

**METRO
CHARTER
COMMITTEE**

P.O. Box 9236 • Portland • Oregon 97207
Phone 503-273-5570 • Fax 503-273-5554

**Public Testimony/Discussion on
Metro Functions and Structure**

AGENDAS

(**January 23, Thursday, 6 pm. to 9 p.m.**)
Conference room, Wilsonville Community Development Annex, 8445 SW
Elligsen Rd., Wilsonville
6:00 Tri-Met
7:30 Tom Simpson
7:45 Open for other public testimony
8:00 Regional Governance Committee

January 30, Thursday, 6 p.m. to 9 p.m.
Room 440, Metro, 2000 SW 1st Ave., Portland
6:00 Metro Council and Executive Officer

MINUTES OF THE CHARTER COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

January 23, 1992

Wilsonville Community Development Annex, Conference Room

Committee Members Present: Mary Tobias (Vice-Chair), Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Frank Josselson, Ned Look, John Meek, Wes Myllenbeck, Ray Phelps, Bob Shoemaker, Mimi Urbigkeit, Norm Wyers

Committee Members Absent: Charlie Hales, Matt Hennessee, Hardy Myers

Vice-Chair Tobias called the meeting to order at 6:10 p.m.

The Citizens Crime Commission was unable to testify, but will submit written testimony.

1. Tri-Met

Tom Walsh, Director of Tri-Met, distributed a summary of the Tri-Met Board of Directors' suggestions of ways to address the Tri-Met/Metro relationship. He said that he agrees with the view of the Tri-Met Board of Directors that, for this region and the regional issues we are all concerned with, including Tri-Met, there is nothing more important on the horizon than the successful passage of a charter which insures a strong Metro. He said that the suggestions are recommendations and are, in no way, conditions upon support for the charter. There are five points that the Committee ought to consider in developing the charter and addressing the relationship between Tri-Met and Metro. (1) There should be clear evidence of a cooperative, professional working relationship between these two metropolitan-wide agencies. (2) Metro should continue to have very strong regional planning powers in both land use and transportation. (3) Through JPACT, Metro should continue to have approval powers over Tri-Met's five year Transit Development Plan, as well as specific capital projects involving federal funds. (4) The extension of service provisions outside Metro's boundary should be done with Metro's approval. (5) Tri-Met should continue to have operational responsibility for transit functions, performing within the powers of ORS 267. The current governance structure is sound and is adequate. Tri-Met ought to remain as an independent agency. It ought to remain empowered under the statutes of ORS 267. It ought to have a board of directors appointed by the governor. We support the process which the RGC suggested for outlining the procedures by which a strongly empowered Metro might, in the future, undertake additional operating authorities. There have been substantial discussions toward, and RGC support for, a concept of Metro of a very strong regional planning agency, with certain limited operational authorities. We suggest that, as you continue to work on the charter, operational authority for transit not be one of those specifically provided services. It should remain at Tri-Met and, if it is deemed desirable in the future, operational authority could be transferred to Metro and in effect, commingled with the planning authority by a process laid out in the charter, possibly similar to the one proposed by RGC. With the focus of strong planning powers being concentrated at Metro and operational authority being vested in a separate agency, Tri-Met as it exists today is the method by which, over a period approaching two decades, the need for a substantially evolving network of transit services is best assured. Metro would be the planning body coordinating our transportation activities and those of ODOT. It would simply tell the operating agency that these plans have been set and would ask the operating agency, which would be a single purpose agency, to carry out the implementation and operation of those capital projects. The model works extraordinarily well today and in a nutshell, we support the need for substantially strengthened authorities

for Metro in land use and transportation planning. The mission of Tri-Met cannot be fulfilled without those functions being performed by Metro.

Ray Phelps asked how Tom Walsh arrived at two decades as the minimum amount of time for continuing operation with a prospect of some aspect of consolidation.

Tom Walsh said that within two decades, as we do more work with Metro's transportation department over the coming months, it will be flushed out. He said that it is his strong hope and optimistic forecast that 20 years from now, major planning on a regional rail network will be complete. He envisions a network of approximately six major lines with four in place in 20 years and be in the final environmental impact process on the last two. It does not complete all the work, but it puts the major spines in place. If that kind of a system is ever to be, it will be because some land use decisions, which need to be guided by Metro, will have been addressed in the next few years. It may be ambitious and cannot be done, but once that kind of major foray is done, personally, the substantial arguments for a singularly focused agency dissipates substantially. The dissolution of attention and focus that comes when an activity is one of many, does not argue well for accomplishing such a tough task.

Ray Phelps said that Tom Walsh's threshold is the fact that there will be a major shift in the resources and the program for the operation of that agency. The planning land use decisions ought to be separated from that operating process so one is independent of the other.

Tom Walsh said that he agreed.

Frank Josselson asked for Tom Walsh's opinion on the recommendation by the Portland Chamber.

Tom Walsh said that he has had a couple conversations with John Russell, but has not seen their final report. He strongly supports the conceptual model, but would not advocate that services, which are now delivered by Metro, be shifted somewhere else. He said that until such time there is clear reason for improvement in the service delivery being supplied by that same agency which has policy making and planning control over them, he would be cautious about rushing to combine them.

Frank Josselson said that when Tom Walsh first testified before the Committee, he said that the Board had not made a decision about the relationship between Tri-Met and regional government.

Tom Walsh said that is correct.

Frank Josselson said that Tom Walsh also told us that the charter will not succeed unless it addressed the Tri-Met and Metro relationship and made it a strong relationship. He asked if the Committee recommendation provides a strong relationship between Tri-Met and Metro.

Tom Walsh said yes.

Mary Tobias asked Tom Walsh to review his previous testimony to refresh the Committee.

Tom Walsh said that, in September, he made the personal observation that he could not conceive of a charter enhancing the powers of Metro if it didn't address the Tri-Met issue. It is his sense of community awareness that told him that it would be a potentially probable fatal flaw in the charter if it did not address the issue. He said that he urged the Committee to create strong links between the two.

Bob Shoemaker said that, in Tom Walsh's earlier discussion of Tri-Met/Metro, there was a strong voice that, if Tri-Met were to be taken into Metro, it would come complete with its Board. Last night, the Chamber of Commerce urged that Metro itself, through its council, not try to run any functions, but have

all those conducted either by local government, if that were possible, or by independent commissions, such as Tri-Met would be. He asked why Tri-Met would be a more effective agency with its board appointed by the governor than it would be with its board appointed by Metro's council.

Tom Walsh said that for the roughly 20 year period that he talked about, he was connecting it with the major capital investment that needs to be made. It will cost in the range of \$6-7 billion. We will be most fortunate if roughly 60% of that is available in federal assistance. The current surface transportation act provides for a 75% federal match and then it runs smack into the face of being "over subscribed" by about three to one. The leader going in the opposite direction is Honolulu. They are going to a \$2.1 billion light rail system--1/3 federally funded and 2/3 locally funded. His estimate for financing of the regional rail network would be roughly 60% federal funding and 40% non-federal funding. Of \$6 billion, 40% is \$2.4 billion which is not a feasible sum for the region alone to do. The state, he strongly believes, has to be a partner in that for fiscal reasons. The stronger we keep the ties between Tri-Met and the state, the greater the claim we have on those funds.

Bob Shoemaker asked if Tom Walsh believes that there is that fundamental difference in clout between a board appointed by the governor and a board appointed by Metro.

Tom Walsh said that there is not much of a model within the region today of a Metro appointed commission where there has been a strongly established tradition of real independence. That was envisioned with MERC, but it is an experiment that is still ongoing and is only about 2 years old. The intent by both Metro and Portland was to give it real independence. It is conceivable to fashion a model that says the Metro council is a policy making body with service delivered by independent commissions and run by appointed boards, but with real independence. The jury is out.

