

A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1542 | FAX 503 797 1793



METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: March 4, 1999
DAY: Thursday
TIME: 2:00 PM
PLACE: Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS
2. CITIZEN COMMUNICATIONS
3. VOLUNTEER UPDATE Jones
5. EXECUTIVE OFFICER COMMUNICATIONS
6. AUDITOR COMMUNICATIONS
7. METRO CENTRAL ENHANCEMENT COMMITTEE BRIEFING Washington/
Beeler
8. MPAC COMMUNICATIONS
9. METRO LEGISLATIVE UPDATE PacWest
10. CONSENT AGENDA
- 10.1 Consideration of Minutes for the February 25, 1999 Metro Council
Regular Meeting.
11. ORDINANCES - SECOND READING
- 11.1 Ordinance No. 99-795A, For the Purpose of Adopting a Code of Ethics Washington
for Metro Officials and Requiring Registration of Lobbyists
12. EXECUTIVE SESSION, HELD PURSUANT TO ORS 192.660(1)(h), TO
CONSULT WITH LEGAL COUNSEL CONCERNING THE LEGAL
RIGHTS AND DUTIES OF A PUBLIC BODY WITH REGARD TO
CURRENT LITIGATION.

13. COUNCILOR COMMUNICATION

ADJOURN

CABLE VIEWERS: Council Meetings, the second and fourth Thursdays of the month are shown on City Net 30 (Paragon and TCI Cablevision) the first Sunday after the meeting at 8:30 p.m. The entire meeting is also shown again on the second Monday after the meeting at 2:00 p.m. on City Net 30. The meeting is also shown on Channel 11 (Community Access Network) the first Monday after the meeting at 4:00 p.m. The first and third Thursdays of the month are shown on Channel 11 the Friday after the meeting at 2:00 p.m. and the first Sunday and Wednesday after the meeting on Channels 21 & 30 at 7:00 p.m.

PUBLIC HEARINGS: Public Hearings are held on all Ordinances second read and on Resolutions upon request of the public. Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Agenda Item Number 7

Metro Central Enhancement Committee Briefing

Metro Council Meeting
Thursday, March 4, 1999
Council Chamber

METRO CENTRAL ENHANCEMENT COMMITTEE

December 1998 -- June 2000

COMMITTEE CHAIR

Councilor Ed Washington
Metro Council Office
600 NE Grand Avenue
Portland, OR 97232
797-1546 (Metro Office)\
284-1743 (Home)

Metro Councilor District #5

COMMITTEE MEMBERS

Mr. Arnold Rochlin June '99
*P.O. Box 83645
Portland, OR 97283
9715 NW Newton Rd.
Portland, OR 9723 1
289-2657
Forest Park Neighborhood Association

Mr. Dan Anderson June '99
2144 NW Flanders
Portland, OR 97210
279-3381 -- 279-2937 (fax)

Northwest District Association

Mr. Joe Beeler June '99
7325 N. Alta
Portland, OR 97203
286-1312 -- 283-7665 (fax)
Friends of Cathedral Park Neighborhood Assoc.

Ms. Barbara Walker June 2000
1891 SW Hawthorne Terrace
Portland, OR 97201
223-3242 (home)
Environmental Community

Mr. Arthur J. Wagner June 2000
12941 NW Newberry
Portland, OR 97231
286-8026 (home)
*323-8383 (pager) -- 286-1900 (fax)
Linnton Neighborhood Assoc.

Ms. Pamela Ake June 2000
2701 NW Vaughn #457
Portland, OR 97210
283-0918 (home)
*228-2335 (work) -- 228-2175 (fax)
Northwest Industrial Neighborhood Assoc.

*All terms are for 2-years
No reappointments*

** = Preferred*

Metro Central Enhancement Committee
1999 Grant Funding Cycle
5240-768-31500-34105-X-X (ending 12/31/99) (FY 1999-00)

CONTRACT NUMBER	ASSOCIATION	PROJECT	AMOUNT REQUESTED	GRANT AWARD
	Cathedral Park Jazz Festival Blue Heron Music Festival 7325 N Alta Ave. Portland, OR 97203 Joe Beeler 286-1312	Funds are requested to produce the 10 annual Blue Heron Music Festival, July 1999.	\$5,520	\$ 5,520
	Cathedral Park Jazz Festival 7325 N. Alta Ave. Portland, OR 97203 Joe Beeler 286-1312	Funds are requested to produce the 19 th annual Cathedral Park Jazz Festival, July 17-18, 1999.	\$12,452	\$12,452
	Cathedral Park Jazz Festival 7325 N. Alta Portland, OR 97203 Joe Beeler 286-1312	The Jazz Festival committee request funds to sponsor a study to analyze the feasibility of purchasing and renovating the St. John's Theatre for use as a cultural and educational center. Joe Beeler stated he had a conflict of interest and did not vote on this proposal.	\$38,850	\$38,850
	Community Cycling Center 2407 NE Alberta Portland, OR 97214 Arif Khan 280-9648	Funds are requested for their Summer Bike Project to teach the community the importance of recycling, safe bicycle skills, promotion of bikes as alternative transportation method, and community services.	\$5,490	\$ 4,000
	Dragonmaker Productions 2126 N. Lewis Portland, OR 97227 Bill Stout 249-7211	Funds are requested to perform six Productions of Puppetry in the Parks Series. They will present another excellent artist Tim Guigni, II Teatro Calamari	\$3,020	\$ 953
	Forest Park Neighborhood Association 1819 NW Everett #205 Portland, OR 97209 John Rettig 289-7065	Funds are requested to partially fund the annual SOLV-IT cleanup that Forest Park Neighborhood Association sponsors every year inside Forest Park along with Friends of Forest Park. The request is for three years of funding.	\$2,133	\$ 2,133
	Friendly House 2617 NW Xavier Street Portland, OR 97210 Mary McWillis-Brentano 228-4391	Funds are requested to complete repair and renovation work on the Savier House.	\$20,000	\$ 5,000

