

METRO OPERATIONS COMMITTEE MEETING

MINUTES OF THE METRO OPERATIONS COMMITTEE MEETING

Wednesday, September 22, 1999

Council Chamber

Members Present: Ed Washington (Chair), Bill Atherton (Vice Chair)
Members Absent: Jon Kvistad

Chair Washington called the meeting to order at 3:42 PM.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

None.

3. CONSIDERATION OF THE MINUTES OF SEPTEMBER 8, 1999, METRO OPERATIONS COMMITTEE MEETINGS

At Councilor Atherton's request, Chair Washington postponed consideration of the minutes until the next meeting, when Councilor Kvistad could be present.

4. RESOLUTION NO. 99-2827, FOR THE PURPOSE OF CONFIRMING THE NOMINATIONS OF RICK CHARRIER, SETH TANE, RICHARD REYNOLDS AND JULIE GARVER TO THE REGIONAL PARKS AND GREENSPACES ADVISORY COMMITTEE

Ron Klein, Parks and Greenspaces Department, said four positions had come open on this advisory committee due to term expirations. All four represent counties outside the Metro boundary. (More information about the committee and the applicants can be found in the staff report that accompanies this resolution in the meeting record.) Three of the nominations are incumbents and one-- Mr. Reynolds--is new. Mr. Klein said Mr. Reynolds has previous parks experience and a degree in planning. He lives in Banks, which is outside the Metro boundary.

Councilor Atherton asked whether these nominations had been reviewed by MCCI.

Mr. Klein said the recruitment had gone through MCCI. These nominations came from the executive office. Mr. Klein said these positions are difficult to fill as they must come from outside the Metro boundary. The people need to be passionate about parks to take the trouble to participate. He said the county extension agents had been helpful in soliciting applications.

Motion:

Councilor Atherton moved to recommend Council adoption of Resolution 99-2827.

Vote:

Chair Washington and Councilor Atherton voted aye. Councilor Kvistad was absent. The vote was 2/0 in favor, and the motion passed.
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Chair Washington will carry the resolution to the full Council.

5. ORDINANCE NO. 99-817, FOR THE PURPOSE OF AMENDING THE METRO CODE 2.09.060 AND 2.09.100 INCREASING THE ELIGIBILITY REQUIREMENTS AND FEES FOR THE METRO CONTRACTOR'S BUSINESS LICENSE

Scott Moss, Assistant Director, Administrative Services, said the original title of the ordinance, although technically correct, had caused some confusion. He suggested the committee amend the ordinance to add a clearer title.

Kerry Gilbreth said this would amend the Metro code following approval of HB 2512. That house bill changed the limitation for gross receipts for small contractors from \$125 thousand to \$250 thousand per jurisdiction per year. Approval of the resolution would change Metro code to reflect that change. In addition, the 19 cities that participate in this program have requested that Metro increase its fee from \$110 to \$135. The fee has not been changed since the program began in 1988. (More details can be found in the staff report that accompanies this resolution in the meeting record.)

Councilor Atherton asked Ms. Gilbreth what service the citizens receive for this fee.

Ms. Gilbreth said it is more convenient for contractors and costs them considerably less. Contractors can obtain a Metro contractor's business license and operate in any of the 19 participating cities, rather than having to go to each individual city to obtain a separate license. If a contractor were to obtain 19 separate licenses, the cost would be about \$1,200 per year rather than \$135/year.

Councilor Atherton asked what the fee covered.

Ms. Gilbreth said the fee covered the cost of the program, with the remainder being distributed among the 19 cities, to make up for their loss in revenue from not collecting the fees themselves.

Motion:

Councilor Atherton moved to recommend Council adoption of Ordinance No. 99-817A with the title amended to strike "Increasing the Eligibility Requirements" and replaced with "...to Modify the Gross Receipts Threshold to \$250,000 and to Increase Fees..." and to strike "otherwise" from the last "whereas," to read "...an increase for the Metro Contractor's Business License is ~~otherwise~~-appropriate..."

Vote:

Chair Washington and Councilor Atherton voted aye. Councilor Kvistad was absent. The vote was 2/0 in favor, and the motion passed.

Councilor Atherton will carry the motion to the a meeting of the full Council.

Chair Washington asked Mark Williams, Director of MERC, to give a brief description of a new ad campaign the Convention Center will offer to MERC and to exhibitors.

Ad Campaign for the Convention Center

Mark Williams, Director of MERC, explained a new advertising kiosk at the Convention Center and a related effort to develop an advertising policy to govern its use. He distributed a brochure MERC is using as it begins its ad campaign for the new Convention Center. (The brochure has been attached to the meeting record.) He said MERC had designed this state-of-the-art kiosk. It had cost about \$200,000 for equipment; sales staff anticipates the kiosk will earn nearly that much in the first year. He said it might be possible to license and sell this inside the jurisdiction. He said he believed this was an original idea and might be able to be licensed and sold within the jurisdiction.

Mr. Williams said that Ms. Poole, MERC's legal counsel, had recommended MERC develop an advertising policy if it planned to sell advertising. He said the policy would be on the MERC commission agenda in October. (The proposed MERC resolution has been attached to the meeting record.)

Kathleen Poole, Senior Assistant Counsel, said that before advertising is sold, MERC should have a policy in place. She said commercial speech is protected by the First Amendment, which means it cannot be restricted because of content; however, MERC can develop policies and standards. Clear guidelines need to be in place so the reason would be clear if a piece of advertising were rejected.

Councilor Atherton asked if a sliding scale could be established as a means of discouraging objectionable content.

Ms. Poole said the scale could not be imposed on content but it could be with regard to for- or non-profit organizations.

Councilor Atherton asked what controversial elements Ms. Poole foresaw in the advertising policy.

Ms. Poole said none. She said the object was to develop a reasonable set of guidelines.

Mr. Williams outlined the type of advertising that could be rejected without violating the First Amendment-- i.e., false, misleading, or deceptive advertising; that for illegal goods; and those that imply endorsement by MERC or Metro. He said the policy has an escape valve that would allow all advertising to be canceled at any time. That would give MERC a way to refuse a particularly objectionable ad without violating the Constitution.

Chair Washington asked what kinds of revenues MERC anticipated the first year.

Mr. Williams said sales staff had estimated about \$196,000.

Chair Washington said Mr. Williams had extended an invitation for the committee to see the kiosk after the meeting. He said the policy looks good.

Response to Auditor's Report on MERC Parking Policy

Chair Washington asked Mr. Williams what MERC had done to respond to the auditor's recommendations for changing its parking policies.

Mr. Williams said as of today, MERC had instituted all the recommendations in the auditor's report. He said this was a high priority issue. He said most had already been implemented but others might take a week.

Chair Washington asked if the newspaper had been notified of MERC's timely response, in light of its editorial on the issue.

Mr. Williams said Metro elected officials and MERC commissioners had been notified. He had not notified any media.

Chair Washington urged Mr. Williams to contact the newspaper.

7. COUNCILOR COMMUNICATIONS

None.

ADJOURN

There being no more business to come before the committee, Chair Washington adjourned the meeting at 4:09 PM.

Prepared by,

Pat Emmerson
Council Assistant

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF SEPTEMBER 22, 1999

The following have been included as part of the official public record.

TOPIC	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NUMBER
Ordinance No. 99-817	no date	Ordinance No. 99-817 <u>A</u> , with revised title	092299MOP-1
MERC Advertising Campaign at OCC	no date	MERC Resolution No. 99-43 (proposed)	092299MOP-2
MERC Advertising Campaign Policy	no date	Brochure showing new kiosk	092299MOP-3