

MINUTES OF DIRECTORS MEETING

LANE COUNTY MASS TRANSIT DISTRICT

January 7, 1975

The board of directors of Lane County Mass Transit District met on January 7, 1975 at 7:30 p.m. at the City Hall in Eugene, Oregon, pursuant to adjournment from its meeting of December 17, 1974.

Present:

Richard A. Booth
Jack J. Craig, Treasurer
W. Gene Davis
Daniel M. Herbert, President, presiding
Kenneth H. Kohnen, Vice President
Glenn E. Randall, Secretary
Ruth A. Shepherd
Fred C. Dyer, General Manager
Richard Bryson, Counsel

Mavis Skipworth, administrative secretary, served as recording secretary for the meeting.

FINANCIAL STATEMENT: Copies of a Working Budget Recap dated December 17, 1974 showing a financial statement of costs and revenues based on the new service level, were distributed to board members. Mr. Dyer explained that the Recap reflects the seasonal changes with the district having moved from the low ridership period into the present higher ridership. He informed the board that the members will receive each month a copy of the working budget, forecast and financial statement.

LEGISLATIVE COMMITTEE: Mr. Herbert advised that the Legislative Committee members Jack Craig, chairman, Glenn Randall and Ruth Shepherd, have held two meetings, with Kenneth Kohnen attending one as an observer. Discussion was held regarding drafting a constitutional amendment to permit the "local option" of a gasoline tax which would allow expenditures for transit.

The committee presented its legislative program recommendations and requested board approval. Mr. Booth asked that these be considered in the order listed.

Mrs. Shepherd moved that the board give the Legislative Committee approval "to aggressively seek support and cooperation from all groups who support public mass transit, including business community leadership, organized labor, local government, and other mass transit organizations in order to develop appropriate revenue sources." The motion was duly seconded and passed.

Mrs. Shepherd moved that the second recommendation be adopted "to support LTD Counsel recommendation to seek enabling legislation to achieve intent of LTD Special Advisory Committee on Revenue Sources recommendation to establish an income tax." Following discussion of the motion, it was duly seconded and carried.

Mr. Craig moved for the adoption of the third recommendation. The motion was seconded and discussion followed. Mr. Booth expressed his opposition to the gasoline tax as a source of revenue. Mr. Randall replied that the "local option" proposal would merely grant to the people in the district the opportunity to determine if they wish this type of tax. Mr. Kohnen expressed the opinion that the "local option" would give regional governments the opportunity to use the gas tax for mass transit instead of for highway related purposes. The motion for the board to give approval "to support a constitutional amendment that would allow a 'local option' in use of gas tax for mass transit" was carried with Mr. Booth dissenting.

Mr. Craig made a motion that the board give approval "to develop action necessary to achieve a 'housekeeping' correction in present statute so that construction and purchasing bids associated with public mass transit are consistent with UMTA guidelines." The motion was seconded, and following a brief discussion, the question was put and carried.

Mr. Craig moved that the board give approval to seek legislative support for a program which links existing public mass transit entities of Oregon and the Division of Mass Transit in order to develop and strengthen inter-urban planning efforts. The motion was seconded by Mr. Randall. Following discussion, Mr. Kohnen moved that the motion be amended to read "to seek legislative support for programs for the development and strengthening of inter-urban planning efforts." The amending motion was seconded and carried, with Mr. Davis and Mr. Booth opposing. The question was put on Mr. Craig's motion as amended and it carried, with Mr. Booth and Mr. Davis dissenting.

Mr. Craig moved that the board give approval to act in support of recommendations of Special Advisory Committee on Revenue Sources as ratified by LTD and any other reasonable effort to develop additional revenues for public mass transit. The motion was seconded and discussion followed. Mr. Kohnen moved that the motion be amended to read "to act in support of recommendations of Special Advisory Committee on Revenue Sources which require legislative action, as ratified by LTD, and any other reasonable effort to develop additional revenues for public mass transit." The amending motion was seconded and carried, Mr. Craig's motion as amended was approved, with Mr. Booth dissenting. Mr. Davis requested that it be noted in the minutes that he abstained from voting on this recommendation.

Mr. Craig moved adoption of the recommendation to authorize employment, not to exceed \$300, of competent part-time staff member to analyze legal implications and translate board intent to legislative action. The motion was seconded, with discussion following. Mr. Herbert made an alternate motion that the board give approval "to authorize employment, not to exceed \$300 total, of competent part-time staff member to assist the committee in implementing legislative action." The alternate motion was seconded and carried. Mr. Craig withdrew his original motion and the second was withdrawn.

Mr. Craig moved adoption of the recommendation to represent LTD within the guidelines herein adopted and any other related matter pertaining to public transit, and to seek board counsel and review at each LTD meeting during legislative session. The motion was seconded. There was discussion of the motion and Mr. Booth moved that it be amended to delete "and any other related matter pertaining to public mass transit." The motion was seconded and carried. Following further discussion, Mr. Craig requested that his motion be amended to

read "to represent LTD within the guidelines herein adopted and to seek board counsel, review and instruction at each LTD meeting during legislative session." The question was put and the motion carried as amended.

Mr. Herbert asked Mr. Bryson to comment on his letter of January 6, 1975 regarding proposed legislative changes. Mr. Bryson referred to conflicting referendum statutes that should be corrected by the legislature; ORS 198.580 relating to districts in general and requiring a petition for referendum to be signed by no less than ten percent of the voters of the district; and ORS 267.170 (2) (b) providing for a petition signed by a number of registered voters of the district equal to four percent of the total number of votes cast in the district for all candidates for governor at the election at which a governor was elected for a term of four years next preceding the filing of the petition.

