

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

December 13, 1990
Regular Meeting

Councilors Present: Tanya Collier (Presiding Officer), Gary Hansen (Deputy Presiding Officer), Lawrence Bauer, Roger Buchanan, Tom DeJardin, Bernhard Devlin, Jim Gardner, David Knowles and George Van Bergen

Councilors Absent: Judy Wyers

Presiding Officer Collier called the meeting to order at 5:30 p.m. and announced that agenda item no. 8.5, Resolution No. 90-1358B, regarding the Washington County solid waste facility solution had been moved on the agenda and would be considered immediately following agenda item 6.3.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Clackamas County Commissioner Ed Linguist said that at that morning's Joint Policy Alternatives Committee on Transportation (JPACT) meeting, JPACT had endorsed a resolution regarding a Tri-Met/Metro merger. He noted that Metro's Intergovernmental Relations Committee had endorsed an amended version of the resolution.

3. EXECUTIVE OFFICER COMMUNICATIONS

The Executive Officer announced that the Oregon Convention Center had won an award from the AIA for design of the Convention Center.

4. CONSENT AGENDA

The Presiding Officer announced that the following items were on the Consent Agenda for consideration:

4.1 Minutes of July 12 and 26, 1990

REFERRED FROM THE CONVENTION AND VISITOR FACILITIES
COMMITTEE

4.2 Resolution No. 90-1366, For the Purpose of Endorsing the
Oregon Tourism Alliance's Regional Strategies Program

REFERRED FROM THE FINANCE COMMITTEE

- 4.3 Resolution No. 90-1364, Adopting the FY 1990-91 Pay Plan for Zoo Visitor Services Workers

REFERRED FROM THE INTERGOVERNMENTAL RELATIONS COMMITTEE

- 4.4 Resolution No. 90-1372, For the Purpose of Accepting the November 6, 1990, General Election Abstract of Votes of the Metropolitan Service District

Motion: Councilor McFarland moved seconded by Councilor DeJardin to adopt the Consent Agenda.

Vote: The ten councilors present all voted in favor of the motion. Councilors Devlin and Wyers were absent.

The motion carried.

5. ORDINANCES, FIRST READING

- 5.1 Ordinance No. 90-376, Amending Metro Code Section 4.01.060 Revising Admission Fees and Policies at Metro Washington Park Zoo

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that Ordinance No. 90-376 had been referred to the Finance and Zoo Committees.

6. ORDINANCES, SECOND READINGS

- 6.1 Ordinance No. 90-373, Amending Ordinance No. 90-340A Revising the Fiscal Year 1990-91 Budget and Appropriation Schedule for the Purpose of Allocating \$10,000 From General Fund Contingency to Support Arts Plan 2000

The Clerk read the ordinance for a second time by title only. The Presiding Officer announced that Ordinance No. 90-373 had been first before the Council on November 29 and referred to the Finance Committee. The Finance Committee held a public hearing on the ordinance on December 6 and recommended the Council adopt the ordinance.

Motion: Councilor Van Bergen moved, seconded by Councilor Gardner to adopt Ordinance No. 90-373.

Councilor Van Bergen presented the Finance Committee's report. Councilor Van Bergen explained that the ordinance revise the budget to appropriate funds for Metro's contribution to the Arts Plan 2000 study. He said that the study would provide information on the public's preference for arts events. He said

that this information would be useful in making funding decisions for new and existing facilities.

The public hearing was opened and closed, no testimony was offered.

Vote: A roll call vote was taken. Councilor Wyers was absent; the other eleven councilors present all voted in favor of the motion.

The motion carried unanimously.

6.2 Ordinance No. 90-374, Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Enhancing Computer Acquisitions in the Transportation Department and Providing an RLIS Marketing Consultant

The Clerk read the ordinance for a second time by title only. The Presiding Officer announced that Ordinance No. 90-374 had been first read before the Council on November 29 and referred to the Finance Committee. The Finance Committee held a public hearing on the ordinance on December 6 and recommended the Council adopt the ordinance.

Motion: Councilor Devlin moved, seconded by Councilor Van Bergen to adopt Ordinance No. 90-374.

