

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

April 23, 1992

Council Chamber

Councilors Present: Presiding Officer Jim Gardner, Deputy Presiding Officer Judy Wyers, Larry Bauer, Roger Buchanan, Tanya Collier, Richard Devlin, Ed Gronke, Sandi Hansen, Ruth McFarland, Susan McLain, George Van Bergen and Ed Washington

Councilors Absent: None

Also Present: Executive Officer Rena Cusma

Presiding Officer Jim Gardner called the regular meeting to order at 5:31 p.m.

Presiding Officer Gardner announced that Agenda Item No. 7.4, Resolution No. 92-1607, For the Purpose of Maintaining the Existing Household Hazardous Waste Facility, Building an Additional Facility, and Developing a Mobile Capacity, had been removed from the agenda. He noted the Solid Waste Committee considered the resolution on April 21 and did not recommend it to the full Council for adoption.

1. SWEARING IN OF ED GRONKE AS DISTRICT 5 COUNCILOR

Presiding Officer Gardner announced General Counsel Dan Cooper would administer the oath of office to Mr. Gronke. Councilor Gronke was sworn in and seated as Metro Councilor for District 5. Presiding Officer Gardner presented Councilor Gronke with a framed copy of Resolution No. 92-1604 which appointed him to the vacant District 5 seat.

2. INTRODUCTIONS

None.

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

None.

4. EXECUTIVE OFFICER COMMUNICATIONS

None.

5. CONSENT AGENDA

5.1 Resolution No. 92-1593, Authorizing Release of an RFP for Advertising Agency Services at Metro Washington Park Zoo

5.2 Resolution No. 92-1599, Authorizing Release of an RFP for a Non-Budgeted Contract for Group Sales Services at Metro Washington Park Zoo

5.3 Resolution No. 92-1605, For the Purpose of Authorizing the Procurement Process for Acquiring the Computer Equipment and Software Necessary for the Upgrade of the A-Series Mainframe Computer and Improving Report Generation Capability

Motion: Councilor McFarland moved, seconded by Councilor Wyers, for adoption of the Consent Agenda.

Vote: Councilors Bauer, Buchanan, Collier, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilor Devlin was absent. The vote was unanimous and the Consent Agenda was adopted.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 92-445, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding the 3.25 Cost of Living Adjustment (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Gardner announced Ordinance No. 92-445 was first read on April 9, 1992, and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on April 16 and recommended it to the full Council for adoption.

Motion: Councilor Wyers moved, seconded by Councilor Hansen, for adoption of Ordinance No. 92-445.

Councilor Wyers gave the Finance Committee's report and recommendations. She explained the ordinance would transfer appropriations necessary to fund the 3.25 percent COLA approved by the Council via resolution February 27, 1992. She said savings in fringe line items totalling \$235,823 would be used to offset total costs and that the total cost impact of the ordinance was \$406,536.

Presiding Officer Gardner opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Bauer, Buchanan, Collier, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilor Devlin was absent. The vote was unanimous and Ordinance No. 92-445 was adopted.

6.2 Ordinance No. 92-452, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Transferring Appropriations Within the Zoo Operating Fund

The Clerk read the ordinance for a first time by title only.

Presiding Officer Gardner announced Ordinance No. 92-452 was first read on April 9, 1992, and referred to the Regional Facilities and Finance Committees for consideration. The Regional Facilities Committee considered the ordinance on April 14, the Finance Committee considered it on April 16, and both committees recommended the ordinance to the full Council for adoption.

Motion: Councilor Washington moved, seconded by Councilor Wyers, for adoption of Ordinance No. 92-452.

Councilor Washington gave the Regional Facilities Committee's report and recommendations. He explained because Zoo activities exceeded staff's original projections, expenditures to support those activities were up by 20 percent due to increased attendance, food costs and higher participation in the Zoo Boo.

Presiding Officer Gardner opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Bauer, Buchanan, Collier, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilor Devlin was absent. The vote was unanimous and Ordinance No. 92-452 was adopted.

7. RESOLUTIONS

7.1 Resolution No. 92-1584, For the Purpose of Requesting Greater Flexibility in the Use of the I-205 Buslane Funds

Motion: Councilor McLain moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1584.

