

MINUTES OF THE COUNCIL INTERGOVERNMENTAL COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

Metro Council Chambers
June 26, 1990
6:00 PM

Committee Members Present: Mike Ragsdale (Chair)
Richard Devlin (ViceChair)
Lawrence Bauer, Ruth McFarland
Committee Members Absent: Jim Gardner

Chair Ragsdale called the meeting to order at 6:10 PM.

1. Consideration of May 22 & June 12, 1990 Minutes

MOTION: Councilor Devlin moved for approval of the minutes as amended.

VOTE: Councilors Ragsdale, Devlin, and McFarland voted aye.
Councilors Bauer and Gardner were not present.
The minutes were approved as amended.

2. Legislative Informational Update Regarding Legislative Interim Committees and 1991 Session Items

Greg McMurdo, Government Relations Manager, briefed the Committee on interim legislative activity. Two handouts were distributed:
1. Ballot measures for the November 1990 general election; and
2. Letter submitted to the Co-Chairs of the Joint Interim Judiciary Committee from Mr. McMurdo dated June 14, 1990 regarding revival of SB 305, a bill that would establish uniform procedures for government decisions to be reviewed by the courts. Mr. McMurdo said this bill does not distinguish between state (which has rule making authority and delegated powers) and local governments (which are legislative bodies) and would not serve METRO well, as it would make it easier to sue local governments and works against consensus building and the traditional political process. The State's General Counsel is reviewing the bill and will send its recommendation to the legislative committee to which the bill is assigned.

The Environment and Energy Committee has not been meeting. The Department of Environmental Quality (DEQ) is reviving a \$2/ton tipping fee charge to fund statewide waste reduction programs which the METRO region already has in place and currently funds through tipping fees. Mr. McMurdo explained this would be a repeat of SB 405 which METRO successfully opposed.

METRO, together with the Association of Oregon Counties, the cities, and landfill operators has drafted a comprehensive waste reduction and recycling bill which sets legally enforceable

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standards and goals, mandates local governments to purchase recycled products, and directs the State Department of Economic Development to work on market feasibility. Each jurisdiction will determine how to fund its programs; however, if designated recycling levels are not met, DEQ can impose tipping fees to ensure program funding. The provisions contained in this bill are already within METRO's solid waste reduction plan.

Senator Otto's Senate Governmental Operations Committee is drafting housekeeping legislation which Mr. McMurdo recommended the following bills be consolidated into: repeal of METRO's legal description in the statutes due to boundary changes; reapportionment to expand the Council to 13 districts and give METRO the responsibility of reapportioning itself; and establishing where challenges for a METRO ballot title are to be filed.

Chair Ragsdale noted that the METRO home rule charter and an initiative on property tax limitation are measures appearing on the November ballot which will be of interest to METRO, while taxation of public employees pensions, and mandatory recycled packaging (sponsored by OSPIRG) may also be of interest. Chair Ragsdale proposed drafting a resolution of support for METRO's Zoo tax base. He appointed Councilor Bauer to a subcommittee of one to review the November ballot measures to determine for which ones the committee may want to draft resolutions of support. Mr. McMurdo has copies of the ballot measures available for Councilors to review.

The Association of County Clerks has asked Senator Otto to introduce legislation authorizing the three counties to use statistical sampling to verify METRO initiative and referendum petitions. Mr. McMurdo recommended METRO support this as statistical sampling is a cost efficient and reliable method of sampling used for state and county measures.

Chair Ragsdale directed Mr. McMurdo to work with Ms. Marlitt to identify measures before the interim committee that METRO should take a position on and draft an omnibus resolution; this would include the housekeeping measures.

Chair Ragsdale asked about the mission of a recently appointed Governor's task force of agency heads relative to metropolitan governance.

Andy Cotugno, Transportation Department, said the Task Force mission entails coordinating state actions consistent with the metro area such as parks, water resources board, etc. which act independently of each other when their actions could be better coordinated. It will be up to the next governor whether or not the task force is kept intact. Chair Ragsdale expressed his

expectations that this would be an effective way to bring agencies with common themes together.

