

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

November 7, 1989

Council Chamber

Committee Members Present: Jim Gardner (Chair), Tom DeJardin, Larry Bauer and Richard Devlin

Committee Members Absent: Tanya Collier (V. Chair)

Chair Gardner called the meeting to order at 6:25 p.m.

1. Consideration of September 12, 1989 Minutes

Councilor Devlin said the minutes did not list Councilor Bauer as present at the September 9 meeting and noted Councilor Bauer was in attendance at that meeting.

Motion: Councilor Devlin moved for approval of the minutes as corrected.

Vote: Councilors DeJardin, Devlin and Gardner voted aye. Councilors Bauer and Collier were absent. The vote to approve the minutes as corrected was unanimous and the motion passed.

2. Resolution No. 89-1126, In the Matter of a Waiver of the Application Deadline for the Submission of Materials for Contested Case No. 89-1, Gravett

Ethan Seltzer, Senior Regional Planner, explained the action requested was a deadline waiver only and would not affect the case. He said all parties had acted in a timely manner and all materials had been submitted. He said the July 1 deadline was meant to regulate staff's workload. Chair Gardner asked how the petitioner would be impacted if the Committee did not approve the resolution. Mr. Seltzer said that would affect the petitioner very little. He said the petitioner would like to proceed at this time.

Motion: Councilor DeJardin moved to recommend the full Council adopt Resolution No. 89-1126.

Vote: Councilors DeJardin, Devlin and Gardner voted aye. Councilors Bauer and Collier were absent. The vote was unanimous and the motion passed.

3. Resolution No. 89-1165, Amending the FY 1990 Unified Work Plan (UWP) to Include an Alternatives Analysis/DEIS for the Hillsboro Segment of the Westside Light Rail

Andy Cotugno, Director of Transportation, explained the purpose of the resolution would amend the FY 1990 Unified Work Program (UWP) to include an alternatives analysis between 185th Avenue and the Hillsboro Transit

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Center. He said the components which involved financial obligation were consistent with the adopted Metro FY 1989-90 budget.

Councilor Devlin asked if Metro could still obtain 75 percent federal matching funds if the lightrail extended from 185th to Hillsboro. Mr. Cotugno said yes. Chair Gardner asked if there was a specific deadline after this extension for filing. Mr. Cotugno said Metro would need to submit a report by this time next year. He said staff hoped to get a grant by January 1, 1990. Chair Gardner asked if the amount shown in staff's report was covered in the budget. Mr. Cotugno said yes. Mr. Cotugno said the amount thus far had been dependent upon Metro contributing to the local match. Jessica Marlitt, Council Analyst, asked further budget questions. Mr. Cotugno said figures in staff's report pertained to a task budget to carry out the work. He said the total project cost was \$648,000 which would require a 20 percent local match.

Motion: Councilor DeJardin moved to recommend the full Council adopt Resolution No. 89-1165.

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

4. Discussion of Joint Policy Advisory Committee on Transportation (JPACT) Membership Bylaws Recommendation

Mr. Cotugno said currently there were no JPACT bylaws. He said to this date, JPACT had operated under statutory regulations which applied to all public bodies. He said local jurisdictions, ODOT and Tri-Met all had certain operating responsibilities for the transportation system. He said JPACT meant those bodies would have opportunities to reach consensus on transportation system issues and to ensure decisions were made by jurisdictional authority. He said transportation systems had different components for which different jurisdictional authorities were responsible. He said Metro had statutory responsibility for the functional plan with which local jurisdictions have to be consistent; but said while it was clear that Metro had that authority, it did not mean necessary projects would be done. He said JPACT helped to achieve state, regional and local consensus. He said Metro could veto a project as well as a local government and Metro's and others' statutory authority could not be changed by the bylaws. He said similarly, Metro operated under the federal planning department which required an MPO (metropolitan planning organization), a decision-making body for local officials, and said JPACT met the MPO requirement and Metro did not.

He said the proposed bylaws were structured for MPO decisions, but said it was also necessary to have Regional Transportation Plan (RTP) action for consistency. He discussed three bylaws issues. He said the first was Metro Council responsibility for the functional plan for which JPACT

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served in a "recommend capacity." He said the second issue was JPACT functioning as an MPO, and said the third was jurisdiction consensus mentioned previously. He said it was necessary to determine if a JPACT decision represented local jurisdiction consensus or Metro's position. He said if a decision was made by local governments, JPACT should adopt it, and said a decision made by Metro should be adopted by Metro with JPACT support.

Mr. Cotugno said in addition to the areas covered by the bylaws-- planning, MPO and consensus--two other areas were covered briefly. He said the first area was coordination of bi-state issues between Clark County, Washington and Oregon. He said the bylaws recognized the need to coordinate bi-state issues, but did not provide for any specific decision-making process. He said the second area addressed the arterial fund not yet established but allowed under statute. He said the bylaws referred to it because it could be established in the future.

Mr. Cotugno discussed the questions listed in staff's memorandum to JPACT "Recommendation of the JPACT Membership Committee" dated October 30, 1989. He said attention mostly focused on membership and not on roles. He said different opinions had been expressed about membership. He said some jurisdictions wanted added representation on JPACT because they felt left out. He said those jurisdictions were Gresham, C-TRAN and others to a lesser extent. He said to counterbalance Portland, some felt their vote was diluted by the 16 other members. He said the proposed Executive Committee was an attempt at compromise between expanding full membership and having a smaller working group to deal with transportation issues on a daily basis. He said of those who responded, some liked the concept of an Executive Committee and some did not. He said he did not anticipate the issue as an action item at the JPACT meeting, Thursday, November 9.

