

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

February 28, 1985

**Councilors Present:** Councilors Cooper, DeJardin, Gardner,  
Hansen, Kirkpatrick, Kelley, Myers,  
Oleson, Van Bergen and Waker

**Councilors Absent:** Councilors Kafoury and Bonner

**Also Present:** Executive Officer Rick Gustafson

**Staff Present:** Don Carlson, Eleanore Baxendale,  
Phillip Fell, Jennifer Sims, Gene Leo,  
Ray Rich, Gayle Rathbun, Steve  
McCusker, Dan Durig, Mary Jane Aman,  
Dennis Mulvihill, Jill Hinckley, Leigh  
Zimmerman, Sonnie Russill, Ray Barker,  
Mel Huie

Deputy Presiding Officer Waker called to order a regular meet-  
ing of the Metro Council at 5:30 p.m.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Zoo. The Executive Officer reported the Council was invited to  
a reception on March 14 at 4:00 p.m., sponsored by the Friends  
of the Zoo, to celebrate the opening of the Alaska Tundra  
Exhibit. The Metro Council meeting would take place at the Zoo  
and would start at 6:30 p.m., he said, and information about  
the meeting location and time change would be circulated to  
everyone on the agenda mailing list.

Legislative Report. Executive Officer Gustafson said the state  
bill regarding assessing local dues was sent back to the House  
Intergovernmental Affairs Committee. A work session would  
occur next Tuesday, he said, and it is anticipated the bill  
would be passed to the House.

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Executive Officer Gustafson invited Phillip Fell to brief the Council on the status of proposed state sales tax legislation and its possible impacts on Zoo and Solid Waste operations. Mr. Fell said the issues were: 1) on which Metro purchases would taxes be paid; and 2) on which goods and services provided would Metro have to collect taxes. He explained the test for items purchased by Metro would be whether the items were tangible personal property and whether we would be exempt from paying taxes because of our local government status. Mr. Fell said the definition of "tangible personal property" was not totally clear. Also, the proposed legislation did not clearly define what would constitute an "enterprise activity": it was defined as activity financed and operated in a manner similar to a private business enterprise where the intent of the government entity would be to have the finance and expense recovered primarily through user charges. Mr. Fell explained the Legislature has yet to adequately define the term "primarily" in this context. Until terms are better defined, the Zoo's tax status is unknown, he said.

Mr. Fell said a sales tax would have to be paid on all materials used in solid waste programs. A sales tax would not have to be collected on any solid waste activities, however, unless the Legislature deemed that solid waste disposal services constitute a tangible personal property.

Mr. Fell further explained how the sales tax legislation might effect other departments of Metro, again stating the future effects are very uncertain. He said local government representatives would make a presentation to the Senate Revenue Committee within the next few days to point out problems with the proposed legislation. (Note: the sales tax issue was discussed later in the meeting under agenda item 7.1, Resolution No. 85-552.)

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. CONSENT AGENDA

Motion: Councilor Kirkpatrick moved the Consent Agenda be adopted and Councilor Van Bergen seconded the motion.

**Vote:** A vote on the motion resulted in:

**Ayes:** Councilors Cooper, DeJardin, Gardner,  
Kirkpatrick, Kelley, Oleson, Van Bergen and Waker

**Absent:** Councilors Hansen, Kafoury, Myers and Bonner

The motion carried and the following items were approved or adopted:

- 6.1 Approval of the Minutes of the Meeting of February 7, 1985
- 6.2 Resolution No. 85-541, Amending Resolution No. 83-431 (Guidelines for Council Expenditures)
- 6.3 Resolution No. 85-542, Appointing Citizen Members to the Budget Committee (M. Kelley, J. Knoll, M. Post, N. Rose and R. Phillips; B. Ledbury appointed as alternate)
- 6.4 Resolution No. 85-548, Amending the FY 1985 and FY 1984 Unified Work Programs
- 6.5 Intergovernmental Project Review

## **8. OTHER BUSINESS**

Deputy Presiding Officer Waker requested the Council consider the next two agenda items ahead of schedule to allow Zoo staff to participate in the bid opening for the Bear Grotto project scheduled for 7:30 p.m.

**Motion:** Councilor Kirkpatrick moved items 8.1 and 8.2 be considered as the next order of business and Councilor Gardner seconded the motion.