Ray Phelps said, in respect to MERC, there is a certain degree of instability in as much as you have the new configuration of the Blazers pursuing a different kind of facility/ownership and the MERC being less than 3 years old. With the local combinations, it is more likely to have an unstable set of circumstances occur more frequently and your thesis is to give us 20 years to build a new system. He asked how the public will respond to a charter with a heavy ended planning government and not so much of a service delivery government. Planning has always been something talked about, but not very well funded. He asked how to articulate a charter doing this, and then stepping up to financing it at the level of investment that it is probably going to be required if we do the kinds of planning things that are presently being kicked back and forth.

Tom Walsh said if the proposition is a super regional planning body, it will not pass. Contrary, if the proposition before the electorate is a mechanism that assures livability in this region, it will be pretty strong. Your biggest advocates will be cities and counties, if the theme is livability, because there will be an undercurrent of yes, this works.

Mary Tobias asked how Tom Walsh would define Metro's constituency. She said that she thinks there are really two tiers and that the immediate constituents for the regional government are indeed local governments and special districts and that the second tier constituents are the people. The most direct link to the regional government will be to the local governments and from local governments to the people.

Tom Walsh said that is really close to the mark. If somebody did some survey work and asked 10 questions in elementary civics about what goes on in this region, you'd find literally appalling ignorance about the governance structure of Tri-Met and Metro.

Frank Josselson asked whether Tom Walsh thinks that regional government ought to have oversight of Tri-Met to assure the operation conforms to regional transportation plans and policies.

Tom Walsh said that they should and they do, as he understands it. Tri-Met operates according to the regional transportation plan and most specifically on any of their capital projects. We do not, if we want to make a service change, have to come back to JPACT, but we do in our 5-year update of transit and development plan in effect, negotiate ridership through JPACT. If there are any shortcomings today, it is at the JPACT level. Our agency doesn't get pushed hard enough. That's not a lack of mechanism, that's a lack of evolution.

Frank Josselson asked if Tom Walsh would agree that through oversight of JPACT, Metro has authority over Tri-Met.

Tom Walsh said that the oversight function is there. He is not disturbed by the fact that they have never overruled JPACT. The Oregon legislature, which has oversight responsibility over Oregon Department of Transportation, to his knowledge, has never overruled the ODOT. They have certainly given it guidance by adding revenues to or implicitly denying increases in gas tax, taking revenues from the biannually crafted formula for distribution of state gas tax revenues from the states to the cities and the counties. There has been a very interesting tradition in this state at the state level to maintain the independence of the transportation commission for project decisions. The metropolitan area does not get favored by weight of its delegation in those project decisions. The legislature has told that commission that those project decisions, should be made and executed by the commission.

Frank Josselson asked if, in the future regional transportation planning and policy should be formulated at JPACT as opposed to the regional government council.

Tom Walsh said that he thinks there are those who want it to be elevated and have more presence at the council level and those who want to start more with land use issues. From his experience, the land use planning comes first. Do it and then do a transportation plan that makes it work. Land use, which is so paramount, is a public policy decision, it's not just a technical decision to be left to the planners.

Frank Josselson said suppose we have a regional transportation plan enacted by the regional governing body and Tri-Met chooses to ignore it because they think that they have a better transportation plan for the region. He asked what would keep that from happening.

Tom Walsh said that there is no ability whatsoever to receive or spend federal funds, except as approved by JPACT. It's not just a clearinghouse, it's an absolute funnel and a spigot. We can have a \$750 million full fund and grant agreement negotiated with the U.S. Department of Transportation for the west side light rail line that is for a project approved by JPACT and we can't make a major change in that project without going back to JPACT. If we want to raise a curb elevation 4 inches, we can do that just fine. If we don't want to provide the capacity for a future Sylvan station, the project grinds to a halt. Substantial leverage at JPACT is derived from federal legislation which states that all federal money that flows to a metropolitan region must clear the MPO.

Frank Josselson asked if the charter should deal with oversight.

Tom Walsh said yes, because in a concept that says planning powers should be at Metro and, to the extent other than as you designate, service delivery should be elsewhere. The link must be discussed and then you have to make sure it is clear that with planning powers come the policy decisions and that the implementation operations are done elsewhere.

Wes Myllenbeck asked what the Tri-Met position would be if the charter put a specific date in the charter for a merger with Tri-Met.

Tom Walsh said that his personal position is that he is going to support the charter.

Wes Myllenbeck asked, if there is a statement in the charter to bring Tri-Met under Metro in 20 years, are there any other aspects, other than the financial review of JPACT and planning, that should be incorporated in the charter to improve the relationship between Metro and Tri-Met.

Tom Walsh said he did not think so.

Mary Tobias said it is her personal opinion that we won't be able to get to the goals in land use and transportation, planning, or service delivery, unless the funding mechanism in the state for transit is changed. The current system that Tri-Met uses will never raise enough money to be able to have the system we want to support the land use we're envisioning. The employer payroll tax is not going to support it.

Tom Walsh agreed.

Mary Tobias said that the local governments throughout this process have done a tremendous amount of work regarding the planning service delivery, long term interrelationships between governments, and the possibility of having a charter that does not require Metro to continually go back for amendment. The benefit of the RGC process is that the many governments and special districts are sitting down at the table together to look at the issues. The RGC is willing to put a lot of power into the hands of the Metro. If that were to be the model that comes out of all this, with or without the charter, it would seem to be in Tri-Met's best interest to use that power base as the way to most effectively move transit service into the future to be able to get to the funding shift we have to have the service we need to relieve the congestion on our roads.

Tom Walsh said that during the funding measure for the Westside light rail project, the level of support Tri-Met had from local governments throughout the region was literally phenomenal. There wasn't a single corner of the region that you could go to where we didn't have just outstanding support from local government and it showed up finally in the ballot measure. The range of yes votes was from the high 60's to the high 70's in percentage. Literally unprecedented for a tax measure in the state of Oregon and the same electorate that was saying yes to Measure 5. They said yes for the project based on what they sensed from elected leaders throughout the region. That kind of coalition building is of inestimable value. Whatever the governance structure of transit, we're not going to do the kind of land use and transportation planning things we need to do in the region without that support. In regards to transportation funding, since the Oregon Constitution was amended to prohibit the support of state police, parks, or transit out of the highway fund, where they had traditionally been supported, there has been a steady flow of comments that it is bad public policy and, if we change it, somehow we would make much more intelligent transportation funding decisions. The answer would be, theoretically, yes. The Roads Finance Study Committee has identified that in unison, the region accomplished a whole lot more than could be accomplished separately. From a major study the committee did in 1986, they discovered that the 20-year unfunded street, road and highway needs in this state were slightly in excess of \$21 billion, with an awful lot of help from the legislature and some pretty wise expenditures. From 1986-90, we whittled that slightly, it's only \$19 billion of unfunded needs. The problem today, in his judgment, is not the prohibition of eligibility of transit for funding out of the highway fund, the problem is an inadequate source of transportation funding for all sorts of needs. There are one or two efforts that could be made--either change the constitutional limitation and make transit eligible for funding out of the highway trust fund or establish a transit trust fund. If we take the former, it won't add a nickel to transportation funding. Transit needs are not confined to the metropolitan region. You can go to Bend, Brookings, Salem, Jackson County, Medford, Klamath Falls, and there is support for transit services to be appropriated to the communities throughout the state and an effort to establish a transit trust fund would be very successful. Also, in the new Surface Transportation Act (STA) at the federal level, there are what they call the flexibility funds which account for roughly 25% of that \$155 billion act. They can be used for transit or highways. It is interesting because it says that the regional planning agency is the one who

decides.

