

MINUTES OF THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

April 23, 1981

Councilors in Attendance

Presiding Officer Jack Deines  
Vice Presiding Officer Betty Schadeen  
Coun. Ernie Bonner  
Coun. Bruce Etlinger  
Coun. Marge Kafoury  
Coun. Mike Burton  
Coun. Bob Oleson  
Coun. Charles Williamson  
Coun. Corky Kirkpatrick  
Coun. Jane Rhodes

Others in Attendance

Mark Greenfield  
Tim Ramis  
Edward Dahl

In Attendance

Executive Officer Rick Gustafson

Staff in Attendance

Denton Kent  
Andrew Jordan  
Steve Ames  
Leigh Zimmerman  
Marilyn Holstrom  
Charles Shell  
Merle Irvine  
Norm Weitting  
Caryl Waters  
Jim Sitzman  
Cynthia Wichmann  
Doug Drennan  
Berta Delman  
Andy Cotugno  
Mike Holstun  
McKay Rich  
Sonnie Russell  
John LaRiviere  
Jennifer Sims  
Marie Nelson

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**CALL TO ORDER**

After declaration of a quorum, Presiding Officer Dienes called the meeting to order at 7:30 p.m. in the Council Chamber, 527 S.W. Hall Street, Portland, Oregon.

**1. INTRODUCTIONS**

There were no introductions at this meeting.

**2. WRITTEN COMMUNICATIONS TO COUNCIL**

The Presiding Officer referred the Council to a letter dated April 6, 1981, to Executive Officer Rick Gustafson from the 1000 Friends of Oregon regarding a Clackamas County request for an Urgan Growth Boundary (UGB) amendment. Executive Officer Gustafson described this request as major and pointed out the Council had not adopted rules for processing major amendments. The Executive Officer said he understood the Presiding Officer had the authority to designate a hearings officer for the case but due to the nature of this particular amendment, he thought it appropriate for the matter to be discussed by the full Council. The Executive Officer recommended the Presiding Officer designate the Council Regional Development Committee as the hearings officer for the case as opposed to seeking an outside hearings officer. He added that legal representatives from the 1000 Friends of Oregon and the applicant were present to discuss their views regarding this recommendation.

Coun. Kafoury asked for more background information regarding the case. The Executive Officer explained the case had been thoroughly reviewed and Clackamas County had developed findings and their material had been submitted to Metro. He said appointment of the Development Committee as the hearings officer would avoid costly duplication in the proceedings since the case must ultimately be reviewed by the Committee if an outside hearings officer were appointed. He said this would also focus the decision making responsibility and the quasi-judicial process in front of the Council.

In response to Coun. Williamson's inquiry about procedures for adopting major UGB amendments, Mr. Andrew Jordan explained no rules had been adopted as they had been for locational adjustments. He said the criteria for approval or denial of this particular petition would primarily be the LCDC State-wide Goals and the Framework Plan. He further explained the Development Committee would be charged to comply with existing contested case procedures.

Coun. Williamson then asked if it would be wise for Council to proceed with the case since no rules had been adopted for major UGB amendments. The Executive Officer said he was recommending Council proceed with the hearing, State-wide Goals could serve as the standard on which to make a judgment and it would be unduly harmful to the applicant to delay the proceedings. He said once a record was developed, the Council could decide not to proceed with the case until full rules for determining an amendment were established.

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Mr. Denton Kent cited a recent case involving an amendment to the Clackamas County Urban Growth Boundary involving the same circumstances as would exist in this pending case. He said the previous case had presented an opportunity for the contested case procedures to be refined and could serve in establishing guidelines. Coun. Williamson pointed out the other Clackamas County case was a legislative matter and that quasi-judicial matters had been referred to an outside hearings officer.

Coun. Schedeen asked how much the services of an outside hearings officer would cost. Mr. Jordan's estimate was between \$500 and \$1,000 for the case.

