

MINUTES OF THE INTERGOVERNMENTAL RELATIONS COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

May 8, 1990

Council Chamber

Committee Members Present: Mike Ragsdale (Chair), Richard Devlin
(Vice Chair), Larry Bauer and Ruth
McFarland

Committee Members Absent: Jim Gardner

Chair Ragsdale called the meeting to order at 6:04 p.m.

1. Consideration of April 10 Minutes

Motion: Councilor Devlin moved for approval of the minutes.

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

Chair Ragsdale stated in future committee reports, Council staff would perform policy review to ensure consistency with the Metro Code. He said over the next few months the Committee would initiate a review of Metro policy to ensure consistency with the Code. He appointed Councilor Bauer to review and make appropriate recommendations on policy related to housing issues as the Committee began housing strategy review and also on Council-adopted policy related to Bi-State Committee activities in which the Council or Metro could be involved.

2. Ordinance No. 90-347, Amending Metro Code Chapter 2.08, Office of
General Counsel (Public Hearing)

Dan Cooper, General Counsel, distributed a revised Ordinance No. 90-347. He said the ordinance would clarify General Counsel and the Legal Department's function as they related to the Council. Chair Ragsdale asked if there were any limits on Council requests for advice and action. Mr. Cooper said there were not. Chair Ragsdale did not want the Committee to consider the ordinance further without clarification from Presiding Officer Collier on intent. Chair Ragsdale did not want to limit elected officials' opportunity to request and receive legal opinions. He asked if there were statutory rules of any kind which would prevent an elected official from receiving an opinion. Councilor Bauer concurred with Chair Ragsdale, but did not believe each branch of Metro government required its own Legal Counsel. Councilor Devlin said the ordinance should be discussed in a worksession format when the Committee considered it again. Councilor McFarland believed Executive Management and Council should be advised on legal issues separately.

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

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Greg McMurdo, Government Relations Manager, discussed ORS requirements on ordinance adoption. Chair Ragsdale asked Mr. Cooper to work with Jessica Marlitt, Council Analyst, to clarify and amend ordinance adoption procedures in the Metro Code.

3. Resolution No. 90-1261, Establishing a Parks and Natural Areas Policy Advisory Committee (PAC) (Public Hearing)

Richard Carson, Director of Planning & Development, the Parks and Natural Areas Study had progressed to the point that a Policy Advisory Committee (PAC) should be formed.

Councilor Devlin noted the word "may" in Section 8 of Exhibit A to Resolution No. 90-1261 should probably be changed to "will."

Chair Ragsdale opened the public hearing.

William "Mikey" Jones, 8733 N. Tyndall Ave., Portland, said staff's management plan as stated was excellent, but the program's schedule was so slow as to be useless. He expressed concern the program would become another useless extension of governmental bodies. He said Metro should determine how to interact with other governments and how the program would benefit parks. He noted the East Bay Regional Park District in Oakland, California practiced an aggressive program and were very effective.

Chair Ragsdale asked if anyone else present wished to testify. No one else appeared to testify and the public hearing was closed.

Chair Ragsdale noted Exhibit A stated the PAC would serve in a liaison capacity between the Council and other governmental agencies to "have the charge of building a regional consensus." He said liaison duties were Metro's responsibility. He said Exhibit A did not include language on compliance or Metro review oversight. He said the PAC was not similar in process to the Joint Policy Advisory Committee on Transportation (JPACT); a body which did not function in a liaison capacity and did not develop functional plan chapters.

Mel Huie, Senior Regional Planner, said the PAC was intended to be an advisory body only and noted three Metro Councilors would serve on the PAC; one as PAC chair. He said it was not intended Council delegate all responsibility to the PAC. He said possibly program oversight should have been performed first and said staff should have reviewed program overview before the resolution. He noted the IGR Committee and the full Council approved the work plan via unanimous vote in the Summer of 1989.

Councilor McFarland said historical Council action on the program should have been referenced in the resolution. She said all Metro legislative

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documents should reference any previous Council action taken. She concurred with Chair Ragsdale the resolution should clarify the PAC as an advisory group and that the Metro Council would make all final decisions and take action to prevent any future difficulties. She said reservations on language expressed at this meeting did not negate staff's work or what they were trying to achieve.