Mr. McMurdo stated he is a member of a task force dealing with business license passporting as well as a member of Senator Otto's Ethics Commission task force. He said he does not foresee expansion of the present business license passport concept due to resistance from the City of Portland because of revenue losses and a lack of interest from builders and small contractors if the City is not included in the program. Mr. McMurdo foresees an increase in the \$100,000 threshold so contractors won't have to be licensed in so many cities. The task force is scheduled to hold their final meeting Friday, June 28.

The Committee discussed other possible bills to be developed. Councilor Devlin requested Mr. McMurdo to provide an update at the next meeting on legislation relative to annexation policies.

3. WORKSESSION ON RLIS (REGIONAL LAND INFORMATION SYSTEM)
MARKETING STRATEGIES

Transportation Department staff Andy Cotugno and Dick Bolen were available to answer questions during an informal worksession which can be heard on Tapes 1 (A&B side) and 2 (A side) of the Intergovernmental Relations meeting tape of June 26, 1990. Two handouts were distributed: 1. A sample data map; and 2. Marketing RLIS Services - Considering Operational Models.

Basic policy questions were discussed pertaining to marketing strategies of the RLIS products, pricing and how to define report production costs, and direction of a draft resolution for consideration by Council.

The worksession ended at 8:05 PM and the Committee proceeded to take up Agenda Item 5.

5. Resolution No. 90-1293, Establishing a Process for Pursuing
the Merger of Tri-Met with the Metropolitan Service District

Chair Ragsdale explained the purpose of hearing this item is to examine if a merger would be appropriate and of benefit to the public, and whether there would be any advantages of having Tri-Met provide direct transportation services, while METRO assumes responsibility for planning and possibly funding under the vehicle registration authority available to METRO.

Councilor McFarland said a strong reason for incorporating Tri-Met into METRO is to have representative government and elected

officials in policy making positions. However, she also pointed out the Tri-Met board spends a great amount of time in governing their operations, and this additional duty may overload the METRO Council to a point where it would be impossible to have time to adequately deal with other issues.

Chair Ragsdale opened the meeting to a public hearing, however, no member of the public was present to testify. The meeting was then opened to receive staff reports.

Jessica Marlitt, Council Staff, shared some of Mr. Cotugno's preliminary comments on Exhibit A which is a draft outline of preliminary discussions that Councilors Collier, Gardner and the Executive Officer had related to what a task force might look like and what their charge might be in terms of helping METRO get specific answers about a merger. Ms. Marlitt summarized the key merger issues identified at the May 26 Council retreat: governance, taxation authority, outstanding bond indebtedness, employee rights, council time commitment, boundary differences, Tri-Met ordinance carry over, METRO's role and what it could bring to a merger, political strategies, and the Joint Policy Advisory Committee on Transportation (JPACT) balance.

Andy Cotugno advised the task force would need to hold at least six months of regular meetings to thoroughly explore this issue. Mr. Cotugno noted his interest in seeing the November Light Rail financing ballot measure pass and the importance of not upsetting the voters with the merger issue. He suggested a consultant be hired to exclusively staff the task force.

Chair Ragsdale opened the meeting to committee discussion.

Councilor Devlin remarked that if a merger were to occur, Tri-Met could either become a department of Metro and subject to both the Council and Executive Officer, or it could be a special district with METRO acting as its governing body. Councilor Devlin suggested the second "Whereas" clause in the Resolution be modified to include the Executive Officer, as she is an elected representative of the region. Councilor Devlin pointed out potential benefits of a merger would be accountability for transit problems, better cooperation and unified planning between Tri-Met and METRO on both transit and highway issues, and the possibility of pursuing higher levels of transit in the region.

Councilor Devlin suggested the task force should only serve as an advisory body with the ultimate decision making authority to be with the Executive Officer and METRO Council.

