

MINUTES OF THE COUNCIL INTERGOVERNMENTAL RELATIONS COMMITTEE  
OF THE METROPOLITAN SERVICE DISTRICT

Regular Meeting  
July 24, 1990

Committee members present: Jim Gardner (Chair), Richard Devlin  
(Vice Chair), Gary Hansen, Ruth  
McFarland

Committee members absent: Larry Bauer

Chair Jim Gardner called the meeting to order at 5:30 p.m.

1. Consideration of the Minutes of July 10 Meeting

Main Motion: Motion for approval of the  
minutes.

Motion to Amend: Motion to amend the minutes as  
follows:

Page 3, last paragraph as  
follows "~~Vice Chair~~/Councilor  
Hansen...."

Vote on Motion to Amend: Councilors Gardner, Devlin,  
Hansen and McFarland voted  
aye.

The motion carried unanimously.

Vote on Main Motion: Councilors Gardner, Devlin,  
Hansen and McFarland voted  
aye.

The motion carried unanimously.

2. Ordinance No. 90-347, Amending Metro Code Chapter 2.08

Presiding Officer Tanya Collier presented the Ordinance and explained its intent that in the event the Council or the Executive Officer fail to concur on a request for a legal opinion either Council or the Executive Officer may direct the Office of General Counsel to refer the question to outside legal counsel. Although General Counsel is appointed by the Executive Officer, the power to remove General Counsel lies with either the Council or the Executive officer. The intent of the ordinance is to remove General Counsel from the dispute process.

Councilor Gardner asked for a definition of the term "binding" as it appears in Section 2, paragraph (a). Council staff Don Carlson replied that the meaning was unclear because General

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Counsel does not have a policy force nor the ability to have a court of law require anyone to comply with its opinions. The intent of the word "binding" is to indicate that as a political matter the issue would stop at this point, that if concurrence was reached, this would be the end of the process.

Mr. Carlson asked the committee what they meant by "differences on questions of policy". He said he felt it didn't need to be addressed in the ordinance because providing legal advice on matters which entail policy decisions was inherent to General Counsel's job, and if Council or the Executive Officer was not satisfied with General Counsel's performance, they would simply remove General Counsel.

Following discussion it was decided the ordinance applies only to opinions regarding the powers, authorities, and duties of the divisions of powers of the governmental structure. It was also generally agreed that for an individual Councilor to ask for an opinion of General Counsel on division of powers, concurrence of the Council would be required.

Councilor McFarland asked for amplification of the language "Council concurrence shall be by resolution..." as it appears in Section 2, paragraph (c). Mr. Cooper explained the intent of the language is to eliminate the duplication of efforts that arise when asking if the Council concurs with the Executive Officer's concurrence.

The committee discussed whether or not an outside challenge of the separation of powers would be subject to this process. It was decided that this ordinance pertained to disputes between Council and the Executive Officer only.

Following further discussion, it was decided that Mr. Cooper will further clarify the language.

Motion: Councilor McFarland moved to defer action on the ordinance until the next committee meeting.

Vote: Councilors Gardner, Devlin, Hansen and McFarland voted aye.

The motion carried unanimously.

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3. Resolution No. 90-1300, For the Purpose of Establishing a Regional Compact Defining the Policy Framework for Determining How to Meet the Regional Share of the Funding Requirements for Light Rail Projects and Endorsing a Funding Plan for the Westside Corridor Project and Initiation of an East Portland/Clackamas County Project

Andy Cotugno, Metro's transportation director, described the resolution, which endorses proceeding with an immediate light rail financing proposal, and also described the related Exhibit "A", which is the original compact to define the policy framework for financing light rail, and Exhibit "B", which is the specific funding recommendation to the resolution.

Exhibit "B" pertains to a \$125 million General Obligation Bond measure plus special benefit participation by a number of jurisdictions totalling an additional \$23 million. To implement the proposed measures in time to meet Federal matching fund requirements, each of the benefitted jurisdictions must make a stated commitment before the November election, and sign a binding contract by next Spring.