	Friendly House 2617 NW Savier Street Portland, OR 97210 Mary McWillis-Brentano 228-4391	Funds requested to obtain audio-visual equipment	\$2,000	\$ 2,000
	Friends Cathedral Park Neighborhood Association 6933 N Richmond Portland, OR 97203 Jean Estey-Hoops 283-6935	Funds are requested to produce the 2nd annual Latino Music Festival, August 29, 1999.	\$3,223	\$ 3,123
	Friends Cathedral Park Neighborhood Association 6933 N Richmond Portland, OR 97203 Jean Estey-Hoops 283-6935	Funds are requesting funding for the Portland Festival Symphony to perform a free classical music concert July 25, 1999 in the Park	\$6,000	\$ 6,000
	Friends of Forest Park Forest Park Ivy Removal Project 117 Trinity Place Portland, OR 97209 Sandy Diedrich 223-2708	Forest Park Ivy Removal Project request funds to continue their Winter Youth Crew, the Saturday community volunteer program and supplies for the educational activities of volunteer groups and youth crews. Funds are also requested to produce a web site page.	\$10,800	\$10,800 with stipulations that Ms. Diedrich and Mr. Nilsen investigate other solutions for ivy removal
	Friends of Trees 2831 NE MLK Jr. Blvd. Portland, OR 97212 Tuck Clinehans 282-8846 x15	Friends of Trees request funding to conduct an annual restoration project in forest Park to plant and care for 1500 native plants in degraded areas of the park	\$5,061	\$ 5,061
	James John School Community Reading Committee 7439 N. Charleston St. Portland, OR 97203 Mike Verbout 916-6266	Funds are requested to provide support and expansion of the Reading Tutor Project. Funding would provide a stipend for a new position of tutor coordinator and purchase of special reading books for students	\$10,000	\$10,000
	Linnton Neighborhood Association P. O Box 83895 Portland, OR 97283 Lee Tracer 283-4474	Funds are requested to design and install banners on every third power pole on East side of Hwy #30 beginning at St. Birgitta's church to St. Johns Bridge and from the bridge to Kittridge Ave. on the West side of Hwy. #30.	\$12,390 send letter from Committee to ODOT or JPAC	\$12,390
	Linnton Neighborhood Association 1819 NW Everett #205 Portland, OR 97209 Tom Wilson 671-5376	Additional funds are requested to continue Linnton's land use plan through approval by Linnton Neighborhood Association.	\$12,000	\$12,000

	Linnton Neighborhood Association P. O. Box 83895 Portland, OR 97283 Lee Tracer 283-4474	Funds are requested to purchase and install 12 hanging flower baskets to be hung on the power poles on the east side of Hwy. #30 in the Linnton business district.	\$6,243	\$ 6,243
	Neighbors West/Northwest 1819 NW Everett #205 Portland, OR 97209 Frank Bird 223-3837	Fund are requested to install 12 speed bump units on NW Thurman Street between NW 28 th Avenue and NW Aspen	\$24,000 suggest we pay for 8 speed bumps and send letter to challenge City to pay for other 4.	\$16,000
	Neighbors West/Northwest 1819 NW Everett #205 Portland, Or 97209 Joleen Jensen-Classen 223-3331	Neighbors West/Northwest is requesting funds to update its computer network.	\$11,417	\$10,500
	Northwest District Association and Northwest Industrial Neighborhood Association 1819 NW Everett #205 Portland, OR 97209 Ann Witsel/Judy Fawkes 274-4005/243-2397	NWDA and NINA are requesting funds to landscape and beautify the ODOT owned lands near the juncture of I-405 and NW 23 rd . Ave.	\$70,990	\$17,500 challenge grant with a 2x challenge match from business community
	Saturday Academy Oregon Graduate Institute P. O. Box 91000 Portland, OR 97219-1000 James Gillen 748-1341	Funds are requested to Train a "core" team of students and teachers from Open Meadow Learning Center in the basics of urban forestry. Funds are requested to support the Cathedral Park Neighborhood Tree Stewardship Project a neighborhood beautification environmental education and community outreach project. Also funds to develop a student street tree database.	\$11,975	\$11,975
	St. Johns Bridge Lighting Committee 8817 NW Wood Street Portland, OR 97231 John Burton 285-9375	The St. Johns Bridge Lighting committee is seeking funding for the design phase of the St. Johns Bridge Lighting Project.	\$25,000	\$25,000
	Of the 32 proposals, grant monies were awarded to 21 projects			\$217,500

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Agenda Item Number 10.1

Consideration of the February 25, 1999, Metro Council Meeting Minutes

**Metro Council Meeting
Thursday, March 4, 1999
Council Chamber**

MINUTES OF THE METRO COUNCIL MEETING

February 25, 1999

Council Chamber

Councilors Present: Rod Monroe (Presiding Officer), Susan McLain, Ed Washington, Rod Park, Bill Atherton, David Bragdon, Jon Kvistad

Councilors Absent: None

Presiding Officer Monroe convened the Regular Council Meeting at 7:02 P.M.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATION

Councilor McLain said she would report on MPAC Communications during Council discussion of Resolution No. 99-2753.

6. METRO LEGISLATIVE UPDATE

Jeff Stone, Council Chief of Staff, said House Bill (HB) 2512, sponsored by Gary Hansen, the Contractors Business License Program, passed the House 58-0, and would go to the Senate. HB 2595, sponsored by Representative Kurt Schrader, which eliminated the 20-year buildable land supply requirement, had been referred to committee.

Mr. Dan Cooper, Legal Counsel, said he understood that HB 2595 was probably dead on arrival in committee.

Mr. Stone said HB 2657, which prohibits imposing construction excise taxes, sponsored by Representative Leslie Lewis, had a hearing today.

Mr. Cooper said he attended the hearing and spoke to Jon Chandler, Home Builders Association of Metropolitan Portland, and there may be a possibility to work with him on amendments to ensure that the Metro builders business license fee was not prohibited by HB 2657.

Mr. Cooper said HB 2658 prohibited land use regulations that established prices for housing or required sales to particular classes of purchasers. He said the bill was aimed at prohibiting what the home builders industry called mandatory inclusionary zoning. The Regional Framework Plan amendments adopted by the Metro Council last summer included a provision that the Affordable Housing Technical Advisory Committee (HTAC) may make a recommendation to the Council for a constitutionally valid mandatory inclusionary zoning requirement for local governments. He said the committee appeared predisposed towards HB 2658, and he and Metro lobbyist Ray Phelps remained neutral and informative in their testimony. He said he and Mr. Chandler would also work together to draft amendments on HB 2658.

Mr. Stone said there would be a hearing March 4, 1999, on SB 87 before the Senate Water and Land Use Committee. SB 94, the Wild Bill, had a work session on February 23, and it was scheduled to go the Senate floor either February 26, or early the next week.