Chair Ragsdale commented that as chair of JPACT he recognizes the

significant value of planning and implementing multi-modal transportation strategies for the region and noted the major problem with evolving transportation strategies to be the lack of linkage between transportation planning and management. He stated that while JPACT lacks authority in making operational decisions that impact the effectiveness of the regional system, it is important that either METRO or JPACT have more input on decisions made by Tri-Met. Chair Ragsdale suggested that a single agency should act as the primary transportation strategist for the region and while a merger may not be necessary to accomplish this, some change of relationship is required.

Chair Ragsdale said he believes it would be in the region's best long term interest to have this merger. With the probable implementation of the vehicle registration fee which will establish a transportation fund to deal with regional priorities for highway improvements, a marriage of highway improvements and transit strategies merged into one agency would enable the development of a truly urban transportation program.

December 31, 1990 was suggested as the deadline by which the Intergovernmental Relations Committee would make its recommendations to the Council. Chair Ragsdale pointed out that this timeline would avoid a negative impact in the November elections, give adequate time for the subcommittee to do its job properly, and also allow time for any proposed legislation to be introduced in the 1991 legislative.

Councilor McFarland commented on the importance of the METRO Councilors perceiving themselves and acting as representatives of local governments as well as regional and individual constituents.

Chair Ragsdale asked what JPACT's approval authority is for funding TriMet. Mr. Cotugno explained that JPACT has two types of authority over Tri-Met and local governments: State authority relating to land use law that impacts Tri-Met's construction of facilities; and JPACT has approval authority of any federal transportation dollars spent in the metro area whether for buses, light rail, freeways, or arterial roads.

Chair Ragsdale pointed out METRO has more jurisdiction over planning road development systems than it does over development of the transit system. Councilor Devlin noted that if TriMet had the financial ability to expand their system, JPACT and METRO would act in an advisory capacity concerning where an extension could occur or what types of services could be provided.

Mr. Cotugno stated under state law METRO has federal funding control and regulatory authority over TriMet and local governments;

he questioned if METRO became the board for the transit system, how its role in regulating highway construction projects and local comprehensive plans under state authority would be affected. Would the transit district approve whether or not highway projects get built in local comprehensive plans under state land use laws; and could the transit district act impartially in determining whether federal dollars are spent on highway projects or mass transit?

Chair Ragsdale acknowledged the dynamic tension for fund allocation and suggested it might be more sound to set up a vehicle registration strategy involved in directly financing highway work and a transit department be set up under METRO. Chair Ragsdale expressed concern METRO may soon find itself in the highway business which he feels it should not do, but rather it should decide where highway improvement money should be used.

Councilor Ragsdale asked about the merger of the actual district boundaries and if it was legally possible to do away with the transit district boundaries and replace them with the Metro Service District. Jessica stated that Metro General Counsel had indicated the boundary issue would be one of the biggest questions to address.

MOTION: Councilor Bauer moved for approval of Resolution No. 90-1293

VOTE: The motion carried unanimously without objection.

AMENDMENT

TO MOTION: Councilor Devlin moved the following amendments to the motion:

- o Add the Executive Officer to the 2nd "Whereas" clause of the Resolution;
- o Amend the "Be it Resolved" to establish a subcommittee of the Intergovernmental Relations Committee whose charge would be to "develop strategies on a merger and identify the best model to pursue..." (as opposed to recommendation) with the remaining conceptual language maintained;
- o Amend the Membership of the subcommittee to read:
 - 1 METRO Councilor who is a member of the Intergovernmental Relations Committee to serve as chair of the subcommittee
 - 1 Tri Met Board of Directors member
 - 1 METRO Exec Officer representative

- 1 Tri Met Transit Union representative
 - 1 AFSCME representative
 - 2 transit users (1 representing the handicapped)
 - 1 large payroll tax payer
 - 1 small payroll tax payer
- o Eliminate the staffing section.
Council staff will staff the subcommittee;
 - o Timeline: The Intergovernmental Relations Committee will report its recommendations to the full METRO Council by December 31, 1990.