Mary Tobias said that, as long as the planning was done by the regional government for the hypothetical transit trust funds and there was competition for those dollars state wide, in terms of the best positioning for Tri-Met to be able to get the dollars, it would best be positioned in concert with and under the auspices of Metro if you have this very strong public partnership between all the regional governments. In which case, it might be better to possibly shorten that 20 year horizon for the merger.

Tom Walsh said his initial view is that the positioning would not be better if Tri-Met were under the auspices of Metro, but Tri-Met will never get to the kinds of things that we are all hoping for and working towards in terms of regional livability by itself.

Ray Phelps said that JPACT has been offered as sort of a model because it works in many different ways to craft a supportive or collaborative effort to bring around a project. The membership consists mainly of local elected officials, some county, some city, some Metro persons and some government bureaucrats. He asked Tom Walsh's opinion as to what might be the strongest characteristics of that model and what may be one or two weak characteristics.

Tom Walsh said the strength of it is that regional transportation needs are going to be addressed regionally. You're not going to find major projects being put on the ground in any kind of uncoordinated fashion. ODOT can't set foot inside the Metro boundary with a project, but it must come through JPACT for approval. Tri-Met cannot do a single capital project, if they were using any federal funding on it, without coming through JPACT. Is it a group of horse traders? There is probably just a little bit of horse trading going on in there. Is it recognized around the country literally as a model? If you talk to the staffs of the House and Senate committees that crafted the new federal surface transportation act, they would say the model is Oregon. When you come to Oregon, you find literally two sterling things. One is the land use concept which leads the nation, and the other is what the Portland metropolitan region has done through JPACT. In terms of money, JPACT got an enormous stimulus out of the withdrawal of the Mt. Hood freeway dollars. That became roughly \$300 million of free money; free money meaning it didn't have categorical restrictions placed on it. All they had to do was agree how to spend it. Out of that not only came the eastside rail project, but the rebuilding of Martin Luther King, Powell, the industrial freeway out to the northwest, plus many other projects, and we are only today spending the last of those Mt. Hood withdrawal dollars. With the new STA, the flexible dollars are estimated over the next six years. The range of estimates of flexible dollars for this region in the six year STA are somewhere between \$40 and \$600 million. It could be \$80 or \$90 million a year in the region.

Ray Phelps asked if it was coming through the MPO.

Tom Walsh said yes.

2. Tom Simpson

Tom Simpson, citizen, said that his remarks are made as a third generation citizen of the metropolitan Portland area. He represent no organization or special interest group--just himself. He is employed by Multnomah County as a planning and budget analyst. Most of his remarks will be referring to the *additional functions* provision in the summary and outline of proposed charter. Recently, he completed his masters degree in public administration from Lewis & Clark and his thesis was entitled "A Primer on Regional Government in the Portland Metropolitan Area". He interviewed 12 different local government policy makers from the Portland metropolitan area. The purpose was to provide assessment of the advantages and disadvantages of the expansion of regional government, based on their perceptions. He asked them to comment on regional government as a whole, basically posing the question of if regional

government is the answer, what's the question. He also asked them to comment on regionalizing 12 different services. These included low income housing, mass transportation, transportation planning, road maintenance and construction, solid waste, sewage treatment, water delivery, law enforcement--specifically police services--fire protection, port facilities, convention facilities and economic development. Realizing that some of those are already being delivered regionally, he wanted them to comment on whether or not they felt the delivery mechanism was working and how well it was working. The results were that all the officials from all parts of the region supported further consolidation of some services at the regional level. They expressed satisfaction with the current arrangements for the delivery of port facilities, mass transportation and transportation planning, namely JPACT. They also encouraged examination of the feasibility of moving water, sewer, fire, and economic development activities to a regional level. This is a consensus of all the officials, not a majority, but it's more than 50 + 1, but less than 100. What follows are suggestions for further consideration of the regionalization of these public services. He found that there is a great deal of agreement between the suburban and urban policy makers, namely Multnomah County and the City of Portland agreed with people in Washington County and Clackamas County. The suburban representatives acknowledged that Portland and Multnomah County face many problems being the urban core, but they also do not support these two governments trying to force their problems on to the region with no input from the rest of the region. Multnomah county and the city of Portland have an appreciation for the concerns of the suburban areas, but also want some help with what they view are regional problems, the problems they are facing at the urban core. Secondly, officials commonly noted that there was a need to fix Metro's built-in conflict of interest. They felt threatened when Metro, acting as a convener of local government, sat at the table as a provider of services. What they hope is that this committee will fix that built-in conflict of interest. Thirdly, they encouraged that regional government examine community values and what they meant by this is if you were to walk into the Portland metropolitan area right now and design a government to fit it, presuming there was none in place, you might come up with a cost benefit analysis and figure the most effective way to deliver the services throughout the region. The problem with this is it ignores the history, the development of all the government services in the region. However, the importance of local control needs to be weighed against, perhaps, public health and long term livability of sewage treatment. They cited one instance of this trade off two different cities, one drawing water from the river and one dumping sewage into the river after it was treated. On especially rainy days, the sewage treatment plant of the city that was upstream couldn't handle the sewage so they were dumping it raw into the river. The city downstream had to then heavily treat its water because of the problems with the water quality. This is currently happening in the metropolitan area, so there needs to be some kind of trade off between the ability of each city to develop its own facility and that of the entire region to look out for its welfare. Also, people don't know who's responsible for what services in this region. He thinks when people are that out of touch with which government provides what, then there's a problem with our system--that our system might be broken and might need to be fixed. He would see a two tiered system of government--a regional government and the local government. The local government would be cities and special service districts. The regional government would be something like Metro. The local governments or the special service districts would provide a package of services that their citizens want namely local control. The regional government would provide a base level of service in specific areas. There would be a region-wide tax base, and services would be provided to everyone whether incorporated or not and the cities would have the control whether or not to raise that any higher. This is already happening in some places in the region. The enhanced patrol in Washington County is a good example of that. Washington County decided on a level of service that they were going to provide for law enforcement, and if you wanted more, either incorporate into a city or create a special service district. The trick is determining what parts of each service are local and which parts of each service are regional. That's something that's not very well outlined. That may need to be clarified, strengthened, or changed some other way so that in the future when there are areas that Metro needs to take on for one reason or another, that's clearly outlined how it's to be done. In a two tiered system of government, you may have regional jails, regional investigation, regional organized crime and narcotics unit. Maybe there could be special weapons teams so that not every city is trying to form its own SWAT team. Perhaps as a region, law enforcement could own a helicopter. The regional government could be

the wholesaler of water, perhaps down to a pipe size of 18 inches and everything all the way down to the house would be the responsibility of cities and special service districts. Perhaps, fire services, regional training, equipment purchases and a base level of service would be funded through a regional tax base, and then each city and area would determine what level that they wanted. The role of counties is what every one of the interviewees talked about - what is the role of counties in the future? Are they dinosaurs? Are they past due? Do Metro's boundaries change to take in the Willamette County concept? These issues are out there, they're being talked about and being asked. In concluding, in the mid-1960's the Portland Metropolitan Study Commission was formed to examine governance in the Portland Metropolitan area. At that time his father sat on that committee and greatly influenced that process. Today, 30 years later, he sits in front of the Committee hoping to influence the direction and purpose of what grew out of that process in the '60's, namely Metro. He said that he hopes he has been of some influence and of some help and if not, he has two children waiting in the wings to step up and have another shot at it in 30 years.

Bob Shoemaker said that Tom Simpson mentioned the built-in conflict within Metro between being a convener of governments and a provider of services. He asked that he comment on the recommendation of a policy making body, independent of local government.

Tom Simpson said that, watching the growth of the region for the past 30 years, he thinks that's absolutely essential for one government to be looking at the entire region. Right now we have three governments, four if you include Metro, but three governments looking at the region and they look right toward their border stop, namely the counties. They are basically our existing regional governments. You can count the 800 pound gorilla which is the city of Portland because it's a regional government too. So you have really five regional governments, but I think for Metro to take on that policy making role is absolutely vital to the long term livability of this region.