**Vote:** A vote on the motion resulted in:

**Ayes:** Councilors Cooper, DeJardin, Gardner,  
Kirkpatrick, Kelley, Myers, Oleson, Van Bergen  
and Waker

**Absent:** Councilors Hansen, Kafoury and Bonner

The motion carried.

8.1 Consideration of a Contract with Coldwell Banker to Provide Representation in Subleasing Office Space

Jennifer Sims reported approval of this contract would provide the listing of two office spaces: 1) current space that would be vacated at the PacTrust Building when Metro relocates to the new office building; and 2) excess space at the First Avenue Building. She then explained the process, as outlined in the agenda packet, for selecting the proposed contractor. The contract contained a special provision for excluding the Columbia Research Center, the Boundary Commission and LCDC from paying fees because these organizations had already been identified as prospective tenants in the First Avenue Building. She also said two other firms would pay half the broker fee if they moved into the vacated PacTrust space because they had been previously identified as possible tenants.

Councilor Gardner asked how the maximum commission sum of \$95,026 had been determined since the actual rates for the office space had not yet been determined. Ms. Sims explained the assumptions were that the PacTrust space would be rented at \$7.00 per square foot and the First Avenue Building would rent at \$11.50 per square foot. These assumptions were based on the high side of current market values.

Motion: Councilor Kelley moved to approve the contract and Councilor Kirkpatrick seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Kirkpatrick, Kelley, Myers, Oleson, Van Bergen and Waker

Absent: Councilors Hansen, Kaflory and Bonner

The motion carried and the contract was approved.

8.2 Consideration of a Contract with Jones & Jones to Provide for the Design of the Africa Bush Exhibit, Phase I

Gene Leo summarized the scope of the Africa Bush project, explaining it included animal exhibits and holding areas in the present East Paddocks area, a new AfriCafe, train station and modification of the concert lawn. This project had been identified as a priority by the Council when they adopted the Zoo Master Plan, he said.

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Mr. Leo then reviewed the extensive process for soliciting proposals and selecting a proposed contractor. He said a primary factor in making the selection was the specialized nature of the project design such as creating naturalistic environments, themes and non-abtrusive barriers.

Ray Rich then explained that after initially screening the six proposals received, three firms were selected for a series of final interviews. The exhibit's unique design considerations were discussed extensively at these interviews as well as fees for services. After scoring each of the firms interviewed, staff recommended awarding the contract to Jones & Jones for a negotiated fee of \$610,000. The lowest fee proposed was submitted by Guthrie Slusarenko Leeb at \$528,000. Fletcher Finch Farr & Ayotte proposed the high fee of \$615,459, he reported.

Deputy Presiding Officer Waker said he had served on the project's selection committee and because of the importance of the exhibit, the committee was very sensitive to being as objective as possible in making its recommendation. He explained that if Guthrie Slusarenko Leeb had been selected as contractor, staff would have requested they add provisions to their proposed work program which would have increased the cost of the contract. Therefore, he said the fee proposed by Jones & Jones was very reasonable and competitive and covered all the work elements required.

Councilor Oleson expressed concern that Jones & Jones had preformed work on several previous Zoo construction projects and asked for assurance that the selection process was objective. Deputy Presiding Officer Waker responded that the committee were very sensitive to this issue. However, he said, they also were concerned that the firm selected be the most qualified due to the exhibit's prominence in the Zoo and the complex nature of the design. Jones & Jones was deemed the most qualified. Future projects would provide ample opportunity for other firms to compete for assignments, he said, including Phases 2 and 3 of the Africa Bush Exhibit. Councilor Waker said he was very impressed with the knowledge Zoo staff had gained from past project experiences and the extent of their questioning of the architectural firms for this project.

Mr. Rich said he was aware of the Council's concerns but also pointed out that several different architectural firms had been employed since the implementation of the Master Plan: CH<sub>2</sub>M Hill on the Elephant Remodel; Sheldon Eggleston Reddick on the Primate Remodel; Travers & Johnston on the Maintenance Building Complex; Guthrie Slusarenko Leeb on the Alaska Tundra Exhibit; and a Beaverton firm for the Entry Plaza.