Councilor Devlin presented the Finance Committee's report. He explained that the budget amendment, if adopted, would enable the Transportation Department to hire a consultant to provide assistance in marketing RLIS services. He said that the Intergovernmental Relations Committee also supported the ordinance. Councilor Devlin said that the department had an unanticipated fund balance due to carry over funds from the previous fiscal year that would be used for the project and a \$25,000 transfer from the General Fund contingency.

The public hearing was opened and closed, no testimony was offered.

Vote: A roll call vote was taken. Councilor Wyers was absent; the other eleven councilors present all voted in favor of the motion.

The motion carried unanimously.

6.3 Ordinance No. 90-375, Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Enhancing the

Parks and Natural Areas Program of the Planning and
Development Department

The Clerk read the ordinance for a second time be title only. The Presiding Officer announced that Ordinance No. 90-375 had been first read before the Council on November 29 and referred to the Finance Committee. The Finance Committee held a public hearing on the ordinance on December 6 and recommended the Council adopt the ordinance.

Motion: Councilor Gardner moved, seconded by Devlin to adopt Ordinance No. 90-375.

Councilor Gardner presented the Finance Committee's report. Councilor Gardner said that the ordinance would make two budget adjustments for the parks and natural areas program. The first would revise an intergovernmental agreement with the City of Portland for loan of a planner to Metro to accelerate the Parks and Natural Areas Program. Councilor Gardner explained that in addition to funding salary and materials for the planner on loan, the City had requested that Metro also fund salary and materials for the replacement planner at the City. Councilor Gardner noted that there were adequate existing funds in the budget.

The public hearing was opened and closed, no testimony was offered.

Vote: A roll call vote was taken. Councilor Wyers was absent; the other eleven councilors present all voted in favor of the motion.

The motion carried unanimously.

RESOLUTIONS

8.5 Resolution No. 90-1358B, For the Purpose of Establishing Procurement Guidelines and a Process for Procurement of the Washington County Solid Waste System and Recognizing and Giving Priority to the Washington County Local Government Solution

Motion: Councilor DeJardin moved, seconded by Councilor Devlin to adopt Resolution No. 90-1358B.

Councilor DeJardin presented the Solid Waste Committee's report and recommendations. He said that the resolution was the result of over 18 month's work on the part of representatives of the cities in and around Washington County, solid waste hauling industry representatives, Metro Councilors who served in

partnership on the steering committee. Councilor DeJardin congratulated the steering committee members on their openness.

Councilor DeJardin said that there had been some concern that the Council may be approving the Washington County local government solution prior to conducting the technical analysis. He assured the Council that Resolution No. 90-1358B approving a solution. He said that it was understood that the Washington County plan was subject to future revision. He noted that the resolution did not state that the Plan was consistent with the Regional Solid Waste Management Plan. Councilor DeJardin said that the resolution set out a procurement process and timeline.

The public hearing was opened.

Commissioner Steve Larrance, Washington County, testified in favor of the resolution. He said that the Steering Committee felt that the resolution was a good example of regional cooperation and that they looked forward to moving the Plan through the technical analysis phase.

There was no other public testimony offered, and the public hearing was closed.

Councilor Van Bergen questioned whether the Council was giving the Washington County Plan priority or preference. Councilor Devlin said that the word priority came directly from the Regional Solid Waste Management Plan. He said that the statement meant that when a local government solution is presented, the Council would give priority to that plan as long as it is consistent with the Regional Plan. If the plan presented were not consistent with the Regional Plan, the local government solution would be subject to revision.

Councilor Gardner said that issues of cost efficiency, ownership of the facility and consistency with the Region Plan were still to be addressed. He said that he still had concerns as to whether the perception of the resolution was that the Council was endorsing the Washington County Plan. Councilor McFarland said that she had had conversations with Washington County officials, and they had assured her that they did not feel that adoption of the resolution would endorse the Washington County Plan. She said that with the understanding that adoption of the resolution was not endorsement of the Washington County Plan she would support Resolution No. 90-1358B.