Bob Shoemaker asked if that represents the conflict with being a convener of local governments.

Tom Simpson said no. People that he talked to, county commissioners and county executives, were making that statement and this committee should make that distinction of what Metro is going to be. Personally, he does not have a problem with how Metro has evolved because it has evolved in both those roles and it needs to make sure it knows definitely what it's going to be. He said he thinks that the idea of being all those things is seen as a threat to some of the existing jurisdictions, especially counties.

Ray Phelps said that, with regard to the two tier system, Tom Simpson rolled cities and special districts together although they are differently elected bodies and so forth. He asked what was the genesis of local service districts. He said that he thinks they also allowed for distribution of a taxing responsibility beyond just one governing body so folks didn't know exactly how much it was costing them. He asked if, what he described is what may have occurred or if there was something else that may have caused special districts to be created.

Tom Simpson said that he didn't specifically look at the creation of special service districts as far as their history and evolution. Looking at the plethora that we've got in the region right now, it's pretty clear-- people got together, didn't have a service, legally formed the boundaries and statutes, and the mechanism was in place for them to tax themselves to provide that district.

Ray Phelps said that, when he listened to the number of services mentioned with respect of what is regional, what is local, he wasn't surprised with any of the observations that Tom Simpson shared except fire protection.

Tom Simpson said that it is definitely a street level service, which it has to be because of response times.

Ray Phelps said that he understands the physical relationship, but is talking more about the administration and running of the fire protection system. He has seen it both ways and believes the city method here probably is far superior to anything seen anywhere else. He asked how the survey came to a different conclusion based upon those discussions with city and county elected officials.

Tom Simpson said that they all thought, going back to all meaning 50 + 1/less than 100, that there had to be some parts of that which could be regionalized, whether it be training or equipment purchasing.

Ray Phelps said that it would not be the service delivery. It's more those things that lead up to the service delivery or make the delivery of service easier.

Tom Simpson said that there are two regional providers right now--the city of Portland and Tualatin Valley Fire and Rescue. They both have huge districts and have an incredible amount of power come budget time because everyone loves police and fire services and do not want them to be cut.

Mary Tobias asked when the informational interviews were done.

Tom Simpson said March through June 1991.

3. Regional Governance Committee

Steve Stolze, Mayor of Tualatin and RGC chair, said that the RGC now has 22 cities. He said that, through the process, the amount of flexibility is abundantly clear. The different representatives came in with very strong opinions and rigid ideas. They have probably made a 180 degree turn from the beginning of this process to now. He distributed a paper with questions and answers from the January 18 meeting.

Gussie McRobert, Mayor of Gresham, said that the RGC would like to respond to some of the questions that the Committee asked. The concept of the process is that the first step is to determine whether an issue is of metropolitan significance. To do that, some criteria need to be looked at. In the second step, RPAC becomes a work group and it goes forward to the Metro council with its findings. It is not creating a COG. We did talk about a COG, but all the local governments have part time people, except Portland and Beaverton, and Beaverton. Serving on the Metro council is a full time job. Another thing that we talked about was sending the final product out for concurrence to the local governments and we rejected that as being unworkable. We're not restricting the public's right to vote on service deliveries; we're setting that into the process. All we want is to be at the table and the reason that we feel that is important is because, as Tom Simpson pointed out, the current process does not work. The process--primarily the way it was before the last 2½ years the Greenspaces group has been working and when the RUGGO's group was together--gave Metro, by the statutes, almost unrestricted powers in certain given areas. They could decide with a simple majority vote to deliver a service. Frank Josselson has very eloquently articulated the chilling dampening effect that has on local and regional cooperation. We agree, because what happens is local governments are afraid to work with each other on certain topics because, if three or four jurisdictions to get together and do something, it could be considered regional and then Metro could take it over. For example, the water people meet, but Metro was not invited because there is a real fear that without some kind of a process, they could just be snapped up. That's what we're trying to avoid. Our experience the last 2½ years is if we all are at the table working through an issue and really studying it, that the trust level builds. The initiative comes from the council--we're not taking that away from them. It's the Metro council that assigns the topics to RPAC, then the local governments work through this process with Metro and arrive at whatever decision seems reasonable and we don't feel that the 2/3 is an impediment. It's much more liberal than where you are at this point in time and you have heard a number of speakers saying, including Tom Walsh and the Chamber of Commerce, that the primary purpose of Metro should be planning and policy making. We're taking that one step further and saying

there might be some service issues that could be better provided at the regional level and we would like a way to do that. Once we get past the point of determining whether something is of regional significance, RPAC's role is simply to advise and make commentary on that plan. It's the decision whether or not to do it that we think needs the rigorous effort. In response to the question of whether the finding of fact, through the criteria, be a court issue, any government actions are subject to a writ of review, but it was not our intent that they be given separate legal entity. In response to the question of the possibility of making a decision to enter a new planning area and a new service delivery area at the same time, yes you could. We don't think it's a very good idea to do that because it's kind of putting the cart before the horse. It seems more appropriate to do the plan first and then examine the issue of service delivery from that. Regarding the need to give a mandate to Metro, we believe that if the charter makes growth management a primary function of Metro and also gives it the broad authorities to carry that out, it is a mandate. There are at least two reasons why Metro hasn't done that already when they have the authority and the statutes. The first is that they haven't had the money and the second is there has been no local consensus. There has not be a process until the last couple of years for that to take place. The process we are proposing will allow that to happen. In regards to the regional framework plan, we used the word *acknowledged* in our document. It's our belief that any regional planning document that is intended to have impact on local plans has to be reviewed by the state, whether the term is acknowledged or something else. The term that Metro staff and LCDC came up with was *findings of consistency* and that's what, in the next legislature, they were going to try to get through. Functional plans would have to comply with their regional plan using the term *findings of consistency*. It is our view that could also work for the regional framework plan.

Bob Shoemaker said that the decision to deliver services, if that cannot be agreed upon between RPAC and Metro council, can be referred to the voters by the Metro council. The decision on planning doesn't have that recourse and, if less than 2/3 of RPAC agrees on planning then it requires 2/3 of the Metro council to undertake the planning which could serve as a barrier if you don't plan you can't deliver the services. You've got a road block that could be essentially imposed by RPAC that could only be overcome by a 2/3 vote of the council before you could even start to think seriously about adding a service function. He asked if that was going too far.

Gussie McRobert said that it was their thought that there is such strong support in the region, from both the public and local governments, for Metro to have strong planning and coordination and policy authority that it just simply wasn't going to happen.

Bob Shoemaker asked why impose the limitation.

Gussie McRobert said that it should be a strong consensus amongst the council that it be appropriate to take on, which would require more than just a simple majority as a reflection of broad support.

Judie Hammerstad, Clackamas County Commissioner, said that, in the RGC proposed structure recommendation, there is a 7-member council. 2/3 would be 5 members, one over majority, so it's not unattainable.

Bob Shoemaker said that if there was a council of 13, as it is currently, 2/3 of 13 is 9.

Judie Hammerstad said that as the RGC went through functions and structure, they tried to get a consistent document. She said that she would strongly recommend subgroups from the Charter Committee and RGC to work out some of these differences. There are a lot of consistencies between what we're saying and what you're saying. They are just presented slightly differently. On page 8 of your committee draft, it says that *the charter will include a procedure by which planning responsibility for subject areas having metropolitan concern and not specified in the charter may be incorporated into the regional framework plan, subsequent to plan adoption. The procedure has not yet been established.* The

RGC is trying to do something very similar with the procedure. It is difficult, however, to work in this arena and we think we could get into a little bit more effective working group and just offer that for your consideration.

