

**MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

**REGULAR MEETING
JUNE 23, 1983**

Councilors Present: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen, Waker, and Williamson.

Also Present: Rick Gustafson, Executive Officer.

Staff Present: Donald Carlson, Andrew Jordan, and Dan LaGrande.

Testifiers: Louis Turnridge, Ken Bunker, Betty Schedeen, Mike Burton, Glenn Otto, Ronald Buel, Wes Myllenbeck, Paul Thalhofer, Jeanne Orcutt, Jack Nelson, Douglas Allen, Earl Blumenauer, Ronald Cease, Greg Kantor, Harrison King, Chet Kershaw, Ray Polani, Jim Worthington, George Burton, Kathy Laib, Robert Calquest, and Jean Hood.

A regular meeting of the Council of the Metropolitan Service District was called to order at 7:10 p.m. by Presiding Officer Banzer.

1. Introductions.

There were no introductions.

2. Councilor Communications.

Presiding Officer Banzer said she had several items she wanted to share with the Council:

- a. Copies of her memo entitled "Major Issues to be Addressed by Metro Council During the Next Six Months" were distributed (a copy of the memo is attached to the agenda of the meeting). She asked that Councilors refer to it during Committee deliberations and use it as a framework for discussion.
- b. She referred the Project Initiatives Program to the Regional Development Committee.
- c. Noted that initial discussion of the Future Funding issue would be held at the second Council meeting in July.

- d. Announced that Council had been invited to visit the regional government in Vancouver, B.C. on July 28 and 29, and because of that the second Council meeting in July would be moved to either July 21st or July 26th.
- e. A letter she had written to Dr. Cease was distributed, together with his response. The communication concerned the Metropolitan Citizens League interest in conducting a review of Metro (a copy of the letter is attached to the agenda of the meeting).
- f. She reported that the Portland Chamber of Commerce had provided to the Council copies of its report on Tri-Met and its FY 84 budget (attached to the agenda of the meeting).
- g. Copies of a letter the Presiding Officer had sent to Gerald Drummond of the Tri-Met Board were distributed (attached to the agenda of the meeting).
- h. She distributed copies of H.B. 3017 introduced by State Representative Jane Cease and said the Bill was scheduled for public hearing on June 24th. She asked the Executive Officer to comment on the bill (a copy of the Bill is attached to the agenda of the meeting).

Executive Officer Gustafson said that the Bill was scheduled for hearing before the House Intergovernmental Committee. His recommendation, given the late date of introduction to the Legislature, was that the Council did not necessarily need to take a position. He said the Bill would allow Metro to provide park, library and jail services if a tax base or serial levy was passed to provide the services. He said it required that a Commission be appointed by Metro to provide the services, and to appoint a transit commission to operate the transit system if Metro were to take over Tri-Met. Mr. Gustafson pointed out that there was not a high expectation that the Bill would pass this session. He said that he and the Presiding Officer would attend the public hearing and seek a clarification of whether a commission was required even if Metro wasn't providing the service.

3. Executive Officer Communications.

Mr. Gustafson noted that the music season at the Zoo had begun on June 22nd.

4. Written Communications to Council on Non-Agenda Items.

There were no written communications to Council on non-agenda items.

5. Citizen Communications to Council on Non-Agenda Items.

Mr. Louis Turnridge, 18144 S.E. Pine, 97233, stated that given Metro's record, he supported adoption of Resolution No. 83-408 which would declare the Council's intent to do nothing about a merger between Metro and Tri-Met.

6. Consent Agenda.

The Consent Agenda consisted of the following items:

- 6.1 Minutes of the meetings of April 7 and April 28, 1983.
- 6.2 Resolution No. 83-411, for the purpose of amending the Transportation Improvement Program (TIP) to transfer Urban Mass Transportation Administration (UMTA) Section 5 funds from Capital Assistance to Operating Assistance.
- 6.3 Resolution No. 83-412, for the purpose of amending the Transportation Improvement Program (TIP) to include a program of projects utilizing Section 9A funds.
- 6.4 Resolution No. 83-410, for the purpose of amending the Transportation Improvement Program (TIP) to include a new Tri-Met Project--Human Resources Management.
- 6.5 Resolution No. 83-413, for the purpose of allocating final Interstate Transfer Funding authorization for implementation in FY 1983.

