

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

October 23, 1990

Council Chamber

Committee Members Present: Jim Gardner (Chair), Richard Devlin (Vice Chair), Larry Bauer, Gary Hansen and Ruth McFarland

Committee Members Absent: None

Other Councilors Present: Roger Buchanan

Chair Gardner called the regular meeting to order at 5:37 p.m.

1. Consideration of October 9, 1990 Minutes

Motion: Councilor Devlin moved to approve the minutes.

Vote: Councilors Bauer, Devlin, Gardner and McFarland voted aye. Councilor Hansen was absent. The vote was unanimous and the minutes were approved.

2. Legislative Update

Greg McMurdo, Government Relations Manager, discussed Ballot Measure No. 1. He said all regional weekly newspapers had endorsed it. He said The Hillsboro Argus printed a favorable article about it last week and expected an endorsement article next week. He said daily papers from Albany, Baker, Bend, Coos Bay, Eugene, Klamath Falls, LaGrande, Medford, and The Dalles had endorse the measure.

Mr. McMurdo asked if a Councilor would volunteer to talk on KWJJ radio about Ballot Measure No. 1.

Mr. McMurdo said LC 3415 Local Government Comprehensive Recycling Act, was ready. He said Bob Martin, Director of Solid Waste, would introduce some minor amendments.

Mr. McMurdo said the bill introduced last session on limited purpose landfills died in the Senate due to Jack Gray Trucking amendments. He recommended Metro introduce A-engrossed HB 2336. Chair Gardner asked Mr. McMurdo to ask Mr. Martin to bring solid waste-related legislation to the Solid Waste Committee's attention.

Mr. McMurdo discussed the local government bills. He said Metro should be able to support both bills.

Councilor Devlin volunteered to speak about Ballot Measure No. 1 on KWJJ.

Councilor McFarland discussed the impact on the Zoo if Ballot Measure No. 5 passed. She noted if it passed, the Zoo might have to drop the "Outreach" program which visited schools and nursing homes.

3. Resolution No. 90-1339, Transmitting Housekeeping Legislation to the Oregon State Legislature for Introduction to the 1991 Legislative Session

Mr. McMurdo recommended the IGR Committee combine four of the five legislative pieces and support LC 1263 separately because it was not Metro-generated legislation.

Mr. McMurdo said Exhibit A, LC 178-1 provided for judicial review of Metro's explanatory statements. The amendment would provide for judicial review by the circuit court of the judicial district in which Metro's administrative offices were located.

Mr. McMurdo said Exhibit B, LC 178-2 repealed the grandfather clause on the existing procedure in which the Executive Officer appoints members to the Metropolitan Area Boundary Commission. He said if this legislation was not enacted, the authority to appoint would revert to the Governor July 1, 1991.

Mr. McMurdo said Exhibit C, LC 178-3, resolved a conflict between two bills enacted at the last legislative session. He said one bill increased Metro Council size from 12 to 13 members effective upon reapportionment of the District in January 1992 and another bill required the Metro Council, rather than the Secretary of State, to reapportion. He said if the conflict were not clarified, on July 1, 1991 the Secretary of State would begin reapportionment into 12 districts, and on approximately December 15, the Metro Councilor would begin reapportionment into 13 districts.

Mr. McMurdo said Exhibit E, LC 1568 said a bill was passed last session which reduced the signature requirements for Metro initiative and referendum petitions and gave the District electors 90 days to gather signatures. He said Metro's principal act in ORS 268.360 implied there was no limit to file a referendum. He said LC 1568 would clarify that all Metro measures, unless declared emergency measures, would become effective 90 days after adoption. He said if emergency measures were vetoed by the Executive Officer, the 90 days would begin on the date of the override of the veto, except for revenue measures.

Mr. McMurdo recommended LC 178-1, LC 178-2, LC 178-3 and LC 1568 be combined into one Metro omnibus bill.

Mr. McMurdo said LC 1263 expanded Metro's Business Licensing provisions to include all contractors instead of residential builders only and increased from \$100,000 to \$125,000 the gross receipts cap which

subjected a contractor to pay business license taxes in cities not his/her principal place of business. The amendment did not change the geographical areas for which the licensing provisions applied.

Councilor Bauer asked Mr. McMurdo if he knew of Senator Glenn Otto's bill for partial fiscal support of the Bi-State Committee to relieve some of Metro's budget commitment. Mr. McMurdo said he did not but would be meeting with Senator Otto. Councilor Bauer said the Bi-State Committee would discuss such legislation at its meeting October 26. Councilor Bauer asked about a possible health insurance package for the Metro Council. Chair Gardner said the Finance Committee discussed the issue and that it would be part of the Finance Committee's recommendations for Metro's legislative package.

The Committee and staff discussed Boundary Commission appointments briefly. Councilor Devlin said the appointment process was too lengthy. Councilor Devlin said the next appointment process could be coordinated more successfully and it could begin in July or August of 1991. Chair Gardner concurred and said Council staff could remind the Committee at the appropriate time.

