

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

Regular Meeting
December 8, 1988

Councilors Present: Mike Ragsdale (Presiding Officer), Corky Kirkpatrick (Deputy Presiding Officer), Elsa Coleman, Tanya Collier, Larry Cooper, Tom DeJardin, Jim Gardner, Gary Hansen, Sharron Kelley, David Knowles, George Van Bergen and Richard Waker

Councilors Absent: None

Others Present: Rena Cusma, Executive Officer
Dan Cooper, General Counsel

Presiding Officer Ragsdale called the meeting to order at 5:35 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. COUNCILOR COMMUNICATIONS

Councilor Kirkpatrick referred Councilors to a petition from concerned citizens of Lake Oswego urging the Council to take no further actions to extend the Urban Growth Boundary south along Barton Road until comprehensive land use plans are completed and submitted by the City of Lake Oswego, Clackamas County and Metro. Presiding Officer Ragsdale requested staff draft a resolution in response to the petition for Intergovernmental Relations Committee consideration.

Councilor Knowles discussed a memorandum from himself and Presiding Officer Ragsdale regarding the progress of the Convention, Trade and Spectator Facility (CTS) Consolidation Task Force. He reviewed the Task Force's proposed work plan and briefly reported on the group's primary objectives. He also discussed major points of consensus reached by the group on December 2:

1. The operating agency for consolidated operations will be the Metro Exposition-Recreation Commission (Metro ERC).
2. The Metro ERC will have full authority for management of the Oregon Convention Center and Metro will retain full ownership of the center.
3. Financial responsibility for facilities consolidated will ultimately lie with the Metro ERC.
4. The immediate goal will be to consolidate management of the Oregon Convention Center, the Memorial Coliseum Complex, Civic Stadium, and the Portland Center for the Performing Arts, to be followed as soon as possible with the Multnomah County Expo Center.
5. The primary objective must be to achieve, by July 1, 1989, management responsibility by the Metro ERC of consolidated facilities and joint operations through an expanded ERC staff. Financial responsibility can be dealt with separately from this priority and addressed as a second phase of consolidation.

5. CONSENT AGENDA

Motion: Councilor Van Bergen moved to approve the consent agenda. Councilor Kirkpatrick seconded the motion.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Cooper was absent.

The motion carried and the following items were approved:

5.1 Minutes of November 10, 1988

5.2 Resolution No. 88-1016, for the Purpose of Appointing Councilors to the Local Government Advisory Committee and Designating a Chairperson

5.3 Resolution No. 88-1019, for the Purpose of Accepting the November 8, 1988, General Election Abstract of Votes of the Metropolitan Service District

6. ORDINANCES, FIRST READINGS

6.1 Ordinance No. 88-279, An Ordinance Amending Chapter 2.04 of the Metro Code Relating to Metropolitan Exposition-Recreation Commission Contract Procedures

The Clerk read the ordinance by title only a first time. Presiding Officer Ragsdale announced he had referred the ordinance to the Council Convention Center Committee for consideration.

7. ORDINANCES, SECOND READINGS

7.1 Consideration of Ordinance No. 88-274, for the Purpose of Amending Ordinance No. 88-247, Revising the FY 1988-89 Budget and Appropriations Schedule to Provide Funding for an Analysis for a Publicly Owned Metro East Station

The Clerk read the ordinance by title only a second time. Presiding Officer Ragsdale explained the Ordinance had received a first reading before the Council on November 22, 1988. The Ordinance was then referred to the Council Finance Committee. The Committee conducted a public hearing on December 1.

Councilor Collier, Finance Committee Chair, reported the Committee had unanimously recommended adoption of the ordinance which would fund a project previously approved by the Council.

Motion: Councilor Collier moved, seconded by Councilor Hansen, to adopt the ordinance as recommended by the Council Finance Committee.

Vote: A roll call vote on the motion resulted in all eleven Councilors present voting aye. Councilor Cooper was absent.

The motion carried and Ordinance No. 88-274 was adopted.

7.2 Consideration of Ordinance No. 88-277, for the Purpose of Amending Ordinance No. 88-247, Revising the FY 1988-89 Budget and Appropriations Schedule to Reorganize Metro's Word Processing Function

The Clerk read the ordinance a second time by title only. The Presiding Officer announced the ordinance had been read before the Council a first time on November 22, and was then referred to the Council Finance Committee. The Committee conducted a hearing on December 1.