Councilor McLain gave the Transportation & Planning Committee's report and recommendations. She explained the Committee voted 3 to 2 in favor on April 14 to recommend the resolution to the full Council for adoption and that the Committee conducted a lengthy discussion of the resolution. She said Andy Cotugno, Director of Planning, explained the resolution would: 1) Request congressional action for greater flexibility in spending \$16.3 million in I-205 buslane funds for alternative transit projects in the region; 2) Continue the Joint Policy Advisory Committee on Transportation's (JPACT) commitment to use the funds for I-205 lightrail corridor transit projects; 3) Set parameters under which funds may be used for alternative purposes, including JPACT approval and replacement of funds; and 4) Provided that final allocation of funds be based on the outcome of the I-205/Milwaukie Preliminary Alternatives Analysis study together with an implementation funding strategy.

Councilor McLain said the Committee's concerns centered primarily on Be It Resolved Section No. 4 and whether the \$16 million would be replaced for use in the I-205 Corridor. She noted Presiding Officer Gardner attended the Committee meeting also and clarified that the alternatives analysis study would determine one of two corridors, either I-205 or Milwaukie, and that the only issue resolved to-date was that Clackamas County would be the next regional area to receive lightrail.

Councilor McLain said she voted for the resolution at committee because the greater flexibility would provide better transportation options, supported lightrail and Clackamas County, and continued necessary studies.

Councilor Buchanan stated for the record that he opposed the resolution because there was no guarantee the replacement funds would be applied to the I-205 Corridor.

Councilor Van Bergen said he accepted the policy of partnership for lightrail for the region and that flexibility could be applied to I-205 funding, but said the resolution did not represent a good partnership approach. He believed all parties involved would act in good faith and that the next priority for lightrail was the I-205 Corridor. He said Clackamas County would get the funds back.

Councilor Devlin stated Regional Transportation Plan (RTP) policy with regard to lightrail. He said all parties had agreed that the next corridor would have a terminus in Clackamas County. He said the two corridors under consideration were I-205 and Milwaukie. He said whatever corridor was selected had to be acceptable to Clackamas County to maintain the regional

partnership. He said the best interests of the region would be addressed with regard to the corridor not selected. He said the Port of Portland and Clackamas County would express interest in the disposition of the \$16 million. He said the resolution asked for flexibility with regard to those funds only.

Councilor Gronke noted a letter from Brian Campbell, Planning Manager, Port of Portland, dated April 23, 1992 regarding I-205 buslane funds distributed to the Council. Councilor Gronke read the letter for the record: "Council Resolution No. 92-1584 on tonight's agenda requests flexibility in the use of the I-205 Buslane Funds. The Port supported adoption of the resolution at JPACT earlier this month because it accomplishes the important goal of greater flexibility in the short term use of those funds, while ensuring that an equal amount will be available for a light rail improvement on I-205 later. We do have concerns about this approach. If the Pre-Alternatives Analysis does not show a need for light rail in the I-205 corridor in the foreseeable future, further action will have to be taken to allocate the money to some other use. We firmly believe that the money needs to be reserved to solve problems in the corridor for which it was intended - I-205 between the Columbia River and Foster Road. If that is not light rail, then it should go for an alternative transit or roadway improvement. Others may not find that use appropriate, which could lead to serious disagreements at that time. Ideally, we would like to see this money committed now to a project (or projects) which would address existing and future corridor problems. However, since we will not know what those projects are until after the Pre-Alternative Analysis, this resolution is the best we can do at this time. In order to move forward on this issue, with our legislative delegation in Washington, the consensus language of this resolution should be approved by the Metro Council.

Vote: Councilors Collier, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Bauer and Buchanan voted nay. The vote was 10 to 2 in favor and Resolution No. 92-1584 was adopted.

Presiding Officer Gardner recessed the Council of the Metropolitan Service District and convened the Contract Review Board of the Metropolitan Service District to consider Agenda Item No. 7.2.

7.2 Resolution No. 92-1557A. For the Purpose of Authorizing the Issuance of a RFP for a Study of Weight-Based Collection Rates as Economic Stimulus for Recycling and Entering into Multi-Year Contracts with the Most Qualified Proposers

Motion: Councilor Hansen moved, seconded by Councilor Wyers, for adoption of Resolution No. 92-1594A.

Councilor Hansen gave the Solid Waste Committee's report and recommendations. She said the resolution had been scheduled for Council consideration at an earlier meeting, but was referred back to the Solid Waste Committee for further work at the request of hauling industry representatives. She explained the resolution would authorize a 10-month study during which garbage from 2,000 commercial accounts would be weighed. She said the study assist commercial haulers to reduce the amount of waste shipped to the landfill. She said local governments and haulers expressed concern that Metro was moving too quickly toward implementation of a weight-based collection rate system. She said those groups had been assured this study was for data base purposes only.