Councilor Knowles said that he had concerns that the selection process be competitive. He said that he felt that the District had an obligation to the public to promote competition. Councilor Devlin said that he thought that the resolution was

balanced to make every commitment that the Council should make at that time but did not make any commitment that the Council should not make at that time.

Vote: Ten of the eleven Councilors present voted aye. Councilor Van Bergen voted nay, and Councilor Wyers was absent.

The motion carried.

The Presiding Officer recessed the Council at 6:25 p.m. and reconvened the Council at 6:30 p.m.

7.1 Order No. 90-23, In the Matter of Contested Case No. 87-3, Blazer Homes, A Petition for a Locational Adjustment of Metro's Urban Growth Boundary

Councilor Bauer announced that his consulting firm had in the past represented Blazer Homes and that he had received fees for his services on behalf although he had not worked on this particular project. Therefore, he declared a conflict of interest and excused himself from the proceedings.

The Presiding Officer reported that the Council had first considered the petition in 1987 at which time the hearings officer recommended denial of the petition. In 1988, Blazer Homes requested that their petition be remanded to the Hearings Officer to allow introduction of new evidence. The petition was remanded to the hearings officer who again recommended denial of the petition. The Council upon consideration of the hearings officer's second recommendation adopted findings supporting the petition for locational adjustment. In 1989, opponents of the petition appealed the Council decision to the Land Use Board of Appeals (LUBA). LUBA remanded the matter back to the Council with a decision that the findings were not supported by evidence in the record. LUBA also rejected the opponents that amendments to the Urban Growth Boundary were illegal. The opponents appealed LUBA's decision to the Court of Appeals. LUBA's decision was upheld by the Court of Appeals. The opponents requested that the Supreme Court review the Court of Appeals ruling. The Supreme Court rejected that request. In 1990, the matter was remanded to the Council to examine issues regarding transportation and sewers. At that time, the Council rejected the previous findings and directed General Counsel to prepare findings to support denial of the petition.

The Presiding Officer announced that the Council, in its capacity as a quasi-judicial review board, would consider the Order. She said that consideration of the matter was pursuant to section 2.05.045(b) of the Metro Code. She said that Order 90-23 was the

only document to be considered and that no new evidence could be introduced.

Legal Counsel Larry Shaw presented the staff report. He said that on October 11 the Council considered Ordinance No. 90-363, An Ordinance Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 87-3: Blazer Homes. The Council directed General Counsel to prepare an order denying the petition because the record and the amended findings did not contain sufficient evidence to show a substantial improvement in sewer and transportation services that were needed to meet the level of proof required for the petition. Mr. Shaw advised that Council's options were to either adopt Order No. 90-23 as presented, or revise the findings or remand the matter to the General Counsel Officer for further revisions.

The Presiding Officer said that here is no requirement for a public hearing, however, the Council would accept public testimony and asked that the testimony be limited to seven minutes each.

Frank Josselson, Portland, Oregon, said that he was the attorney representing Blazer Homes. Mr. Josselson said that he had not received notice that the matter was scheduled for Council review. He said that he objected to the lack of notice. He also said that at the October 11 Council meeting councilors had announced that they had received written ex parte communication and that he had asked General Counsel to provide him with copies of those communications. He said that he had not received copies of those communications.

The Presiding Officer advised Mr. Josselson that his allotted time had expired.

Motion: Councilor Knowles moved, seconded by Councilor Buchanan to allow Mr. Josselson an additional seven minutes.

Vote: The ten councilors present voted in favor of the motion. Councilor Wyers was absent, and Councilor Bauer did not participate in the proceedings.

The motion carried.

Mr. Josselson said that he objected to the last sentence of paragraph B on page 2 of the final order regarding an existing pump station. He said that he felt that it was outside the scope of the remand and that there was no evidence in the record to support the statement. Mr. Josselson also said that he objected to the statement in paragraph C regarding evidence that the

Westview Road extension would occur. Mr. Josselson said that the Lake Oswego comprehensive plan included the Westview Road extension. He said that the findings erroneously state that there is no evidence in the record to indicate that construction of the extension would occur. Mr. Josselson said that paragraph D in the findings regarding police protection was beyond the scope of the remand.