Mr. Cotugno discussed how additional members should be added to JPACT and said the Membership Committee recommended, coincident to the formation of an Executive Committee, to add an additional city representative from each county and a C-TRAN representative, increasing membership from 17 to 21. He said the JPACT Membership Committee had no recommendation on additional city representatives, but did identify two options: Either two city representatives for each county, to be selected by the represented cities, or a city representative from the largest city in each county plus one selected by the remaining cities.

He said the Executive Committee's responsibilities were stated strictly as a recommending committee and not an action committee. He discussed a possible sunset clause and a stringent two thirds vote requirement.

Councilor Devlin requested JPACT not take action at the Thursday meeting to give the Metro Council the opportunity for review of the issues and address potential concerns. He noted federal MPO regulations referenced

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by Mr. Cotugno appeared to have only had slight modification since 1983. He said since 1983 Metro had certified annually it was in compliance with MPO regulations. Mr. Cotugno said the Governor's designation was always that Metro was the MPO. He said Metro was only designated an MPO if JPACT existed. Councilor Devlin said a concern was that three quarters of the legislation considered by the Intergovernmental Relations Committee and referred to the Metro Council for adoption would no longer come before those bodies in the same manner. He said under the proposed bylaws, the Metro Council could serve in an advisory capacity to make recommendations to JPACT, but the Council would be out of the decision-making loop. He cited as examples the Six-Year Plan and Resolution No. 89-1165 which amended the Unified Work Program (UWP). He said the Intergovernmental Relations Committee would only endorse such items. He noted JPACT did not have bylaws or a resolution which stated its charge. He said the only historical information available were some motions made years ago relative to membership. He said JPACT had functioned well for 10 years and asked why it was necessary to formalize procedures at this time.

Chair Gardner noted each year Metro adopted a resolution that certified Metro was in compliance with federal requirements and self-designated Metro as the MPO. He said the process always worked before and asked Mr. Cotugno whether JPACT bylaws could state JPACT's role and that Metro was the MPO. Mr. Cotugno said bylaws were not complete until a decision-making structure was defined. He said JPACT would ask why it was submitting MPO decisions to Metro.

The Committee and Mr. Cotugno discussed MPO issues further. Chair Gardner asked if JPACT discussion ever recommended review of the current list of JPACT members and dealing with the size issue. Mr. Cotugno said some discussion took place over the elimination of Oregon's Department of Environmental Quality (DEQ) or reducing Washington state's or Metro's representation so that each agency had one representative. He said the general conclusion at the end of that discussion was reducing membership.

The Committee and Mr. Cotugno discussed the issues further. Chair Gardner asked for Committee consensus on JPACT.

Motion: Councilor Devlin moved to request JPACT take no action on the proposed bylaws at their meeting Thursday, November 9, 1989, and to provide the Intergovernmental Relations Committee with comments on said bylaws.

Vote: Councilors Bauer, Devlin and Gardner voted aye. Councilors Collier and DeJardin were absent. The vote was unanimous and the motion passed.

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5. FY90-91 Policy Discussion, To Summarize Issues and Policies under the Committee's Purview which the Metro Council will Face in FY90-91 and to Identify Potential Long-Term Council Policy Areas:
- o Transportation Department
 - o Planning & Development Department

The Committee and staff discussed issues and policies and identified long-term Council policy areas for discussion at the Metro Council retreat November 17-18.

In addition to the items listed in Council staff's memorandum for Transportation: Addition of various LRT components--Milwaukie, I-205, Hillsboro and Vancouver; Transportation 2000 Financing Implementation (Vehicle Registration Fee); JPACT and Metro Council Relationship; [The former three as priority discussion items.] the 1991 Legislature; Metro and Tri-Met's Relationship and Possible Merger; and Air Quality and Transportation.

In addition to those items already listed in Council staff's memorandum for Planning & Development: Parks & Natural Areas Program Development--Future Metro Role; Future Role in Land Use Planning--Urban Growth Management Plan; Future Waster Resources Role for Metro--Current Policy Analysis and Future Implications; [The former three were identified as priority discussion items.] the Role of Metro in Coordination of Economic Development Efforts; Functional Planning versus Comprehensive Planning--Regional Goals and Objectives; Housing--Potential for Regional Housing Authority; Bi-State Policy Advisory Committee; Role of Port Authority versus Metro; Boundary Commission; Solid Waste Planning; and Air Quality--DEQ Responsibility versus Metro's Future Role.

Motion: Councilor Devlin moved to include all of the above listed topics as discussion items at the Council retreat with the exception of the Metro Business License Program.

Vote: Councilors Bauer, Devlin and Gardner voted aye. Councilors Collier and DeJardin were absent. The vote was unanimous and the motion passed.

6. Executive Session on Pending Litigation Under the Authority of ORS 192.660 (1) (h)

Chair Gardner announced the Intergovernmental Relations Committee would hold an Executive Session under the Authority of ORS 192.660 (1) (h) at 8:15 p.m. to discuss the recent LUBA decision regarding Metro's land-use planning responsibilities.

Those present were: Councilors Bauer, Devlin and Gardner; Ms. Marlitt, Mr. Seltzer, Mr. Cotugno, Larry Shaw, Legal Counsel; Patrick Lee, Regional Planning Supervisor; and Mr. Carson.

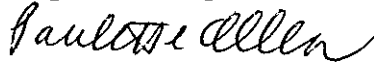
Chair Gardner ended the Executive Session at 8:52 p.m.

7. Staff Update on Contract Review Reports

Ms. Marlitt updated the Committee on Contract Review Reports.

Chair Gardner adjourned the meeting at 8:57 p.m.

Respectfully submitted,



Paulette Allen
Committee Clerk
IGR89.311