Councilor Myers asked if staff had experienced any problems with Jones & Jones' prior work at the Zoo. Mr. Rich said no problems had been experienced and staff was very pleased with their excellent work product. The Zoo had received exhibit design awards for two Jones & Jones' projects, he reported: the Penguinarium and the Beaver & Otter Exhibit.

Motion: Councilor Kirkpatrick moved the contract be approved and Councilor Van Bergen seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Kirkpatrick, Kelley, Myers, Oleson, Van Bergen and Waker

Absent: Councilors Hansen, Kafoury and Bonner

The motion carried and the contract was approved.

## 7. RESOLUTIONS

### 7.1 Consideration of Resolution No. 85-549, for the Purpose of Providing for the Assessment of Dues to Local Governments for FY 1985-86

Jennifer Sims said she would be presenting this agenda item in the absence of Steve Siegel.

Ms. Sims reported the dues bill had not been passed by the State Legislature but Metro was required to notify local governments 120 days in advance of the new fiscal year of its intent to levy dues should the state legislation be adopted. A committee of local government officials has recommended a rate of \$.51 per capita be levied and invoices would be sent to the local governments when the legislation is adopted. This advance notice would also assist Metro and the local governments in their budget preparation process, she said.

Jean Orcutt, 12831 S.E. Morrison, Portland, Oregon, testified the Council did not have authority to approve assessment of cities and counties within the District for FY 1985-86 per capita dues. House Bill 2037, which would give Metro permanent authority to collect dues, had not yet been approved by the Legislature and this bill was another attempt by Metro to obtain funding without facing the District voters, she said. She recalled Metro requested an extension of dues collection

authority in 1980 and a four-year extension was granted by the Legislature in 1981. Metro was admonished not to return for another funding request, she said. Ms. Orcutt said now Metro was requesting permanent authority which would be extended to include Tri-Met and the Port of Portland in addition to cities and counties. She criticized Metro for not requesting the District voters to approve a funding base.

Executive Officer Gustafson explained the purpose of Resolution No. 85-549 was to notify local jurisdictions of Metro's intention to assess dues. He said if the bill was not passed by the Legislature, the Council realized it had no authority to assess the dues. Deputy Presiding Officer Waker added that the local governments had been directly involved in setting the level of dues assessed and in developing a work program for Metro.

Councilor Myers reported that HB 2037 had recently been amended to allow for a four-year extension, not a permanent extension as Ms. Orcutt had reported.

Motion: Councilor Kirkpatrick moved that Resolution No. 85-549 be adopted. Councilor DeJardin seconded the motion.

Councilor Kirkpatrick said the staff report for this agenda item had erroneously noted the Intergovernmental Resource Committee had unanimously authorized the \$.51 dues level. The \$.51 authorization was not unanimous, but a clear majority had authorized the amount, she explained. In addition, Councilor Kirkpatrick said the committee process had worked extremely well in opening up lines of communication. Committee participants had requested Metro host an open house to further develop communication.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Kirkpatrick, Kelley, Myers, Oleson, Van Bergen and Waker

Absent: Councilors Hansen, Kafoury and Bonner

The motion carried and the Resolution was adopted.

The above vote was a voice vote. Ms. Orcutt then requested a roll call vote. The Clerk called the roll and the results of that vote were the same as noted above.

7.2 Consideration of Resolution No. 85-550, for the Purpose of Adding to the Approved List of Hearings Officers (Gail Achterman, Adrienne Brockman and Beth Mason)

Jill Hinckley explained the agency maintained a list of Hearings Officers from which appointments were made to hear particular cases. She said additional appointments were necessary because none of the existing officers were available to hear an upcoming case. Three names were recommended to avoid the necessity of returning to the Council soon for additional approvals and also to provide more balance relative to minorities and women. The three women proposed all had extensive land use experience, she said.

In answer to Councilor Van Bergen's question, Ms. Hinckley explained all the Hearings Officers on the approved list were currently in private practice, were without conflict of interest, would remain on the list, but were currently unavailable to serve on an upcoming case. The three persons proposed to serve under this Resolution were all in private practice, she reported.

Councilor Myers announced Gail Achterman was his law partner and questioned whether this would constitute a conflict of interest. Eleanore Baxendale, General Counsel, requested the Council adopt the Resolution subject to staff's investigation of a possible conflict of interest. If a conflict of interest existed, Ms. Achterman's name would be deleted from the list.