Motion: Councilor Kafoury moved adoption of the Consent Agenda. Councilor Kirkpatrick seconded the motion.

Vote: The vote on the motion to adopt the Consent Agenda resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen, and Waker.

Nays: None.

Absent: Councilor Williamson.

Motion carried, Consent Agenda adoption.

7. Consideration of Ordinance No. 83-158, amending the Metro Urban Growth Boundary in Multnomah County for Contested Case No. 81-6 (Jenne Lynd Acres). (First Reading)

Mark Brown, Development Services Planner, presented the staff report, as contained in the agenda of the meeting. He said the conditions specified in Resolution No. 82-356 had been met and the area should now be added to the urban growth boundary.

Motion: Councilor Etlinger moved adoption of Ordinance No. 83-158. Councilor Kirkpatrick seconded the motion.

The ordinance was read the first time, by title only.

Presiding Officer Banzer noted that a letter had been received from Bruce R. Burmeister opposing the addition of Jenne Lynd Acres to the Urban Growth Boundary (a copy of the letter is attached to the agenda of the meeting).

There was no public testimony.

The ordinance was passed to second reading on July 7, 1983.

8. Public Hearing on Metro/Tri-Met Relationship

(Inasmuch as there was time before the time certain hearing on this agenda item, the Council took up agenda items 9 through 11 before hearing this item. See after Agenda Item No. 11 for discussion.)

9. Consideration of Resolution No. 83-414, for the purpose of declaring the Metropolitan Service District Council's intent to proceed with the truck wash facility at Clackamas Transfer & Recycling Center, and directing staff to obtain construction bids and file for local permits.

Councilor Hansen reported that the Services Committee recommended adoption of the resolution.

Motion: Councilor Hansen moved adoption of Resolution No. 83-414. Councilor Oleson seconded the motion.

Councilor Deines stated that he thought the elaborate process they were going through to construct a wash facility for garbage trucks was unnecessary and that the costs were prohibitive.

He suggested an alternative used elsewhere that hoses be used to wash the trucks, with the waste water flowing into the pit and transported to the landfill.

Councilor Kafoury asked what the potential rate increase would be if the wash rack was constructed. Mr. Norm Wietting, Solid Waste Operations Mnager, responded that with an estimated construction cost of \$60,000 plus the operating costs, the rates would raise between 2¢ and 7¢ per ton.

Councilor Kafoury asked if the staff had looked at Councilor Deines suggestion. Mr. Wietting responded that staff had and the cost to transport water from CTCRC to St. Johns far exceeded the cost of the sewer discharge at the Tri-Cities Plant.

Mr. Ken Bunker, 1825 N.E. 125th Avenue, 97230, commented on the survey conducted by the Solid Waste Department regarding the wash rack. He questioned that the number of respondents (50 out of 212), and the percentage of those 50 who were in favor, 88%, justified the expense.

Mr. Wietting responded it was a good response compared to other surveys they had conducted and that the results were presented as information, not necessarily justification for construction.

Vote: The vote on the motion to adopt Resolution No. 83-414 resulted in:

Ayes: Councilors Banzer, Bonner, Etlinger, Hansen, Kelley, Kirkpatrick, Oleson, Waker, and Williamson.

Nays: Councilors Deines, Kafoury and Van Bergen.

Motion carried, Resolution adoption.

10. Consideration of Ordinance No. 83-156, relating to FY 1982-83 appropriations, transferring funds from the General Fund contingency, amending Ordinance No. 82-132, and declaring an emergency. (Second Reading)

Councilor Kirkpatrick reported that the Council Coordinating Committee had reviewed the appropriations and recommended adoption of the ordinance. She indicated that the emergency clause was unnecessary.

Motion: Councilor Kirkpatrick moved that Ordinance No. 83-156 be amended to delete the emergency section from the ordinance and title. Councilor Oleson seconded the motion.

Vote: By voice vote, the motion to amend Ordinance No. 83-156 carried unanimously.

The ordinance was then read a second time, by title only.

Vote: The vote on the motion to adopt Ordinance No. 83-156, as amended, made on June 2, 1983 by Councilors Kirkpatrick and Etlinger resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen, Waker, and Williamson.

Nays: None.

Motion carried, Ordinance adopted as amended.

11. Consideration of Ordinance No. 83-153, for the purpose of adopting the Annual Budget of the Metropolitan Service District for fiscal year 1983-84, making appropriations from funds of the District in accordance with said annual budget, and levying ad valorem taxes. (Second Reading)

The ordinance was read a second time, by title only.

