

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING A) RESOLUTION NO. 85-546
COUNCIL POSITION ON PROPOSED)
LEGISLATION ALLOWING METRO TO) Introduced by
CREATE CITIZEN COMMISSIONS) Councilor Ernie Bonner and
) Executive Officer Rick Gustafson

WHEREAS, The Metropolitan Service District has the potential to provide additional regional services; and

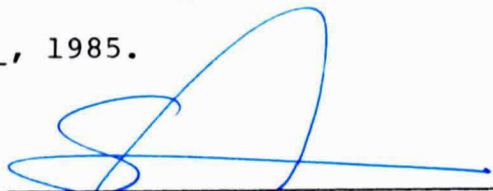
WHEREAS, It would be appropriate for Metro to possess the authority to provide these additional services through the use of citizen commissions; and

WHEREAS, The commission alternative is in the Oregon tradition of directly involving our citizens in the provision of services; now, therefore,

BE IT RESOLVED,

That the Metropolitan Service District supports the passage of House Bill 2558 which enables Metro to appoint commissions to supervise the delivery of services which Metro may be authorized to provide.

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


Ernie Bonner, Presiding Officer

PF/srs
2952C/405-1
02/19/85

1 PROPOSED AMENDMENTS TO HOUSE BILL 2036

2 In line 2 of the printed bill, after the semicolon insert
3 "creating new provisions; and".

4 After line 23, insert:

5 "SECTION 2. Section 3 of this Act is added to and made a part
6 of ORS chapter 268.

7 "SECTION 3. (1) A metropolitan service district may create by
8 ordinance commissions for all powers or functions of a metropolitan
9 service district as prescribed by law and including those in ORS
10 268.310, 268.312 and 268.370.

11 "(2) The ordinance shall describe the powers of the commission
12 which may include all powers of the council of the metropolitan
13 service district, except that the power to adopt ordinances and all
14 budget, revenue and planning authority remain in the council of the
15 metropolitan service district.

16 "(3) The ordinance shall describe the number of members of the
17 commission, qualifications of members, terms of office and method
18 of appointment."

This will be introduced as a separate committee bill



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. 2038, 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.

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 unreproachable.

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.

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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

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

Absent: Councilors Kafoury and Bonner

The motion carried.

Councilor Myers said he had read a recent report about Representative Burton's bill in the Oregonian and he asked if this report was based on a draft of the bill. Mr. Fell responded Representative Burton met directly with the press and no written text of the bill exists to date. Councilor Myers requested staff send Councilors a copy of the draft bill as soon as it is available.

Deputy Presiding Officer Waker requested staff notify those testifying on this issue of future meetings when the item would again be considered.

Consideration of Resolution No. 85-546, for the Purpose of Adopting a Council Position on Proposed Legislation Allowing Metro to Create Citizen Commissions. This Resolution would support HB 2558 which has been introduced in the House, Mr. Fell reported. Should Metro assume responsibility for additional services, the ability to use citizen commissions in administering those services would enhance the public involvement process and allow for the participation of experts.

Motion: Councilor Myers moved the Resolution be adopted and Councilor Kelley seconded the motion.

Councilor Van Bergen said he would not support the Resolution because he did not think citizen commissions were necessary. He said the Council was capable of handling all matters if services were added and to establish special commissions could be creating another layer of administration that could be difficult to monitor.

Jean Orcutt testified she was also opposed to the Resolution because it could present an opportunity for Metro to handpick commission members to promote government ideas. For example, she said, Metro contributed \$10,000 to the Columbia-Willamette Futures Forum Study, a so-called independent study, on regional government services.

Vote: A vote on the motion resulted in:
Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Oleson and Waker
Nay: Councilor Van Bergen
Absent: Councilors Kafoury and Bonner

The motion carried and the Resolution was adopted.

Consideration of Resolution No. 85-547, for the Purpose of Adopting a Council Position on Proposed Legislation to Protect Exotic Animals. Mr. Fell explained the Zoo had requested the Council take a supportive position on this legislation. Senate Bill 509 would be introduced as a direct response to animal abuse at the Siletz Game Ranch last fall. The current law allowed persons to keep exotic animals without regard to safety or hygenic standards as long as the animals are not exhibited or sold, he said. This proposed legislation would provide for law enforcement officials to prevent cruelty to exotic animals. He reported it appeared the U.S. Department of Agriculture would bear all administrative costs associated with licensing these animals.

In response to Deputy Presiding Officer Waker's question, Mr. Fell explained the penalties imposed under the proposed legislation would be a Class B felony.

Councilor Cooper asked which animals would be protected under the legislation. Mr. Fell recited a list of exotic cats, canines, primates and bears that would be protected.

Motion: Councilor Kirkpatrick moved the Resolution be adopted and Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:
Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Oleson, Van Bergen and Waker
Absent: Councilors Kafoury, Myers and Bonner

The motion carried and the Resolution was adopted.