

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING	)	RESOLUTION NO. 90-1361
A WORK PLAN FOR THE ANALYSIS OF	)	
ISSUES RELATED TO THE TRANSFER	)	INTRODUCED BY COUNCILOR
OF MASS TRANSIT SERVICES FROM	)	JIM GARDNER
TRI-MET TO THE METROPOLITAN	)	
SERVICE DISTRICT	)	

WHEREAS, the Metropolitan Service District has the authority under ORS 268.370 to order transfer of the transit system of the Tri-County Metropolitan Transit District (Tri-Met) to the Metropolitan Service District; and

WHEREAS, the Metro Council adopted Resolution No. 90-1293A on July 12, 1990, "Supporting the Merger of Tri-Met with the Metropolitan Service District and Establishing a Process to Pursue the Merger," which established a five-member Tri-Met Merger Subcommittee (the subcommittee); and

WHEREAS, the Metro Council adopted Resolution No. 90-1322 on September 13, 1990, "Approving a Contract for the Provision of Metro/Tri-Met Merger Services to the Council and its Designated Committees," which authorized a contract with Cogan Sharpe Cogan pursuant to their August 27, 1990, proposal; and

WHEREAS, Cogan Sharpe Cogan has submitted its report, "Analysis of Issues Related to Possible Merger of Metro and Tri-Met" to the subcommittee on November 27, 1990 (attached as Exhibit A); and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) submitted to the subcommittee on November 13, 1990, a report on the transit service and transportation planning implications of a merger (attached as Exhibit B), which included

among its conclusions that, "[t]he consideration of a Tri-Met merger should be delayed until the fall of 1991 after the completion of negotiations for the Westside Light Rail full funding agreement"; and

WHEREAS, the region's top priority transportation project is the construction of Westside Light Rail, which requires a commitment of funds from the 1991 Oregon Legislature and execution by September 30, 1991, of a full funding agreement between Tri-Met and the Urban Mass Transit Administration (UMTA) which stipulates 75% federal funding of the Westside Light Rail project; and

WHEREAS, efforts to secure full federal funding for Westside Light Rail should take precedence over other long-term transit issues until the full funding issue is resolved; and

WHEREAS, the transit service's governance structure is a legitimate issue within the broader discussion of how best to provide public services in the region; and

WHEREAS, the Metro Council recognizes the necessity of establishing a comprehensive and public process for examining the issues surrounding a transfer of the transit system, which process should include provisions for involving JPACT, local governments, citizens' groups interested in transit and transportation issues, and the general public in the identification and resolution of issues concerning transit service and transit governance; and

WHEREAS, Metro's ability to transfer the transit system from Tri-Met to the Metropolitan Service District now exists, and attempts to eliminate or modify the transfer provisions of existing

statutes in the 1991 legislative session may be counter-productive;  
and

WHEREAS, the Tri-Met Merger Subcommittee recommends that a thorough analysis be conducted of the issues involved in a potential transfer of the transit district to the Metropolitan Service District; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service adopts the following work plan regarding the potential transfer of the Tri-Met transit system to the Metropolitan Service District:

1. The Executive Officer shall prepare, as part of her budget proposal for the 1991-92 fiscal year, a request for funding a comprehensive study of issues related to transfer of the transit system to Metro. The budget request shall include, but not be limited to, a proposed timeline for analysis of the issues listed below, and shall also include provisions for the involvement of JPACT, local governments, interested citizens' groups, and the general public.

2. Issues to be addressed in the study shall include:
  - Development of a strategic plan to identify the relationship between the transfer and other immediate Metro agenda items, including development of a home rule charter, Metro's role in regional growth management, and resources needed to address multiple new initiatives concurrently.

- A detailed personnel study to identify what effect transfer would have on staffing and potential cost savings resulting from transfer.

- A determination of whether to refinance Tri-Met bonds, and the timing and financial effects of refinancing.

- Development of alternatives for long-range financing for the region's transit system.

- Identification of the positive and negative effects of transfer on transit service and planning.