Chair Ragsdale said BE IT RESOLVED Section 1 established the PAC and Section 2 stated the PAC's purpose, composition and charge were listed in Exhibit A. He said the PAC's charge was detailed in Sections 1 through 5 in Exhibit A. He said Charge 1 said the PAC would make recommendations to the Metro Council and made it clear those recommendations would be reviewed by the Metro Council. He said Charge 2 did not reference the Metro Council and stated "The PAC shall have the charge of building a regional consensus..." He said Charge 3 stated the PAC would serve as liaison between the Council and the local jurisdictions with no policy input or guidance from the Council required. He said he did not understand how a PAC could act as a liaison in such a situation. He said under Charge 4, the PAC would review technical reports and other related documents prior to their submittal to the Metro Council for approval. He said in Charge 5 the PAC, in consultation with local jurisdictions and other entities, shall develop a Regional Corridors and Trails Chapter and other administrative documents, but that charge also did not mention the Metro Council. He said of the five sections pertaining to the PAC's charge, only one referred to the Metro Council. He expressed extreme reservations about the resolution and Exhibit A and the concept of the role the PAC was being set up to do. He said the language would give the PAC more power than JPACT or even the Metropolitan Exposition-Recreational Commission.

Councilor Devlin said reservations expressed were really about language and not intent. He said the PAC was always intended to be an advisory body. He recommended language be re-worked and returned to Committee for final consideration. He did not think any Committee member questioned intent. He said Chair Ragsdale's questions on language in Charges 3, 4 and 5 were well-taken. He said the Metro Council had other PACs which worked in a liaison fashion. He said the Metro Council rarely discussed with those PACs what the Council's role should be. He said the Metro Council should analyze how PACs generally functioned as related to policy issues.

Chair Ragsdale asked Ms. Marlitt to summarize policy decisions made by the Council to set up the Parks and Natural Areas PAC. He agreed the Council should be more proactive when delegating work to the various committees and PACs.

Chair Ragsdale deferred consideration of Resolution No. 90-1261 to a future Committee meeting.

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4. Review of Smith and Bybee Lakes Management Plan, Review and discussion to determine recommended future action on the Plan (Public Hearing)

Patrick Lee, Regional Planning Supervisor, described area geography via the aerial photography taken of the area. He discussed the historical background and key issues of the Plan. He discussed the involved jurisdictions which include the City of Portland Parks Bureau, the City of Portland Environmental Services Bureau, the Port of Portland and Metro; and their individual responsibilities under the Plan. He discussed necessary funding and said funding sources were the St. Johns Landfill End Use Fund, the Metro Landfill Reserve (Closure) Fund, and other funding sources.

Councilor McFarland asked if Metro would eventually own Smith and Bybee Lakes. She asked how Plan action and policy responsibilities would be determined.

Jim Sjulín, City of Portland Bureau of Planning, said it was intended that jurisdictions already responsible would continue in the same vein. He compared the situation to Metro's oversight of the St. Johns Landfill. He said Metro's Landfill Reserve Fund dollars would not be used for Smith and Bybee Lakes management, but dollars would be made available from the City's End Use Fund. He said since Metro was responsible for monitoring the Lakes and related environmental factors involved water quality monitoring equipment, it made sense to extend Metro responsibilities to Lakes management.

Chair Ragsdale opened the public hearing.

Teace Adams, Columbia River Region Inter-League Organization of the League of Women Voters (CRRILO), said the League of Women Voters of the United States and Oregon tracked natural resources issues. She said the protection and wise management of those resources were of paramount importance to the members of that organization. She said CRRILO reviewed the Smith and Bybee Lakes Management Plan and found the Plan to be well thought out and excellent in concept. Ms. Adams said the League urged all levels of government be involved in decisions of this type and strongly encouraged Metro support of the Smith and Bybee Lakes Management Plan.

William "Mikey" Jones, 8733 N. Tyndall Ave., Portland, urged Metro to take quick action and use good management techniques to restore the Lakes to their natural state. He said the Plan represented an incredible amount of consensus among citizens. He said citizens never believed a park would be built and asked Metro to use the funds allocated to restore the wetlands and keep promises made in the past. He asked Metro to provide good management for an area impacted by leachate and said there was not a great deal of time for rehabilitation.

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measures. He said he would be quite happy if Metro could actually create the first regional park.

Chair Ragsdale asked if anyone else present wished to testify. No one else present appeared to testify and the public hearing was closed.

Councilor McFarland asked again if Metro would acquire ownership of the Lakes area. Bob Martin, Director of Solid Waste, said Metro was negotiating with the City Bureau of Environmental Services on the lease agreement to address post-closure issues. He said Metro needed to make maximum use of the opportunity to further Lakes management goals so that the landfill closure process could provide the maximum benefits to the impacted area. He said a draft for policy review was almost completed for both the Portland City Council and IGR Committee to review on how the land lease should be re-negotiated in the future. He said the Council would review the new lease in June. He empathized with Mr. Jones' statements on the condition of the Lakes. He did not agree the St. Johns Landfill closure would adversely impact the Lakes, but said there was a continued need for diligent surveillance of the landfill, drainage, and related issues. He did not believe the St. Johns Landfill would ever become a remedial action site.

Councilor Devlin asked which entities would own and be responsible for the landfill and the Lakes area in the future. Mr. Martin said the present lease agreement stated both the City of Portland and Metro bore responsibility for landfill closure and that the language was ambiguous. He said Metro had not accepted responsibility for future liability. He said Metro as operators and Portland as the owner would share that responsibility in any case.