Mr. Josselson said that when the Urban Growth Boundary was adopted, it was understood that the boundary would not be permanent and would be updated to contain a continuous supply of land for twenty years. He said that a Council decision to deny the petition would make the boundary in this area permanent because it would hinder development in this location.

Legal Counsel was directed to determine whether adequate notice of the hearings was provided to the parties. Legal Counsel was directed to prepare a written response. In response to Mr. Josselson's comments regarding ex parte communication, Legal Counsel said that to his knowledge, Mr. Josselson's request had been complied with. The Presiding Officer said that she would direct General Counsel to reply to Mr. Josselson in writing.

Motion: Councilor Devlin moved, seconded by Councilor DeJardin to adopt Order No. 90-23.

Councilor Knowles said that he felt the Council had erred at its October 11 meeting when it chose not to allow the proponents to make a presentation. He said that he felt that the Council's decision may have been different if the proponents had had an opportunity to make a presentation.

Councilor Devlin said that while the process could have been handled better, he did not feel that there was sufficient evidence to approve the petition. Councilor Gardner said that he did not find sufficient evidence in the record to indicate that the proposed boundary would be greatly superior to the existing boundary. Councilor Gardner pointed out that local zoning decisions would ultimately determine how land and infrastructure would be developed.

Motion: Councilor Hansen moved, seconded by Councilor Saucy, Jr. to table Order No. 90-23 until the next Council meeting.

Vote: Councilors Buchanan, Hansen and Knowles voted in favor of the motion. Councilors Devlin, DeJardin, Gardner, McFarland, Saucy, Jr., Van Bergen and Collier voted against the motion. Councilor Wyers

was absent, and Councilor Bauer did not participate in the proceedings.

The motion to table failed to carry.

Vote on main motion: Councilors Buchanan, DeJardin, Devlin, Gardner, McFarland, Saucy, Jr. and Collier voted in favor of the motion. Councilors Hansen, Knowles and Van Bergen voted nay. Councilor Wyers was absent, and Councilor Bauer did not participate in the proceedings.

The motion carried, and the order was adopted.

The Presiding Officer recessed the meeting at 7:25 p.m. and reconvened the meeting at 7:30 p.m.

8. RESOLUTIONS

8.1 Resolution No. 90-1351, For the Purpose of Expressing Council Intent to Amend Metro's Urban Growth Boundary for Contested Case No. 90-1, Wagner

The Presiding Officer announced that the Council as a quasi-judicial review board, would consider the resolution pursuant to Chapter 2.05 of the Metro Code.

Metro hearings officer Larry Epstein summarized the hearings officer's report. He said that his recommendation was that the Urban Growth Boundary be amended to include an approximate 6.35 acre parcel of Tax Lot 2200 referred to as the Wagner property in Clackamas. He pointed out that the site contained a parcel of approximately one acre that was right-of-way property and an approximately five acre parcel referred to as the remainder portion. Mr. Epstein said that proposed Wilsonville Road realignment on the right-of-way portion could occur only if the property were added to the Urban Growth Boundary and that the realignment was the principal efficiency that could be realized as a result of the amendment.

Mr. Epstein said that the property was currently zoned exclusive farm use land. He said that he felt that clearly the one acre right-of-way parcel for the road realignment should be included within the boundary in order to allow the realignment to occur. Mr. Epstein said that the realignment would eliminate two 90 degree turns within a one-tenth mile section of the road. He said that this realignment could possibly eliminate accidents. He said that both the city of Wilsonville and Clackamas County

supported inclusion of the right-of-way portion within the Urban Growth Boundary and that the city of Wilsonville recommended the entire property be included within the Urban Growth Boundary, while Clackamas County had not made a recommendation on the remainder portion.

The hearings officer said that if the entire property were to be treated as two separate parcels, he would recommend inclusion of the right-of-way portion for increased urban efficiency and that he had concluded that inclusion of the remainder portion was more likely to have some adverse effect on agricultural land in the vicinity. Mr. Epstein said that in spite of reservations he had regarding the remainder portion, he recommended treating the property as an entire unit. He said his reasons for that recommendation were that past practices of the Council were to treat properties as a unit and that the majority of the property was buffered from surrounding agricultural land by a wooded canyon on one side and a single-family dwelling on another side. He said that he felt that inclusion of the entire property as a unit would not significantly adversely affect surrounding agricultural land.

