

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF SUSPENDING )  
NEGOTIATIONS WITH TRI-MET REGARDING) RESOLUTION NO. 92-1711  
DEVELOPMENT OF A JOINT WORK )  
PROGRAM TO STUDY POTENTIAL OF A ) Introduced by Councilor  
TRANSFER OF TRI-MET TO METRO AND ) Richard Devlin  
EXPRESSING INTENT OF THE COUNCIL )  
REGARDING FUTURE STUDY OF THE ISSUE)

WHEREAS, A merger of the Tri-County Metropolitan Transit District (Tri-Met) with the Metropolitan Service District (Metro) has been authorized since the enactment of Chapters 267 and 268 of the Oregon Revised Statutes, by the respective 1969 and 1977 Legislative Assemblies; and

WHEREAS, The Task Force on Metropolitan Regional Government was created by action of the 1987 Legislative Assembly, in part to examine questions relating to a merger between Tri-Met and Metro; before this body, Tri-Met raised questions regarding legal impediments needing legislative remedy; and

WHEREAS, The Council of the Metropolitan Service District, on June 23, 1988, adopted Resolution 88-943 supporting amending Oregon Revised Statutes to remove any legal impediments to the merger of Tri-Met with Metro; and

WHEREAS, After seeking the legal opinion of the Office of Legislative Counsel, the Task Force on Metropolitan Regional Government introduced legislation to the 1989 Legislative Assembly to make minor statutory amendments to remove legal impediments to a merger between Tri-Met and Metro; legislation failed to be adopted due to Tri-Met's lobbying efforts; and

WHEREAS, The Council of the Metropolitan Service District, on

July 12, 1990, adopted Resolution 90-1293A to establish a process to pursue a merger with Tri-Met; and

WHEREAS, The Council of the Metropolitan Service District, by minority report on December 13, 1990, adopted Resolution 90-1361 to establish a work plan for the analysis of issues related to the transfer of mass transit services from Tri-Met to Metro; activities suspended, at Tri-Met request, until completion of Westside Light Rail Transit full-funding agreement, then anticipated for September, 1991; and

WHEREAS, The Council of the Metropolitan Service District in June, 1991, adopted the 1991-92 FY Budget which included funds within the budget of the Office of Government Relations for a contractual study of issues relating to the potential transfer of Tri-Met to Metro; and

WHEREAS, The General Manager of Tri-Met, in his letter of March 31, 1992, requested Metro to withdraw release of a "request for proposal" for a study of transfer issues based on the following concerns: 1) the impact of "attendant speculation" of an imminent merger as it relates to Tri-Met's ability to gain a Full Funding Grant Agreement for the Westside Project; 2) a weakening of Tri-Met's status in the bond market; 3) a disregard for the commitment made in Metro Resolution 90-1361; and 4) an undermining of Tri-Met negotiations with the Amalgamated Transit Union; and

WHEREAS, On April 9, 1992, the Presiding Officer of the Metro Council introduced Resolution 92-1613, for the purpose of approving a "request for proposal" for the financial impact study of a Tri-

Met - Metro merger; and

WHEREAS, The Council of the Metropolitan Service District, on April 23, 1992, unanimously adopted a motion to delay action on Resolution 92-1613 and direct the Executive Officer to work with the Tri-Met General Manager and Council Presiding Officer to develop a work plan for the two agencies to examine merger issues; and

WHEREAS, On May 27, 1992, the Tri-Met General Manager, after one brief meeting with the Metro Executive Officer in April, 1992, submitted Tri-Met's "Draft Proposed Work Program" for Metro Executive Officer and Council response; and

WHEREAS, On May 28, 1992, the Council of the Metropolitan Service District, narrowly failed to adopt Resolution 92-1613, approving a "request for proposal" for a financial impact study of a Tri-Met - Metro merger but adopted Resolution 92-1628A for the purpose of establishing a joint work plan between Metro and Tri-Met to study merger options; the original resolution failed as a result of Tri-Met's assertion that the Westside Light Rail Transit full-funding agreement might be placed in jeopardy if the resolution passed; the new resolution provided for assignment to Council Governmental Affairs Committee, or other appropriate committee, and referred the Tri-Met "Draft Proposed Work Program" to the Governmental Affairs Committee for consideration; and

WHEREAS, On July 14, 1992, the Metro Presiding Officer, following consultation with Chairpersons of Council Governmental Affairs and Transportation and Planning Committees, referred to the

Council Transportation and Planning Committee Resolution No. 92-1640, for the purpose of approving an unwritten intergovernmental agreement (IGA) between Metro and Tri-Met to conduct a work plan related to a Metro - Tri-Met merger; an action effectively indefinitely postponing Resolution 92-1628A and assigning drafting of the IGA to the Transportation and Planning Committee; and

WHEREAS, The Chair of the Transportation and Planning Committee appointed a work group including the Metro Executive Officer, Presiding Officer, Chair of the Transportation and Planning Committee, Tri-Met General Manager, and Metro and Tri-Met staff, to develop the aforementioned intergovernmental agreement; and

WHEREAS, The work group, after four formal meetings: agreed that joint planning ventures between Metro and Tri-Met would be of benefit to each agency and the region; may have reached agreement on issues of timing and cost of the study; but were polarized over Tri-Met's insistence to be allowed an equal voice in the ultimate decision regarding merger of the two agencies; and