John Andersen, Community Development Director for Gresham, said the reason for the 2/3 at both levels was that we wanted to make sure there was that kind of effort being made to reach a consensus. There needs to be an effort made to work together and develop that kind of partnership agreement about where the process needed to go.

Steve Stolze said that there was also a point made in the discussion about 2/3 that if, through the RPAC system, it was turned down, chances are there was probably some very significant reason why that happened and a 2/3 vote of the Metro council, insures a thorough study and that enough people feel that the findings of RPAC were flawed enough to pass it.

Mary Tobias asked if, in a body of seven councilors as a simple majority would be susceptible to particular efforts or influences of special interest groups in terms of forwarding an issue to the regional table.

Steve Stolze said that the RGC's major concern was that 2/3 made sure there was a definite process and thought given to the matter. 2/3 requires a lot of work and more than minimal support.

Ron Cease said that a clear distinction needs to be made between a formal voting requirement and what you do in practice. A charter proposal would not have any meaning unless it has substantial support, more than a majority, from the Committee. On the other hand, to put into law that you have to have a formal 2/3, you are recognizing that you cannot abide by the democratic way of a simple majority. As a practical matter, Metro recognizes that, in order to have real support, you need more than a simple majority. By putting it in the statute, however, that you have to have 2/3, formally recognizes that 1/3 had the legal right under the system to hold matters up.

Jon Egge asked if it just refers to adding functions to the planning process.

Gussie McRobert said that is correct.

Frank Josselson said that he supports the suggestion that Commissioner Hammerstad gave for informal get togethers among members of this committee so there is a better understanding of the RGC positions. He said that the support of local government and is essential to passing the charter and passage is essential to the future of the region. His frustration on Saturday stemmed from the fact that he believed there was poor communication--not because of anybody's fault.

Wes Myllenbeck said that he disagreed. The input from groups is welcome, but where is the line drawn regarding who the Committee meets outside of their meetings.

Mary Tobias said there is merit in going to the smaller unit to discuss. She said that it goes back to the question of what is the constituency of the regional government. For the regional government to work most effectively, it has to be inextricably linked to local government. It is the first constituency. She said that any action on the proposal would be deferred until the Chair returns.

Ron Cease said that Metro can operate effectively only with strong communication and support from local government. That makes a great deal of sense. Once we make the point that you need to have a system that provides great communication and everybody has to work together, keep in mind that the interests are not always the same. If there's a choice between your city, your county or a region, you're going to go with the unit from which you were elected. If you look at the issue of what Metro does and the functions they have taken on, the fact remains, Metro really has not taken on functions it has the authority and

statute to do. The reasoning may have been that they needed money or had a lack of will, but one could make a pretty good argument that Metro has not had the will to do so. This business of going back and forth and playing the process like it's a yo-yo really doesn't make any sense. If you look at the history of the organization, it had not taken away any functions from the local governments. It has the zoo because the city can't fund it anymore; it has solid waste from the very beginning because at that point we weren't doing that much in that area. So if you look at what is really done there has been some strong sense that this was the proper place to put it. Metro is a hybrid organization, some functions go directly to the voters, and, in other cases it is essentially by intergovernmental arrangement.

Jon Egge said that, in regards to the meetings with RGC and the Committee, we should be very careful to form any kind of formal relationship because there is a sanctity in this process that needs to be preserved. We must be careful about how we do it.

Steve Stolze said that the RGC has talked with Chair Myers about possibly allowing some interaction during the Charter Committee meetings rather than no interaction at all. He said that the RGC, the Charter Committee, and other groups are not on opposite sides, we're all on the same side. RGC came together through the will of all the cities. Counties and special districts got involved because this is the opportunity to construct a regional government that is beneficial to everybody. A wall exists now between Metro and local governments because local governments don't get together and talk about things in front of Metro, for fear that Metro is going to think automatically it is a regionally significant project. We're hoping that we are going to come to a process that we can all survive and live with and deliver the most efficient government with the necessary controls in place to make sure that the people get what they need.

Jim Coleman, Legal Counsel for the City of Tigard, said that in regards to the question on the type of judicial review that would be available, what RGC wants to focus in on is that the determination of what's of metropolitan significance or metropolitan concern would be a legislative determination. It would be subject to whatever judicial review was appropriate for a legislative determination, and it would not be the application of policy as you would use in an administrative process. The scope of review would be that of a legislative decision not an administrative quasi judicial decision.

Bruce Thompson, Troutdale City Councilor, said that we are all convinced that we need a regional government. We want to make it the best possible and we believe that a partnership between Metro and the local governments is the best answer, but in so doing we want to have the input that RPAC will give. If you go through that diagram again, RPAC is not intended and cannot in any way veto what Metro does--it is an advisory body.

Ron Cease said that a major issue is, when Metro gets the charter, what functions will it have at that point--will it start from scratch or with the functions it has now. If it starts with the functions it has now and then has a process for additional functions, that is one thing. To start from scratch, and have a list of *shall* functions in the charter, then require them all to go through the process is different and is of concern.

Steve Stolze said no. The RGC position is that the existing functions would remain and any new added functions would go through the process.

Larry Derr said that, from what he understands, the problem with a COG is that it is a committee with no one to break ties and has special interest problems. If there is a consensus, regional problems get solved. If not, then each member goes back to protecting turf. The concept that the same could happen with the regional concept, when the regional government decides that something is a regional issue and the local governments decide that it is contrary to their own interests, stems from the perception that we have now, that it is really not a regional interest against a local interest, it's a regional government against the local interest. We are all trying to end up with a system that, when the regional government

determines an issue is regional, everyone is comfortable that it serves a regional interest.

Mary Tobias said that she believes that it's in the region's best interest to always have some dynamic tension so that when things are raised to the attention of the region, either by private citizens going back to the process document, by a local government with special needs or the regional government itself, that the debate is thorough before the decision is made. If there isn't a dynamic tension between all parties then the risk is great of having special interest groups simply calling out the agency. In analyzing the nature of the process laid out for us, it creates the proper arena in which to have a positive dynamic tension, to provide a way for proaction versus reaction. She asked if her analysis was correct. In the history of Metro, has anything ever occurred with such urgency, such immediacy that it has been necessary to assign it to the regional government without the time that the process might require?

Gussie McRobert said that dynamic tension is healthy. When we are in the most danger of making a mistake is when no one questions us.

Steve Stolze said that no, nothing has happened so fast that it couldn't go through the process and a good example of that is Washington County's formulation of their solid waste plan. They took the time to go through the process and Washington County delivered their own solid waste plan and it was a process that worked very well.

Mary Tobias said that, in terms of JPACT and the way that money blows through that, can you ever envision a time when there would be the need to act quickly to be able to guarantee that the region might receive funding for a specific project. A fast reaction could create a fast problem because, before a region takes over a service or a function, you've got to have the information about what that function entails-- what's it going to cost, how is it going to be serviced and delivered and processed and everything else. It's got to go through a process where all that information is made available. There is not anything that's going to happen in a quick period where you've got to make a decision in that fast a process.

Wes Myllenbeck said that, when he was a member of JPACT, there were times when the committee had to act fast in order to get something through the Metro council and respond to the federal government. Usually, those issues had been discussed over time so it was not necessarily a quick decision without information.

Steve Stolze said that the core feeling is that the process going through RPAC is going to open up the available information from those people who are already doing the functions or providing the services, to let them feed into the system what the troubles are, what the benefits are of regionalizing, and provide all the available information for people to make a really informed decision. Metro staff, if they were to look from the top down into a service or function, they wouldn't get the whole picture if they didn't have that input from the regional governments. Ideally, government makes decisions on the best formulated information.