Mr. Cooper said the advocates of SB 87 seem opposed to substituting the word "employment" for "industrial, retail, and commercial activities." He said he and Mr. Phelps hoped to meet with them soon to understand their concern and hopefully find an agreement. He said the second amendment they will propose was to clarify that the bill refers to the Metro UGB, and not each city boundary within Metro's jurisdiction. SB 94 was referred back to committee by the full Senate, amendments were passed during a work session, and it had been sent back to the Senate floor. He said the amendments appeared to have narrowed the scope of the bill, removing it from Metro's scope of interest.

Councilor Atherton asked to what committee HB 2595 was referred. Mr. Cooper said HB 2595 was referred to the House General Government Committee.

Councilor Kvistad asked if there had been any information about the rider concerning approvals on land use decisions. Mr. Stone said no.

7. PORTLAND METROPOLITAN AREA FEDERAL TRANSPORTATION POSITION PAPER

Richard Brandman, Assistant Transportation Director, presented the Portland Metropolitan Area Federal Transportation Position Paper. The Joint Policy Advisory Committee on Transportation (JPACT) forwarded the paper to the Council unanimously. It was the collection of the transportation priorities for which this region was requesting federal assistance for next year. The Portland Metropolitan Area Federal Transportation Position Paper included information presented by Mr. Brandman and was included in the meeting record.

Councilor Atherton asked about the environmental impact of the Columbia River Channel Deepening, and asked if JPACT considered the report by the National Institute of Marine Fisheries (NIMFs).

Mr. Brandman said he did not believe JPACT looked at the NIMFs report, but support for the project would be contingent on proper adherence to environmental regulations.

Councilor Atherton asked if JPACT considered the connection with the channel deepening project and Metro's growth policy, and whether the project would be more appropriate at a different port on the Columbia River, so that all of the economic power and population growth was not concentrated in this region.

Mr. Brandman said to his knowledge, that was not discussed at JPACT.

Councilor Bragdon said all of the other ports along the Columbia River, both in Washington and Oregon, supported the project.

8. CONSENT AGENDA

8.1 Consideration meeting minutes of the February 18, 1999 Regular Council Meeting.

Motion: **Councilor Washington** moved to adopt the meeting minutes of February 18, 1999 Regular Council Meeting.

Seconded: **Councilor McLain** seconded the motion.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

9. RESOLUTIONS

9.1 Resolution No. 99-2753, For the Purpose of Authorizing the Executive Officer to Sign Neighbor City Intergovernmental Agreements with the City of Sandy and Canby, Clackamas County and Oregon Department of Transportation.

Motion: **Councilor McLain** moved to adopt Resolution No. 99-2753.

Seconded: **Councilor Atherton** seconded the motion.

Councilor McLain presented Resolution No. 99-2753, which would approve an Intergovernmental Agreement (IGA) among the Cities of Sandy and Canby, Clackamas County, Metro and Oregon Department of Transportation (ODOT). A committee report and staff report to the resolution included information presented by Councilor McLain, and were included in the meeting record. She said Resolution No. 99-2753 was unanimously supported by MPAC, and the mayor of Wilsonville submitted a letter stating the City of Wilsonville's support of the IGA. She said the new mayor of Gresham expressed some concern, but was reassured by the mayor of Sandy that the IGA would not prevent all development in the green corridors. She said public notice would occur prior to any zoning changes by the jurisdictions.

Presiding Officer Monroe opened a public hearing on Resolution No. 99-2753.

Terry Prince, Councilor, City of Canby, said the City of Canby supports Resolution No. 99-2753. He stressed the importance of greenspace in the region, and said it was important for cities and counties to continue working cooperatively with each other.

Presiding Officer Monroe closed the public hearing.

Councilor McLain noted three maps of the IGA agreement areas, which were included in the meeting record. She added that Lou Ogden, Chair of MPAC and Mayor of Tualatin, supported Resolution No. 99-2753.

Councilor Kvistad said he did not oppose green corridors or urban reserve criteria. He said he would not support Resolution No. 99-2753. Hundreds of families living in designated areas had not received notice of the IGAs. He said it was unacceptable to move forward without at least a notice to affected property owners.

Councilor Atherton said Councilor Kvistad's point about giving notice was reasonable if a change had been made to someone's zoning or ability to use one's property. He said Councilor Kvistad's concern did not apply to Resolution No. 99-2753, however, because the land had been designated rural reserves and there had been no administrative or legislative change in the status of the use of those properties.

Councilor Park said he initially shared some of Councilor Kvistad's concerns, and he discussed the matter with the City of Gresham. He said the City of Gresham stated at MPAC that while it was not entirely satisfied with the process, it was comfortable with the product. He said he still had some concerns about notification, but this would be a five-year process, property owners would have an opportunity to work with the jurisdictions, and none of the areas would be down-zoned. He said he would support Resolution No. 99-2753.

Councilor Kvistad thanked the committee chair and the Council for delaying action on Resolution No. 99-2753 so that it could be reviewed again by MPAC.

Councilor McLain said in regard to public process, Resolution No. 99-2753 did not change any zoning. As communities determined their comprehensive plans, any zoning changes that would affect property rights would occur after a full, local comprehensive outreach and notification process.

Vote: The vote was 6 aye/ 1 nay/ 0 abstain, with Councilor Kvistad voting no. The motion passed.

9.2 Resolution No. 99-2754, For the Purpose of Endorsing the Use of Passenger Facility Charges for Construction of the Light Rail Project to Portland International Airport.

Motion: Councilor Kvistad moved to adopt Resolution No. 99-2754.

Seconded: Councilor Washington seconded the motion.

Councilor Kvistad presented Resolution No. 99-2754, which would demonstrate regional support for the Port of Portland's application to the Federal Aviation Administration (FAA) to allow the use of some of the passenger facility charge (PFC) funds collected at the Portland International Airport for construction of the "terminal segment" of the light rail (MAX) extension to the airport. A staff report to the resolution included information presented by Councilor Kvistad and was included in the meeting record.

Mr. Brandman noted that the \$2.00 facility passenger fee increase mentioned by Councilor Kvistad was independent of this application; the airport light rail project could be done under the existing \$3.00 facility passenger fee. Mr. Brandman referred to a two-page brochure, Airport MAX Extension, which was included in the meeting record.

