:

23 (1) The Speaker of the House of Representatives shall appoint two members of the House of Representatives
24 to the commission.

25 (2) The President of the Senate shall appoint one member of the Senate to the commission.

26 (3) The Governor shall appoint to the commission:

27 (a) Two county officers, at least one of whom shall be popularly elected.

28 (b) Two city officers, at least one of whom shall be popularly elected.

29 (c) Two district officers, at least one of whom shall be popularly elected.

NOTE: Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.

1 (d) One member of the Governor's staff.

2 (e) Two heads of administrative departments in the state government.

3 (f) Two residents of this state who are not public officers or employes.

4 **SECTION 4.** The Commission on Intergovernmental Relations shall:

5 (1) Elect from among its members a chairperson who shall serve for a term of two years.

6 (2) Prescribe its internal organization and adopt rules to govern its proceedings.

7 (3) Meet at least once every three months.

8 (4) Study the structural, functional and financial relationships among federal, state and local governmental
9 entities, issue findings and recommendations regarding those relationships and publish reports regarding them.

10 (5) Propose constitutional amendments, statutes, charter provisions, ordinances, administrative rules and
11 other measures that would, if adopted, implement the recommendations of the commission.

12 (6) Publish annual reports of current developments in state and local government in Oregon and of the
13 activities of the commission.

14 (7) Provide notice to, and solicit information, advice and assistance from, state and local governmental
15 entities and nongovernmental persons and institutions concerning any activity of the commission that might
16 affect those entities, persons and institutions and offer them the services of the commission.

17 **SECTION 5.** The Intergovernmental Relations Division of the Executive Department, upon request, shall
18 provide the commission with professional, technical and clerical services. The commission may also contract
19 with units of the Department of Higher Education or with other public or private persons for other specific
20 services.

21 **SECTION 6.** The commission may apply for and receive funds and other assistance from governmental and
22 nongovernmental sources. The Executive Department shall account for the income and expenditures of the
23 commission separately from other governmental accounts.

24 **SECTION 7.** For purposes of ORS 182.605 to 182.635, the Commission on Intergovernmental Relations is
25 an agency.

26 **SECTION 8.** (1) Notwithstanding the term of office specified by section 2 of this Act, of the 14 members first
27 appointed to the commission, seven shall serve for terms ending December 31, 1987. The seven members shall
28 be determined by lot in the manner prescribed by the commission. The remaining members shall serve for terms
29 ending December 31, 1989.

30 (2) Notwithstanding subsection (1) of section 4 of this Act, the Governor shall designate a chairperson pro
31 tempore who shall preside over the deliberations of the commission until it organizes itself and elects a
32 permanent chairperson.

33 **SECTION 9.** There is appropriated to the Commission on Intergovernmental Relations, for the biennium
34 beginning July 1, 1985, out of the General Fund, the sum of \$140,000 for the purpose of carrying out this Act.



Memo

Agenda Item No. 7.4

Meeting Date Feb. 28, 1985

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

Date: February 20, 1985

To: Metro Councilors

From: Phillip Fell, Acting Public Affairs Director

Regarding: Resolutions on proposed legislation

**RESOLUTION NO. 85-543 FOR THE PURPOSE OF ADOPTING A COUNCIL POSITION
ON PROPOSED LEGISLATION EXTENDING ENERGY TAX
CREDITS**

The Metro Council has adopted positions favoring energy recovery facilities and recycling as methods of waste management. Oregon's Energy Tax Credit program is an important component of financing these energy recovery facilities by virtue of making them cost-effective to construct. Staff contacts with several area recycling firms indicate that these firms would not have invested in necessary equipment if they had not been able to count on the tax credit offered under the existing program. This program is scheduled to sunset this year unless H.B. 2053, which would extend the program until 1991, is passed.

**RESOLUTION NO. 85-544 FOR THE PURPOSE OF ADOPTING A COUNCIL POSITION
ON PROPOSED LEGISLATION ESTABLISHING A STATE
ADVISORY COMMISSION ON INTERGOVERNMENTAL
AFFAIRS**

Overlapping responsibilities and duplication of services have long been problems which all levels of government have tried to reduce. They contribute to an inefficient allocation of both functions and finances among governments and a public perception of government which is out of control and wasteful.