Motion: Councilor Kirkpatrick moved approved of Resolution No. 85-550 and Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Kirkpatrick, Kelley, Myers, Oleson, Van Bergen and Waker

Absent: Councilors Hansen, Kafoury and Bonner

The motion carried and the Resolution was adopted.

7.3 Consideration of Resolution No. 85-551, for the Purpose of Establishing Priorities and Objectives for 1985 and 1986

Executive Officer Gustafson reported this Resolution contained the priorities and objectives developed at the Council Workshop



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on January 31, 1985, and urged adoption of the Resolution as a start of the FY 1985-86 budget process.

Motion: Councilor Kirkpatrick moved for adoption of the Resolution and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Oleson, Van Bergen and Waker

Absent: Councilors Kafoury and Bonner

The motion carried and the Resolution was adopted.

7.4 Consideration of Resolutions for the Purpose of Adopting Council Positions on Proposed Legislation

Deputy Presiding Officer Waker explained the purpose of adopting these resolution was to give directives to Metro's legislative representatives about positions of proposed legislation.

Resolution No. 85-543, for the Purpose of Adopting a Council Position on Proposed Legislation Extending Energy Tax Credits. Phillip Fell said the energy tax credit program had been important to Metro because: 1) about \$6 million dollars of energy tax credits had been used by the region's recycling firms; and 2) these tax credits were a major component in making energy recovery facilities financially feasible. HB 2053 would extend the energy tax credit program to 1991, he said.

Motion: Councilor DeJardin moved to adopt Resolution No. 85-543 and Councilor Hansen seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Oleson, Van Bergen and Waker

Absent: Councilors Kafoury and Waker

The motion carried and the Resolution was adopted.

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Resolution No. 85-544, for the Purpose of Adopting a Council Position on Proposed Legislation Establishing a State Advisory Commission on Intergovernmental Relations (ACIR). Mr. Fell explained that HB 2308 (erroneously numbered HB 2803 in the Council agenda packet) would establish a state ACIR with a similar mission as the federal ACIR: to review the structural and functional relationships of federal, state and local governments and to suggest changes that would increase efficiency and effectiveness in delivering services to the public. The state ACIR would be composed of 14 members from cities, counties, service districts, the Legislature, the Governor's staff, and two members representing the public.

In answer to Deputy Presiding Officer Waker's question, Mr. Fell responded the main business of the Commission would be to prepare reports and make recommendations. They would have no direct powers.

Motion: Councilor Kirkpatrick moved the Resolution be adopted, noting the reference in the Resolution to HB 2803 be changed to read HB 2308. Councilor Myers seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Oleson, Van Bergen and Waker

Absent: Councilors Kafoury and Bonner

The motion carried and the Resolution was adopted.

Resolution No. 85-545, for the Purpose of Adopting a Council Position on Proposed Legislation Modifying State Landfill Siting Authority. Mr. Fell said Resolution No. 85-545 did not refer to specific proposed legislation, but rather to five specific principles: 1) protecting the people's environment; 2) reducing the time frame of the landfill siting appeal process; 3) permitting Metro to request initiation of the state landfill siting process; 4) allowing a landfill to be sited within the boundaries of Clackamas, Multnomah and Washington counties; and 5) if local governments fail to select a specific sanitary landfill site, allowing the criteria of an acknowledged comprehensive plan to be exchanged for state-wide land use goals. Mr. Fell explained if this Resolution were adopted, staff would be directed to take a position on proposed state legislation based on whether it would meet the above criteria.

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Councilor Hansen asked about the status of landfill siting legislation proposed by Representative Mike Burton. Mr. Fell said the bill had been introduced through the Senate Rules Committee but because it had not been printed, it was impossible to determine if this bill would be in conflict with the above five principles.

Councilor Gardner asked if any other landfill siting legislation had been or would be introduced. Mr. Fell said no other such bills had been introduced and the filing deadline had passed.

Councilor Kelley said an important issue not addressed in the staff report was whether Metro would encourage the state to use state or local land use goals in siting a landfill. She said she would not support any legislation that would encourage using state land use goals in place of local goals. She also objected to the lack of provision for the three metropolitan area counties to jointly request the state to initiate the siting process. For Metro to initiate this process alone would be a mistake, she said.