Joe Walsh, Airport Light Rail Extension Project Director, Tri-Met, reviewed the funding sources for the project. He said the FAA was expected to make its decision in May to approve or deny the use of PFCs for the airport MAX extension, and he was optimistic that it would be approved. He reviewed the public involvement, which included a public review committee with representatives of each of the stake holders. Public support had been very strong for this project.

Councilor Atherton asked Mr. Walsh what percentage of passengers were expected to use light rail to go to the airport.

Mr. Walsh said using the 15-year planning horizon, more than 7,500 riders were expected per day, or 2 million per year. He said the most conservative figures showed six percent of arriving and departing passengers would use the light rail.

Councilor Atherton asked how to present the proposal to the 94 percent of passengers who would pay for the light rail extension but not use it.

Mr. Walsh recommended stressing that two people on light rail equaled two less vehicles in the traffic stream. He said different people would use light rail depending on the type of trip.

Councilor Atherton asked if there were any plans for a high occupancy vehicle (HOV) lane on Interstate 205 from Clackamas County.

Mr. Brandman said there were no plans for an I-205 HOV in the planning horizon.

Councilor Atherton said he was appalled by traffic impact expected by 2015 due to the Cascade Station Portland International Center (PIC) plan district. He said he had not seen any funding proposals.

Mr. Walsh said it was his understanding that the traffic impact would occur with or without the Cascade Station development.

Councilor Kvistad said the airport was expecting a 50 percent increase in passenger traffic by 2020, and there needed to be some way to get people to and from the airport. This extension with the public/private partnership at least gave an option to not have to do massive expansion of existing road infrastructure in that corridor. There would probably need to be increases in either vehicle lanes or other sources of transit on all of the major arterials over the next 20 to 30 years.

Councilor Atherton said this could be a great opportunity to look at zones of impact and assess Metro's regional role in that. He said very few people from his district would be able to use light rail to get to the airport, but they would be paying the fees. He said he could support Resolution No. 99-2754 if it included plans to provide transit service to Clackamas County along I-205, and identified funding to mitigate congestion on the main roads to the airport.

Councilor Park asked how the PFCs at Portland International Airport compared to other major airports, such as Denver and San Francisco.

Jim Lauventhal, Port of Portland, said Portland International Airport was about thirty-third in the country in terms of passenger enplanements. He said in terms of Denver International Airport, he would estimate that Denver was roughly double the passenger count in Portland. He said he did not have any

figures on Denver's landing fees, but they were substantially higher with the new facilities. He said in general, the airlines considered the Portland International Airport to be fairly conservative compared to other airports.

Councilor Bragdon said another factor to consider was that light rail to the airport would minimize parking, in addition to minimizing traffic congestion.

Mr. Lauventhal said there was still a major capacity problem that needed to be addressed, with or without the MAX airport extension project.

Councilor Atherton noted that the Cascade Station study talked about the north-bound I-205 findings and traffic study. It said an HOV lane, as a fourth north-bound lane, would be required, and it talked about an extra on-ramp and widening the roads. He said this would be an excellent opportunity to extend that HOV lane into Clackamas County, where many residents of the region did not have convenient access to light rail. He said he wished the three dollar PFCs could help fund the necessary road improvements.

Councilor McLain thanked the voters for their vision on the westside light rail, because an extension connected to the east and west system was valuable. She said hopefully within the next 15 years, a south/north light rail alignment would serve residents in Clackamas County.

Councilor Washington called for the question.

Presiding Officer Monroe said he would allow Councilor Atherton to comment and Councilor Kvistad to close before taking a vote.

Councilor Atherton said he mentioned the issue of system development charges (SDC). He asked if the Port of Portland or the City of Portland had begun anything like that.

Mr. Walsh said there was an SDC charge for transportation on the project, and there was also one paid associated with the terminal facilities.

Councilor Atherton asked if that SDC was geared toward a zone of influence, and would it take care of those regional facilities such as 82nd Avenue, I-205, and Sandy Boulevard.

Mr. Walsh said the City of Portland had a list of projects in which they invest, and he assumed it did not include I-205, as it was a state facility.

Councilor Kvistad said the \$3 fee was universal across the country. The \$2 extended fee was what the federal government was working on now, which may or may not apply to the project. He said this package was unique in the country; it had terrific long-term ramifications for both transportation, the Port facilities, and the region as a whole. He recommended an aye vote on Resolution No. 99-2754.

Vote: The vote was 6 aye/ 1 nay/ 0 abstain, with Councilor Atherton voting no. The motion passed.

9.3 Resolution No. 99-2755, For the Purpose of Granting Time Extensions to the Functional Plan Compliance Deadline.

Motion: Councilor McLain moved to adopt Resolution No. 99-2755.

Seconded: Councilor Atherton seconded the motion.

Councilor McLain presented Resolution No. 99-2755. A staff report to the resolution included information presented by Councilor McLain and was included in the meeting record.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, with Councilor Washington absent. The motion passed unanimously of those present.

10. CONTACT REVIEW BOARD

Presiding Officer Monroe recessed the Council Regular Session and convened the Contract Review Board.

10.1 Resolution No. 99-2739, For the Purpose of Approving Sole Source Agreement for Aquanetics Systems, Inc., at the Oregon Zoo.

Motion: Councilor Atherton moved to adopt Resolution No. 99-2739.

Seconded: Councilor Kvistad seconded the motion.

Councilor Atherton presented Resolution No. 99-2739. A staff report to the resolution contained information presented by Councilor Atherton and was included in the meeting record.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, with Councilor Washington absent. The motion passed unanimously of those present.

Presiding Officer Monroe adjourned the Contract Review Board and reconvened the Council Regular Session.

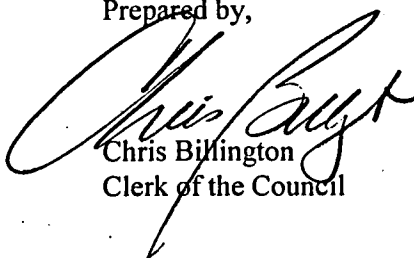
11. COUNCILOR COMMUNICATION

Councilor McLain reminded the Council of the Metro Committee for Citizen Involvement (MCCI) retreat on Saturday, February 27, at 8:30 A.M. at the Oregon Zoo.

12. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at 8:18 P.M.