Metro Council
December 8
Page 4

Finance Committee Chair Collier reported the resolution's title was misleading in that the ordinance actually eliminated the central word processing function. Funds saved from staffing central word processing would be used to purchase personal computer equipment, printers and other related items. She reported the Committee had recommended the ordinance be amended in order to allocate funds to the Council Department for computer equipment because the Council had been a primary user of central word processing. The Committee had also recommended a new Finance & Administration clerical position not be funded in order to reduce the size of the General Fund.

Motion: Councilor Collier moved to recommend the Ordinance be adopted as recommended by the Council Finance Committee. Councilor DeJardin seconded the motion.

Presiding Officer Ragsdale read a letter from Executive Officer Cusma requesting the ordinance be referred back to the Finance Committee so that new information could be presented to the Committee regarding the Administration's reorganization proposal. He explained the Executive could not attend the first part of this Council meeting because she was attending the opening U.S. Bank Lights Festival ceremony at the Zoo. Ray Phelps, Finance & Administration Director, speaking for the Executive, requested the Council extend the courtesy of referring the item back to the Committee in order to explain how the request fit in with the budget process.

Councilor Kirkpatrick did not support the request, noting the Committee had held its hearing and no one from the Executive Management Department had attended. She thought it important the Executive recognize the Council's Committee system and meeting schedule.

Councilor Collier reported the Committee had discussed the ordinance at length and Jennifer Sims, Financial Services Manager, had represented the Administration. She further explained the Committee had decided not to fund the proposed, additional clerical position because the Executive Officer, during the FY 1988-89 budget review process, had not recommended that position as a priority for the General Fund. Because the Council was committed to reducing General Fund costs, the Committee had recommended the new position request be denied.

Presiding Officer Ragsdale said he supported referring the matter back to the Committee because it was the first time the Administration had made such a request and because the Administration had new information to present which he thought the Committee should deliberate.

Motion to Refer: Councilor Hansen moved, seconded by Councilor Kelley, to refer Ordinance No. 88-277 back to the Finance Committee.

Councilor Collier said she did not support the motion because the majority of the Finance Committee had recommended adoption of the ordinance as amended. She doubted the Administration had new information that would persuade the Committee to make a different recommendation.

In response to Councilor Knowles' question about process, Presiding Officer Ragsdale reported Mr. Phelps had asked him what process should be followed for the Administration to request referral of a matter back to a committee after the Committee had made its recommendation. The Presiding Officer had advised Mr. Phelps that because the ordinance was already scheduled on the Council agenda, the appropriate process would be for the Executive Officer to address the request to the Presiding Officer and for the Council to take formal action on the request.

Councilor Knowles commented that if the matter had related to the Convention Center Committee, as chair of that committee he would have preferred the Administration make the request to him as well as to the Presiding Officer.

Councilor Kelley supported the request because she thought the new information would be important to consider.

Councilor Gardner said he would support the request based on the fact that new information would be presented. He cautioned if the information was not substantially new, he would be sceptical of future requests by the Administration.

Vote on the Motion to Refer: A vote on the motion to send Ordinance No. 88-277 back to the Finance Committee resulted in:

Ayes: Councilors Gardner, Hansen, Kelley, Waker and Ragsdale

Nays: Councilors Coleman, Collier, DeJardin, Kirkpatrick, Knowles and Van Bergen

Absent: Councilor Cooper

The motion failed to carry.

Vote on the Motion to Adopt the Ordinance: A roll call vote on the motion to adopt the ordinance as recommended by the Finance Committee resulted in:

Ayes: Councilors Coleman, Collier, DeJardin, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Van Bergen, Waker and Ragsdale

Abstain: Cooper

The motion carried and the ordinance was adopted.

Councilor Knowles questioned what the Council's process would be for future requests by the Administration to refer matters back to committees. Presiding Officer Ragsdale explained the process would be that the Council would take formal action to defer matters if the item had already been placed on a Council agenda and that the appropriate committee chair would be consulted about the request, as had happened in the case of Ordinance No. 88-277. If the item has not already been placed on a Council agenda, a committee chair could request an item be held back in committee.