The Executive Officer said the intent of the first principle of the Resolution was to add Metro to the list of governments allowed to initiate the state to site a landfill. Under the current process, Metro does not have this authority, he explained. The fifth principle provided for a new concept, similar to that proposed by Representative Burton, that would allow Metro to initiate a siting process applicable to state land use goals only after local governments had been given that same opportunity and failed to site a landfill. Councilor Kelley said she was concerned about any proposed legislation that would allow Metro to independently invoke supersiting proceedings.

Councilor Oleson asked what action would staff take if Resolution No. 85-545 were adopted. The Executive Officer said this Resolution would support the bill introduced by Representative Burton, assuming that bill conformed to the five principles referenced in the Resolution, and the Council would certainly be informed of any changes in Burton's legislation. He said it was also his understanding that Senator Glenn Otto planned to introduce legislation to allow Metro to initiate the landfill siting under the current process.

Councilor Hansen asked if Senator Otto were to introduce this legislation, did the current process require adherence to local

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land use laws. Executive Officer Gustafson answered it would require same.

Judy Dehen, 7117 North Fiske, Portland, Oregon, Executive Committee member of the Columbia River Sierra Club, testified the Sierra Club was open to discussing the landfill siting problem with Metro. She said if the time frame for siting a landfill were reduced, citizen participation should not be reduced. She agreed Metro had experienced problems in siting a landfill, some of its own making, but having the power to initiate a state siting process would not be the proper way to solve that problem. Ms. Dehen explained that if the state were to override county land use laws, the county and Metro would become enemies which could further cement the feelings of people who advocated abolishing Metro.

Ms. Dehen foresaw problems if Metro were allowed to site a landfill outside its boundaries. This, she said, would be denying other people the same due process Metro had appealed before LUBA. Further, if a landfill were sited outside Metro's boundaries, Metro would have no responsibility to residents of that area because they would not be constituents, she said. The county would also be powerless to aid their own constituents and these people would have no local representation.

Finally, Ms. Dehen said that local comprehensive plans were drawn up to mesh closely with state land use goals. If Metro proposed to override those plans, it could be interpreted that Metro was trying to undo the entire system of Oregon land use regulation. She suggested Metro would be better off looking for other solutions to its problems. Ms. Dehen was concerned about what appeared to be an anti-environmental attitude on Metro's part and she said the Sierra Club would stay involved in this matter.

The Deputy Presiding Officer said Ms. Dehen's testimony pointed out some of the problems Metro had experienced in the landfill siting process and welcomed the Sierra Club's suggestions for alternatives in solving those problems.

Councilor Hansen asked Ms. Dehen if the Sierra Club would support Metro's siting an environmentally inferior landfill site within the District's boundaries versus an environmentally superior site outside the boundaries. Ms. Dehen said she could not comment on this because the Sierra Club had no position on the question. She said the Club was asking for alternatives to landfills.

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Jean Orcutt testified there were alternatives to landfills and several Councilors had toured Sig Jensen's garbage burner which would burn tires inside a warehouse with no smokestack. She said these smaller plants could be strategically located throughout the area and haulers could reach them without having to travel great distances. She urged the Council to consider this alternative because it could relieve the need for landfills or a large garbage burning facility.

Douglas Franciscan, member of the Multnomah County Task Force on Solid Waste Disposal, said the Task Force met the previous morning and at least four members expressed considerable concern about the proposed Resolution. He thought the concern was because the counties didn't understand Metro's intent -- whether it would support the Burton legislation or other legislation that could still be introduced by Legislators. If the Resolution were adopted, he urged the Council to contact Metro area counties and the Task Force and tell them exactly the course of action it would take.

Councilor Oleson said he agreed coordination was very important which was why the Council also requested they be consulted on decisions about major legislation. Mr. Franciscan again expressed the need for good communication, especially because many of the area's local governments were currently involved in solving solid waste problems.

Councilor Cooper, also a member of the Multnomah County Task Force on Solid Waste Disposal, said the members were very interested in the content of Representative Burton's proposed legislation. He suggested the Council not act on Resolution No. 85-545 until the content of Representative Burton's legislation was known. The Executive Officer agreed with this proposal, saying it would avoid confusion that might result having not seen the proposed legislation. After reviewing the legislation, the Council could adopt a more specific position, he said.