Prepared by,



Chris Billington
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
022599c-01	2/18/99	Minutes of the Metro Council Meeting, February 18, 1999	TO Metro Council / FROM Chris Billington	
022599c-02	2/17/99	Draft map of IGA Agreement Area (Metro, ODOT, Canby, Sandy and Clackamas County) Neighborhood Cities Map		Res. No. 99-2753
022599c-03	2/25/99	Map of IGA Agreement Area (Metro, ODOT, Canby, Clackamas County)		Res. No. 99-2753
022599c-04	2/24/99	Map of IGA Agreement Area (Metro, ODOT, Canby, Clackamas County)		Res. No. 99-2753
022599c-05	2/25/99	Airport MAX Extension		Res. No. 99-2755

Agenda Item 11.1

**Ordinance No. 99-795A, For the Purpose of Adopting a Code of Ethics for Metro
Officials and Requiring Registration of Lobbyists**

**Metro Council Meeting
Thursday, March 4, 1999**

*Attached is the original staff report to Ordinance No. 99-795 as introduced into
committee, where it was significantly amended.*

A committee report will be available prior to the Council meeting.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING A CODE)	ORDINANCE No. 99-795A
OF ETHICS FOR METRO OFFICIALS AND)	Introduced by Councilors McLain and
REQUIRING REGISTRATION OF LOBBYISTS)	Monroe

The Metro Council ordains as follows:

SECTION 1.

Chapter 2.17, Code of Ethics for Metro Officials and Requirements for Lobbyists, is added to and made a part of Metro Code Title II, to be numbered, titled, and to read as follows:

Chapter 2.17

Code of Ethics for Metro Officials and Requirements for Lobbyists

Code Section 2.17.010 Purpose and Policy.

(a) The Metro Council hereby declares that the purpose of this Chapter is to ensure that Metro serves the public and informs the public fully concerning its decision making. In accordance with such purposes, this Chapter establishes a Code of Ethics for Metro and requirements for lobbyists appearing before Metro.

(b) In adopting this Chapter, the Metro Council intends:

(1) to be consistent with and to add to current public policy established by the Oregon Legislative Assembly;

(2) to require Metro officials to operate under high ethical standards;

(3) to require Metro officials to treat their offices and positions as a public trust whose powers and resources are to be used for the benefit of the public and not for any personal benefit; and

(4) to require individuals and entities appearing before Metro to identify themselves and the interests they represent.

(c) It is the policy of Metro that all Metro officials and employees strictly comply with the Code of Ethics contained in ORS 244.040.

Code Section 2.17.020 Definitions.

For the purposes of this Chapter, unless the context requires otherwise, the following terms shall have the meaning indicated:

(a) "Business" means any corporation, partnership, proprietorship, firm,

enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain.

(b) "Business with which the Metro official is associated" means any business of which the person or the person's relative is a director, officer, owner or employee, or agent or any corporation in which the person or the person's relative owns or has owned stock worth \$1,000 or more at any point in the preceding calendar year, but excluding any income-producing not-for-profit corporation that is tax exempt under Section 501(c) of the Internal Revenue Code with which a public official is associated in a nonremunerative capacity.

(c) "Consideration" includes a gift, payment, distribution, loan, advance or deposit of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable.

(d) "Department director" means any person employed by Metro in a position on a permanent basis which is subject to appointment by the executive officer and confirmation by the Metro council.

(e) "Doing business" means entering into a direct contractual relationship with a business with which the Metro official is associated.

(f) "Elected official" means any person elected or appointed as a member of the Metro council, the executive officer, or the auditor.

(g) "Employer of a lobbyist" means the individual or entity required to grant official authorization to a lobbyist to lobby on their behalf pursuant to Section 2.17.110 (a) (2).

(h) "Ethics" means positive principles of conduct, some of which are also enforced by federal, state or other local law.

(i) "Exercise of official authority" means: Metro elected officials and the General Counsel have authority to exercise official responsibility over any Metro matter. Appointed commissioners have authority over any matter over which the relevant commission has jurisdiction. Department directors have authority over any matter related to the department they administer. Metro employees have authority over matters as assigned to them by their supervisors.

(j) "Gift" means "Gift" as defined in ORS 244.020(8). However, for the purpose of this chapter, "Gift" does not include plaques, momentos or similar items with little or no intrinsic value.

(k) "Legislative action" means introduction, sponsorship, testimony, debate, voting or any other official action on any ordinance, resolution, amendment, nomination, appointment or report, or any matter which may be the subject of action by the Metro Council or any committee thereof.

(l) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more ordinances, resolutions, regulations, proposals or other matters subject to the action or vote of a Metro official or Metro employee.

(m) "Lobbying" means influencing, or attempting to influence, legislative action through oral or written communication with Metro officials, solicitation of others to influence or attempt to influence legislative action or attempting to obtain the good will of Metro Councilors.

(n) "Lobbyist" means: (a) Any individual who agrees to provide personal services for money or any other consideration for the purpose of lobbying; and (b) Any employee of a business, not-for-profit corporation, association, organization or other group, who engages in lobbying.

(o) "Metro" means all of Metro including any department or branch of Metro including any Metro commission.

(p) "Metro commissioner" means any person appointed to a position on the Metropolitan Exposition Recreation Commission.

(q) "Metro facilities" means meeting rooms, meeting areas or other Metro property generally available to the public.

(r) "Metro official" means any department director, elected official or Metro commissioner.

(s) "Person" means any individual, business, association, corporation, organization or other group.

(t) "Public agency" means any governmental body, including but not limited to the Federal Government, the State of Oregon, any other state of the United States of America, or any public agency or municipal corporation thereof.

(u) "Public official" means any member or member-elect of any public agency and any member of the staff or an employee thereof.

(v) "Whistleblowing" means disclosing information pursuant to the protective provision of The Oregon Whistleblower Law (ORS 659.505 through 659.545). In addition, whistleblowing shall include disclosing information regarding the violation of any provision of the Metro Charter or Metro Code.

Code Section 2.17.030 Giving and Receiving Gifts Prohibited by Lobbyists Registered with Metro.

(a) All Metro officials, lobbyists and employers of lobbyists registered with Metro shall comply strictly with the following requirements:

(1) No Metro official shall solicit or receive, whether directly or indirectly, a gift from any lobbyist or employer of a lobbyist registered with Metro..

(2) No lobbyist or employer of a lobbyist registered with Metro shall offer any gift to any Metro official or Metro employee.