The Committee discussed Exhibit D, LC 1263. Councilor Hansen believed LC 1263 should be made part of Metro's housekeeping legislation because he thought it reflected changes in contracting state laws. Mr. McMurdo agreed the bill was a housekeeping bill in nature, but noted it was not a Metro-generated bill, but was a product of the Committee on Governmental Operations.

Motion to Amend: Councilor McFarland moved to remove Exhibit D and all references thereto from Resolution No. 90-1339.

Mr. McMurdo suggested the resolution be amended further to state that Exhibits A, B, C and E were all approved as a package and to express support of Exhibit D. Councilor McFarland preferred one resolution support the four Metro legislative pieces and drafting another to express support for Exhibit D. Chair Gardner concurred with Councilor McFarland.

Vote On Motion to Amend: Councilors Bauer, Devlin, Gardner, Hansen and McFarland voted aye. The vote was unanimous and the motion passed.

Main Motion as Amended: Councilor McFarland moved to recommend the full Council adopt Resolution No. 90-1339 as amended.

Vote on Main Motion as Amended: Councilors Bauer, Devlin, Gardner, Hansen and McFarland voted aye. The vote was unanimous and the motion passed.

4. Review of Draft Ordinance Establishing an Office of Government Relations to Provide Government Relation Services to the Metropolitan Service District

Chair Gardner noted the IGR Committee had discussed the draft ordinance previously. Mr. McMurdo distributed his letter dated October 18, 1990 with amendment language. The Committee and staff discussed the ordinance.

First Motion to Amend: Councilor Hansen moved to delete Section 2.11.040 Advocate for District Policies.

Councilor Hansen said that would give the lobbyist authority to act on Metro's behalf without having to go through the committee and Council process. Chair Gardner accepted the motion to amend for purposes of discussion since the draft ordinance had no number, was not listed on the agenda for a public hearing and the ordinance as a whole had not been moved for approval before amendment for discussion purposes. The Committee discussed the motion.

Vote on First Motion to Amend: Councilor Hansen voted aye. Councilors Bauer, Devlin, Gardner and McFarland voted nay. The motion failed to pass.

Second Motion to Amend: Councilor Bauer moved to delete the last two sentences of Section 2.11.040 and substitute language suggested by Mr. McMurdo in his October 18 letter (deleted language bracketed and additional language underlined): "In carrying out the duties of the Office, the Government Relations Officer or subordinate employees shall not represent or advocate the position of any single Metro elected official or group of elected officials. [The Government Relations Officer or subordinate employees shall advocate only on matters which have been approved or adopted by the Metro Council or any task force or committee authorized by the Council to represent the District on legislative matters. For any matter relating to the separation of powers and authority between the Metro Council and Executive Officer in which the Council and Executive Officer disagree, the Government Relations Officer and subordinate employees shall not represent or advocate for either the Metro Council or Executive Officer.] The Government Relations Officer or subordinate employees shall advocate only on matters which have been approved or adopted by the Metro Council or any task force or committee authorized by the Council to represent the Council on legislative matters and which have been approved by the Executive Officer. For any matter in which the Council or any task force or committee authorized to represent the Council on legislative matters and the Executive Officer disagree, the Government Relations Officer and subordinate employees shall not

represent or advocate for either the Metro Council or the Executive Officer."

Councilor McFarland expressed reluctance to take action on the draft ordinance at this meeting because she had not expected to do so on a discussion only item. Chair Gardner said the Committee would not recommend the ordinance for adoption at this meeting, but that it was appropriate for the Committee to state its position. He noted the Committee had discussed the ordinance previously. Councilor McFarland said the ordinance as a whole was not before the Committee to amend. Chair Gardner said when the Committee formally considered the ordinance it would be open to further amendment or change to actions taken at this meeting.

Vote on Second Motion to Amend: Councilors Bauer, Devlin, Gardner, Hansen and McFarland voted aye. The vote was unanimous and the motion to amend passed.

The Committee and Mr. McMurdo discussed office space and hiring an intern to have in place for the new Government Relations Officer when he/she was hired. Mr. McMurdo noted he had ordered bill sets also.

5. Ordinance No. 90-367, Approval of Natural Resources Management Plan for Smith and Bybee Lakes

Patrick Lee, Regional Planning Supervisor, noted staff had briefed the IGR Committee at least two times on the status of the Management Plan. He said Jim Morgan, Associate Management Analyst, would brief the City of Portland Planning Commission which would determine if the changes presented were major changes to the current plan or simply clarifications. He said dependent on the outcome of that hearing, a new hearing might or might not be necessary and the Metro Council and the Portland City Council would jointly consider and adopt the ordinance November 8 at 4:00 p.m. in the Portland City Council Chambers.

Mr. Lee said the Solid Waste Committee had considered the landfill lease agreement several times (Resolution No. 90-1314, For the Purpose of Approving an Intergovernmental Agreement to Assume Custody of Certain Monies and Ownership at the St. Johns Landfill and Certain Adjacent Land from the City of Portland) which he said caused some changes to the Management Plan.

Mr. Lee noted that, in Exhibit A on page 2, "Page 43, next to last paragraph: Expenses from the End Use Fund for the development of the St. Johns Landfill End Use Fund have totalled approximately \$220,000," should have been stricken from the amendment package, and also language highlighted at the end of "Page 43, last paragraph."