7.3 Consideration of Ordinance No. 88-273, for the Purpose of Amending Ordinance No. 88-266 (Relating to the Adoption of the Solid Waste Management Plan) by Establishing Host Fees for Solid Waste Facilities and Adding Land Use Goal Findings

The Clerk read the ordinance by title only a second time. Presiding Officer Ragsdale announced the first reading of the ordinance before the Council had occurred on November 10, at which time extensive public testimony was received. The ordinance was then referred to the Council Solid Waste Committee (SWC) and the Committee conducted a work session on November 15. The Committee also conducted a joint meeting with the Solid Waste Policy Committee (SWPC) on November 29 followed by a public hearing before the SWC that same evening. At the November 29 SWC meeting, Councilor Kirkpatrick announced her intent to file a minority report. Councilor Gardner subsequently joined with Councilor Kirkpatrick in filing a minority report. Both Councilors attended the November 29 SWC meeting and voted against the majority recommendation.

Motion: Councilor Kirkpatrick moved, seconded by Councilor DeJardin, to delete from Ordinance No. 88-273 any reference to an enhancement fee or host fee policy; to delete Exhibit "A" from the ordinance; and to relabel Exhibit "B" (Land Use Goal Findings) to read Exhibit "A."

Councilor Kirkpatrick then reviewed her written minority report and explained why she had recommended eliminating the host fee program. She opposed the concept of continued community enhancement fees because it would add to the already high cost of garbage disposal. The policy would also set a trend that could spread to other land uses that were a necessary part of government service to society. Government had a responsibility to contain the costs of its services, she explained. Councilor Kirkpatrick further explained that if the majority of the Council wanted to adopt an enhancement fee policy, she preferred the Council adopt the St. Johns Enhancement Committee model as proposed at the November 29 SWC meeting.

Roger Buchanan, Metro Councilor-elect, testified in support of host fees that would be administered according to the North Portland Enhancement Committee model ("St. Johns" model). He explained that if no fee were granted to siting solid waste transfer stations and other such facilities, the "magic" would be taken away and conflict with citizen groups would be unavoidable.

Carol A. Powell, 136 Davis Road, Apartment 21, Oregon City, a City of Oregon City Commissioner, supported enhancement fees. She testified an enhancement fee program had been implemented in Oregon City after much compromise regarding the use of Metro South Station. She thought enhancement fees gave cities a workable tool to offset the impact of siting solid waste facilities. Commissioner Powell said she had participated in the SWPC workshop last June which had served to forge compromise solutions to long-standing regional problems. She urged the Council to honor that effort and not remove a key building block of that plan. If the host fee program were removed from the Solid Waste Management Plan, the Council would relive the days of unsuccessful projects such as the Wildwood Landfill, she said.

Councilor Hansen announced that due to another commitment, he had to leave the meeting at 6:30 p.m. He acknowledged he would vote against the motion to delete the enhancement fee program from the ordinance if the vote were taken while he was still in attendance. Presiding Officer Ragsdale informally polled the audience and determined the Council would first vote on the motion and then accept additional public testimony.

Councilor Van Bergen said it was very regrettable Councilor Hansen had to leave the meeting while an important solid waste issue was being deliberated. The effect of Councilor Hansen's action was to foreclose Council discussion and public testimony, he said. Councilor DeJardin said he was also uncomfortable with the situation and suggested the Council continue its deliberations.

Metro Council
December 8
Page 8

Vote: A vote on the motion to delete any reference of an enhancement fee or host fee program from Ordinance No. 88-273 resulted in:

Ayes: Councilors Kirkpatrick, Van Bergen and Waker

Nays: Councilors Coleman, Collier, Cooper, DeJardin, Gardner, Hansen, Kelley, Knowles and Ragsdale

The motion failed to carry. Councilors Hansen and Van Bergen left the meeting.

Motion: Councilor Gardner moved, seconded by Councilor Kirkpatrick, to adopt Exhibit "A" to Ordinance No. 88-273 marked "St. Johns Model."

Councilor Gardner discussed his minority recommendation, explaining he recommended host fee committees be modeled after the successful North Portland Enhancement Committee (St. Johns) model. That model was viewed as a success by the City of Portland, North Portland citizens and Metro and allowed the community to have control over the projects it funded. Also, citizens were aware of the tie between enhancement funding, the solid waste disposal facility in the neighborhood, and Metro's involvement.