Councilor Kirkpatrick said that packets had been distributed explaining changes to the budget (a copy of the packet is attached to the agenda of the meeting). She said she had gone over the changes with Ms. Sims and recommended approval.

Ms. Jennifer Sims, Manager of Budget and Administrative Services, noted there were numerous changes which needed to be addressed and asked if the Council would like to go over them after the Tri-Met issue was discussed.

Councilor Deines said that while he might vote for the ordinance, he still believed that the Solid Waste Capital budget was out of line.

Motion: Councilor Etlinger moved to transfer \$23,000 from the Solid Waste Operating Fund, Materials & Services budget, to Contingency in order to allow the Council the

flexibility to expand the curbside recycling program or yard debris program. Councilor Kelley seconded the motion.

Councilor Deines said it was an inappropriate expenditure of Metro funds to work on neighborhood projects; that that was up to local governments.

Councilor Etlinger argued in support of a Metro Yard Debris Program.

Motion: Councilor Bonner moved that discussion on Ordinance No. 83-153 be continued until after Agenda Item 8 (Metro/Tri-Met Relationship) was concluded. Councilor Kelley seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Etlinger, Hansen, Kelley, Oleson, and Waker.

Nays: Councilor Deines, Kafoury, Kirkpatrick, Van Bergen, and Williamson.

Motion carried, discussion on Ordinance No. 83-153 continued until after Agenda Item 8 discussion concluded.

At this time, the Council recessed for five minutes.

8. Public Hearing on Metro/Tri-Met Relationship.

8.1 Resolution No. 83-407, for the purpose of declaring the Metropolitan Service District Council's intent to develop a plan and bring about the merger of Metro and Tri-Met.

8.2 Resolution No. 83-408, for the purpose of declaring the Metropolitan Service District Council's intent to do nothing toward the merger of the Tri-County Metropolitan Transportation District and the Metropolitan Service District.

8.3 Resolution No. 83-409, for the purpose of declaring the Metropolitan Service District Council's intent to commence the evaluation of combined Metro/Tri-Met functions.

Presiding Officer Banzer said the purpose of the public hearing was to receive comments on the resolutions introduced regarding

the Metro/Tri-Met relationship. She reviewed the current status of the Metro and Tri-Met relationship.

Councilors Van Bergen, Hansen and Bonner each spoke in support of the resolutions each had introduced.

Mr. Gustfson presented for Council consideration a resolution supporting a broad, independent study which had been proposed by the Metropolitan Citizens League (a copy of the resolution is attached to the agenda of the meeting). He offered two principles that the Council should consider as priorities in whatever action they took:

- o The importance of respecting the affected parties involved: the Legislature, Tri-Met, and the interests of the citizens of the metropolitan area; and to seek to establish a consensus between these interests.
- o A sincere effort to involve the community in the decision-making process.

He said he supported and recommended the proposal of the Metropolitan Citizen League to establish a Study Commission.

Presiding Officer Banzer then opened the public hearing.

Ms. Betty Schedeen, 1612 W. Division, Gresham, former Metro Councilor, testified in support of the adoption of the resolution proposing a Study Commission to review all of Metro's governance powers, including Tri-Met operations. She reported results of a survey conducted by the Columbia-Willamette Futures Forum which indicated that 76% of those surveyed agreed it was important to plan for the future even if it meant higher taxes; 57% felt that having some services provided by a four county-wide (consolidated) government was a good idea, and 45% said they would vote in favor of a proposal to consolidate the local governments in a four county area. She said without broad support, Metro could lose the opportunity to become the regional government.

Mr. Mike Burton, 6937 N. Fiske, 97203, former Metro Councilor, said he had proposed an ordinance to merge Metro and Tri-Met when he was a Councilor but hadn't been able to find the votes. He said the intent of the Tri-County Local Government Commission, which established Metro, was to eliminate layers of government and establish a body of elected officials to make the policy decisions for the metropolitan area. He said the issue wasn't who could run Tri-Met the best, but who could be the most accountable to the public. He said he supported Councilor Bonner's resolution and urged the Council to take advantage of the Metropolitan Citizens League proposal to study other issues.