The Presiding Officer asked Mr. Mark Greenfield, staff attorney for the 1000 Friends of Oregon, to address the Council regarding this issue. Mr. Greenfield said the matter before the Council was complex and should be resolved in a timely, orderly and deliberate manner. He said Council must first address applicable standards and a review process before the case could be resolved, which he said was mandated by state law. Mr. Greenfield also said that litigation was currently pending before the Land Use Board of Appeals (LUBA) regarding the Clackamas County decision. The petitioners in that proceeding were challenging the findings as not being supported by substantial evidence, he said. Therefore, he claimed it would be improper for the Council to consider those findings while the matter was still before LUBA.

Mr. Greenfield urged that LCDC's Goal 14 not be the sole criteria for judging a major amendment case. He cited the issues raised in LCDC's order acknowledging Metro's Urban Growth Boundary and those relating to LCDC's order continuing the Clackamas County Comprehensive Plan. After standards and procedures have been established, he said it would then be appropriate for Metro to consider the issue on the merits. Mr. Greenfield again strongly recommended Metro to seek an outside hearings officer. He said some of the issues would involve compliance with the dual interest area agreement between Clackamas County and Oregon City, compliance with bypass requirements, compliance with general LCDC goals, consideration of need and alternative locations and the validity of the record. Many of these issues are of a complex legal nature, he said, and would require the expertise of an outside hearings officer.

In response to Coun. Kafoury's question, Mr. Greenfield said Clackamas County's decision had already been challenged before LUBA by the 1000 Friends of Oregon and several other individual petitioners. Coun. Kafoury then asked which Comprehensive Plan would be involved in this case. Mr. Greenfield answered the case involved a dual interest area agreement between Clackamas County and Oregon City.

Presiding Officer Deines asked if it was Mr. Greenfield's contention that LCDC's State-wide Goals were not sufficient criteria on which to review the case. Mr. Greenfield said the goals would obviously apply but other standards should also apply. He said LCDC had defined the goals in such a way as to raise other standards the Council may want to review when considering any major amendment.

Coun. Bonner asked Mr. Greenfield if he felt Metro's existing contested case procedures were not adequate for this hearing. Mr. Greenfield said he had not seen a copy of those procedures and therefore could not comment on the question.

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Coun. Bonner suggested Mr. Greenfield could not know whether the Council would conduct a reasonable hearing if he had not reviewed the procedures.

Coun. Bonner, in addressing the issue of appropriate standards for the case, asked Mr. Greenfield if it would be appropriate for the Development Committee to establish a set of standards before the hearing commenced. Coun. Bonner said these standards could also include Mr. Greenfield's recommendations. Mr. Greenfield said he would accept this procedure but again urged an outside hearings officer be appointed to work with the Council.

Mr. Tim Ramis, attorney for Mr. Jim Johnson, a property owner in the case, addressed the Council. He said he was not representing Clackamas County but he had discussed the matter with County Commissioners and said they favor the staff recommendation. He said the County was very interested in a speedy hearing because delays would be costly both to the developer and to the elderly people who would reside in the housing. Mr. Ramis was confident the Development Committee could define fair standards. He also cited a letter LCDC had sent to Metro defining their recommended standards for the case. He said he was also confident Metro would take these recommendations into consideration and that County Commissioners were in agreement with those recommendations.

The Presiding Officer asked if there were any Council objections to designating the Council Regional Development Committee as the hearings officer for this case. Coun. Burton said he favored such a decision because it would eliminate one step in the process. Coun. Kirkpatrick had no major objections but emphasized the importance of developing standards before the hearing. Coun. Williamson said he objected to the designation because the Council would be better served by appointing an outside hearings officer to deal with the complicated issues involved. He also questioned why the Council had not yet adopted major amendment criteria. He said perhaps the Council could develop such criteria to present to the hearings officer if one were appointed. Coun. Kafoury supported Coun. Williamson's position.