Ned Look said that the RGC has been attending every one of our meetings. One of the frustrations that he has had is that we have had questions among ourselves and the answer has been sitting out in the audience. If we could just be a little more flexible so that we could turn and ask them for an answer, they could speak in most cases for their committee because they are all so deeply involved in it. In the instances they can't, they can go get us an answer. My concern about a subcommittee is, particularly with this RGC group, we would all want to be on it. They are a very key part of what we're doing.

Mary Tobias said that anything dealing with the concept of a subcommittee or the input time during our own deliberations needs to be taken up when the Chair is present next week.

Steve Stolze said that the only time RPAC is ever going to get involved is when there's a question of

whether or not a new service or function should be deliberated on. It's not a day to day operation and it's not going to be an ongoing process.

Judie Hammerstad said that we currently have an unbalanced situation because the committees they sit on--RUGGO's, Greenspaces, and Solid Waste and the proposal for RPAC--are heavily weighted with both Metro council members and Metro staff. Those of us in local government, and this is unanimous among the steering committee, feel that we should not be advised by our own body. What happens is, if your governing body sits on your advisory committee, the advisory committee looks to you because you have more information. You tend to guide the process and the staff then also guides the process. We are trying to voice to you what our interests are in this forum and see if we can come to developing a charter that addresses our interests and region's interests in a way that is going to be mutually supportive, even though we will have disagreements. One of the ways we've addressed this is in the voting membership of the new RPAC. We've taken off the two Metro counselors as voting members, but acknowledged that they need to be there as liaison, and it would be staffed by Metro. But we put a private citizen--somebody who is totally unaffiliated--from each of the counties. We've included Tri-Met and we've included two people from special districts that would rotate depending upon the service that we might be discussing. If we were discussing sewer, then you'd have people there from sewer districts; water, people there from water districts; and try to look at that as being a more balanced approach.

Ron Cease asked why Tri-Met would be on RPAC.

Judie Hammerstad said that it would be as long as it is not operated by Metro. Until that point, that it may come in or may not.

Ron Cease said that if Tri-Met were put on the RPAC, they would do all that they can to see that Metro does not take over Tri-Met.

Judie Hammerstad said that perhaps there should be a sentence in there that for any functions being considered, those people would be there for advice and information, rather than being voting members. That hasn't gone before RGC and we haven't really talked about it, but it is the kind of thing that we need to explore.

Jon Egge asked if there was discussion regarding the composition of RPAC and citizens being appointed in a way similar to the way the Committee was chosen.

Gussie McRobert said that it was discussed very thoroughly in the RUGGO's and there were some who thought that the citizens should pick the citizens and we were overruled. That's why it's the Metro council that chooses the citizens. The concern was how do citizens choose citizens. You tend to go toward the neighborhood association and then it is not fair to those citizens that do not belong to neighborhood associations.

Judie Hammerstad said that Jon Egge was asking a question of the voting membership on RPAC--should it be elected officials or should it all be citizens.

Jon Egge asked if it was ever discussed in context. Has it automatically been elected officials?

Judie Hammerstad said that they discussed it in the context of accountability because when you have a citizens committee, you don't really have to be accountable to anybody. She said that she would consider the way that we were treated on Saturday as pretty offensive. As a County Commissioner, if we had treated people coming in to testify to us like that, we would have been pilloried. What we're looking at is that we have a committee that is going to be making these discussions. They bring to the table a lot of knowledge about their governmental unit, and then they also have to answer to the public.

Jon Egge said that he has some concern that there would be no continuity with respect to special district representation on RPAC. They would have a much better ability to go talk to the fire people if they are water people, rather than have somebody fresh at the table.

Dale Jutila said that the Special District Association of Oregon discussed it and felt that the initial proposal for rotating the participation would work because the issue would tend to be pretty specific. There wasn't as likely to be the broad ranging of things that would get discussed by RPAC by the very nature of considering whether it's a specific planning function or a specific service delivery.

Jon Egge said that his concern is that the special districts would want to know what is going on at the table and that might be a bigger concern to them than the specific question of water, fire, police, etc., and consenting to be there on a continuity basis to watch those decisions.

Mary Tobias said that she is encouraged to see one private citizen from each county being proposed at the table and agrees that when committees get too large, it's harder and harder to do business. But, from the private sector perspective, the private sector even at that rate is under represented. Frequently, issues are raised to the table for resolving before they can become issues of negative debate in the public arena. There is a difference in the way the private sector looks at things and equally there is a real gap between the private sector's understanding of how government functions, vis a vis business. Perhaps the private sector can be woven in more objectively via technical advisory committees.

Ray Phelps said that the RPAC group the RGC is envisioning would be 18 persons. He asked how many would be special service district representatives.

Judie Hammerstad said two.

Ray Phelps asked if special service districts constitute a very large number of governing bodies in this region.

Judie Hammerstad said that they constitute a very large number, 180 plus, but many of those are very small districts.

Ray Phelps said that he would anticipate that some of the functional planning and/or service consolidation would be more likely to occur at special service districts types of things than they would in the city/county environment, at least on the near term.

Judie Hammerstad asked if Ray Phelps meant among themselves.

Ron Phelps said no, not necessarily among themselves, but maybe a regional authority of some kind. He said that he was interested in just the number of special service districts being 1/9 of that totality, whether or not that is a reasonable representation of this large group of districts, small or large, and all being elected.

Dale Jutila said that the approach, as he would portray it, is through the special districts' involvement. Looking at it as a collective, joint effort so that the special service districts have an input as to what is going on, recognizing that if it comes to an out and out knock down drag out kind of vote, they're probably not going to have that kind of weight, but it goes along with that 2/3 majority kind of thing. There's the tendency to reach a greater consensus than just by an out and out vote.

Steve Stolze said that special districts are important to the process because they were one of, if not the most, directly affected parties.

Ray Phelps said that he is more interested in the relationship of the city and that special service districts, looking at the special service districts as being another kind of hybrid situation, although more grounded and founded, nevertheless, have a peculiar relationship.

Bruce Thompson said that Metro would be free to appoint any number of advisory groups. He would assume if you had a service that Metro is looking at, which directly affected the service districts, they would certainly be involved, not necessarily on RPAC.

Ray Phelps said that he is concerned that the fair representation of each geographic component with respect to county, city, and what not may be overlooked.

Mary Tobias said that she had a conversation with Dick Waker, former Metro counselor and former presiding officer of the Metro council about the issue of the elected executive. From the beginning of her involvement with Metro, she has always believed that it is a problem area for clarity in the operation of the organization. It doesn't fit her sense of what the corporate model is or how the structure ought to move to make things very clear to everyone dealing with the government. Dick Wicker surprised her to a certain extent by reshaping her thinking to a great degree. What really ultimately led to that was the issue of does it really in the longest sense of things, mean the government will truly function better, or will it become dysfunctional if we retain the elected executive. His opinion was, from his experiences in working with the Metro council and working with regional government, ultimately it is one of the least critical issues to making sure that the region functions well into the future. The RGC has proposed an appointed manager. She asked why, in the long term, we really ought to change that structure or in fact, will the region fall apart if we keep the elected executive.

Judie Hammerstad said that the region will not fall apart if we have good people. That's really the key. What we're looking at, however, is an ideal and the unanimous position or interest of RGC has been because it's the form of government that we come from. We are familiar with it, for all of us, it works. With a professional manager, you hire someone who is professionally trained to manage and administer. You do not get that person because of name familiarity, because of holding other elected offices that may or may not be pertinent. This is an important enough office that we feel we should have people who are experts in administration and management. We also have some strong feelings about duplication of staff that goes with both of these elected bodies. The executive has an appointed staff and the council has an appointed staff and there have been, from time to time, conflicts between those staffs.