The Federal government acted to reduce these problems in 1958 by creating a Federal Advisory Commission on Intergovernmental Relations. Since that time, the ACIR has encouraged a reevaluation of relations between the federal and state governments which has reduced the duplication of services among levels of government. H.B. if passed, would create the same type of commission focusing primarily on state and local relations. The commission would be charged to recommend changes in the structural, functional and financial relationships existing among Oregon's cities, counties, special districts and the State. Although the Commission's authority would be limited to making recommendations, an analysis of the

existing relationships by an independent third party is clearly the first step toward reducing existing inefficiencies in governmental service provision.

RESOLUTION NO. 85-545 FOR THE PURPOSE OF ADOPTING A COUNCIL POSITION
ON PROPOSED LEGISLATION MODIFYING STATE
LANDFILL SITING AUTHORITY

Although the Metro Council has not introduced any legislative proposals seeking to streamline the landfill siting process, we are aware of the existence of at least one such bill. At its special Council meeting on the Legislature, the Council decided that it would be easiest to evaluate those principles which such a bill should contain, rather than attempt to analyze any specific bill when we aren't sure that we have all related bills in our possession. Accordingly, Resolution No. 85-545 contains the five principles which the Council had discussed prior to this date. Of these five principles, the greatest controversy has surrounded the proposal that statewide land use goals are a more appropriate criteria than an acknowledged comprehensive plan.

RESOLUTION NO. 85-546 FOR THE PURPOSE OF ADOPTING A COUNCIL POSITION
ON PROPOSED LEGISLATION ALLOWING METRO TO
CREATE CITIZEN COMMISSIONS

Citizen commissions are a time-honored Oregon mechanism for involving the public in administering the provision of various services. Local governments and the public at large are looking to Metro today as a vehicle to provide additional services, such as parks, on a regional basis. Should Metro actually assume a greater service delivery role, the Council should have the option of using citizen commissions to provide those services. Legislation which was originally introduced as an amendment to a Metro bill, would provide us the necessary authority, which we currently lack, to appoint citizen commissions. These amendments have since been introduced by the House Intergovernmental Affairs Committee as H.B. 2558. The language in the bill is exactly the same as the language in the attached amendments.

RESOLUTION NO. 85-547 FOR THE PURPOSE OF ADOPTING A COUNCIL POSITION
ON PROPOSED LEGISLATION TO PROTECT EXOTIC
ANIMALS

Under current law, a person can keep exotic animals without regard to any safety or hygienic standards as long as that person does not exhibit or sell the animals.

In September of last year, a raid on the Siletz Game Ranch resulted in the owner's arrest on charges of animal cruelty. Because the owner did not exhibit nor attempt to sell the animals, State Police were forced into an after-the-fact enforcement situation.

Legislation recently introduced in the Senate would require all keepers of exotic animals, for whatever reason, to comply with the regulations of, and receive a license from, the U.S. Department of Agriculture. The U.S.D.A. regularly inspects its licensees, such as the Washington Park Zoo, to assure that the animals are receiving

a certain standard of care. Passage of this legislation would provide authorities with a necessary tool to prevent animal cruelty, rather than limiting them to arresting an irresponsible keeper after-the-fact.

RESOLUTION NO. 85-552 FOR THE PURPOSE OF EXEMPTING METRO'S ZOO AND SOLID WASTE SERVICES FROM A SALES TAX

Although the House version of a state-wide sales tax has emerged from the Revenue Committee, the final form of the sales tax will be determined by the Senate Revenue Committee. One of the more controversial elements of the tax plan has been the question of local government's responsibility to pay a sales tax on their purchases. Local governments have consistently pointed to the irony of being forced to increase either property tax revenues or fee schedules to raise the money they would be forced to pay the State in the form of a sales tax levied on their purchases. Resolution No. 85-552 would give Metro's legislative representative the authority to seek exemption from the sales tax for solid waste disposal fees; zoo admissions and food purchased for resale at the Zoo in the event that the Legislature determines that local jurisdictions should be included in the sales tax payments.