Presiding Officer Deines said since the majority of the Council was in agreement with his position, he would designate the Development Committee to hear the matter. He directed the Executive Officer to write a letter to the City of Oregon City asking them to comment on the issue no later than May 30, 1981.

Coun. Williamson moved to appoint an outside hearings officer to review the case. Coun. Kafoury seconded the motion for discussion purposes. There was no discussion and a vote was taken on the motion. Voting for the motion were Couns. Williamson and Kafoury. Voting against the motion were Presiding Officer Deines, Couns. Schedeen, Bonner, Etlinger, Burton, Oleson, Kirkpatrick and Rhodes. The motion failed.

**3. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS**

There were no citizen communications to Council on non-agenda items at this meeting.

4. CONSENT AGENDA

The Presiding Officer said item 4.9 regarding Resolution 81-241 was being removed from the Consent Agenda to allow for a public hearing later in the meeting.

Coun. Kirkpatrick moved, seconded by Coun. Williamson, for adoption of the Consent Agenda as amended.

Coun. Williamson asked how the project proposed in Resolution No. 81-236 would be funded for FY 1982. Mr. Denton Kent said the project would be funded from two sources. Some funds had been obtained from the transfer of the Development Director from the Development Services Program to the Metro Futures Program and other funds were gained through budget cuts recommended by the Executive Officer and tentatively agreed to by the Coordinating Committee, he said. Mr. Kent said Coun. Burton would explain these budget changes in more detail later in the meeting.

Coun. Bonner moved, seconded by Coun. Kirkpatrick, that agenda item 4.8 be removed from the Consent Agenda to be discussed later in the meeting. Coun. Bonner requested Coun. Kirkpatrick revise her motion for approval of the Consent Agenda by removing both agenda items 4.8 and 4.9 for later discussion. Coun. Kirkpatrick agreed to the request. A vote was taken on the motion to approve the Consent Agenda as amended. The motion carried unanimously.

4.8 Resolution No. 81-236, For the Purpose of Authorizing Continuation of the Goals and Objectives Planner Position Through FY 81, and Approving an Additional Four Months Funding for Said Position for Inclusion in the FY 82 Budget

Coun. Bonner questioned whether the Task Force on Goals and Objectives should continue with the project. He said he would prefer the project be assigned to the Development Committee and allow the Committee to serve as the liaison to other groups or individuals involved in the Futures project.

Mr. Steve Ames said that alternative was never considered because the issue had never been addressed to the Task Force. Coun. Kafoury added that she understood the Task Force would serve as a bridge between Metro and the public, something that would be more difficult for a larger body of Councilors to accomplish.

Coun. Schedeen asked Mr. Ames to name members of the Task Force as now proposed. Mr. Ames said the assumption was that people presently serving on the Task Force would continue to serve.

Coun. Burton said the resolution before the Council did not address the issue of a Task Force. He therefore assumed the Task Force had disbanded. He also said the FY 82 proposed budget did not designate a lead position for the Futures Project. He said he would support the resolution if the Executive Officer would assign supervisory responsibility for the Goals and Objectives Planner position. The Presiding Officer should then determine to whom project reports should be made, he said.

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Presiding Officer Deines ruled the document dated April, 1981, entitled "The Metro Futures Proposal" from the Task Force on Goals and Objectives not be part of Resolution No. 81-236 since the resolution did not address the document. He agreed with Coun. Burton and said the Council needed to consider at some future time the makeup of the Task Force as well as to whom the Task Force would report.

Coun. Bonner moved Resolution No. 81-236 be adopted. Coun. Schedeen seconded the motion. Voting for adoption were Presiding Officer Deines, Coun. Schedeen, Bonner, Etlinger, Kafoury, Oleson, Williamson, Kirkpatrick and Rhodes. Voting against adoption was Coun. Burton. The motion carried and the Presiding Officer declared the resolution adopted.