Councilor Bauer asked if the proposed road would contain public utilities. Mr. Epstein said that the road would contain water, sewer and storm drainage facilities and was also required to contain a bicycle path. Councilor Bauer asked if the public facilities would serve both sides of the right-of-way. Mr. Epstein said it would. Councilor Bauer said that he was familiar with the area and considered the intersections dangerous. He said that if the amendment were approved, he wanted to assure that the road would be built.

In response to questions from Councilors Bauer and Devlin, Mr. Epstein said that the proposed road could act as a boundary between agricultural and urban uses. He also said that while the applicant stated that there were no plans to develop a portion of the remainder portion, the Council could not rely on that statement since it was a matter of local jurisdiction zoning.

The public hearing was opened.

Steve Janik, Portland, Oregon, said that he was the attorney representing the Wagners. Mr. Janik requested that Exhibit 19 and 20 of the record be excluded. He said that he had not received copies of the exhibits prior to the hearing and had not had an opportunity to rebut those exhibits during the hearing. Mr. Janik pointed out that his clients owned 14 acres of property already within the UGB upon which the city of Wilsonville would not allow development unless the road were realigned. He said that he recommended inclusion of the entire portion of the tax

lot in order that the 14 acre property already within the UGB could be developed, Wilsonville Road could be used more efficiently because it would not be subject to as many traffic hazards and the per unit infrastructure cost could be reduced.

Mr. Janik encouraged the Council to amend the UGB to include the entire property. He said that in two previous cases, Bean: 88-4 and Gravit: 89-1, the Council had included the entire property although only a portion of the property benefitted public service improvement. He said that he felt that the Council's past practices in amending the UGB for parcels under ten acres was that if inclusion of any portion of a parcel under ten acres increased public efficiency, the entire parcel should be included. Mr. Janik said that he felt that segregating the right-of-way portion from the remainder portion would not benefit the surrounding agricultural land. Mr. Janik said that separating the right-of-way portion from the remainder portion would create a substandard parcel, and therefore, he stated was not allowable under State law. Mr. Janik stated that adjoining property owners whose property was in agricultural use had provided written statements supporting inclusion of the entire property within the UGB.

In response to the Presiding Officer's request for clarification regarding Exhibits 19 and 20 to which Mr. Janik had referred, Mr. Epstein stated that they should not be a part of the record in the matter. Mr. Epstein also stated that he thought the exhibits had been previously provided to Mr. Epstein subsequent to the hearing held by the hearings officer.

Sparkle Anderson, Clackamas County, Oregon, said that the Far West CPO had submitted the letter of exceptions referred to as Exhibit 20. Mr. Epstein pointed out that Exhibit 20 was filed following the exception period; and therefore was not a part of the record in the case. Ms. Anderson said that she felt there was sufficient land already within the boundary that had not been developed. She said that she felt that development of this parcel at this time would have an adverse effect. She said that she felt that urban development of the entire property might pose a threat to new tenants since there was existing livestock on adjacent properties.

Ms. Connolly, Clackamas County, Oregon, said that some of the persons living in the surrounding area who had signed petitions supporting inclusion of the entire property were not property owners, but rather renters. She said that she objected to including the entire property within the UGB because she did not feel that the high densities were necessary.

Bill Ciz, Clackamas County, Oregon, testified against inclusion of the entire property within the UGB. He said that while he did not oppose inclusion of the right-of-way portion, he felt inclusion of the remainder portion would adversely affect surrounding agricultural uses.

There was no further testimony and the public hearing was closed.

Motion: Councilor McFarland moved, seconded by Councilor Bauer to adopt Resolution No. 90-1351.

Councilor McFarland pointed out that a housekeeping amendment to the resolution was needed to incorporate the findings in the resolution.