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Councilor McFarland asked how involved Metro would be in the daily management of Smith and Bybee Lakes. Mr. Lee said Resolution No. 90-1314 designated Metro as the Trust Fund Manager for the Smith & Bybee Lakes Management Plan which meant the Metro Council would have budget authority over implementation of that Plan. He said Metro would have discretion to appropriate specific funding for specific purposes. He said during the budget process, Metro would discuss that issue with the City's Parks Bureau.

Councilor McFarland asked how many FTEs would be allocated to administrate the Fund. Rich Carson, Director of Planning & Development, said one FTE would staff the Trust Fund Management Committee. He said Metro would receive \$1.9 million for the Trust Fund. He said Metro had to determine when they wanted the dedicated staff person to begin and said activity would begin FY 1991-92. He said if Metro wanted to expend funds before the new budget year a Tax Supervisory and Conservation Committee (TSCC) amendment would be necessary. Mr. Carson said there were no staff resources to apply towards Trust Fund efforts until July 1991. He said Metro might want to expend funds before that date for land acquisition. Councilor Devlin said supplemental budget questions would be resolved by February 1991 and said existing staff was overburdened already. Mr. Carson said he was not aware of the supplemental budget and if one would be developed, Planning & Development staff could develop a package to bring the necessary FTE on-board before the beginning of the new fiscal year.

Chair Gardner noted the Plan called for land acquisition. He said if there was a supplemental budget, and Metro received authorization to expend funds, an FTE could be brought on board. Chair Gardner noted Metro would receive \$9.5 million 30 days after the Agreement was completed and the rest of the funds December 31, 1993. He asked why the rest of the funds would be received later. Mr. Lee said the payment plan was laid out in the Agreement. He said accrued interest would apply to the Smith and Bybee Lakes Trust Fund. Chair Gardner noted Metro's role as environmental monitor of the management area as described in the Plan. He asked if monitoring costs were eligible to be paid from the Plan Trust Fund as opposed to landfill monitoring. Mr. Lee said monitoring costs would apply to water quality of the Lakes and other management needs not related to the landfill closure. Chair Gardner noted Metro as the Trust Fund Manager would be advised by the Trust Fund Committee. He asked if the Management Plan was subject to amendment and if so, by whom. Mr. Lee said the Management Plan identified the amendment process itself.

Main Motion: Councilor McFarland moved to recommend the full Council adopt Ordinance No. 90-367.

Chair Gardner opened the public hearing. No one present appeared to testify and the public hearing was closed.

Motion to Amend: Councilor Hansen moved to make the Management Committee Metro Councilor representative the Metro Councilor from District No. 12.

Councilor Bauer noted reapportionment would give the Council 13 members. Councilor Hansen said the Metro Councilor could be made specific to the Councilor whose district included Smith and Bybee Lakes. Councilor Devlin said management of Smith and Bybee Lakes was the full Metro Council's responsibility. Councilor McFarland said designating the District 12 Councilor to the Management Committee would be similar to stipulating the Zoo Committee chair be the Metro Councilor whose district encompassed the Zoo. She said such stipulations were too confining. Councilor Bauer concurred with Councilor McFarland.

Vote on Motion to Amend: Councilor Hansen voted aye. Councilors Bauer, Devlin, Gardner and McFarland voted nay. The motion to amend failed to pass.

Vote on Main Motion: Councilors Bauer, Devlin, Gardner, Hansen and McFarland voted aye. The vote was unanimous and the motion passed.

Chair Gardner called a recess at 7:01 p.m.

The meeting reconvened at 7:08 p.m.

6. FY90-91 "A" Contract List Update, Review Status of "A" Contracts Listed in FY90-91 Adopted Budget

Mr. Carson listed and described the Planning & Development Department contracts list.

Andy Cotugno, Director of Transportation, listed and described the Transportation Department's contracts list.

The Committee and staff discussed the departments' respective contracts lists. The Committee raised no major issues and no changes were made.

7. Review of Regional Land Information System (RLIS) Marketing Services Request for Proposals (RFP)

The Committee and staff discussed the RFP briefly.

Motion: Councilor Devlin moved to recommend the Transportation Department release the RFP for immediate response incumbent upon the Department formally filing the RFP document with the Clerk of the Council and that the Department proceed with the funding approach described in the October 19, 1990 memorandum from Jessica Marlitt, Council Analyst.

Vote: Councilors Bauer, Devlin, Gardner, Hansen and McFarland voted aye. The vote was unanimous and the motion passed.

8. Status Report on LCDC Development of Transportation Administrative Rule

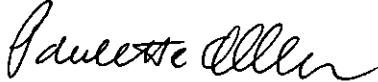
Mr. Cotugno gave a status report on LCDC's development of the Transportation Administrative Rule.

9. Funding Of Light Rail Transit Funding

The Committee and staff briefly discussed light rail transit funding.

Chair Gardner adjourned the meeting at 8:05 p.m.

Respectfully submitted,



Paulette Allen
Committee Clerk
IGR90.296