**5. ORDINANCES**

**5.1 Ordinance No. 81-107, For the Purpose of Providing for a Temporary Partial Waiver of Charges at the St. Johns Landfill for Woody Wastes (Second Reading)**

The Presiding Officer declared a motion for adopting the ordinance had been made at the April 2, 1981, Council meeting and a public hearing had also been held on that date.

Coun. Etlinger circulated a memo from himself to Councilors explaining an amendment he wished to propose to the ordinance. Coun. Etlinger explained the amendment would give the Executive Officer the option of charging a reduced rate or of imposing no fee for the disposal of yard debris during the special cleanup drives. He said a free program would be a good expenditure of EPA grant funds not available next year and a free program could also involve citizens in source separation activity that might not otherwise participate. Coun. Etlinger then moved to amend the ordinance per his memo. The motion was seconded by Coun. Bonner.

Coun. Oleson asked for the Executive Officer's response to the proposed amendment. Executive Officer Gustafson said he was not strongly opposed to the amendment. He said the important issue was to do everything possible to encourage keeping yard debris out of landfills. However, he said, a free program could cause problems since no funds would be available next year to subsidize the program. He thought the \$1.00 rate as proposed in the original ordinance was sufficient incentive for citizen participation.

Coun. Oleson said he was concerned that program participation would not be great. Mr. Gus Rivera said he expected good participation due to staff publicity efforts. Mr. Rivera was concerned that if disposal services were offered free of charge there would not be sufficient funds with which to sponsor other campaigns. He was also concerned that free services could raise citizen expectations for next year.

Coun. Rhodes said she would not support the amendment because the adopted ordinance would become a permanent rule and the Executive Officer would then be in a position of imposing rates for different groups - a practice some groups might not think equitable if their rate was higher than others. Also, the project should not be totally subsidized since the \$1.00 rate would serve as an adequate incentive and Metro could not afford a total subsidy, she said.

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Coun. Etlinger pointed out the ordinance would expire at the end of January, 1982. Coun. Oleson asked the Executive Officer if he intended to advise the Council in advance of any rates recommended of less than \$1.00. Executive Officer Gustafson said he would report such plans to the Council in advance.

A vote was taken on the motion to amend Ordinance No. 81-107 to allow free rates as proposed by Coun. Etlinger. Voting aye were Couns. Etlinger, Kafoury, Oleson, Williamson, Schedeen and Bonner. Voting no were Presiding Officer Deines, Couns. Burton, Kirkpatrick and Rhodes. The motion passed.

A vote was taken on the motion to adopt Ordinance No. 81-107 as amended. Voting aye were Couns. Etlinger, Kafoury, Burton, Oleson, Williamson, Rhodes, Schedeen and Bonner. Voting no were Coun. Kirkpatrick and Presiding Officer Deines. The Presiding Officer declared the ordinance adopted.

The Presiding Officer called a five-minute recess. Coun. Kafoury did not return after the meeting reconvened.

**6. PUBLIC HEARINGS**

**4.9 Resolution No. 81-241, For the Purpose of Transmitting the Fiscal Year 1981 Supplemental Budget to Tax Supervising and Conservation Commission.**

Presiding Officer Deines opened the public hearing on the resolution. Executive Officer Gustafson said the supplemental budget had been reviewed and recommended for approval by the Council Coordinating Committee and staff were present to answer questions of the public and Council.

Coun. Burton, Chairman of the Coordinating Committee, said the staff report was self-explanatory and that Council approval of the resolution was a procedural matter required before the budget could be presented to the Tax Supervising and Conservation Commission (TSCC).

Since no testimony was received from the public, the Presiding Officer closed the public hearing. Coun. Rhodes then moved that Resolution No. 81-241 be approved. Coun. Schedeen seconded the motion. A vote was taken on the motion and it carried unanimously.

**Public Hearing on the Proposed FY 82 Budget**

Presiding Officer Deines opened the public hearing on the FY 82 budget.