VOTE: No objections were raised and the amendments carried unanimously.

Councilor Ragsdale noted the subcommittee will need to conclude its work by mid-December in order for the IGR Committee to meet the December 31 deadline.

4. RESOLUTION NO. 90-1189 Adopting the Joint Policy Advisory Committee on Transportation Bylaws - Consideration of Bylaws as Amended and Recommend by JPACT

MAIN MOTION: Councilor Devlin Moved to Approve Adoption of Resolution No. 90-1189.

Mr. Cotugno raised a point of order regarding the necessity to retract a previously-passed Resolution on the original set of bylaws which was brought forward to the Council, but referred back to Committee. It was determined that the amended version of the bylaws before the Committee would be referred to as the A version.

MOTION TO AMEND: Councilor Devlin moved to amend Resolution No. 90-1189 per the JPACT approved amendment on membership.

VOTE: The motion to amend carried unanimously.

6. RESOLUTION NO. 90-1272, Supporting Joint Investigative Efforts with the Intergovernmental Resource Center to Pursue Establishment of Extended Area Service.

MOTION: Councilor Bauer moved for approval of Resolution 90-1272A.

In discussion, Councilor Bauer explained this matter came from the Bi-State Committee which unanimously approved it and recommended

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that toll-free telephone service within the entire metro area deserves to have a feasibility study done on it. The resolution would support doing a cost impact analysis and examining the technical limitations and problems associated with Extended Area Service (EAS). He said advances in technology may well make this plan feasible and it would be well received by and in the best interests of the public.

Councilor Devlin asked for a technical clarification on Resolution 90-1272A as to whether it incorporates the amendments Councilor Gardner desired as he was concerned the original resolution almost called for the creation of EAS and did not clearly emphasize investigation of feasibility, cost, etc. Councilor Bauer confirmed Resolution No. 90-1272A reflected all of Councilor Gardner's desired amendments.

Council staff clarified that the new Council Analyst position budgeted for FY 90-91 would address Bi-State issues and work with the IRC staff on the EAS research.

VOTE: The motion carried unanimously without objection.

Additional Business

Chairman Ragsdale noted this was the last meeting of the Intergovernmental Relations Committee he would attend as his resignation from the METRO Council would become effective July 1, 1990. He offered his heartfelt appreciation to Andy Cotugno and the staff of the Transportation Department for their consistently excellent support to the Committee and said he considers this a model example of the executive branch helping the legislative branch. He commended Andy Cotugno for conveying to the Chair his discomfort in making policy decisions at a staff level and calling policy issues to the attention of Chairman Ragsdale in both his capacity as Chairman of JPACT and the IGR Committee. Chair Ragsdale said he found Mr. Cotugno's work extremely commendable and that he personally admired Andy and truly respected the way the Transportation Department operates.

Chair Ragsdale indicated he considered Jessica Marlitt to be one of the best hires METRO could have made and appreciates her understanding the difference between staff providing technical back-up information and helping to raise policy questions. He said she has an excellent eye for understanding how to address policy questions and appreciates the support she gives to the Committee.

Councilor McFarland said the Committee would miss the expertise, motivation and hard work Chair Ragsdale has brought to the Council,

the way he has helped to change the perception of the METRO Council, and his impact on the body as a whole. She told him he would be missed and she regrets to see him go.

Councilor Devlin seconded Chair Ragsdale's comments relating to Andy Cotugno and Jessica Marlitt and agreed with Councilor McFarland's comments that Councilor Ragsdale would be missed; but said the Committee and the Council would look for ways to utilize his services in the future.

Councilor Bauer thanked Chair Ragsdale and said it had been gratifying to work with him and commented they had often voted the same way over the year. He commended the Chair's expertise in guiding meetings, keeping the Committee on track of the agenda, and for bringing clear thought and a healthy analytical dialogue to the issues, for which he thanked him.

Chair Ragsdale adjourned the meeting at 9:05 PM.