- Effect of transfer on development and implementation of light rail expansion, particularly Westside Light Rail and Clackamas County Light Rail.

- Examination of the possibilities for reconfiguring the transit system to provide more flexibility in serving suburban areas.

- Development of local government concurrence on the structure of the region's Metropolitan Planning Organization following a transfer.

- Boundary issues, including a determination whether action by the legislature would be necessary to resolve boundary issues.

- Review of Metro's governance structure and contracting procedures in relation to carrying out transit responsibilities.

- Identification of time and costs required to absorb Tri-Met's control systems, including whether to fully or partially merge them.


3. The release of any Request For Proposals for performing any or all parts of the study shall occur upon resolution of the UMTA full funding issue.

4. The Metropolitan Service District's agenda for the 1991 Legislative Assembly shall include opposition to any efforts to repeal the existing provisions of ORS 267.020 or 268.370 pertaining to the relationship between Metro and Tri-Met. The Council and the Executive Officer shall encourage other governments in the region, including cities, counties, Tri-Met, and the Oregon Department of Transportation, similarly to pledge their opposition to repealing statutory language regarding the relationship between Metro and Tri-Met.

5. Metro will actively encourage local government participation in the review and analysis of the issues listed in #2 above, based on their recommendations in the JPACT report.

6. Upon completion of the study, Metro will conduct a series of public hearings throughout the district to solicit public comment on the study's findings. These hearings will precede consideration of the study by the full Metro Council and will be considered to be part of the process of reviewing the scope of issues related to a possible transfer.

ADOPTED by the Council of the Metropolitan Service District  
this 13th day of December, 1990.

  
Tanya Collier, Presiding Officer

Agenda Item No. 8.3  
Meeting Date: December 13, 1990

**INTERGOVERNMENTAL RELATIONS COMMITTEE**

**MINORITY REPORT**

RESOLUTION NO. 90-1361, ESTABLISHING a WORK PLAN for the ANALYSIS of ISSUES RELATED to the TRANSFER of MASS TRANSIT SERVICES from TRI-MET to the METROPOLITAN SERVICE DISTRICT

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Date: December 13, 1990

Presented by: Councilor Devlin

RECOMMENDATION

I recommend Council adopt Resolution No. 90-1361 as originally published, without amendments.

DISCUSSION

**The Resolution as originally published**

Resolution No. 90-1361 is a decision to make a complete study of the transfer of Tri-Met to Metro during FY 91-92, with any Request for Proposals to be released upon resolution of the UMTA full funding issue.

The Resolution represents an exchange of assurances: the transfer study will continue after the full funding process is finished, and during that time other jurisdictions will not disturb the statutory basis for the transfer.

The Resolution responds appropriately to the widely-held belief that active study of transfer before full funding for LRT is resolved would hamper the region's ability to advocate in unity for full funding and would endanger full funding at the state and federal levels.

The Resolution ensures that Council will be able to pursue two of its top priorities - full funding for LRT and continuation of the transfer study process - without endangering either priority.

The Resolution confirms Council's intent to continue the transfer study, and it outlines a work plan to carry out that intent. It directs the Executive Officer to include in her FY 91-92 budget a proposal following certain guidelines. It specifies issues to be included in the study, outlining a much more thorough study than

was conducted previously.

The Resolution is the outcome of a process of participation, study and comment. It resolves that the participatory and public nature of the process shall continue. It received the unanimous support of the Tri-Met Merger Subcommittee, which disbanded upon approval of the Resolution.

The Tri-Met Merger Subcommittee was an inter-agency task force which Council appointed to establish a process to pursue the merger. It considered comment from numerous jurisdictions, elected officials, and others. It took into account the results of a study it commissioned. The Subcommittee included three members of the Intergovernmental Relations Committee.

On December 13, 1990, JPACT unanimously recommended Council adoption of Resolution No. 90-1371 as originally published, without amendments.

#### **The Resolution as amended**

The amendments proposed by the Intergovernmental Relations Committee do not well serve either the Committee's stated concerns nor the Council's interests.