Coun. Williamson requested a review of budget changes recommended by the Council Coordinating Committee. Coun. Burton reported the Coordinating Committee reviewed the budget as recommended by the Executive Officer on April 13 and April 20, 1981. Also reviewed were discretionary programs recommended by the Regional Development and Regional Service Committees, he said. He said the Coordinating Committee recommended the Council approve the budget as represented in the document entitled "Metropolitan Service District Proposed Budget, Fiscal Year 1982", dated April, 1981.

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Coun. Burton summarized the proposed budget by saying the total budget was approximately \$36 million. He said proposed operating costs were a relatively small part of the budget, the majority of funds being startup capital costs for the resource recovery program. He explained the Coordinating Committee had decided not to decrease the General Fund Contingency below the \$362,000 recommended by the Executive Officer. This meant that any discretionary programs added to the budget would have to be funded by decreases in other programs, he said. Coun. Burton further reported the Committee was responsive to the Development Committee's recommendation that regional drainage problems be addressed, that a commitment be made for recycling efforts and that the Metro Futures program continue.

Coun. Burton said the Coordinating Committee spent most of their time reviewing the General Fund budget to ensure the fund would reflect the greatest benefit to local governments and citizens. He said the Coordinating Committee took the following actions:

1. Executive Management and Support Services Departments. The Committee asked the Executive Officer to make additional budget reductions to reflect concerns over staff level salaries and to ensure funds for several Council priorities. As a result, the Executive Officer recommended reductions of approximately \$52,000. This was accomplished by freezing salaries of two top-level positions, reducing the position of Chief Administrative Officer to that of Deputy Executive Officer, terminating certain contracts and reducing travel and other administrative line items. The Executive Officer would report to Council on the reorganization of the Support Services Department in the near future, Coun. Burton said.
2. Development Services Department. Because of reductions in the Executive Management and Support Services Departments, the Committee was able to add \$32,000 for regional drainage management and continue for six months the Metro Futures project.
3. Solid Waste Department. The Committee added \$25,000 to the existing \$50,000 contract loan and grant fund. These funds would assist deserving recycling projects in the region.
4. Transportation Department. The Committee recommended eliminating \$6,000 budgeted for a tele-communications project and placing that money back into the General Contingency Fund.
5. Criminal Justice Department. The Committee made no changes to the budget recommended by the Executive Officer.
6. Zoo Department. Since funding for Zoo activities were dictated by the levy, the Committee recommended no changes from the Executive Officer's budget. However, projected admissions revenues were contingent upon proposed admissions increases which the Council will be asked to approve at a later date.

In summary, Coun. Burton said the Coordinating Committee was recommending to the full Council a budget which marked significant staff reductions but at the same time, would allow the Council to meet its obligations for maintaining a responsible overview of regional government. Coun. Burton recommended the Council adopt the budget as recommended by the Council Coordinating Committee.

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Coun. Williamson asked Coun. Burton about the deletion of the tele-communications project. He said he understood the program had funded .17 of a planning position and questioned how the full position would now be funded. Mr. Kent answered the position would be fully funded by reductions in other areas.

Coun. Rhodes asked if all changes recommended by the Coordinating Committee were reflected in the updated proposed budget. Coun. Burton said all changes were included. Coun. Rhodes, in comparing the updated Development Services budget with the document reviewed by the Coordinating Committee, said discrepancies existed in personnel services and asked for an explanation. Mr. John LaRiviere responded that no discrepancy existed since funds originally budgeted under personnel services for salary increases had been transferred to the General Contingency Fund as required by the TSCC. He further explained that because of a recent reduction in engineering staff now funded by the 208 grant, some funds had been carried over to FY 82 to support a portion of the Drainage Management Program. He said the 208 and Regional Drainage projects now appear under the Development Plans and Services Program.