(b) Ceremonial gifts received by Metro officials on behalf of Metro from foreign delegations or similar visitors to the region are Metro property.

Code Section 2.17.040 Whistleblowing.

(a) The Council specifically recognizes the provisions of The Oregon Whistleblowing Law (ORS 659.505 through ORS 659.545). The Council directs the Executive Officer, pursuant to ORS 659.540, to establish for Metro the specific regulations and procedures to implement the Oregon Whistleblowing Law.

(b) Metro officials shall recognize whistle-blowing as appropriate. However, this provision shall not preclude taking disciplinary action against any Metro employee when it is appropriate to do so for independent reasons.

Code Section 2.17.050 Financial Reporting Requirements.

(a) Elected officials shall comply with the reporting requirements established by ORS 244.060, including the filing of a Statement of Economic Interest on an annual basis as required by state law. A copy of the Statement of Economic Interest shall be filed with the council clerk at the time of filing with the appropriate state agency.

(b) All department directors and Metro commissioners shall file annually with the council clerk a Statement of Economic Interest which is substantially consistent with that required by ORS 244.060.

(c) In addition, the Statement of Economic Interest shall disclose the ownership of any real property outside the Metro boundary and within Multnomah, Clackamas or Washington County.

Code Section 2.17.060 Restrictions on Meals and Entertainment.

(a) No Metro official shall solicit or receive entertainment from any lobbyist or employer of a lobbyist registered with Metro .

(b) No lobbyist or employer of a lobbyist registered with Metro shall furnish to a Metro official admission to entertainment.

(c) Metro officials shall not solicit or receive meals from any lobbyist or employer of a lobbyist registered with Metro if the cost of the meal exceeds the amount allowed by the United States Internal Revenue Service as a deductible business travel expense.

(d) No lobbyist or employer of a lobbyist registered with Metro shall furnish a Metro official meals if the cost of the meal exceeds the amount allowed by the United States Internal Revenue Service as a deductible business travel expense.

(e) However, subject to the limits of ORS Chapter 244, Metro officials may attend fundraising events benefiting non-profit tax exempt entities as guests of lobbyists or employers of lobbyists registered with Metro. Lobbyists or employers of lobbyists registered with Metro may pay the cost of Metro officials attending such fundraising events.

Code Section 2.17.070 Reimbursement for Attendance at Events.

Metro officials may not accept food, lodging and travel from any person with a legislative or administrative interest in Metro when participating in an event which bears a relationship to the Metro officials' office when appearing in their official capacities unless the cost of the food, lodging, or travel would have been eligible for payment as a Metro expense and the incurrence of the expense with Metro funds has been approved prior to the event by the appropriate authority.

Code Section 2.17.090 Prohibition Against Doing Business With Metro Officials.

(a) Except as provided for in subsections (b) and (c), Metro may not do business with any Metro official while the official is in office or within one year after the Metro official ceases to be a Metro official if the official had authority to exercise official responsibility in the matter. Any contract entered into in violation of this provision is void.

(b) Upon the request of the executive officer or a Metro commission, the council may waive the effect of the prohibition contained in subsection (a) upon making written findings that:

(1) It is in the best interests of Metro to do business with the Metro official.

(2) The Metro official took no action while in office that directly related to the preparation of the terms and conditions in the contract documents that may give an appearance of impropriety or favoritism.

(3) Other factors exist which are explicitly found by the council to benefit Metro that outweigh the policy considerations of ensuring that no appearance of favoritism exists in the award of Metro contracts.

(c) This section applies only to Metro officials who first take office or are re-elected or re-appointed to an office after September 7, 1995. This section shall not be construed to permit any activity that is otherwise prohibited by any other statute, rule,

ordinance, or other law.

Code Section 2.17.110 Registration of Lobbyists.

(a) Within three working days after exceeding the limit of time specified in Code Section 2.17.120 (a)(5), each lobbyist shall register with the Oregon Government Standards and Practices Commission by filing with the Commission and Council a statement containing the following information:

- (1) The name and address of the lobbyist.
- (2) The name and address of each person or agency by whom the lobbyist is employed or in whose interest the lobbyist appears or works, a description of the trade, business, profession or area of endeavor of that person or agency, and a designation by each such person or agency that the lobbyist is officially authorized to lobby for that person or agency.
- (3) The name of any member of the Metro Council who is in any way employed by the lobbyist employer designated in paragraph (b) of this subsection or who is employed by the lobbyist or whether the lobbyist and member are associated with the same business. Ownership of stock in a publicly traded corporation in which a member of the Metro Council also owns stock is not a relationship which need be stated.
- (4) The general subject or subjects of the legislative interest of the lobbyist.

(b) The designation of official authorization to lobby shall be signed by an officer of each such corporation, association, organization or other group or by each individual by whom the lobbyist is employed or in whose interest the lobbyist appears or works.

(c) A lobbyist must revise the statements required by subsection (a) of this section, if any of the information contained therein changes within 30 days of the change.

(d) A lobbyist registration expires one year after the date of filing or refiling.

Code Section 2.17.120 Exemptions to lobbyist registration requirements.

(a) The requirements of Code Section 2.17.110 through Code Section 2.17.140 do not apply to the following:

(1) News media or their employees or agents, who in the ordinary course of business publish or broadcast news items, editorials or other comments or paid advertisements which directly or indirectly urge legislative action if such persons engage in no other activities in connection with such legislative action.

(2) Any Metro Official acting in an official capacity.

(3) Public Officials acting in their official capacity as a member or employee of a public agency.

(4) Any individual who receives no additional consideration for lobbying and who limits lobbying activities solely to formal appearances to give testimony before Metro Council or any of its committees, and who, if the individual testifies, registers an appearance in the records of the Council or its committees.

(5) Any person who spends not more than 5 hours during any calendar quarter lobbying, excluding travel time.

Code Section 2.17.130 Statements of Lobbying Expenses.

(a) Any lobbyist who engages in any lobbying activities shall file with the Oregon Standards and Practices Commission and The Council on January 31 of each year a statement showing:

The name of any Metro official who attended a fund raising event for a non-profit tax exempt entity as a guest of the lobbyist including the date, name of the non-profit entity and amount of that expenditure.

Code Section 2.17.140 Employers of Lobbyists Expense Statements.