PF/cam

9.2 Consideration of Resolutions for the Purpose of Adopting Council Positions on Proposed Legislation

Phillip Fell explained that as a result of the informal Council meeting of February 7, 1985, regarding Metro's legislative program, staff had prepared five resolutions for Council consideration on February 28, 1985. He encouraged the Council to review the proposed language of each resolution, ask questions and come back on February 28 ready to consider the following resolutions:

1. Resolution No. 85-543, Adopting a Council Position on Proposed Legislation Extending Energy Tax Credits (H.B. 2033)
2. Resolution No. 85-544, Adopting a Council Position on Proposed Legislation Establishing a State Advisory Commission on Intergovernmental Affairs (H.B. 2038)
3. Resolution No. 85-545, Adopting a Council Position on Proposed Legislation Modifying State Landfill Siting Authority
4. Resolution No. 85-546, Adopting a Council Position on Proposed Legislation Allowing Metro to Create Citizen Commissions (H.B. 2558)
5. Resolution No. 85-547, Adopting a Council Position on Proposed Legislation to Protect Exotic Animals

Executive Officer Gustafson asked the Council to review Resolution No. 85-545, regarding modification of state landfill siting authority, and recommend any language changes staff should consider before February 28.

Presiding Officer Bonner asked why paragraph 4 of the resolution wasn't stated more directly such as, "Allows a landfill to be sited outside the Metropolitan Service District as long as it is within the Solid Waste Management Plan area." Executive Officer Gustafson suggested it be worded, "Allows a landfill to be sited anywhere in the tri-county area." He said this would satisfy legal requirements of siting landfills only within the boundaries of the requesting jurisdiction. The Presiding Officer then suggested the following language: "Allows the site to be outside the boundaries of the requesting jurisdiction as long as it is within the boundaries of the Solid Waste Management Plan." The Executive Officer pointed out that language would allow any local jurisdiction to site a landfill in another local jurisdiction. He said the real question to be answered was which boundary would the state honor the solid waste planning agency designation or solid waste disposal agency designation in determining the boundary for the siting request.

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In response to Councilor Gardner's question, Executive Officer Gustafson replied he would like Metro to have the authority to request initiation of the state landfill siting process (as outlined in paragraph 3 of the resolution) and that Metro would be making this request as a solid waste planning authority for the tri-county area (per paragraph 4).

Councilor Kelley said she had copies of ORS 459.047 which she would distribute to the Council and explained if the legislation addressed in Resolution No. 85-545 were viewed as emergency legislation, it would be desirable to have a safety net if Metro failed to site a landfill on the local level. She said the prob'em with this plan was if the state assumed responsibility for the siting process, the state would not be required to secure local land use permits and Metro could end up "shooting itself in the foot." Metro's primary responsibility is to provide solid waste services and a plan for the region, including a landfill site, and it would be important for Metro to respect local rules and regulations in meeting these responsibilities, she explained. Councilor Kelley said the process Metro used for siting a landfill must have integrity and must be unrepachable.

Councilor Waker said he did not agree with Councilor Kelley's statement, especially since he had not heard any critical comments about the selection of Wildwood as a landfill site from any of his constituents. He said he was willing to take the chance to follow through with the Wildwood site because the selection process was defensible. To not follow through would doom Metro to repeating the same lengthy process, he said.

Councilor Hansen said he agreed with Councilor Kelley because the basic flaw with the Executive Officer's plan was the local jurisdiction that would have the new landfill sited within its boundaries would have to trigger the emergency siting process. He said he would be happier with the language suggested by Presiding Officer Bonner.

Regarding paragraph 5, Executive Officer Gustafson said he had added a qualifier that the State Land Use Goals would only be applied if local governments failed to select a site after given an opportunity to do so. This, he explained, was consistent with State Representative Mike Burton's proposed landfill siting legislation and would give local governments the opportunity to responsively exercise their authority.