In response to Coun. Rhodes' question about apparent discrepancies in the budget for the Metro Futures Program, Mr. LaRiviere said salary contingency had been transferred to the General Contingency Fund since the TSCC requires all contingencies to be shown as a single item.

Edward Dahl, 5635 S.E. 103rd Avenue, Portland, Oregon, testified he had recently attended a public meeting in Southeast Portland regarding Johnson Creek. He requested the Council make funds available for Johnson Creek and the project continue.

Coun. Burton told Mr. Dahl the Coordinating Committee had moved to recommend funds for a regional drainage program but he had been concerned that the motion to recommend funding was not supported by a specific work program. This, he said, left some confusion among Committee members regarding Metro's exact role in drainage management during FY 82. Coun. Burton said some decision would have to be made in the future.

Coun. Rhodes said she was glad a position had been included for drainage management, it was important to keep the project alive and the Council should use the funds for regional problems, not a specific problem. She agreed the Council's position should be established.

Coun. Bonner said he was pleased the Coordinating Committee had added \$25,000 in the Solid Waste budget to assist regional recycling efforts. He hoped this action would prompt staff to set criteria for granting money for those efforts.

Coun. Etlinger recalled there was a tie vote at the Coordinating Committee to recommend funding of a newsletter. Since several Councilors were not at that meeting, he asked Coun. Burton to explain the issue. Coun. Burton said a motion was made at the Committee to fund a Council newsletter at \$30,000. Subsequent to the motion, it was learned several other newsletters would be published and it would be more economic to consolidate Council and other concerns into one newsletter. Some Committee members also felt that by consolidating all issues into one publication, the public would gain a better understanding of the scope of Metro's responsibilities, Coun. Burton said.

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Executive Officer Gustafson said staff were preparing a proposal for a consolidated newsletter and would present a sample to Council for their review and approval by the end of this fiscal year.

Coun. Etlinger said the proposed FY 82 budget would not provide adequate funds to fully promote the concept of regional government. He suggested foundation money be sought for this purpose. He quoted Coun. Schedeen by saying Councilors were elected but not accepted and said the acceptance of Metro was the most important task to be accomplished next fiscal year.

Coun. Williamson asked staff about the possibility of removing money from the General Contingency Fund for reallocation to the tele-communication project. Mr. Kent said the amount of budget cuts recommended by the Coordinating Committee had exceeded the amount of expenditures recommended. However, he said the Committee and staff had generally agreed the \$6,000 proposed for the project would not be enough funds to be effective. Coun. Bonner added the technology for the project was not readily available and that next year might be a better time to address the possibility of funding.

The Presiding Officer expressed his thanks to the Executive Officer, Chief Administrative Officer, Coun. Burton and the Coordinating Committee, Charles Shell and Jennifer Sims for their efforts in preparing and reviewing the budget. Coun. Burton said he appreciated the patience of the Coordinating Committee during their budget review.

There being no further comments, Presiding Officer Deines closed the public hearing on the FY 82 budget.

## **7. REPORTS**

### **7.1 Executive Officer Report**

Executive Officer Gustafson said he was speaking before the Washington County Public Affairs Forum this coming Monday. He also reported he had been one of 50 public officials invited to attend the Lincoln Institute Conference on Government in the 1980's. He considered the invitation an honor and said other elected government officials from around the nation would also be in attendance. He said he would report to the Council about the conference when he returned.

### **7.2 Committee Reports**

Coun. Bonner reported he would set up a meeting for the Development Committee, to be held the last week in May, for reviewing UGB amendment standards. He said the first hearing of the Clackamas County case would most likely occur during the first week in June.

Presiding Officer Deines ruled that only he and officially appointed members of the Regional Development Committee would participate in the standards development and hearings process. Other Councilors should stay home, he said.

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Coun. Burton said the Coordinating Committee would address Council operating rules at their next meeting. He requested Councilors not attending that meeting to submit their comments in writing to him before the meeting date.