Councilor Gronke asked what the data would tell Metro. John Houser, Council Analyst, said the first element of the study would weigh the 2,000 commercial accounts; the second element of the study would divide those businesses into "control" and "test" groups to determine if a weight-based collection rate would act as an incentive for additional recycling or waste reduction by businesses. He said vendors had indicated they were willing to accept data results from Metro. Councilor Gronke asked if \$50,000 would be spent to weigh solid waste only. Councilor Hansen noted part of the contract cost would pay for scale equipment. She said Metro could use the data to discuss solid waste disposal alternatives with local governments. Councilor McFarland said Metro's tipping fees were based on weight rather than contents. Presiding Officer Gardner said the study would not answer the question of whether charging by weight would cause a change in behavior. Councilor Van Bergen agreed with Presiding Officer Gardner, but said he voted aye on the resolution at committee because the study could produce data with valuable data. He said such a study could lead to reduction of waste at the source, including loads with excess water processed at the transfer stations.

Vote: Councilors Bauer, Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Resolution No. 92-1557A was adopted.

Presiding Officer Gardner adjourned the Contract Review Board and reconvened the Council of the Metropolitan Service District.

7.3 Resolution No. 92-1594A, For the Purpose of Adopting Program Activities for Year Three of the Annual Waste Reduction Program for Local Government

Motion: Councilor Wyers moved, seconded by Councilor Van Bergen, for adoption of Resolution No. 92-1594A.

Councilor Wyers gave the Solid Waste Committee's report and recommendations. She explained the resolution would approve Year 3 of the five year waste reduction program and its coordination efforts with local governments. She said the program would encourage local governments to emphasize reduction of household hazardous waste products; encourage development of recycling depots for rural communities without curbside programs and/or for recycling of lesser recycled materials; promote precycling, or the use of products with less packaging; and add additional materials to curbside recycling programs. She said the resolution was amended to set a date certain on when governments should offer recycling opportunities to multi-family apartment units. She said that last option was complex because of fire department regulations and other considerations. She said staff would continue to collect data from community waste audits and noted a Recycling Advocates representative testified in favor of the resolution at committee.

Vote: Councilors Bauer, Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Resolution No. 92-1594A was adopted.

7.4 Resolution No. 92-1607, For the Purpose of Maintaining the Existing Household Hazardous Waste Facility, Building an Additional Facility, and Developing a Mobile Capacity

Removed from the agenda. Councilor Wyers explained the work called for in the resolution would be performed, but the Committee determined a resolution was not necessary for completion of the work.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Van Bergen noted the Budget Committee had completed consideration of the Proposed FY 1992-93 Budget. He thanked Council and Executive Management staff for their work and said a

balanced budget would be delivered to the Council for consideration on time.

Councilor McFarland thanked Rate Review Committee members for their hard work on the solid waste budget.

8.1 Report from Governmental Affairs Committee on RFP for Financial Impact Study on Tri-Met/Merger

Councilor Collier, Governmental Affairs Committee chair, said that committee voted to refer the Request for Proposal Financial Impact Study: Tri-Met/Metro Merger to the full Council for consideration per the Executive Officer's request. She said Councilor Gronke commented that the RFP language made it appear Metro was planning to merge with Tri-Met rather than pursue the financial impact study issues only. She said RFP language was clarified to reflect that. Councilor Collier asked for a suspension of the Council's rules to consider Resolution No. 92-1613, For the Purpose of Approving an RFP for a Financial Impact Study of a Tri-Met/Metro Merger.

Councilor Collier explained what the resolution/RFP would do. She said the RFP, at a cost of \$40,000, would seek answers to five questions: 1) What would the effect of merger be on the long-term financial position of the Metropolitan Service District and Tri-Met? 2) What are the actual short-term costs for both agencies relative to merger? 3) What are the actual costs associated with merger of the retirement and pension systems of the two agencies? 4) What are the opportunities to restructure the revenue generating capacity of each entity? 5) What are the opportunities for increased efficiencies and reduction in the common costs of administration and overhead? She said those questions would be asked in relation to three organizational alternatives. She said the five questions should be answered whether or not the merger ever took place and stated that pursuing solutions to the five questions did not presume a merger would take place.