Councilor Hansen requested copies of Representative Burton's proposed legislation be included in the agenda packet for the February 28 Council meeting.

Mr. Fell explained two additional resolutions would be presented to the Council on February 28. One would address whether food for resale at the Zoo, Zoo admissions revenue and solid waste revenue would be subject to a sales tax. Metro's position would be forwarded to the State Legislature for further consideration, Executive Officer Gustafson said.

Mr. Fell said the second resolution would address restricting Tri-Met's bond covenants. The Executive Officer said he would recommend the Council support a set of state bills which would enable Tri-Met to save money when issuing bonds. Metro should also support an amendment which would limit Tri-Met's ability to place covenants on the bonds as they relate to Metro's ability to assume responsibility for operating Tri-Met, he said. He explained this amendment would be necessary because conditions of one of the applicable bond covenants required that if the appointment authority of the Tri-Met Board changed, the bonds would not be due and payable.

Regarding Resolution No. 85-546, adopting a Council position on proposed legislation to allow Metro to appoint citizen commissions, Executive Officer Gustafson said Metro could not delegate to any commission the power to budget, tax and adopt ordinances. Councilor Waker suggested the second "whereas" of the resolution would be inconsistent with that policy. Executive Officer Bonner requested staff provide new language to reflect Metro's intent.

10. COMMITTEE REPORTS

Councilor Kirkpatrick reported the Intergovernmental Resource Committee (IRC) had held its first meeting, attendance and enthusiasm were high and participants asked good questions. She said the Committee would be meeting the next two Fridays to discuss the IRC budget and the Council was invited to attend these meetings.

Councilor Kirkpatrick said she and Councilor Waker had attended the National Association of Regional Councils (NARC) federal briefing in Washington, D.C., with Executive Officer Gustafson. During the visit, the President's budget was released. She reported the budget recommended eliminating such programs as revenue-sharing (which could effect the level of dues Metro collects from cities and counties), the Small Business Administration, Economic Development Administration, transit operating funds and Section 3 relating to transit. Councilor Kirkpatrick reported there was a strong effort to initiate a freeze on this proposed budget and much more discussion would result before any budget were finally adopted.

Councilor Kirkpatrick also reported a metro caucus is being formed and Executive Officer Gustafson had been instrumental in pushing for

Resolution No. 85-544, for the Purpose of Adopting a Council Position on Proposed Legislation Establishing a State Advisory Commission on Intergovernmental Relations (ACIR). Mr. Fell explained that HB 2308 (erroneously numbered HB 2803 in the Council agenda packet) would establish a state ACIR with a similar mission as the federal ACIR: to review the structural and functional relationships of federal, state and local governments and to suggest changes that would increase efficiency and effectiveness in delivering services to the public. The state ACIR would be composed of 14 members from cities, counties, service districts, the Legislature, the Governor's staff, and two members representing the public.

In answer to Deputy Presiding Officer Waker's question, Mr. Fell responded the main business of the Commission would be to prepare reports and make recommendations. They would have no direct powers.

Motion: Councilor Kirkpatrick moved the Resolution be adopted, noting the reference in the Resolution to HB 2803 be changed to read HB 2308. Councilor Myers seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Oleson, Van Bergen and Waker

Absent: Councilors Kafoury and Bonner

The motion carried and the Resolution was adopted.

Resolution No. 85-545, for the Purpose of Adopting a Council Position on Proposed Legislation Modifying State Landfill Siting Authority. Mr. Fell said Resolution No. 85-545 did not refer to specific proposed legislation, but rather to five specific principles: 1) protecting the people's environment; 2) reducing the time frame of the landfill siting appeal process; 3) permitting Metro to request initiation of the state landfill siting process; 4) allowing a landfill to be sited within the boundaries of Clackamas, Multnomah and Washington counties; and 5) if local governments fail to select a specific sanitary landfill site, allowing the criteria of an acknowledged comprehensive plan to be exchanged for state-wide land use goals. Mr. Fell explained if this Resolution were adopted, staff would be directed to take a position on proposed state legislation based on whether it would meet the above criteria.