Motion to amend: Councilor McFarland moved, seconded by Councilor Devlin to amend Resolution No. 90-1351 in the last line of the first page to state "BE IT RESOLVED THAT THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT based on the findings in Exhibit B attached and incorporated herein expresses . . ." (Underlines indicate additional language.)

Vote on amendment: The eleven councilors present voted in favor of the amendment. Councilor Wyers was absent.

The motion to amend carried.

Councilor Gardner spoke in support of the resolution. Councilor Devlin said that he would reluctantly support the amendment but felt that the Council should have more guidance in making decisions in UGB amendment issues. Councilor Devlin said that he felt that despite the buffers described he did not feel that in this area agricultural and urban uses were compatible.

Vote on main motion: Ten of the eleven councilors present voted aye. Councilor Van Bergen voted nay, and Councilor Wyers was absent.

The motion carried, and the resolution was approved.

8.2 Resolution No. 90-1357, For the Purpose of Authorizing the Amendment of the Sales Agreement for the Acquisition of the Sears Facility to Extend the Due Diligence Period

Motion: Councilor Devlin moved, seconded by Councilor Gardner to suspend the Council's rules requiring resolutions introduced at the Council level to be referred to a committee.

Vote: The eleven councilors present voted in favor of the motion. Councilor Wyers was absent.

The motion carried unanimously.

Presiding Officer Collier turned the gavel over to Deputy Presiding Officer Hansen in order to introduce Resolution No. 90-1357.

Motion: Councilor Collier moved, seconded by Councilor DeJardin to adopt Resolution No. 90-1357.

Councilor Collier advised the Council that on October 11, 1990 the Council had authorized the Executive Officer to enter into a due diligence agreement regarding purchase of the Sears Building property. She stated that the due diligence period would expire on December 17. The Presiding Officer stated that although qualitative advantages of purchasing the Sears Building property included parking, capacity for expansion, quality of office space, regional accessibility, long-term stability and opportunity to obtain an asset; additional time to evaluate original and new financial projections was needed. She said that the Executive Officer and Building Relocation Task Force had recommended extension of the due diligence period in order to evaluate costs.

Councilor Collier said that additional time was needed to evaluate risks associated with the building purchase including architectural structure and hazardous waste removal, increased cost of the building, and City of Portland regulations relating to retail leasing. Councilor Collier said that adoption of the resolution would not require any additional costs for the due diligence agreement would be incurred by the extension. Councilor Devlin requested that if the resolution were approved and the extension granted space needs be re-evaluated.

Vote: The eleven councilors present voted in favor of the resolution. Councilor Wyers was absent.

The motion carried unanimously.

8.3 Resolution No. 90-1361, For the Purpose of Establishing a Work Plan for the Analysis of Issues Related to the Transfer

of Mass Transit Services from Tri-Met to the Metropolitan
Service District

The Presiding Officer announced that Resolution No. 90-1361 was considered by the Intergovernmental Relations Committee on December 13. Councilors Bauer, Gardner, Hansen and McFarland voted in favor of recommending Council adoption, Councilor Devlin voted nay and served notice that he would file a minority report for Council consideration. Announce that according to our procedures, the minority report will be considered first, and then if necessary, the majority. She said that according to the Council rules, the minority report would be presented first, followed by the majority report if the minority report were not adopted.

Councilor Devlin reported that the Metro Merger Subcommittee consisted of three members of the Metro Intergovernmental Relations Committee, the Metro Executive Officer and the Chairman of the Tri-Met Board of Directors. He said that the Subcommittee had unanimously voted (5-0) to recommend the Metro Council adopt a set of recommendations to undertake a complete study of the transfer of Tri-Met to Metro during FY 91-92 with any release of requests for proposals to occur after resolution of full funding issues regarding the Westside Light Rail. Councilor Devlin said that the resolution confirmed the intent to avoid jeopardizing efforts for full funding of the Westside Light Rail project while affirming commit to continue study the merger in a responsible matter and set out a timeline for completion of the study. Councilor Devlin said that the Intergovernmental Relations Committee had adopted amendments for recommendation to the resolution that he did not feel were in the best interest of the Council. He urged the Council to adopt Resolution No. 90-1361 as presented by the Merger Subcommittee.