A second suggestion for proposed legislation concerned minor construction and improvements of real estate. Mr. Bryson suggested that a new statute be added designated ORS 267.220 providing as follows: "Notwithstanding the provisions of ORS 267.215 and 267.220 a district may plan and let contracts for and carry through to completion construction and improvement projects costing less than _____ dollars without feasibility reports, publication of notice, public hearings, public inspection of plans, advertisement for bids or public bidding, provided the board of directors of the district shall have approved the expenditure after obtaining such plans, cost estimates and bids as it may deem necessary."

A third suggestion for proposed legislation concerned the terms of directors; that when a director's term expires, he stays in office until his successor is appointed so there will not be an incomplete number of members serving on the board. Mr. Bryson suggests that a new subsection should be added to 267.110 as follows: "(4) A director whose term has expired shall continue to serve until the appointment of a successor unless discharged by the governor."

Mr. Craig moved that the proposals set forth in Mr. Bryson's letter be drafted, and Mrs. Shepherd seconded the motion. In discussion of the amount to be inserted for a minimum in the recommendation pertaining to ORS 267.223, it was suggested that Legislative Counsel will make it consistent with other public agencies.

Mrs. Shepherd made an amending motion that the board recommend a clarifying amendment to favor ORS 198.580 requiring a petition for referendum to be signed by not less than ten percent of the voters of the district. The amending motion was seconded and carried.

The question was put on the motion to adopt the proposals recommended by the legal counsel. The motion carried.

Mr. Herbert then referred to Mr. Bryson's letter of January 6, 1975 pertaining to proposed legislation on the budget law for definition of terms. Mr. Bryson recommended that Section 294.311 (12) be amended to read as follows: "'Fiscal year' means an accounting period of twelve months ending with the last day of any month; provided that for municipal corporations levying a tax upon property the fiscal year shall commence on July 1 and close on June 30; provided further that newly created municipal corporations and municipal corporations changing their fiscal year may adopt a fiscal year consisting of less than twelve months ending on the last day of any month, for the first partial year or year of change

as the case may be."

Mr. Bryson's letter further proposed that Section 294.381 be amended by deleting from the first sentence the words "upon the taxable property within the municipal corporation."

Mr. Bryson also recommended that there be deleted from 294.435 (1) and (2) the following phrases from the first sentence in each of those subsections: "and to determine, make and declare the ad valorem tax levy for each fund", and in the fourth sentence of each of those subsections, deletion of the words "ad valorem" immediately preceding the word "taxes".

Mr. Bryson further suggested the subsection (6) of Section 294.435 be deleted and instead the following be substituted as a new subsection (6) or, in the alternative, that a new Section 294.437 be enacted, reading in either case as follows: "At such time or times after the budget has been adopted as the governing body of the municipal corporation shall deem appropriate said governing body shall levy such taxes as it is authorized to levy and as it determines to be necessary not to exceeding, however, the amount shown in the adopted budget. Such taxes may be made retroactive to but not prior to the beginning of the fiscal year in which the resolution or ordinance levying the tax is adopted."

Following discussion, Mrs. Shepherd moved that the proposals in Mr. Bryson's letter pertaining to budget law be drafted according to the recommendations, and to be referred to the board. The motion was seconded and carried, with Mr. Booth opposing.

Mr. Herbert then called for a five minute recess.

LOCAL ACTION COMMITTEE: After the members had reconvened, Mr. Herbert referred to a paper distributed to the board by the Local Action Committee, showing categories of local public employers and the payroll of each: General Purpose Government \$19,800,000; Utilities \$5,514,000; Higher Education \$43,769,000; Public Education \$31,978,300; State Government (in Lane County) \$35,491,000. Reasons listed for payments in lieu of the payroll tax included: equity with private sector employers, passenger load on system, Utilities precedent and Lane County precedent. Reasons to be considered for Grants-in-Aid were: (1) compensate for auto bias in Public Works Budgets; (2) continuity, consistency and compatability with community goals vis-a-vis public transportation, land-use and environmental quality elements in 1990 Plan; (3) energy conservation; (4) mandates from federal and state programs for comprehensive planning of balanced transportation systems. (5) the testing and experience with public sentiment is supportive of the provisions of public transit at local level.

Mr. Kohnen spoke of seeking financial support from the cities and county on the basis of their responsibility for the general welfare of the citizenry. He asked if Lane County precedent should not be considered under grants rather than in-lieu-of-tax payments. Mr. Craig suggested that "parking" should be included in the consideration of payments-in-lieu-of-taxes as there is a great need in such areas as University of Oregon.


Mrs. Shepherd reiterated her position that school districts should not be included as they operate their own transit systems, but Mr. Kohnen expressed the opinion that school transit is such a specialized function that it does not get into the areas of eliminating the problems of parking, congestion, transportation for people without other means, and pollution.

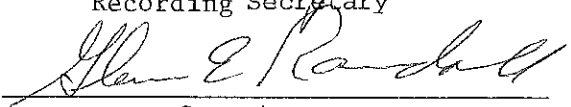
Mr. Craig suggested that students at the University of Oregon, Northwest Christian College and Lane Community College be given an opportunity to pledge one dollar each term to help Lane Transit provide service. He believes the students are very supportive.

Mr. Herbert stated that the Local Action Committee will pursue the possibilities of revenues from these sources, and the staff will approach the local public employers, keeping the board informed of the developments.

Mr. Kohnen requested that a special effort be made by the staff to get material for the board meetings to the members ahead of the meeting time.

The meeting adjourned at 10:30 p.m.


Recording Secretary


Secretary