Mary Tobias said that she had been in office about six months when the city manager resigned and for six months she was mayor and city manager. It's a terrible thing to try to do, especially when your credentials were not good for city manager. She said that, in terms of council structure, it does seem that a body politic functions best when there is one clear leader that is identifiable for a prescribed length of time. If you do not have the elected executive, then it does seem there needs, to be one person to whom the electorate can look at as the spokesman--the person that embodies that government publicly and politically--but not in terms of being the driving force on the council itself. She asked if the RGC has moved on one form of structure of if they still have many choices.

Judie Hammerstad said that the RGC does not agree on this and may not. It is a difference between substance and image. Mary Tobias is talking to image, but it may not get to good government. Reasonable people will disagree about this, so there will be some of you who will say that we have to have a single person who will embody the image of this regional government and you will die for that. It's interesting that there's as much support on RGC for equal power as there is when you consider that these folks come from city councils and mayors. Maybe it's the mayors who are supporting the image and the city council people who are supporting meat ball stuff. Each of the county commissions has a different form of government and all work to a different degree. Ours having a rotating chair and having equal power and representation, being elected at large, works extremely well for Clackamas County because we are all

accountable to the same degree.

Ron Cease said one system will give you an emphasis or orientation on the local--district election--and another system will give you the emphasis on the regional--at large election. When they are mixed, you are saying that there is merit in having both the regional and local views. An executive that could give you the regional political viewpoint of administering the government. In the larger cities, there is a strong mayoral system, but also a provision for an administrative officer because it recognizes that you probably will not be able to have an elected executive who can do all of those things. If there is a manager for anything as large as Metro, the manager may end up being a policy maker. The manager would be playing a major political role that may not be appropriate.

Judie Hammerstad said one of the reasons that a city manager will tend to make policy is because you have volunteer part time council people. You have that same situation on Metro right now and we have talked about knowledge is power and this is the reason we are suggesting that you have seven full time paid members. As far as being representational of the region, the reason that we have said in each of our recommendations by district, is because you are going to be dealing with a district of more than 200,000 people. If in fact we had a strong elected executive officer, that would be one thing, but this is an elected officer who had no opposition in the last election. Is this position attractive enough so that people are willing to run for it because they think it is a desirable elected administrative position? At this point, it is a rather invisible government. There's no competition.

Mary Tobias asked if she believes that it will be possible to fund and to have the electorate approve full time, paid counselors.

Judie Hammerstad said that the question sort of goes to the campaign and how that's run, because the reality of it is that Metro right now is over staffed. You could easily pay for seven people full time by decreasing the current size of the council and decreasing some of the staff. That's the work that a full time counselor would do.

Mary Tobias said that, to be pragmatic about it, at the time the charter would go to the voters in November of 1992, you will not have restructured Metro, the charter itself in anybody's version doesn't restructure Metro. There's a very strong feeling of almost political revolt, not just in our state, but the nation. It is troubling that we might, if we were to go with the suggestion of a full time paid counselors, that we might be creating a problem. If you do go to a method that envisions restructuring, you may have more trouble getting the voter to understand that and make the sell at the ballot box a lot harder.

Judie Hammerstad said that it would have to be conducted very carefully because there are ways to save money under this scenario, but full time council people would be doing a much larger share of the work.

Ray Phelps said that he is having a problem tracking the consistency of that. On the one hand you articulate that you don't want to have an elected executive because you want to hire a professional manager and in the alternative, you want to elect seven persons to work full time running functions.

Mary Tobias adjourned the meeting at 9:50 p.m.

Respectfully submitted,



Kimi Iboshi
Committee Clerk

Reviewed by,



Janet Whitfield
Committee Administrator

Materials following this page represent
Public Testimony



TRI-MET

4012 SE 17th AVENUE
PORTLAND, OR 97202
(503) 238-4831
(503) 239-6451 FAX



TRI-MET INTEROFFICE MEMORANDUM

To: Board of Directors

From: Loren Wyss

Date: January 20, 1992

Subject: Metro Charter Committee

I think the following should be the guiding principles governing the Tri-Met/Metro relationship:

1. There should be clear evidence of a cooperative, professional working relationship between these two metropolitan-wide agencies;
2. Metro should continue to have very strong regional planning powers--in both land-use and transportation;
3. Through JPACT, Metro should continue to have approval powers over Tri-Met's five year Transit Development Plan (TDP), as well as any specific capital projects involving federal funds;
4. The extension of service provisions outside of Metro's boundary should be done with Metro's approval.
5. Tri-Met should continue to have operational responsibility for transit functions within the District, performing with the powers of ORS 267;

These guidelines comply with the Governor's expectation that all public agencies within the State find effective ways to demonstrate the efficiencies of close cooperation. They also acknowledge that Metro (like ODOT and local governments

Implicit in these principles is the understanding that no substantial benefits accrue to the provision of transit services or the achieving of regional mobility by changing the governance of Tri-Met at this time. At such time as clear benefits can be identified, Tri-Met, like all other functions not assigned outright in the Charter, should be evaluated through a process similar to that outlined by the Regional Governance Committee. Until that time, Tri-Met should remain a creature of the State legislature, with a Board of Directors appointed by the Governor.

Given the crucial importance to Tri-Met of a strong, well-funded Metro, this agency--its staff and its Board--should lend every permissible assistance to the passage of a charter granting Metro effective home-rule powers.

TW:kg

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CITY OF TUALATIN

PO BOX 369
TUALATIN, OREGON 97062-0369
(503) 692-2000

January 22, 1992

Memo to: Charter Committee

From: Regional Governance Committee (RGC) Executive Committee - Steve Stolze, Mayor of Tualatin, Judie Hammerstad, Chair, Clackamas County Board of Commissioners, Gussie McRobert, Mayor of Gresham

Subject: RGC's Recommended Decision-Making Process for Adding Service Delivery Functions to the Regional Government in the Future

The purpose of this memo is to provide further background information and clarification regarding the decision-making process RGC has proposed for adding new service delivery functions to the regional government over time.

At several meetings the Charter Committee has discussed the need for the Charter to include two general concepts: a partnership between the regional government and local governments, and a means for the role of the regional government to evolve over time as there is a consensus in the region for METRO to do more things. The RGC strongly supports both concepts; our proposed decision-making process has been specifically designed to provide for the needed partnership and for the evolution of the regional government.

We examined three general approaches when designing our recommended decision-making process:

- 1) The METRO Council could be granted the sole authority to make decisions for METRO to undertake new service delivery functions;
- 2) The voters of the region could be granted the sole authority to make these decisions; or
- 3) The METRO Council together with local governments could be granted the sole authority to make these decisions.

All three approaches, taken in isolation, have substantial disadvantages.

Option 1, granting the METRO Council sole authority to decide what new services the regional government should deliver, places too much authority in the regional government. There are few or no services which the regional government could deliver which would not inherently mean a transfer of the function from local governments. To give the regional government the sole authority to make that decision provides the potential for abuse (e.g. regionalizing services that offer the greatest potential for revenue to the regional government rather than those services which the citizens would realize the greatest benefit from regionalizing.) It would require local elected officials to turn over all decision-making authority for services which they have provided to their

constituents for decades to elected officials for another government. This approach clearly violates the partnership principle that most agree is essential to the success of the charter and the functioning of the regional government.

Option 2, granting the voters sole authority, is unduly cumbersome and inefficient. Campaigns for ballot measures are seldom educational and often misleading. They are heavily dependent on which interest group can raise the most money, the ballot title itself, and the "success" of the tactics the ad agencies choose to employ. As the sole decision-making tool to allow the regional government to evolve, this option is seriously flawed.

Option 3, requiring consensus between the regional and local governments as the sole means for making a decision, would place too many limits on the regional government. Just as Option 1 might give the METRO Council an incentive to make a decision about regional service delivery for the wrong reasons, Option 3 would give local governments the ability to do the same. If there are clear benefits to regionalizing a service, local governments should not have the ability to, in effect, veto the regionalization simply because they do not want to relinquish power.