Motion: Councilor Cooper moved to delay action on Resolution No. 85-545 until the Council could review proposed landfill siting legislation introduced by Representative Burton. Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

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**Ayes:** Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Oleson, Van Berger and Waker

**Absent:** Councilors Kafoury and Bonner

The motion carried.

Councilor Myers said he had read a recent report about Representative Burton's bill in the Oregonian and he asked if this report was based on a draft of the bill. Mr. Fell responded Representative Burton met directly with the press and no written text of the bill exists to date. Councilor Myers requested staff send Councilors a copy of the draft bill as soon as it is available.

Deputy Presiding Officer Waker requested staff notify those testifying on this issue of future meetings when the item would again be considered.

Consideration of Resolution No. 85-546, for the Purpose of Adopting a Council Position on Proposed Legislation Allowing Metro to Create Citizen Commissions. This Resolution would support HB 2558 which has been introduced in the House, Mr. Fell reported. Should Metro assume responsibility for additional services, the ability to use citizen commissions in administering those services would enhance the public involvement process and allow for the participation of experts.

Motion: Councilor Myers moved the Resolution be adopted and Councilor Kelley seconded the motion.

Councilor Van Bergen said he would not support the Resolution because he did not think citizen commissions were necessary. He said the Council was capable of handling all matters if services were added and to establish special commissions could be creating another layer of administration that could be difficult to monitor.

Jean Orcutt testified she was also opposed to the Resolution because it could present an opportunity for Metro to handpick commission members to promote government ideas. For example, she said, Metro contributed \$10,000 to the Columbia-Willamette Futures Forum Study, a so-called independent study, on regional government services.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen,  
Kirkpatrick, Kelley, Myers, Oleson and Waker

Nay: Councilor Van Bergen

Absent: Councilors Kafoury and Bonner

The motion carried and the Resolution was adopted.

Consideration of Resolution No. 85-547, for the Purpose of Adopting a Council Position on Proposed Legislation to Protect Exotic Animals. Mr. Fell explained the Zoo had requested the Council take a supportive position on this legislation. Senate Bill 509 would be introduced as a direct response to animal abuse at the Siletz Game Ranch last fall. The current law allowed persons to keep exotic animals without regard to safety or hygenic standards as long as the animals are not exhibited or sold, he said. This proposed legislation would provide for law enforcement officials to prevent cruelty to exotic animals. He reported it appeared the U.S. Department of Agriculture would bear all administrative costs associated with licensing these animals.

In response to Deputy Presiding Officer Waker's question, Mr. Fell explained the penalties imposed under the proposed legislation would be a Class B felony.

Councilor Cooper asked which animals would be protected under the legislation. Mr. Fell recited a list of exotic cats, canines, primates and bears that would be protected.

Motion: Councilor Kirkpatrick moved the Resolution be adopted and Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen,  
Kirkpatrick, Kelley, Oleson, Van Bergen and Waker

Absent: Councilors Kafoury, Myers and Bonner

The motion carried and the Resolution was adopted.

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Consideration of Resolution No. 85-552, for the Purpose of Exempting Metro's Regional Services and Purchases from a Sales Tax. Mr. Fell said this resolution had been revised to provide more specific direction to Metro's legislative representative. The Resolution advocated a position of not taxing any services, including goods sold in the Zoo's gift shop and food concessions, he explained. (Note: previous discussion regarding this item occurred as a part of the Executive Officer's Report, Item No. 3.)

Councilor Kelley questioned why gift and food sales would be exempt when other providers of these services would be subject to tax. She explained these activities were entrepreneurial in nature and a tax seemed appropriate. She agreed with all other provisions of the Resolution.

Mr. Fell explained staff and Legislators were having difficulty defining what constituted an enterprise activity and, therefore, what would be taxable. The terms of this Resolution would provide for greater flexibility in addressing that issue, he said.

Deputy Presiding Officer Waker said because food and gift sales provided a large share of support dollars to keep the Zoo operating, he supported the Resolution.

In response to Councilor Myers question, Mr. Fell replied other governments were discovering the same difficulty in defining what would constitute an enterprise activity and, therefore, which goods and services would be subject to taxation.

Deputy Presiding Officer Waker asked if the Legislature would spend more time defining the terms of the tax legislation. Mr. Fell said this would occur and staff's intent was to take back the adopted Resolution to the Legislature in order to assist them in making a decision.