Councilor Collier gave background history and details for the benefit of new Councilors. She said the Council had analyzed the issues off and on for approximately 10 years. She said approximately one and one-half years ago (September 1990), the Council approved funds for a study to address merger issues. She said at the same time, full funding issues for lightrail were current, and the Council was asked by JPACT, Tri-Met and local governments not to pursue Metro/Tri-Met merger issues until the UMTA full funding agreement was signed. She said the public pressured the Council to do the merger and not wait for the study's results. She said those entities agreed not to alter the

statutory language allowing the merger to occur. She said the full funding agreement was supposed to have been signed by September 1991.

Councilor Collier said circumstances had changed because the Charter Committee voted to alter Metro's statutory authority to merge with Tri-Met by requiring the advice and consultation of JFACT in its current configuration. She said that provision was acceptable, but that the Charter Committee also voted to continue the incumbent Tri-Met board with successor appointments to be made by the regional government. She said that represented a major change from current statutory language. She said another new requirement per the Charter Committee was that the merger could take place via ordinance, subject to referendum, with the prohibition of an emergency clause. She said that provision also represented a major change from current language. She said currently the Council could authorize a merger by order.

Councilor Collier said the Charter Committee had acted without the benefit of the answers to the five questions in the RFP. She said the full funding agreement was now not expected to be signed until fall 1992. She said if Metro's Charter was put on the ballot in November, the financial questions would not be answered. She said because of Metro's acquiescence to Tri-Met and other entities not to pursue information-seeking efforts, the Council had precluded its own efforts.

Councilor Collier discussed outstanding issues. She noted the full funding agreement was included in the Surface Transportation Act (STA) and had not yet been signed. She said Tri-Met currently had expenditures of approximately \$2.5 million per month based on the understanding those funds would be reimbursed once the full funding agreement was signed. She discussed the letter from Tri-Met which stated a proposed merger would jeopardize Tri-Met's status in the bond market. She said Tri-Met did not have a bond rating while Metro had the highest bond rating possible. She said she had been asked if Tri-Met's current labor dispute had led to proposed issuance of the RFP. She said that was not true, but encouraged Tri-Met representatives to settle labor disputes as quickly as possible. Councilor Collier noted a letter dated April 15, 1992, from Senator Mark O. Hatfield and Representative Les AuCoin, members of the U.S. Senate Committee on Appropriations, to Presiding Officer Gardner asking Metro not to pursue merger issues with Tri-Met at this time. She said pursuing financial impact questions did not mean Metro was pursuing the merger. She said the study and the merger were two separate issues.

Motion to Suspend the Rules: Councilor Collier moved, seconded by Councilor Buchanan, to suspend the Council's rules requiring resolutions be referred by committee to consider Resolution No. 92-1613.

Vote on Motion to Suspend the Rules: Councilors Bauer, Buchanan, Collier, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilor Devlin voted nay. The vote was 11-1 and the motion to suspend the rules passed.

Main Motion: Councilor Collier moved, seconded by Councilor Wyers, for adoption of Resolution No. 92-1613.

Councilor Collier referred the Council to Be It Resolved language: "That the Council of the Metropolitan Service District authorizes the issuance of a Request for Proposals for a financial impact study of a Tri-Met/Metro merger, in substantially the same form as Exhibit A (attached), with a cost not to exceed \$40,000, and authorizes the Executive Officer to execute the contract with the contractor chosen through the competitive bid process."

Councilor Van Bergen said Tri-Met's request to wait on the RFP reflected the opinion of his constituents. He expressed concern about the letter from Senator Hatfield and Representative AuCoin. He said their sentiments were not new and had been expressed by JPACT over the last 10 years. He said the congressional delegation had indicated a merger would jeopardize federal funding. He said during 10 years of discussion on the issues, all opinions had been expressed. He did not believe the Charter Committee had full consensus on the issues they had debated to date.

Presiding Officer Gardner opened a public hearing.

Councilor Gronke asked if the RFP could be let later on. Councilor Collier said the Metro Charter could be on the ballot before Metro had a chance to answer the five questions listed in the RFP. Councilor Devlin asked how the RFP related to Resolution No. 91-1561 which stated 11 items would be pursued for answers. Councilor Collier said a number of those issues were being studied when the Council was asked to stop researching those issues. She said the primary questions to be asked at this time were related to financial issues. She said public hearings could be held to ascertain public opinion on the other, non-financial issues.