The amendments remove the core of the Resolution. They remove the certainty and the timetable for funding the study. They endanger the assurances which Metro gained that the transfer power will not be challenged. And, they may contribute to endangering full funding for LRT at the state and federal levels.

TRI-MET MERGER SUBCOMMITTEE  
COMMITTEE REPORT

RESOLUTION NO. 90-1361, FOR THE PURPOSE OF ESTABLISHING A WORK PLAN FOR THE ANALYSIS OF ISSUES RELATED TO THE TRANSFER OF MASS TRANSIT SERVICES FROM TRI-MET TO THE METROPOLITAN SERVICE DISTRICT

Date: November 30, 1990

Presented by: Councilor Gardner

COMMITTEE RECOMMENDATION: The Tri-Met Merger Subcommittee voted 5-0 to approve Resolution No. 90-1361 and forward it to the Intergovernmental Relations Committee with a recommendation that they forward it to the Council. Subcommittee members voting were Councilors Gardner, Devlin, and McFarland, Executive Officer Rena Cusma, and Tri-Met Board President Loren Wyss.

COMMITTEE DISCUSSION/ISSUES: Councilor Van Bergen attended the meeting, and was invited to participate in the subcommittee's discussion. He raised questions about references to the legislature's "intent" and "belief" regarding the benefits of consolidating regional services in general and transferring the transit system's governance from Tri-Met to Metro, specifically. He also asked whether the Executive Officer could actually perform all the tasks she would be directed to do in #1 and #2 of the Be it Resolved section of the resolution.

Councilor Devlin spoke to the sections of the resolution dealing with Metro's position regarding possible attempts to tamper with the "marriage clause" in the statutes. He stated that it would be inappropriate to put additional hurdles in the way of a transfer, and that Metro's ability to assume Tri-Met's bonds, or other issues, should not be tampered with. He thought this idea was implicit, if not explicit, in the resolution. He further stated that the list of items to be studied should not be considered all-inclusive: other items could be added later.

Councilor McFarland agreed with Councilor Van Bergen on the legislative intent statements. She stated that legislative intent can only be found out by talking with the legislators who voted on a measure. The only person to address the subcommittee who had been in the legislature at the time was Commissioner Earl Blumenauer, who said that the legislature included language authorizing a transfer as a compromise, and intended to remove it later.

Mr. Wyss advised that in attempting to discern legislative intent, we should consider the status of Metro and Tri-Met at the time the statutes were adopted. Both agencies were less mature then, and no one could have envisioned how they would develop. He said the resolution was timely and supportable, but he had problems with some of the Whereas statements which drew conclusions not supported by the Cogan Sharpe Cogan report. Mr. Wyss added that it has never been on Tri-Met's agenda or plan to attempt to change the legislation as it currently exists.



Councilor Devlin then moved to eliminate Whereas clauses 10, 11, and 12\* (see attached). He later added an amendment to his motion to include deletion of part of the subsequent Whereas.

After discussion of possible language of the latter amendment, the subcommittee voted 3-1 to delete Whereas clauses 10, 11, and 12. (Councilor McFarland was temporarily out of the room; when she returned, she stated that she supported the motion.) Councilor Gardner explained that he voted No because he supported a reference in the resolution to the potential benefits of a transfer.

Mr. Wyss moved an amendment to the next-to-last Whereas, as follows (words in [brackets] to be deleted, words underlined to be added):

WHEREAS, [retention of] Metro's ability to transfer the transit system from Tri-Met to the Metropolitan Service District [is in the best interests of the citizens of the region] now exists and attempts to eliminate or modify the transfer provisions of existing statutes in the 1991 legislative session [would] may be [inappropriate and] counter-productive; and

The amendment was approved unanimously, followed by approval of the main motion.

Mr. Wyss then voiced a concern that the resolution had no reference to the advantages and disadvantages of a governance change on Tri-Met riders and taxpayers.

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\* Much of the subcommittee's discussion concerned three Whereas statements which the subcommittee voted to delete. The text of those statements is attached to this report for reference.