Any person which employs a lobbyist who was registered, or who was required to register with the Oregon Standard and Practices Commission shall file with the Commission and the Council by January 31, a statement showing, for the preceding calendar year:

The name of any Metro official who attended a fund raising event for a non-profit tax exempt entity as a guest of the employer of a lobbyist, but not including information previously reported in compliance with Section 2.17.130 and the date, name of the non-profit entity and amount of expenditure.

Code Section 2.17.150 Verification of Reports, Registrations and Statements.

(a) Each report, registration or statement required by this Chapter shall contain or be verified by a written declaration that it is made under the penalties of false swearing.

(b) No person shall willfully make and subscribe any document which contains or is verified by a written declaration for false swearing which the person does not believe to be true and correct to every matter.

Code Section 2.17.160 Public Nature of Reports, Registrations and Statements.

All information submitted to the Oregon Government Standards and Practices Commission or

Council in any report, registration or statement required by this Chapter is a public record.

Code Section 2.17.170 Sanctions for Violations.

Pending the Oregon Government Standards and Practices Commission obtaining jurisdiction to enforce this chapter, and notwithstanding any other provision of the Metro Code, a person who violates any provision of this Chapter or fails to file any report, registration or statement or to furnish any information required by this Chapter shall be subject to a civil penalty in an amount not greater than \$500. When authorized by law the Commission shall require that any person who violates any provision of this Chapter is subject to the provisions of ORS 171.990 and ORS 171.992.

“However no Metro official shall be subject to any sanction for a violation of this chapter that resulted from the receipt of any gift, meal, or entertainment from any person who is not currently registered with Metro as a lobbyist or is not designated on a lobbyist’s registration as the employer of a lobbyist.”

Code Section 2.17.180 Pending Enforcement by Oregon Government Standards and Practices Commission

Prior to the Oregon Government Standards and Practices Commission becoming the administrative and enforcement authority for the provisions of this Chapter pursuant to an intergovernmental agreement or action of the Oregon Legislative as appropriate, all reports and registrations required by this Chapter shall be filed solely with the Council.

Rod Monroe, Presiding Officer

APPROVED AS TO FORM:

“:

Daniel B. Cooper, General Counsel

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STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 99-795, FOR THE PURPOSE OF ADOPTING A CODE OF ETHICS FOR METRO OFFICIALS AND REQUIRING REGISTRATION OF LOBBYISTS.

Date: January 27, 1999

Prepared by: Michael Morrissey

Proposed Action: Ordinance 99-795 modifies existing Metro code by consolidating and adding to the current language creating a more comprehensive, agency-wide code of ethics. This new language is compiled in a discrete chapter within Title II, Administration and Procedures of the Metro Code.

Factual Background and Analysis:

Existing Metro Ethics Requirements:

I. Metro Code, Title II Administration and Procedures:

A. Current code 2.02.240 in Chapter 2.02 Personnel Rules. "Ethical requirements for Employees, Officers, Elected and Appointed Officials." This section prescribes a code of behavior consistent with state law pertaining to soliciting or accepting gifts, conflict of interest and filing statements of economic interest. This section was revised in 1995.

B. Current code 2.04.032 in Chapter 2.04, Metro Contract Policies. "Prohibition Against Doing Business with Certain Former Metro Officials." This section was revised in 1997. This section limits the ability of Metro to do business with current Metro Officials or within one year after leaving office.

These current code provisions are repealed upon adoption of Ordinance 99-795. They are however substantially folded in to the new code.

II. Executive Directives

The Executive Officer, Presiding Officer and Metro Auditor have separately enacted a "code of ethics", separate from the above listed Metro code provisions. This "code of ethics" covers all Metro officials (except the Metro Council), staff, commissioners and certain volunteers. It consists of statements of ethical principles, such as Trust, and Accountability that serve as guideposts for Metro officials.

Ordinance 99-795 provides a more detailed approach to ethical behavior, does not comment on these executive directives, and could co-exist with them.

Summary of select revisions to Metro Code as exhibited in Ordinance 99-795

2.17.020 Definitions

- Metro Commissioner—as a Metro Official currently means only a MERC commissioner. These code revisions are silent as to other Metro commission members and volunteers.
- Metro Officials—includes elected officials, department directors and MERC commissioners.

2.17.030 Giving and Receiving Gifts Prohibited

- Complies, and in some instances exceeds state law
- Prohibits receiving gifts, including gifts under \$100.
- “Gift” is used as per definition in ORS 244.020(8).
- Exclusion for under \$25.00 ceremonial gift is new to Metro code.
- Applies to all Metro officials and employees.

2.17.040 Whistleblowing

- New to Metro code
- Directs Executive Officer to Pursue regulations and implementation
- Reflects provisions in state law

2.17.050 Financial Reporting Requirements

- Carried over (similar to) current code
- Complies with state law
- Applies to Metro Officials
- Conflict of interest no longer specified in Metro code, but still applicable under state law

2.17.060 Restrictions on Meals and Entertainment

- Applies to Metro Officials
- Certain entertainment exceptions for non-profit sponsored events
- Meals subject to IRS allowance (Currently \$38.00/day, if in Portland—otherwise within range of \$28-\$56 depending on where in US meal is taken. Also limitations per meal, i.e. \$19.00 for dinner), if received from person with legislative & administrative interest in Metro, and Metro official exercises authority over that interest.
- New to Metro code, but consistent with state law.

2.17.070 Reimbursement for Attendance at Events

- New to Metro code.
- A prohibition against Metro officials going on expense paid trips in their official capacity is new to Metro code. An exception is allowed when the expense would otherwise have been allowable & paid for with Metro funds.

2.17.080 Abuse of Public Office

- New to Metro code.
- Parallels state law.

2.17.090 Prohibition Against Doing Business with Certain Former Metro Officials.

- Same as current code
- Also prohibits Metro from doing business with current Metro officials.

2.17.100 Council Employees

- New to Metro code

2.17.110-2.17.140 Related to Lobbying

- State law does not require at local level.
- New to Metro code.
- Includes only paid lobbyists.

2.17.160 Sanctions for Violations

Applies to entire chapter 2.17.

Subject to civil penalty up to \$500.

Silent as to enforcement process.

METRO OPERATIONS COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 99-795A, FOR THE PURPOSE OF ADOPTING A CODE OF ETHICS FOR METRO OFFICIALS AND REQUIRING REGISTRATION OF LOBBYISTS.