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Councilor Bauer said the Council was considering the RFP only at this time solely to determine if such a merger would mean a financial benefit for citizens.

Councilor McLain said the issues were raised at the last JPACT meeting. She said she spoke in support of the collection of accurate information. She said since that time, she did not know if Metro could collect desired information if timing issues would be so difficult. She said there were perceptions that could cause Metro problems using the information gained from the study. She discussed the full funding agreement and said in 1990 the Council did not know about the Charter Committee and a related ballot issue. She said the issues should be separated. She said citizens could choose to vote separately on the issues themselves. She said Metro had already been flexible on the full funding agreement. She said she could not support going forward with the RFP at this time.

Councilor Gronke concurred with Councilor McLain. He said the study would not alter circumstances very much and the final decision would probably go to a referendum.

Councilor Buchanan said the Council needed facts and information to make decisions. He said fact building would not destroy any infrastructure currently in place, but would assist Metro in regional planning efforts. He supported the resolution.

Councilor Gronke concurred with Councilor Buchanan, but said other entities' perceptions of the issues were important as well, especially in Clackamas County. He said the Council made a previous commitment not to release a RFP. He said the Charter Committee's most recent actions did not relieve the Council of that promise.

Councilor Wyers said the perceptions of elected officials had been talked about, but that the Council should also look at the perceptions of citizens. She said the issue was about accountability to citizens. She said if the Council could approve a \$50,000 study on weight reduction, it could approve a \$40,000 study on financial merger issues.

Presiding Officer Gardner said the Council stated in December 1990 it would pursue a merger upon resolution of the UMTA full-funding agreement. He said the five questions needed answers. He said information provided could state the merger would be too costly. He said Tri-Met's expenditures to date would be reimbursed. He said timing issues were very sensitive and the Council's actions tonight would be used by both parties. He expressed concern about Charter Committee language also. He said

such language would suppress real solutions to land use and transportation problems in the region. He said if the Charter Committee did prevent the Council from a merger, the Council could act on a merger before the Charter went on the ballot. He asked for input from Tri-Met representatives and expressed disappointment that they had not testified they would not ask the Charter Committee to change its draft language.

Councilor Hansen said the Council had not heard from Tri-Met on when the appropriate time would be to hold the study. She said Metro worried about perceptions, but noted Metro did not cause Tri-Met's labor disputes. She asked what would happen if the full funding agreement took another 18 months to conclude. She asked when Metro could pursue a study it already had the authority to pursue. She said pursuing the financial merger issues represented good government.

Don McLave, president, Portland Chamber of Commerce, said the merger should not take place without a lot of study. He said Tri-Met was one of the more successful transit agencies in the country. He said the financial impact questions should be studied later because of possible impact on current labor negotiations; the commitment the Council made in Resolution 90-1561 not to pursue a study until the full-funding agreement was signed; that the study pursued at this time was different than the one already funded; and because the project was politically delicate because the region did not meet all federal density criteria. He suggested the Council delay the study and that Metro and Tri-Met agree on a mutual topic to study at a date certain to be considered separately from current issues. He said Metro's motives would be questioned if it pursued the study now. He did not support current Charter Committee draft language and supported current statutory language. He suggested Metro and Tri-Met pursue merger issues in five years to depoliticize the situation. He said by then Westside lightrail would be well under way.

Councilor Collier said timing had never been considered correct at any time. She said in discussions with various persons she told those persons she would be happy not to pursue the RFP if the marriage clause language was not changed. She said she had not been told there were plans to change statutory language. She asked Mr. McLave if he would be willing to work to change draft language. Mr. McLave promised he would if the RFP was not released. Councilor Collier said if the draft language stayed in the Charter, citizens would be voting on the issue without any information. Councilor Collier asked why the Chamber would not support answering the five questions which the public would need the answers to for an informed vote. Mr. McLave said the draft

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Charter language was inappropriate because it was an authority Metro already had. He said the Charter Committee should not be dealing with authorities Metro already had. He thought it would take at least two years to completely answer all financial questions

Councilor Collier said again the timing had never been right. She did not know what else could come up to prevent the study and said answers to the study could settle issues further. Mr. McLave said Metro and Tri-Met could work together on the study and arrive at a mutually agreeable time frame.