#10. WHEREAS, the Oregon Legislature has established its intent that regional services be consolidated under one government wherever possible; and

#11. WHEREAS, the existence of the statutory provisions enabling Metro to transfer governance of the transit system demonstrates the Legislature's belief that transfer poses the potential long-term benefits of consolidating multiple regional services and providing direct accountability for transit service through an elected governing body which directly represents the citizens of all parts of the metropolitan region; and

#12. WHEREAS, transfer of the transit system's governance from Tri-Met to Metro poses additional potential benefits through improved coordination of land use and transportation planning, resulting in more effective management of the region's projected growth; and



**METRO**

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# Memorandum

DATE: November 26, 1990  
TO: Tanya Collier, Don Carlson, Gwen Ware-Barrett  
FROM: Casey Short *CS*  
RE: Resolution No. 90-1361

Resolution No. 90-1361 is the Tri-Met Resolution, "establishing a work plan for the analysis of issues related to the transfer of mass transit services from Tri-Met to the Metropolitan Service District." It will be before the Tri-Met Merger Subcommittee tomorrow, 11/27. From there it needs to go to IGR and then the full Council.

I spoke with Jim Gardner today about the timing of this. He would like to schedule it for IGR at its December 11 meeting, and bring it to the full Council on December 13. Although that's only two days' turnaround from Committee to Council, he preferred that to waiting until the next Council meeting, which is two days after Christmas.

Please let me know whether this schedule meets with your approval or if it causes any problems.

Thank you.

cc: Jim Gardner  
Martin Winch

**INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT**

RESOLUTION NO. 90-1361, ESTABLISHING a WORK PLAN for the ANALYSIS of ISSUES RELATED to the TRANSFER of MASS TRANSIT SERVICES from TRI-MET to the METROPOLITAN SERVICE DISTRICT

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Date: December 12, 1990

Presented by: Councilor Gardner

COMMITTEE RECOMMENDATION: At its December 11, 1990 meeting, the Intergovernmental Relations Committee voted 4-1 (Councilors Bauer, Gardner, Hansen and McFarland in favor, Councilor Devlin opposed) to recommend Council adopt Resolution No. 90-1361, with two amendments:

- 1 delete the phrase "as part of her budget proposal for the 1991-92 fiscal year" found at page 3, lines 10-11, and
- 2 delete all of paragraph number 3 at page 5, lines 1-3, "The release of any Request ... full funding issue."

COMMITTEE DISCUSSION/ISSUES: The Committee first considered Resolution No. 90-1361 with Councilor McFarland absent. Councilor Devlin moved approval. Councilors Hansen and Bauer were concerned about Metro blocking its ability to start the study until late 1991 because waiting that long could mean losing the initiative to the Charter Commission. Councilor Devlin explained the reasoning behind the Resolution: full funding for LRT is the top priority; the study could be perceived as endangering full funding by UMTA and the state; Metro won't have money for the study until next fiscal year; and, interested parties have promised not to interfere with the "marriage clause" in the interim. Councilor Gardner regretted the delay and said although the study should not affect full funding, the perception of harm was real; the study and possible transfer still remain the long-term goal. The motion failed 2-2 (Devlin and Gardner in favor, Bauer and Hansen opposed).

Councilor McFarland joined the meeting. The Committee agreed to reconsider. Commissioner McFarland moved approval of Resolution No. 90-1361, which she said is a decision to continue the study later. Councilor Hansen proposed the amendments described above. He said the issue is accountability of the transit governing board. Councilors Devlin and Gardner said the study remains Metro's top priority, and the Charter election probably would occur after mid-1992. Councilor Devlin said Council needs time to garner support for transfer. Councilor McFarland said the Councilors' role is to follow their own opinions of what is best. The Committee voted 4-1 (Bauer, Gardner, Hansen and McFarland in favor) to make the first amendment, and 3-2 (Bauer, Hansen and McFarland in favor) to make the second amendment. Councilor Devlin gave notice that he would file a minority report.