WHEREAS, On November 3, 1992, the citizens of the Metropolitan Service District by a 62% majority, approved the 1992 Metro Charter, which, in Section 7 (4) provides for Metro to "at any time assume the duties, functions, powers and operations of a mass transit district by ordinance"; and

WHEREAS, as of the date of this resolution: 1) the Westside Light Rail Transit full-funding agreement is in place; 2) the bonds have been sold; and the negotiations between Tri-Met and the

Amalgamated Transit Union have been settled; now, therefore,

**BE IT RESOLVED,**

1. That the Council of the Metropolitan Service District agrees that negotiations with Tri-Met have, unfortunately, been unsuccessful and should be suspended; and

2. That the Council of the Metropolitan Service District, when they deem the timing to be appropriate, directs the Council Transportation and Planning Committee to proceed in development of a work program for an analysis of issues related to the transfer of mass transit services from Tri-Met to the Metropolitan Service District as set forth in Resolution 90-1361 and the 1992 Metro Charter; and

3. That the Council of the Metropolitan Service District, considers ORS 268.370 and Section (4) of the 1992 Metro Charter, to indicate the intention of the Oregon Legislature and the citizens of the region regarding such a transfer; and that any action, on the part of Tri-Met or any other party, to seek to alter the statutory and charter provided authority to transfer Tri-Met to Metro, is in opposition to the wishes of the Legislature and the constituency of the region, is singularly inappropriate, and will be strongly opposed by this Council.

**ADOPTED** by the Council of the Metropolitan Service District this 24th day of November, 1992.

  
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Jim Gardner, Presiding Officer



**METRO**

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503/221-1646

# Memorandum

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DATE: November 12, 1992

TO: Transportation and Planning Committee Members  
Interested Parties

FROM: Gail Ryder, Council Analyst

RE: Resolution 92-1711 Potential Amendments

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Chairman Devlin has asked me to do some additional historic research of Metro and Oregon legislative records on the subject of a Tri-Met merger, during the period of time from 1978 and 1990. Pending the result of that research, there may be amendments submitted on November 18 to this resolution adding additional "Whereas" sections. No changes are anticipated to the "Be It Resolved" sections.

## TRANSPORTATION AND PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 92-1711 FOR THE PURPOSE OF SUSPENDING NEGOTIATIONS WITH TRI-MET REGARDING DEVELOPMENT OF A JOINT WORK PROGRAM TO STUDY POTENTIAL OF A TRANSFER OF TRI-MET TO METRO AND EXPRESSING INTENT OF THE COUNCIL REGARDING FUTURE STUDY OF THE ISSUE

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Date: November 19, 1992

Presented by: Councilor Devlin

Committee Recommendation: At the November 18 meeting, the Transportation and Planning Committee voted unanimously to recommend Council adoption of Resolution No. 92-1711. Voting in favor: Councilors Devlin, McLain, Buchanan, Moore, and Washington.

Committee Issues/Discussion: Councilor Richard Devlin briefed the committee on the need for the resolution. He explained that the resolution is to state Metro's intent regarding a potential merger with Tri-Met, following the most recent Council retreat and one subsequent meeting with Tri-Met. With the resolution, negotiations will be suspended with Tri-Met - effectively agreeing to disagree. Further, the resolution identifies Metro's next steps - to return to the philosophy expressed in the Dec., 1990 resolution, and, "at a time to be determined by the Council", proceed with a study. Finally the resolution, within the "Whereas" sections, establishes the Metro and legislative history of this issue since 1969.

This is the first stage of a two stage process. The second stage will be development of the timing and content of the actual work program of study.

Councilor McLain asked about the potential for parallel or joint studies with Tri-Met, rather than a study undertaken only by Metro. Councilor Devlin explained that there were several areas where further negotiation might have resulted in agreement (e.g. timing and funding of the joint project). The major point of disagreement was Tri-Met's assertion that they be allowed equal say in the final decision. It was very clear during the Council retreat discussions of this issue that the Council would never accept such a condition. To proceed with negotiations following establishment of this impasse, would have been misleading to Tri-Met and "disingenuous" on our part.

Councilor Devlin explained that although several work plans have been considered, including dates of implementation, no actual work plan has been adopted by the Council.

Councilor Moore asked whether this resolution could be construed as the first step toward an actual merger. Councilor Devlin explained that this resolution should not be construed in this manner. The resolution clearly states that the next step to proceed will happen

when the Council deems it appropriate. Councilor Moore asked that it be clearly stated on the record that approval of this resolution did not bring Metro any closer to taking over Tri-Met than before and that the intent was only to clarify the record. Councilor Devlin agreed with the statement but clarified that Metro is now at a juncture where we could proceed with the study within the next few months, but that formal decision has not been made. Since passage of the Charter, there are many new issues to address by the Council within a relatively short period of time. He had no reading of what the timeline might be for the Council or the current position of the Executive Officer.

Councilor Washington clarified the difference between the terms "take-over" and "merger". He explained that Metro has never viewed the process as a "take-over", but that Tri-Met has chosen to characterize it as such if they are not allowed an equal vote.

Councilor Devlin explained that the 1992 Charter clearly states that Metro has the authority to transfer Tri-Met by ordinance. No emergency clause may be attached to the ordinance, so that it may be referred to the voters.