Steve Larrance, Commissioner, Washington County, testified in support of the majority recommendation (the "Ragsdale" committee model). He did not support the St. Johns committee model because it did not represent the agreement worked out by the Solid Waste Policy Committee (SWPC) after months of careful negotiation. He said the St. Johns model would exclude local governments from the program.

Clifford Clark, Mayor, City of Forest Grove, and member of the SWPC, read a letter from City of Hillsboro Mayor Shirley Huffman. Mayor Huffman strongly supported the host fee policy as finally approved by the SWPC. She wrote that she would reluctantly support the "Ragsdale proposal" should that be the only alternative acceptable to the Council.

Mayor Clark then testified that the cities of Washington County continued to believe the best policy for the oversight and dispersal of host fee funds would best be determined at the local level. The governing body of the city or county impacted by a solid waste facility was more likely to understand the needs and concerns of its citizens than any other level of government, he explained. For that reason, he and other city representatives from Washington County continued to support the original language developed by the SWPC.

Metro Council

December 8

Page 9

Mayor Clark strongly supported the host fee program, pointing out the program would help get solid waste facilities "on the ground." Arguments about the virtues of civic duty would never be as effective as the promise of tangible benefits, he said. He pointed out Metro would have program control because it had to approve enhancement project contracts. In conclusion, he said the cities of Washington County supported Presiding Officer Ragsdale's proposal because they believed it was a solution which included a strong element of local determination as well as a recognition by the Council for the need to maintain a comfortable level of control. To adopt any other model which excluded local determination would do lasting harm to the relationships between Metro and the cities of the region, he said.

Tom Fender, City Manager, City of Oregon City, testified on behalf of an enhancement fee program with strong local government control. He discussed how the program had worked successfully in Oregon City and advised a policy similar to that model. He did not think the proposed St. Johns model would work because it did not give local governments an appropriate degree of involvement. Mr. Fender preferred the program be fashioned after the language originally proposed by the SWPC.

Responding to Councilor Gardner's question, General Counsel, Dan Cooper, explained that Ordinance No. 88-273 would not effect the contract currently in force with the City of Oregon City for enhancement fees. The contract was in force until January 1, 1991. After that date, the contract could be renegotiated according to provisions of Ordinance No. 88-273, he said.

Gordon Hunter, 5760 N.E. 74th, Portland, Chair of the CAN Board of Directors, submitted for the record an Oregonian newspaper article dated December 5, 1988, entitled "Garbage 'Host Fees' Proposal to be Debated," and a map of his North Portland neighborhood. Referring to the map, Mr. Hunter pointed out current and potential solid waste facilities sites. Because North Portland was the host of many solid waste facilities, he strongly urged the Council to adopt a host fee program that would give communities neighborhood control over specific projects. He favored the St. Johns model and advised language be added to define community boundaries.

Frank Shields, 3832 N.E. 72nd Street, Portland, testified that as a result of living in North Portland, he was very aware of the garbage trucks traveling through neighborhoods to solid waste facilities. He was concerned if the next regional transfer center were located in North Portland, traffic problems would increase. Because North Portland had been and would continue to host solid waste facilities, Mr. Shields favored strong neighborhood control of host fee programs. He explained that those effected by the solid waste facili-

Metro Council
December 8
Page 10

ties should have the most say about how enhancement funds should be spent. The St. Johns model would give neighborhood the best control, he said.

There was no other testimony and the Presiding Officer closed the public hearing.

Councilor Knowles said he supported the St. Johns model because it took into account Metro's ability to deal with regional problems across local and political boundaries. That model would also give the Council authority to appoint a city council, such as the City of Forest Grove Council, as the neighborhood enhancement committee if appropriate. He strongly advocated neighborhood committees, however, for larger jurisdictions.

Motion to Amend: Councilor Knowles moved, seconded by Councilor Waker, to amend Attachment A to Ordinance No. 88-273 marked "St. Johns Model," Section 12.3, to read: "Metro shall create or designate a local community enhancement committee which may be a local governing body, which shall be responsible for making recommendations on the disbursement of funds under the community enhancement program.

Councilor Gardner supported the amendment because it clearly stated a provision that was already included in the original language.

