

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

SPECIAL MEETING

Thursday, September 28, 1995

Pursuant to notice given to *The Register-Guard* for publication on September 26, 1995, and distributed to persons on the mailing list of the District, a special meeting of the Board of Directors of the Lane Transit District was held on Thursday, September 28, 1995, at 12:00 p.m. in the LTD Board Room at 3500 East 17th Avenue, Eugene.

Present: Kirk Bailey, Vice President
Patricia Hocken, President, presiding
Dave Kleger, Treasurer
Roger Saydack
Phyllis Loobey, General Manager
Jo Sullivan, Recording Secretary

Absent: Rob Bennett
Thomas Montgomery, Secretary
(one vacancy, subdistrict #2)

CALL TO ORDER: The meeting was called to order at 12:05 p.m. by Board President Pat Hocken.

DISCUSSION OF TRANSIT ISSUES WITH SENATOR BILL DWYER: Ms. Hocken explained that the Board had been meeting with the local area's state legislators regarding transit issues.

Senator Dwyer said that, contrary to public opinion, he did not have a problem with the way LTD was run, although, to his belief, some of the actions of the Board were not very well thought out. He cited the example of the Board using an emergency clause on its tax package. Ms. Hocken clarified that the emergency clause was used only on the ordinance to increase the payroll tax rate, but not in the ordinance to implement the self-employment tax. Mr. Dwyer said that the legislature was prohibited from attaching an emergency clause to revenue issues, and he did not believe that the legislature could delegate a power it did not have itself. He added that he also believed the LTD Board should be elected, and that he was going to succeed with this issue in the next legislative session. He said also that he was very much opposed to the Board being able to hire a lobbyist to lobby against the public interest.

Mr. Kleger said that in philosophy he agreed with Senator Dwyer that when public money was being spent, it should be spent by elected people. However, he was very concerned about what would happen when a transit district, with a very narrow range of authority, would not attract very much public attention and the Board would likely be elected

by name familiarity only. He was concerned that the elections would turn into a bidding war for positions that would not serve the public interest. Senator Dwyer responded that they might not serve the public's interest for a period of time, but then elections would change that the next time around.

Senator Dwyer said that he had been around for a long time, before LTD and the LTD Board, and had ridden the little green buses in the early days. He thought that in the beginning it was appropriate to have an appointed Board, but when LTD could fly on its own wings, it should sever the cord of protection from the Executive Department. He said he had complete confidence in the electoral system, and if someone wanted to utilize the system to get a place on the LTD Board, using name familiarity and money, he had no objections. He did not like the idea that someone could place his name in the hat and let the Governor appoint him, and narrow the channel. Senator Dwyer stated that he would not vote to confirm anyone else for the LTD Board, and would argue against it in the senate. He added that he would be more effective in passing a bill to change to an elected Board in the next legislative session.

Mr. Kleger expressed concern over how to ensure that a regular rider would be elected to the Board. He asked Senator Dwyer to at least do something that dealt with that problem, since it currently was a requirement in the Oregon Revised Statutes. He stated that he would hate for this transit district to end up with no one on the Board who used the service.

Ms. Hocken said that it would be helpful to maintain the subdistricts for representation, so candidates would not have to run in all of Lane County. She also asked Senator Dwyer why his bill did not apply to Tri-Met, as well. Mr. Dwyer replied that Tri-Met had a lot of money and hired lobbyists, as well, but he was not concerned about Metro, asking why he should enlist opposition with a lot of money. According to Mr. Dwyer, the difference between Tri-Met and LTD was that Tri-Met had a charter agreement with Metro. The Metro board was elected, and could take over the Tri-Met board without an election, so there was a way for the voters to get to the Tri-Met board through Metro. Mr. Dwyer stated that *The Register-Guard* was wrong; the fact that the Chambers of Commerce supported LTD as an appointed board did not change anything.

Ms. Hocken said that the Board and Mr. Dwyer would probably agree to disagree on this issue. She asked if there were other things that he and the Board could agree on.

Senator Dwyer said that he would work hard on a constitutional provision that the LTD Board could not use an emergency clause on revenue actions. Ms. Hocken stated that at the time the Board took that action, it was a legal action.

Ms. Hocken told Senator Dwyer that one of the things the Board was interested in was a way to improve ridership and the modal split for transit. She explained that convenience was one of the key things people looked at when deciding whether to ride the bus or drive, and buses needed ways to get through town as fast as or faster than a car. The Board had been looking into a bus rapid transit (BRT) system with dedicated rights-of-

way for buses. She asked Mr. Dwyer if he thought it would be feasible and how the District might approach this project.

Senator Dwyer thought that it might be feasible on some routes. He didn't think the community had to go that route now, but maybe sometime in the future. He didn't see that LTD could justify a lane for the amount of people the bus carried.