Councilor Hansen noted labor relations issues might not be settled in two years and full-funding issues could still be pending. Mr. McLave reiterated circumstances were still uncertain and a longer time frame was preferable because of political circumstances and the magnitude of the issues needed to be addressed.

Councilor McLain noted Mr. McLave said the study should not happen now and should occur in five years. She believed the timing was wrong also, but said the study was a first step only to bring the issues to the table. Councilor Wyers said the Council had been told continually the timing would be wrong. She asked if the date certain was to be approved by Tri-Met and asked what would happen if Tri-Met never approved the date certain.

Councilor Devlin said Mr. McLave's proposal was to take 18 months to two years to study the issues and noted it had been previously agreed a merger would take two to three years, or even five years for a merger to be completed. Mr. McLave reiterated timing issues were important. He said the Board of the Portland Chamber of Commerce voted not to support the issuance of the RFP until the full funding agreement was resolved.

Tom Walsh, general manager, Tri-Met, discussed UMTA funding and said the metro region was the only area in the country to receive 75 percent in transportation funding. Mr. Walsh gave a history of congressional activity on transportation funding for the region to-date. He suggested the Council, Executive Officer and himself hold joint meetings with Executive Officer Cusma to discuss and resolve the issues.

Councilor Hansen asked when Mr. Walsh anticipated the full funding agreement to be signed. He said in approximately two months. Councilor Hansen asked if it would be appropriate then for the Council to issue the RFP. Mr. Walsh said it would be within Metro's authority to issue the RFP.

Councilor Collier noted Metro's agreement not to issue an RFP was not only dependent on the full funding agreement, but also on the Tri-Met's and other governments' commitment not to tamper with current statutory language. She asked Mr. Walsh what he thought of the five questions. He said he did not disagree with the five questions.

Councilor Devlin said full funding could be possible by August 1 and Tri-Met could commit to mutual research on the issues. Mr. Walsh said he had already suggested the Executive Officer, Council and he could develop a work plan for submittal to the Tri-Met Board of Directors. Councilor Devlin asked if that could be done in 30 days. Mr. Walsh said it could be developed in 30 days. Councilor Bauer and Mr. Walsh discussed full funding agreement details. Councilor Bauer said the Council's intent was not to jeopardize the full funding agreement, but to ascertain real information. Mr. Walsh said the issues would probably take two years to research.

Motion to Replace Main Motion: Councilor Devlin moved, seconded by Councilor Wyers, to delay Council action on Resolution No. 92-1613 until the May 28 meeting; to direct Executive Officer Cusma work with Mr. Walsh to come back with an agreement in the same general terms as the issues discussed at this Council meeting so that both agencies could work together towards resolution of the issues; directing the Executive Officer to work closely with the Council during that time and to include the Presiding Officer in all those deliberations; to jointly come forward at the May 28 meeting under the "Executive Officer Communications" agenda item to present that proposal to the Council if one was forthcoming; that the Council would have the choice to act on that proposal which should be in resolution form and that the Presiding Officer should refer it to the appropriate Committee for consideration, and that if the Council chose at that time not to act on the resolution, this motion contained the directive that Resolution No. 92-1613 be placed on the May 28 Council agenda for the Council to act on instead.

Councilor Devlin said the Council did not have the authority to direct Tri-Met, but hoped for cooperative action. Councilor Hansen supported the amendment. Councilor Collier asked for a commitment that those present would work to restore statutory language removed by the Charter Committee. Mr. Walsh pledged to work with the Charter Committee on restoring old language.

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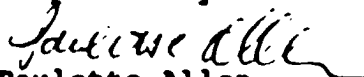
Councilor McFarland said this was the first time Tri-Met had promised to work cooperatively with Metro.

The Council discussed the amendment further. Councilor McLain supported the amendment because it delayed the study and fostered interpersonal relations. Councilor Gronke stated for the record he would review the outcome of those meetings closely. Councilor Van Bergen supported the amendment, but said Councilors should go to Charter Committee meetings themselves instead of relying on others to change draft language. Presiding Officer Gardner said Executive Officer Cusma could help with Charter Committee communications. Councilor Van Bergen said the issues did not involve Tri-Met alone and said the Portland Chamber of Commerce did not represent the counties.

Vote on Motion to Replace Main Motion: Councilors Bauer, Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and the motion passed.

All business having been attended to, Presiding Officer Gardner adjourned the meeting at 8:55 p.m.

Respectfully submitted,


Paulette Allen
Clerk of the Council