Presiding Officer Banzer said she had sent a letter to Gerald Drummond, Tri-Met Board, and that she had received a communication from Tri-Met officials, since Mr. Drummond was out of town, that they would be happy to respond to the Council's position; that she and Drummond would be meeting to discuss the issue; and that they appreciated the opportunity to participate.

State Representative Glenn Otto, 23680 N.E. Shannon Court, Troutdale, 97060, said in April of 1983 he had sent a letter to each of the members of the Metro Council and Tri-Met Board urging that a study be undertaken in the spirit of cooperation and not confrontation. He applauded the Metropolitan Citizens League for being willing to undertake a study. He said if there was no cooperation between Metro and Tri-Met to study the issue, then a study would be worthless.

Mr. Ronald Buel, 281 N.E. 19th Avenue, 97212, said he had served on the Tri-Met Board and had also worked for former Mayor Goldschmidt. He said the important issue was elected accountability and that Tri-Met needed elected advocates. He said the present board was not responsive to the public. He stated that if Metro took over Tri-Met it would raise Metro's visibility and profile, would increase the importance of regional government, and that money would be saved.

Mr. Wes Myllenbeck, Chairman of the Washington County Board of Commissioners, noted he was speaking for himself. He said he favored the proposal by the Metropolitan Citizens League to establish a study commission. He said he did not want Metro to jeopardize its position and felt it was a good time for an independent citizens review. He also indicated he supported elected officials versus appointed officials.

Mr. Paul Thalhofer, 920 S.W. Cherry Park Road, Troutdale, spoke in support of Resolution No. 83-409 which proposed an evaluation of combined Metro/Tri-Met functions. He said there should be citizen involvement in such an evaluation, and included in the study should be an analysis of economic feasibility. He indicated his support for an elected board running Tri-Met. He said other issues could be reviewed by a study commission such as the Metropolitan Citizens League proposed.

Ms. Jeanne Orcutt, 12831 S.E. Morrison Street, 97233, testified in opposition to a Metro take over of Tri-Met. She said Metro was beset with enough problems and public distain and shouldn't take on more. She cited minutes from a Metro Council workshop on its future and problems and said the result of the workshop was that there were no solutions. She said the proposal to

take over Tri-Met was a first step in Metro's plan to take over other services. She said Metro had mismanaged and wasted millions of tax dollars and couldn't run Tri-Met economically.

Mr. Jack Nelson, Mayor of the City of Beaverton, stated he had served as a member of the Steering Committee for the Tri-County Local Government Commission which brought about the enabling legislation for Metro. He said the question of taking over Tri-Met needed to be carefully analyzed. He said the issue was only one of several that needed to be resolved and indicated his support for the proposal by the Metropolitan Citizens League.

Mr. Earl Blumenauer, Multnomah County Commissioner, presented a letter signed by several members of the Multnomah County Board of Commissioners urging that a broad-based comprehensive study be undertaken of the interests that a variety of agencies have in services that Metro could conceivably be involved with (a copy of the letter is attached to the agenda of the meeting). He said Metro should only take over Tri-Met if there was a specific objective achieved which benefited transit. He said the reason that the marriage clause had not been exercised in his judgement was because there had not yet been a reason to. He also said that an elected board should not be accepted outright as the best way to run an agency.

Mr. Douglas Allen, 2247 S.E. 51st Avenue, 97215, said he worked for Tri-Met but was not representing them. He said that if Metro took over Tri-Met, that in order to have an effective regional transportation system, it should also seek authority to assume the revenues and responsibilities of the Oregon State Highway Division in the metropolitan region. He also said if Metro took over Tri-Met it should be for achieving accountability, not cost savings.

Dr. Ronald Cease, President, Metropolitan Citizens League, stated he supported Metro and a healthy transit system. He said there were many issues, such as parks, libraries, jails, which needed a regional response and that the proposal by the Metropolitan Citizens League would address those issues as well as the Tri-Met issue. He said the Metropolitan Citizens League would lend credibility to a study. He said they believed that at some point Metro and Tri-Met should be merged under one elected body. However, he said, cooperative negotiation had to occur with Tri-Met before any proposal to merge. He said the marriage clause legislation was still intact but conditions imposed by H.B. 2228 had changed the situation.

There was then discussion between Dr. Cease and members of the Council regarding the mechanism for and composition of a study commission.