Councilor Collier asked if the Agency was advocating the use of Metro licensing fees to free up some of these funds which can only be used for roads. Mr. Cotugno responded that some of the funds contributed by individual jurisdictions could be constitutionally restricted. He cited Park-and-Ride parking lots as an example of one way jurisdictions might fulfill their obligations.

Mr. Cotugno explained the funds were divided, not by county, but rather by the user group that receives the direct benefit of the project.

Motion: Councilor McFarland moved to recommend Council adoption of Resolution 90-1300.

Vote: Councilors Gardner, Devlin, Hansen and McFarland voted aye.

The motion carried unanimously.

4. Resolution No. 90-1301, For the Purpose of Endorsing Transportation Financing Mechanisms

Mr. Cotugno reported Resolution 90-1301 sets in motion additional funding mechanisms that go beyond the immediate action oriented items covered by Resolution No. 90-1300. The Resolution serves several purposes. It makes a commitment to pursue a regional funding measure for East Portland and Clackamas County when the

next light rail project is finalized and ready for approval. It commits to pursue a funding measure permitting expanded bus and light rail service. It also sets in place steps necessary to implement the vehicle registration fee.

Addressing the issue of road related revenue sources, Mr. Cotugno reported Metro could seek a constitutional amendment that would provide for greater flexibility on how the funds can be used. If such an amendment were facilitated, there is nothing in Metro's resolution that would restrict its use for transit purposes.

With regard to vehicle registration fees, Metro would be the lead agency in this program. The vehicle registration fee would be collected in the district; it would be part of Metro's budget and all expenditures would be, in effect, checks cut by Metro. The fee revenues would be distributed by Metro.

Motion: Councilor Devlin moved to recommend Council adoption of Resolution 90-1301.

Vote: Councilors Gardner, Devlin, Hansen and McFarland voted aye.

The motion carried unanimously.

Following discussion, it was decided Councilor Hansen would bring Resolution No. 90-1301 before the Council, and Councilor McFarland would bring Resolution No. 90-1300 before the Council.

5. Discussion of Implementation of Resolution No. 90-1293A, Supporting the Merger of Tri-Met with the Metropolitan Service District and Establishing a Process to Pursue the Merger.

Mr. Carlson gave a report on Resolution No. 90-1293A. The adopted Resolution says the Council supports the concept of the merger and establishes a subcommittee of the Intergovernmental Relations Committee to study a merger and develop recommendations for the Council. Per the Resolution, Council will request JPACT study the transportation planning and transit services implications of a merger and report their findings to the Council Intergovernmental Relations Committee no later than October 31.

The subcommittee charge is to compile and clarify information on legal and financial questions regarding the merger of Tri-Met and Metro; to develop strategies for a merger; to study the potential costs and benefits of a merger; to coordinate with JPACT on a study provided in item two; and, if a merger appears justified, to identify the best model and provide a specific plan for implementation.

Mr. Carlson distributed a draft Request for Proposals for Metro/Tri-Met Merger Services. The RFP addresses issues of providing resources to the subcommittee and obtaining resources to carry out the charge of the committee. The final product of the RFP process will be an ordinance which will be brought from the sub-committee to the Intergovernmental Relations Committee through to the Council, where a merger will be effected. The Council has not committed to a merger at this point.

If, before the ordinance is drafted, the sub-committee becomes aware of insurmountable obstacles, the sub-committee could come back with a recommendation without having to do so by ordinance, but rather by a report to the Council.

Councilor Hansen suggested a modification to the Scope of Work to answer the following questions : 1) Can a merger take place, 2) Is the merger desirable, 3) If so, how will it take place, and 4) Will the ordinance be adopted. Councilor McFarland indicated some idea of how the merger would take place was necessary to determine whether or not the merger was desirable. Following discussion, it was decided that the sub-committee would review the draft RFP and develop a final draft.

Discussion also followed regarding JPACT's role in the merger, and its Scope of Work. It was decided to involve Councilor Van Bergen as Chair of JPACT in the review process.

There being no further business, the meeting was adjourned at 7:32 p.m.

Respectfully submitted,

  
Lindsey Ray  
Committee Clerk

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