Vote on the Motion to Amend: A vote on Councilor Knowles' motion resulted in:

Ayes: Councilors Coleman, Collier, Cooper, DeJardin, Gardner, Kirkpatrick, Knowles and Waker

Nays: Councilors Kelley and Ragsdale

Absent: Councilors Hansen and Van Bergen

The motion carried.

The Council discussed Councilor Gardner's motion as amended. Councilor Gardner explained it was the Council's responsibility to be accountable to citizens for the expenditure of community enhancement funds. He was very uncomfortable with any committee model that would pass that responsibility on to cities and counties.

Councilor Cooper said he favored the St. Johns model and supported Metro Councilors chairing enhancement committees because fund expenditures were ultimately Metro's responsibility.

Metro Council
December 8
Page 11

Councilor DeJardin was concerned that the Council operate from a position of trust and wanted the ordinance to make room for both the Oregon City and St. Johns models.

Councilor Kelley thought citizens should have determination over how enhancement funds were spent. She favored the majority recommendation because local government involvement was the key to gaining support for siting solid waste facilities.

Discussion continued about the major differences between the St. Johns and majority recommendation enhancement committee models. Councilor Gardner thought the largest difference between the two models was that of community perception regarding who would administer the program. The Ragsdale model, he said, could be viewed as a "city program." Under the St. Johns model, however, the enhancement projects would be viewed as a Metro program.

Councilor Coleman noted that the majority recommendation would provide for the Council to appoint half of the members of an enhancement committee. She also thought dedicated funds could be granted to communities through local governments in such a way that would prohibit cities from spending money not project related.

Executive Officer Cusma urged the Council to adopt an enhancement fee policy that could be supported by local governments as negotiated by the SWPC. She thought the Ragsdale model closely met the agreement supported by local governments. She noted the Council was concerned about Metro control. The best control Metro could have, she said, was a good partnership with local governments.

Councilor Waker thought this issue was largely one of accountability. The public had designated the Council as the body to oversee the wise expenditure of Metro funds. He supported the St. Johns model because it was consistent with the practice of the Council providing final accountability.

Vote on the Motion to Adopt the St. Johns Enhancement Committee Model as Amended: A vote on the motion resulted in:

Ayes: Councilors Collier, Cooper, Gardner, Kirkpatrick, Knowles and Waker

Nays: Councilors Coleman, DeJardin, Kelley and Ragsdale

Absent: Councilors Hansen and Van Bergen

The motion carried.

Motion: Councilor Gardner moved, seconded by Councilor Knowles, to adopt Ordinance No. 88-273 as amended, which would include the amended Exhibit A marked "St. Johns Model" and would change any reference in the ordinance of "host fees" to read "enhancement fees."

Vote on the Motion to Adopt Ordinance No. 88-273 as Amended:
a roll call vote on the motion resulted in:

Ayes: Councilors Coleman, Collier, Cooper, Gardner, Kirkpatrick, Knowles, Waker and Ragsdale

Nays: Councilor DeJardin

Absent: Councilors Hansen, Kelley and Van Bergen

The motion carried and the ordinance was adopted as amended.

Presiding Officer Ragsdale served notice he might possibly move to have the ordinance reconsidered. He explained he had voted for adoption of the ordinance in order to reserve the right to move the ordinance be reconsidered.

8. RESOLUTIONS

8.1 Consideration of Resolution No. 88-1018, for the Purpose of Approving the Request for Proposals for the Metro East Station

Presiding Officer Ragsdale announced the Solid Waste Committee had adopted the resolution at its December 6 meeting. Resolution No. 88-1001, previously adopted by the Council, granted the Committee authority to approve the request for proposals.

Motion: Councilor Gardner moved, seconded by Councilor DeJardin, to ratify the Solid Waste Committee's adoption of Resolution No. 88-1018.

Vote: A vote on the motion resulted in all nine Councilors present voting aye. Councilors Hansen, Kelley and Van Bergen were absent.

The motion carried.

9. COMMITTEE REPORTS

Councilor Knowles noted it was unfortunate the U.S. Bank Zoo Lights Festival opening had been planned during the Council meet-

Metro Council
December 8
Page 13

ing. He requested staff take major Council meetings into consideration when planning such events in the future.

There was no other business and the meeting adjourned at 8:05 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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