Councilor Devlin asked staff for clarification of their recommendations as listed in staff's report. Mr. Lee discussed staff's recommendations. Councilor McFarland recalled discussion by the Solid Waste Committee in the Fall of 1989 on the management of Smith and Bybee Lakes and the flow of leachate. Councilor McFarland directed staff return to Committee when the draft resolution was completed for final IGR Committee consideration.

Jim Sjulín, City of Portland Bureau of Planning, discussed ownership questions the City of Portland had and said those questions included tax lots stretching out to the Lakes. He said the Advisory Committee discussed that issue at length and noted the Advisory Committee was composed of citizens who had followed the issues for years. He said it would be prudent to put that questions and related questions up for debate as soon as possible. Councilor McFarland said such policy issues should be addressed by the full Council. The Committee discussed the issues further.

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Motion to Adopt Staff's Recommendations: Councilor McFarland moved to adopt staff's recommendations as listed in staff's report dated May 8, 1990. The recommendations were:

- o Discuss policy issues and other questions the IGR Committee may have.
- o Direct staff to prepare a resolution adopting the Management Plan in concept, and suggesting appropriate revisions to Policies and Actions which may be affected by continuing negotiations regarding ownership of the St. Johns Landfill.
- o Schedule the resolution for consideration at a subsequent IGR hearing.
- o Direct staff to prepare an ordinance adopting the Smith and Bybee Lakes Management Plan at such time as a Metro/City landfill transfer agreement is before the Council for action so that respective Metro and City responsibilities and available resources conform to each other.

Vote on Motion to Adopt Staff's Recommendations: Councilors Bauer, Devlin and McFarland voted aye. Councilors Gardner and Ragsdale were absent. The vote was unanimous and the motion passed.

5. Resolution No. 90-1254, Amending the Transportation Improvement Program for Tri-Met's Section 9, Interstate Transfer and Federal-Aid Urban Programs

Andy Cotugno, Director of Transportation, said the resolution would amend the Transportation Improvement Program (TIP) to include a series of revisions to Tri-Met's Section 9, Interstate Transfer and Federal-Aid Urban programs. He said major elements of the revised programs for FY 1991 included: 1) Reprogramming \$6,050,090 of e(4) funds for light rail vehicles (LRVs) in FY 1991 which were allocated to other purposes; 2) Programming of \$850,000 in FAU funds for LRVs previously allocated to the City of Portland. He said in exchange, Tri-Met would provide a like amount in local funds for the City's construction work near the Oregon Convention Center; 3) Revisions to the Section 9 Program which would allocate more funding (\$11.1 million) towards the purchase of LRVs; delay funding for LRV air conditioning retrofits; allocate \$800,000 in FY 1991 for the Hillsboro Extension AA/PE; allocate \$150,000 per year for Metro planning studies for FY 1991 to FY 1993; and reflect the higher estimate of Section 9 funding available each year based on the actual FY 1990 apportionment.

Councilor McFarland asked if the funding was requested because of increased ridership. Mr. Cotugno said ridership had increased over the last four years. The Committee discussed the resolution briefly.

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Motion: Councilor Bauer moved to recommend the full Council adopt Resolution No. 90-1254.

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

6. Resolution No. 90-1262, Approving Distribution of an RFP for a Personal Services Contract to Assist in Acceleration of the RLIS Project

Staff distributed a revised Resolution No. 90-1262. Mr. Cotugno explained the RFP would retain a contractor to assist Metro staff in development of the Regional Land Information System (RLIS) database. He said the work was termed the "RLIS accelerated scenario" during the FY 1990-91 budget process and \$150,000 was funded for contractual services. He said staff's revised report explained \$15,000 could be spent in FY 1989-90 because funds for PGE work were unexpended thanks to PGE's agreement to provide their services for free. The \$150,000 could not be spent until FY 1990-91. Mr. Cotugno said the RFP meant staff could begin work more quickly.

Motion: Councilor Bauer moved to recommend the revised Resolution No. 90-1262 to the full Council for adoption.

Acting Chair Devlin noted for the record the contract waiver could be an issue when considered by the Council.

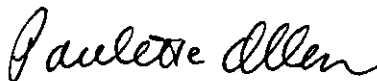
Vote: Councilors Bauer, Devlin and McFarland voted aye. Councilors Gardner and Ragsdale were absent. The vote was unanimous and the motion passed.

8. Worksession on Development of RLIS Marketing Strategies, Staff to present issues to address in developing marketing approaches for Metro's Regional Land Information System

Consideration deferred for future Committee consideration.

Acting Chair Devlin adjourned the meeting at 8:10 p.m.

Respectfully submitted,



Paulette Allen
Committee Clerk
IGR90.128