8. GENERAL DISCUSSION

Resolution No. 81-242, For the Purpose of Making Recommendation to the Pacific Northwest Electric Power and Conservation Planning Council

Coun. Kirkpatrick moved for adoption of the resolution she had distributed to Councilors. Coun. Bonner seconded the motion. Coun. Kirkpatrick explained the resolution, if adopted, would be submitted to the Planning Council for their consideration on April 28, 1981.

The Presiding Officer said the resolution was intended to be a statement of the Metro Council's position. Coun. Bonner further explained the resolution stated that the BPA, in addressing the purposes of the Pacific Northwest Electric Power Planning and Conservation Act, must allocate more time and money to local governments for making plans. He said the Development Committee would soon concern itself with recommending a specific set of work tasks in connection with this project.

A vote was taken on the motion to adopt the resolution and it passed unanimously.

SB852, Dues Authority Legislation

Executive Officer Gustafson reported the Legislative Senate Committee on Local Government would be meeting on April 27, 1981, to consider SB852. Senator Roberts, chairman of the committee, had asked Metro whether they would support an amendment to remove municipal corporations from the authority to levy mandatory dues. The Executive Officer explained the current legislation includes cities, counties and other municipal corporations. He said the only two municipal corporations currently being assessed dues are the Port of Portland and Tri-Met and they have paid their dues on virtually a volunteer basis. The Executive Officer asked the Council for their direction and stressed that Senator Roberts had urged Metro to accept the proposed amendment since opposing the amendment or submitting other amendments could jeopardize dues assessment authority to cities and counties. The Executive Officer was confident that a voluntary agreement could be reached with the Port and Tri-Met for continued dues assessment.

Coun. Williamson moved to instruct Metro's lobbyist to make every reasonable effort to keep municipal corporations in the legislation. Coun. Burton seconded the motion. Coun. Oleson asked Coun. Williamson if his motion would carry even if it meant delays in work sessions or legislation. Coun. Williamson said his intent was for the lobbyist to do whatever was reasonable and prudent, including drafting an amendment, talking with committee members before their work sessions, and presenting the amendment at the work session. He said to do otherwise would mean losing a substantial portion of assured local dues. Coun. Burton added that if it did not appear reasonable to continue dues assessment to municipal corporations, efforts should be dropped.

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Coun. Bonner said Metro should seek written voluntary commitment from the Port of Portland and Tri-Met regarding future dues. If that commitment could not be obtained, then Metro should attempt to amend the legislation on the House floor to get dues assessed on a mandatory basis, he said.

Coun. Rhodes said Metro had run out of time for negotiating. She said she would not support Coun. Williamson's motion because it could jeopardize the progress gained.

A vote was taken on the motion. Voting aye were Coun. Williamson, Etlinger and Burton. Voting no were Coun. Oleson, Kirkpatrick, Rhodes, Schedeau, Bonner and Presiding Officer Deines. The motion failed.

Coun. Bonner then moved the Council direct Executive Officer Gustafson and Presiding Officer Deines to request from both Tri-Met and the Port of Portland some significant written commitment to continue their financial responsibilities to Metro to be received before SB852 goes to the House Committee. If such commitment is received, the Metro lobbyist should be instructed to not oppose the currently proposed legislation, he said. Coun. Rhodes seconded the motion.

A vote was taken on the motion and it passed unanimously.

**Other Discussion**

The Executive Officer reported the legislation allowing Metro Councilors to run for other offices was approved by the Senate committee. He congratulated Coun. Banzer for her accomplishments.

Coun. Burton noted the Oregonian's inconsistent editorial policy. The newspaper supported similar legislation for state senators but was opposed to Metro Councilors running for other offices, he said.

There being no further business, the Presiding Officer adjourned the meeting at 9:40 p.m.

Respectfully submitted,



A. Marie Nelson  
Acting Clerk of the Council