Ms. Loobey stated that the idea came from interest in the community in a trolley system and an urban rail feasibility study. She stated that this area was not poised, and would not be for a long time, for light rail. However, the community could start incrementally to prepare for 20 or more years in the future. She explained that the District's highest ridership was from Springfield, and the area was looking at major growth on the corridors in Springfield, such as the Sony/Gateway area. The District thought it could start planning and set the groundwork for the future. Senator Dwyer said he thought the Board should plan for as long as possible into the future; that only short-term planning was not good.

Mr. Kleger said that the Board knew that it had to begin now to get a separate right-of-way, because more and more property would be built on and it would cost ten times more and would not be available in the distant future. He also said that if the District could not get its vehicles out of the stream of traffic, it could not make up for time lost for frequent stops and compete with cars.

Senator Dwyer said he did not want to micro-manage the District. He recommended that the District find and use the right experts to help. He said that the Sony area was limited because it buffered against agricultural land, and that the real battles would be over development and with secondary lands. He stated that if the state abandoned its land use concepts, it would be lost. Ms. Hocken added that, more and more, the relationship between land use and transportation was being recognized. Mr. Dwyer agreed that it was critical. He said he served on the Senate agriculture and land use committee, and that there had been a real effort to open Pandora's box, but it had been tempered somewhat, although there were some things that would affect where people built. The current direction was encouraging rural development, which created serious traffic problems, because people didn't work in rural areas. Land use decisions would have a big effect on urban growth and density patterns.

In response to a question from Mr. Kleger about the opportunity to hold the line on urban growth boundaries, Senator Dwyer said that he wasn't sure if this could be done. Portland had a 2040 plan that brought people together to identify land. People did not like down-zoning, because it devalued their property. He added that sometimes laws were created that were designed for one or two people, and 2,000 would sneak in. The biggest problem in Oregon, he said, was land and water use, and water would be a bigger problem in the future.

Ms. Hocken said that one of the issues LTD ran into in an urban situation was that it was not an efficient use of transit services to provide service to rural areas. Additionally, even in urban areas, subdivisions had caused problems for access. LTD had been working with developers to make developments more accessible to transit.

Senator Dwyer talked about land development companies in the timber industry. He said that the urban growth boundaries might expand in a good way that would protect the farmland. Encroachment would be on the fringe, which would create another set of problems, such as urban fire danger.

~~Mr. Dwyer said he would be glad to help the District on issues when they agreed~~ about those issues. He said there was a philosophical difference in government. He thought it was appropriate to have an appointed board for a while, but there came a time to turn the relationship from the Governor to the people. Mr. Kleger stated that the Board had been holding visits with community leaders for the last couple of years. The Board heard from people that payroll tax-based funding was a narrow base for a broad service. He asked if Senator Dwyer had any ideas about other ways to finance transit services. Senator Dwyer responded that the tax people liked was the tax others paid and they did not. He stated that local governments were being strangled by Ballot Measure 5; the shift in revenues was horrendous, and no one was stepping up to the plate. He thought the last session of the legislature was a disaster, from a number of perspectives. He said the legislators were elected to make decisions regarding the health and welfare of the citizens. Government cost money, and most services people liked were provided by government. He said that if LTD could find the resources to provide services to people who were about to be taxed, it might make a case for those revenues, but he was not sure what those revenues might be. He said that the cities and counties wanted the state to tax and pass the monies back to them. However, the cities and counties had the power to tax and should do it; he did not want the state to be forced to tax and get the blame.

Mr. Kleger stated that to address some operational issues, the District might need some legislation. First was the issue of providing the buses with the right of way in terms of pull-outs. Senator Dwyer said he would not support that; he could see tort cases on that one. The legislature had limited the District's liability to \$300,000, and he did not want people to be pulling in and out of traffic without liability.

Mr. Kleger said that another issue was signal prioritization for transit, which now was allowed for emergency vehicles only. Mr. Dwyer said he had no problem with this. Ms. Hocken added that the City of Eugene had bought the equipment and LTD could tie in with it if there were a change in the legislation.

Senator Dwyer asked how much of the public's money LTD paid to lobbyists. Ms. Loobey said that the annual dues to the Oregon Transit Association were approximately \$15,000. The District also paid her expenses for lodging, mileage, etc., and that she filed reports as a lobbyist, but there were none other than the direct reimbursement of her expenses. Mr. Dwyer stated that the public "gets it coming and going" when public money is spent by a public body to take a position on something that has never been decided by the public, especially when lobbyists lie. He stated that he believed that information was given before committees that was not truthful. Mr. Bailey said he would like to see that information, because the Board did not want to hire a lobbyist who lied. Senator Dwyer said he thought lobbyists could structure arguments the way they wanted to, but in the meantime some substance was lost--inferences can be made but material facts left out. He said he

did not resort to that and did not like it when people did, and that he did not like to be sandbagged.

Senator Dwyer also said that he believed he was not treated fairly by LTD during the last labor dispute. He said he tried to be the "good Samaritan" and had talked with Ms. Loobey to resolve the issue without caring about the union or management. He said he advised the union what to do based on what Ms. Loobey had told him, and the District then filed an unfair labor practice. He also did not like the negotiators the District had hired, stating that they had a reputation for union-busting.