Councilor Van Bergen advised the Council not to adopt the Resolution. He thought it best to let the Legislature work out the specifics of which goods and services would be subject to taxation. Metro could then address specific problems with the tax at the next legislative session.

Executive Officer Gustafson said staff were seeking an opportunity to lobby the Legislature on Metro's position while the law was being drafted. He thought this would be a more workable approach than reacting after the law had been adopted.



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Councilor Myers said he thought the Council should authorize Metro to participate in a discussion with the Legislature to assure the District's activities are treated consistently with those of other local governments. He urged the Council to adopt the Resolution with this position in mind.

Motion: Councilor Kirkpatrick moved not to adopt the Resolution, but to direct staff and Councilor Myers to discuss the sales tax issue with Legislators and that Metro's position be consistent with other local governments. Councilor Van Bergen seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Oleson, Van Bergen and Waker

Absent: Councilors Kafoury and Bonner

The motion carried.

#### 10. COMMITTEE REPORTS

Budget Committee. Councilor Hansen reported the first meeting of the Committee would take place following the Council Management Committee meeting on March 21, 1985. All Councilors were invited to attend.

Columbia County Energy Recovery Site. Councilor Hansen said Councilors would be receiving invitations to visit the proposed site. In response to Deputy Presiding Officer Waker's question, Executive Officer Gustafson said he was a member of the project's steering committee and staff were monitoring activities.

Intergovernmental Resource Committee. Councilor Kirkpatrick said the Committee concluded their work in three meetings and the Committee would be consulted for future advice on program and budget matters.

Tri-Met Special Meetings. Councilor Kelley explained the special task force was examining the issue of transportation for the handicapped. Subcommittees were in the process of examining various procedures and goals and would, within the next 30 days, report back to the task force with recommendations.

Regional Parks. Councilor Kelley reported the technical advisory committee on regional parks agreed on a work plan for a study that would involve funding from all local jurisdictions. What is still being debated is whether this would be a study of regional parks or a regional study of parks.

Criminal Justice. Councilor Oleson said members of the task force would be meeting the following day with members of the Council to finalize draft legislation being introduced by Senator Otto. This legislation would increase the cooperation of tri-county area local governments and the amount of jail space available, he reported.

Regional Convention, Trade, and Spectator Task Force. Executive Officer Gustafson said task force members had been announced this week and Bob Ridgley had been named as chairman.

JPACT/Transportation. Deputy Presiding Officer Waker reported there has been much interest in state gas tax legislation and whether appropriate funding can be secured for local road projects from these taxes. He also reported the city of Sherwood had submitted a resolution to the Presiding Officer regarding the "Aloha Freeway" for JPACT review.

Councilor Kirkpatrick said she had met with an elected officials' steering committee regarding the Southwest Corridor project. The committee was very interested in the process for citizen involvement and securing cost estimates for transit and highway alternates.

Solid Waste. Councilor Van Bergen, in referring to the Council's discussion on Resolution No. 85-545, said he was concerned about citizen references to "seeking alternatives to Metro's solid waste problems." He recognized citizens were serious about Metro seeking such alternatives and he challenged staff to seek out new ways of solving landfill siting problems even if these proposals would solve only part of the disposal problem.

Councilor Kelley asked Councilor Gardner, a member of the Multnomah County Task Force on Solid Waste Disposal, to share some of the discussions of that group on rethinking the choice of the Wildwood site and making changes in the siting criteria. Councilor Gardner responded the Task Force's responsibility was to examine Metro's siting criteria and critique them, to propose new criteria and to propose alternatives. He said, however, it was not made clear when and if proposals for new criteria and alternatives would be implemented.

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Councilor Cooper, also a member of the task force, added that he thought the County's position was one of not wanting to suggest specific landfill sites. This would leave alternatives to landfills as the only remaining solution to the region's solid waste problem and he did not think any specific recommendations would be made.

The Executive Officer announced the Presiding Officer had planned an informal meeting of the Council for March 7, 1985, for the purpose of discussing solid waste concerns.

There being no further discussion, the Deputy Presiding Officer adjourned the meeting at 7:25 p.m.

Respectfully submitted,



A. Marie Nelson  
Clerk of the Council

amn  
3041C/313-3  
3/19/85