Motion: Councilor Devlin moved, seconded by Councilor Gardner to adopt Resolution No. 90-1361 as recommended by the Tri-Met Merger Subcommittee.

Councilor Gardner said that he felt making substantial changes to the Merger Subcommittee recommendation would place the Subcommittee's deliberation process at jeopardy. He said that the Subcommittee's recommendation considered the complexity and political sensitivity of the issues regarding full funding for the Westside Light Rail Project.

Councilor Hansen said that he felt the minority report represented a tacit agreement with Tri-Met and that the Council should reserve the right to act responsibly and independently to plan or not to plan a strategy for the merger and the timing for release of the RFP. He said that he was concerned that no action

on the merger would be promoted until a full funding agreement on the rail project had been secured. He pointed out that Tri-Met had not forwarded a reciprocal resolution. Councilors DeJardin and Saucy, Jr. said that they supported the minority report. Councilor Knowles spoke in favor of the majority report. He said that he felt that the issues were presented in a neutral fashion. The Executive Officer said that she supported the minority report.

Vote: A roll call vote was taken. Seven councilors (Devlin, DeJardin, Gardner, Knowles, Saucy, Jr., Van Bergen and Hansen) voted in favor of Resolution No. 90-1361 (as forwarded to the IGR Committee from the Merger Subcommittee). Dissenting were Councilors Bauer, Buchanan, Hansen, and McFarland. Councilor Wyers was absent.

The motion to adopt Resolution No. 90-1361 as presented by Councilor Devlin carried unanimously.

8.4 Resolution No. 90-1370, For the Purpose of Including a Legislative Proposal of the Oregon Regional Council Association in the District's Legislative Agenda

Motion: Councilor Gardner moved, seconded by Councilor DeJardin to adopt Resolution No. 90-1370.

Councilor Gardner presented the Intergovernmental Relations Committee's report and recommendations.

Councilor Gardner said that the resolution if adopted would express support of Oregon Regional Council Association (ORCA) legislation with Metro's legislative package. He said that this would be a step in encouraging the State Legislature to recognizing the role of regional councils, however, the ORCA proposed legislation was not to be considered a Metro measure. Councilor Gardner said that other State regional councils would carry the work of seeking adoption by the Legislature. He said that the ORCA proposed legislation was being forwarded in an effort to gain formal State policy in recognizing the role of regional councils and providing State funding to certified regional councils and that certification was dependent on the range of services provided to local governments the regional councils serve. The funding would be provided through allocation of lottery funds. Councilor Gardner also said that the proposal would also require the State to notify regional councils of any State actions which may affect them.

Vote: The eleven councilors present voted in favor of the motion. Councilor Wyers was absent

The motion carried.

9. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

9.1 Zoo Committee Report

Councilor McFarland announced that an RFP for Conceptual Design of Zoo Facilities had been authorized by Zoo Committee for release. At Councilor Van Bergen's request General Counsel was directed to provide explanation as to why the request necessitated the Committee's immediate action.

Other Councilor Communications:

Councilor Bauer noted that the Council's adoption of Resolution No. 90-1361 was not approval of a merger between Tri-Met and Metro. He also said that he supported the Executive Officer's memo regarding restructuring standing Council committees.

Councilor Van Bergen raised concern that the Metro ERC was not identified on stationery as a function of Metro. Councilor Van Bergen also raised concerns about whether staff and the public had a clear understanding of charges and recycling credits afforded at Metro facilities. The Solid Waste Committee chair and the Council Administrator was directed to place this item on the next Solid Waste Committee agenda. Councilor Van Bergen said that he felt that there was an appearance that emphasis was placed on commercial haulers and not enough emphasis placed on self-haul recycling.

Deputy Executive Officer will report to Council at next meeting on labor disputes regarding Metro East.

Solid Waste Director will report to Council at next meeting on status of Metro East construction.

Councilor Knowles said that he was prepared to report to Council on status of the Regional Facilities study.

There was no other business, and the meeting was adjourned at 9:34 p.m.

Respectfully submitted,

Gwen Ware-Barrett

Gwen Ware-Barrett
Clerk of the Council