Each of the three options has substantial weaknesses when examined in isolation of each other. But each of them also has strengths. The directly elected Council of the regional government needs and deserves a substantial amount of final decision-making authority. The voters deserve the opportunity to force a change in the delivery of governmental services if they do not approve of the way in which they are being delivered. And local governments, as the units of government with very large existing investments of public funds and the sizable knowledge base created by decades of service delivery, deserve significant input into any decision to change that system.

By combining the three decision-making options into a coherent system of checks and balances, the strengths of each approach can be maximized and the weaknesses minimized. RGC's recommendation is that the Charter require a collaborative decision-making process between the regional and local governments to occur before making a decision to begin delivering a new service at the regional level. If that collaborative process results in clear support (two-thirds) at both the local and regional level, then the regionalization would occur. If the collaborative process does not result in agreement, then the METRO Council would have the authority by a simple majority vote to put the issue before the voters. (It should be noted that in all cases the voters, via the initiative process, would have the ability to make the final decision.)

This approach will:

- promote regional and local collaboration;
- retain final decision-making authority in the METRO Council;
- guarantee the voters the ability to directly control their governments; and
- provide the region with an additional, more flexible decision-making tool, to determine how best to deliver services as time passes and circumstances change.

Perhaps most importantly, the RGC believes that this decision-making process has sufficient analytical rigor, and political checks and balances, that it would make it possible to give the regional government the general grant of powers that it needs to best serve the needs of the region over time. The general grant of powers would eliminate the need to make final decisions during the charter drafting process regarding which services should permanently be delivered at the regional level and which services should permanently be delivered at the local level.

Two simplified examples of how the RGC process might work follow.

EXAMPLE ONE: COLLABORATIVE PROCESS RESULTS IN AGREEMENT BETWEEN RPAC AND METRO TO REGIONALIZE A SERVICE

STEP A. Local government service providers of municipal water services approach the regional government and suggest there is merit in studying whether METRO should develop the next major water source needed by the region. The METRO Council agrees and assigns the issue to staff to research.

STEP B. METRO staff researches the issue and prepares a detailed report which includes findings on six general decision criteria for "matters of metropolitan concern", and sets forth recommended roles and responsibilities between regional and local governments, and how to finance and manage the service. The report indicates that there are substantial benefits to METRO involvement in this issue.

STEP C. The METRO Council assigns the issue to RPAC for a recommendation. RPAC reviews the staff report and votes by at least a two-thirds majority to recommend that the regional government develop the next major water source. The RPAC recommendation goes to the METRO Council and at least two-thirds agree with the RPAC recommendation.

STEP D. The regional government initiates development of the water supply.

EXAMPLE TWO: THE VOTERS DECIDE TO REGIONALIZE A SERVICE

STEP A. Several neighborhood organizations approach the METRO Council with a request that Emergency Medical Services be delivered by the regional government instead of local governments. The METRO Council agrees that the issue merits study and assigns the issue to staff to research.

STEP B. METRO staff researches the issue and prepares a detailed report which includes findings on six general decision criteria for "matters of metropolitan concern", sets forth recommended roles and responsibilities between regional and local governments, and how to finance and manage the service. The report indicates that there are possible benefits to METRO involvement in this issue, but that there are also possible disadvantages (i.e. the correct choice is not obvious).

STEP C. The METRO Council assigns the issue to RPAC for a recommendation. RPAC reviews the staff report and less than two-thirds conclude that the regional government should begin delivering Emergency Medical Services. The RPAC recommendation goes to the METRO Council, which disagrees with the RPAC recommendation and decides by a simple majority vote to submit the issue to the voters. The voters pass the measure to provide Emergency Medical Services at the regional level.

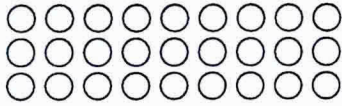
STEP D. METRO begins delivering Emergency Medical Services.

A

Unrestricted Metro Powers but only in Listed Areas

REGIONAL GOVERNMENT

LOCAL GOVERNMENTS

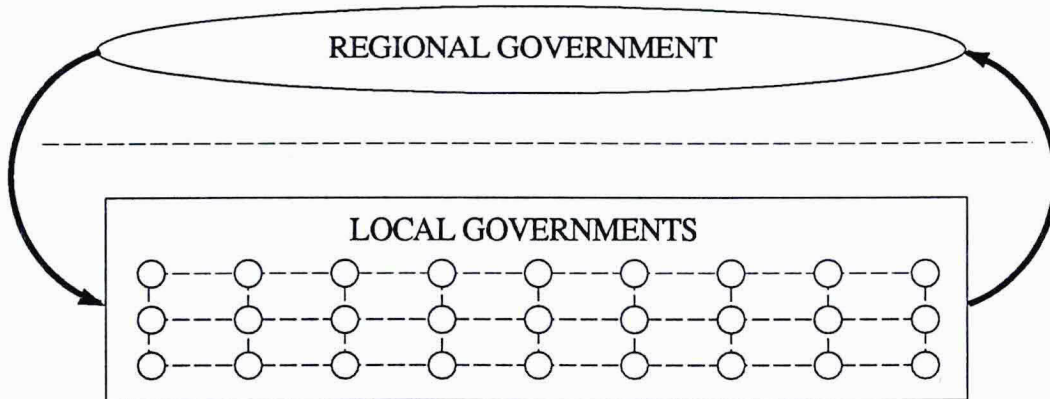


- Provides disincentive for local government cooperation with each other and with Metro
- Discourages partnerships

**COMPARISON OF APPROACHES FOR GRANTING METRO POWERS:
Which Is A Picture of Healthy Regionalism?**

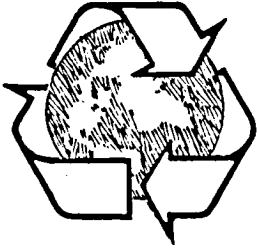
B

Collaborative Decision-Making Process Using Checks and Balances for Metro Involvement in All "Matters of Metropolitan Concern"



- Provides incentive for local government cooperation with each other and with Metro
- Encourages partnerships

Materials following this page represent
Attachments to the Public Record



RECYCLING ADVOCATES

2420 S.W. Boundary Street, Portland, Oregon 97201 (503)244-0026

2420 SW Boundary Street
Portland, OR 97201
January 25, 1992

Hardy Myers, Chairman
Metro Charter Committee
PO Box 9236
Portland, OR 97207

Dear Hardy and Committee:

Comments on Regional Government Structure.

I have followed solid waste issues at Metro for the past 10 years and have attended many Solid Waste Committee meetings the past 5 years. I have observed two problems which I hope the new charter can solve. The first is that the Council has no power relative to the Executive. Rather than setting policy and having control over the budget, the Solid Waste Committee discusses what the Executive wants to bring to it, sometimes disagrees, but almost always acquiesces. Only one time have I seen them win in a disagreement with staff, and that was a small matter. The second problem is that the Council has no visibility and therefore no accountability.

For the above reasons I recommend a structure whereby the Council Presiding Officer is elected regionwide, and the Council appoints the regional manager. This would be a variation of Alternative Four.

Comments on Powers and Functions

I support the creation of a Regional Framework Plan and a Future Vision, although 50 years might be too long.

I do not support local governments have numerical authority in voting to adopt the Regional Framework Plan.

I do not understand why energy is included as a matter of metropolitan concern.

Responsibilities for solid waste should include implementation of a Waste Reduction Plan, which should be updated every 5 years. This fits under A.3., p. 13. In that same section (A.3.a.) household hazardous waste sites should be located so that no homeowner has to drive more than 20 minutes to reach one.

Very truly yours,

Handwritten signature of Jeanne Roy in cursive script.
Jeanne Roy

There's no such place as "away"