Mr. Greg Kantor, 3811 S.W. Pendleton, member of the Transportation Policy Advisory Committee for Metro, spoke in support of a merger between Tri-Met and Metro. He said the decision was a political one which no analytical study could resolve.

The Council took a ten minute recess at this time.

Mr. Harrison King, Manager of the Governmental Affairs Department of the Portland Chamber of Commerce, submitted and read a letter indicating that the Chamber Board had unanimously approved the proposal of the Metropolitan Citizens league with the condition that the proposed number of members (30 to 40) be revised downward (a copy of the letter is attached to the agenda of the meeting).

Mr. Chet Kershaw, 1030 N. Jantzen, 97217, spoke in opposition to a merger between Metro and Tri-Met. He said Metro didn't know enough to take over Tri-Met and it was a premature action. He said if Metro couldn't benefit Tri-Met, they shouldn't take it over.

Mr. Jim Worthington, 140 S.E. 205th Drive, Troutdale, 97060, said he believed in an elected board to run Tri-Met, but at the present time he leaned toward supporting the proposal of the Metropolitan Citizens League.

Mr. Ray Polani, 2717 S.W. Spring Garden Street, representing Citizens for Better Transit, stated that the Citizens for Better Transit offered qualified support to Councilor Bonner's resolution--qualified because they wanted to know more about how the Tri-Met board would be selected and because they weren't sure two years was needed to study how to take them over.

Mr. George Burton, 4045 S.E. Charming Way, member of Citizens for Better Transit, spoke in support of Metro taking over Tri-Met in order to allow for an elected board.

Ms. Kathy Laib, 17055 S.W. Florence, Aloha, testified in opposition to a Tri-Met take-over. She said Metro had nothing to offer Tri-Met.

Mr. Ken Bunker, 1825 N.E. 125th Avenue, 97230, spoke in support of taking over Tri-Met. He said there had already been too many studies and another wasn't needed.

Mr. Robert Calquest, Corbett, member of EIEIO, said he was in favor of abolishing Metro. He said he supported public input and had thought there seemed to be more associates of Metro and government people testifying than regular citizens.

Ms. Jean Hood, 2134 S.E. 174th, said Tri-Met probably had more chiefs than indians. She asked who was going to pay for the merger and who was going to do the hiring. She said she didn't think Metro had its act together.

Councilor Waker read into the record letters from State Senator Jeannette Hamby, State Senator Jim Simmons, and State Senator Nancy Ryles (the letters are attached to the agenda of the meeting).

Presiding Officer Banzer entered into the record letters which had been recieved from the City of Hillsboro; County Commissioner Carolyn Miller; Milwaukie Mayor Joy Burgess; Clackamas County Commissioner Robert Schumacher; Tom Pry, publisher, The Sellwood Bee; Gayle Kish; and Bruce Harmon, manager, Advertising and Public Relations for the FMC Corp.

Presiding Officer Banzer announced that continued discussion of the Metro/Tri-Met Relationship would occur on Thursday, July 7, 1983.

11. Consideration of Ordinance No. 83-153, for the purpose of adopting the Annual Budget of the Metropolitan Service District for fiscal year 1983-84, making appropriations from funds of the District in accordance with said annual budget, and levying ad valorem taxes. (Continued from earlier in the meeting)

Councilor Etlinger said in conversations with the Executive Officer and the Waste Reduction Manager, it had been agreed that any additional requests for funding in the Curbside Residential Recycling Program, beyond the four cities the Council had agreed to fund, would come before them. He said the Council could then decide whether or not to fund a proposal or shift the funds elsewhere.

Councilor Etlinger withdrew his motion to amend Ordinance No. 83-153.

Vote: The vote on the motion to adopt Ordinance No. 83-153 made by Councilors Kirkpatrick and Kafoury on May 5, 1983, resulted in:

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Ayes: Councilors Banzer, Bonner, Etlinger,
Hansen, Kafoury, Kelley, Kirkpatrick and
Waker.

Nays: Councilor Deines.

Absent: Councilors Oleson, Van Bergen, and
Williamson.

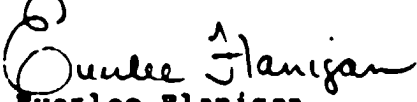
Motion carried, Ordinance adopted.

12. Committee Reports.

There were no Committee reports.

There being no further business, the meeting adjourned at 11:00 p.m.

Respectfully submitted,


Everlee Planigan
Clerk of the Council

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