Mr. Kleger noted that if the District let someone in who was not associated with the negotiations, the process would then be open to the press.

Ms. Loobey made a clarification for the record. She said that she had told Mr. Dwyer that the union had not given the District a written proposal and needed to do that; that LTD was working with a mediator; and that she would seek Senator Dwyer's counsel. The next thing she knew, she received a call from staff saying that Senator Dwyer was there and wanted to be involved in the negotiations. Mr. Dwyer said he had not wanted to negotiate; he only wanted to watch, because he could determine quickly who was negotiating in good faith. Ms. Loobey added that the unfair labor practice had nothing to do with what the union was doing at that time, and that a number were filed during the negotiations process. Mr. Dwyer said that it did not serve the public. He said his ideas were not the union's; he could care less about what the union thought about any bill he put forward, except the same concerns that he would have for the Board. He repeated that he did not think he was treated fairly.

Ms. Hocken stated that she didn't think anyone was very happy about how the negotiations went, in general, and that the District was trying hard to not have that kind of confrontational situation again. She added that the District had a new human resources administrator with some experience in collaborative bargaining.

Senator Dwyer reiterated that he would put a bill for an elected LTD Board before the legislature one more time, and then the term limits law would end his tenure in the state legislature. He said that if he were not successful, he would make it his hobby and accomplish it by initiative; then he would not have to worry that the Governor would veto the bill.

Senator Dwyer asked how else he might help. He stated that he didn't think the legislature had any money, after having given back \$360 million back to people who did not need it, especially since most of it went out of the state. He said that the legislature would go into special session to approve borrowing \$350 million for the first phase of the corrections bill. He said that this was not very good business, and that he did not see things getting any better. He thought that Congress was going backwards, and so would go the nation.

He said that there were two ways to motivate people--reward or punishment--and that anywhere between people did not care; this was the electorate he was dealing with. The

bottom line was money. Ms. Loobey asked what this said about planning for the future, such as for water resources. Senator Dwyer said that people thought the resources would never end. He stated that central planning was needed, and permit requirements should be to know first where the water and electricity would come from. He said the real estate lobby was important because people did not want to be deterred from development. He said that water would be troublesome, and that taxpayers were paying on bonds that farmers defaulted on. ~~The biggest question was fish versus power; out of 20,000 people surveyed,~~ 87 percent said the salmon should be saved, but 90 percent of those did not want to pay to do it.

Mr. Dwyer commented that there were people who made a lot of money circulating petitions, and that anyone with \$150,000 could put something on the ballot. Mr. Kleger asked if there was any chance of changing this. Mr. Dwyer replied that it was in the Constitution, and that people did not want to diminish their power. Ms. Hocken commented that many people thought that this situation was out of hand, with so many initiatives on the ballot. Mr. Dwyer said that Oregon was the third state to pass this, and the first to invoke it, in 1903. In 1912, he said, there were 42 measures on the ballot. The political climate 100 years ago was like what was currently happening, and seemed to be cyclic. He said that if people felt good about government, the number of initiatives died down, but now people could make a living by finding a cause and making themselves the executive director and keeping the pot stirred up. He thought, however, that political reform being passed would do worse, not better. The rich were not subject to any first amendment spending limitations, since the Supreme Court said that money is speech, and the special interests used the system to benefit themselves.

Senator Dwyer stated that term limitations were a bad idea, that there would be no constitutional memory other than lobbyists, and in 1999 almost the whole legislature would be new.

Mr. Dwyer said he dealt with issues in good faith and never did anything with malice, and that he and the Board should work together on issues they agreed on. He said he defined himself politically as a moderate progressive (populist), and wanted to make progress "or die." He stated that fighting the Hyundai development was dumb because it was not conducive to controlling how the area grew and what it did. He said he was aware of what LTD was doing with Hyundai and the agreement for transit and other alternative modes. He thought this kind of thing had to be done when land was developed. Ms. Loobey said that staff had met that morning with Hyundai representatives regarding a letter of intent to be signed by LTD and Hyundai. She stated that Hyundai was excited about the agreement, and had agreed to a group pass programs for employees, allowing LTD to provide orientations, providing their own incentives for alternative modes, etc. She thought that the District and Hyundai might be signing off on the letter of intent the following week.

Senator Dwyer stated that one of the biggest problems was that highway funds could not be used for mass transit. He said that the Republicans did not want to consider raising the gas tax, and the roads were "going to hell." He said that the state was reducing some essential services and subsidizing others with some of the money, and that there were

choices to be made. He added that all decisions were being made by six people: the Speaker of the House, the President of the Senate, the majority leaders of both Houses, and the co-chairs of Ways and Means.

Senator Dwyer said he would be happy to help the Board where he could, and that his telephone number was in the telephone book. Ms. Hocken thanked him for his time.

ADJOURNMENT: There was no further discussion, and the meeting was adjourned at 1:05 p.m.


Board Secretary