Date: February 24, 1999

Prepared by: Michael Morrissey

Committee Action: The Metro Operations Committee amended Ordinance 99-795 over several meetings. In addition, several councilors not appointed to the committee sat in on each meeting and participated in discussion. At its February 22, 1999 meeting, the Committee voted 2-0-1 to send Ordinance 99-795A to the Metro Council with no recommendation. Voting in favor: Councilors Atherton and Washington. Abstaining: Councilor Kvistad.

Effect of Action: Ordinance 99-795A modifies existing Metro code by consolidating and adding to the current language, creating a more comprehensive code of ethics, applying to Metro officials. This new language is compiled in a discrete chapter, 2.17 within Title II, Administration and Procedures of the Metro Code.

Current Metro code ethics applications in chapter 2.02 Personnel Rules and chapter 2.04 Metro Contract Policies, are repealed and readopted as part of the new ethics code. At the same time, state ethics law in ORS Chapter 244, including code of ethics, reporting and conflict of interest continue to apply, as does ORS chapter 659, Whistleblowing. The new Metro ethics code goes beyond state law in its requirements and application.

Ordinance Summary

Summary of code sections in new Metro Code chapter 2.17, as exhibited in Ordinance 99-795A:

2.17.010 Purpose and Policy:

Summary: This section declares that the purpose of this chapter is to ensure that Metro serves and informs the public. The council intends for Metro officials to operate under high ethical standards and treat their offices as a public trust. The application of this chapter is largely focused on Metro officials (elected officials, department heads and MERC commissioners), and lobbyists and employers of lobbyists.

Relation to state law: This section explicitly states that it is intended to be consistent with, and add to current policy established in state law. All Metro officials and employees are specifically directed to strictly comply with ORS 244.040 (Code of ethics; prohibited actions; honoraria).

2.17.030 Giving and Receiving Gifts Prohibited by Lobbyists Registered with Metro

Summary: Adopts a new Metro code provision. Metro officials may not solicit or receive gifts from lobbyists registered with Metro, or their employers. Nor may gifts be offered by lobbyists registered with Metro or their employers.

Relation to state law: ORS 244.040 (2) continues to apply to public officials, and allows gifts up to \$100, in certain circumstances. This Metro code is more stringent than state law, allowing no gifts to Metro officials, from registered lobbyists, or their employers.

2.17.040 Whistleblowing

Summary: This section is new to Metro code. It recognizes and calls out state law, and directs the Metro Executive to establish procedures and regulations related to employee disclosure of information, and protection for the discloser.

Relation to state law: See above. Relevant state law is ORS 659.505 through ORS 659.545.

2.17.050 Financial Reporting Requirements

Summary: This section carries forward existing Metro code. Elected officials must annually file a Statement of Economic Interest in compliance with state law, and other Metro officials must file a similar document. The Metro Operations committee added a requirement to disclose ownership of property outside the Metro boundary and within Multnomah, Clackamas or Washington Counties.

Relation to state law: The requirement for filing the Statement of Economic Interest meets ORS 244.060. The requirements for other Metro officials to file, and disclosure of property referred to above, exceed state law. State law pertaining to handling and recording actual or perceived conflict of interest, ORS 244.120-130, also apply.

2.17.060 Restrictions on Meals and Entertainment

Summary: This section is a new to Metro code section. As applied to Metro officials: entertainment may not be solicited or received from a lobbyist or employer of a lobbyist registered with Metro; meals in excess of IRS deductible business expense limits may not be received or solicited by same. Limited exceptions exist, related to attendance sponsored by non-profit entities.

Relation to state law: The limitations on meals and entertainment, with respect to lobbyists and employers of lobbyists are more stringent than the state law in ORS 244.040.

2.17.070 Reimbursement for Attendance at Events

Summary: This section is new to Metro code. Metro officials acceptance of food, and travel from a person with a legislative or administrative interest in Metro is allowed if the expense would otherwise have been allowed and paid for with Metro funds.

Relation to state law: This section parallels ORS 244.020 (8)(c), but is more stringent in its application to Metro officials.

2.17.090 Prohibition Against Doing Business with Certain Former Metro Officials.

Summary: This section readopts current Metro code that restricts the ability of current Metro officials, and Metro officials out of office for one year to conduct business with Metro.

Relation to state law: Somewhat parallels ORS 244.045 Regulation of subsequent employment of public officials. In terms of actual application to Metro officials, this section is more stringent than state law requirements.

2.17.110 Registration of Lobbyists

Summary: This section is new to Metro code. Lobbyists meeting the definition and time requirements specified elsewhere in code, e.g. only paid lobbyists, are required to register annually with the Oregon Government Standards and Practices Commission. It was felt that the involvement of this Commission in the administration of lobbyist registration, filing, reporting and enforcement would indicate a higher level of objectivity in the application of this aspect of the ethics code. A request has been made to the Standards and Practices Commission as to their ability and authority to take on this work. An answer is still pending. Absent their agreement to perform these duties, all reporting will be done with the Metro Council.

Relation to state law: Parallels state law. However state law does not require lobbyist registration with local jurisdictions.

2.17.130 and 2.17.140 Statements of Expenses for Lobbyists and their Employers

Summary: This section is new to Metro code. Registered lobbyists and their employers are required to file annual expense statements, specifying information related to paying for Metro officials to attend fund-raising events for non-profit tax exempt entities, as guests of the lobbyist or their employer.

Relation to state law: Parallels state law. However state law does not require this reporting at the local jurisdiction level.

2.17.170 Sanctions for Violations

Summary: This section is new to Metro code, and applies to entire chapter 2.17. Civil penalties of up to \$500 may apply, as well as being subject to state provisions when authorized by law, and subject to the requirement of the Oregon Government Standards and Practices Commission.

Relation to state law: Parallels state laws in ORS 171.992 (Civil penalty for violation of lobby registration). However state law does not require these sanctions for lobby activity at the local jurisdiction level.

Additional Committee Action

Proposed code sections related to council employees and abuse of public office were deleted. Generally, Metro employees are not covered by the specifics of this code revision, with the exception of direction to strictly comply with ORS 244.040 (see earlier).

In addition, the Metro Operations Committee chose not to apply new requirements with regard to disclosure of campaign contributions, and subsequent ability to vote on land use or contractual legislation. Several councilors made reference to current campaign reporting requirements and economic disclosure statements that already apply to elected officials.

Conclusion

Ordinance 99-795A consolidates current Metro code and creates a distinct code chapter, 2.17. It moves beyond current metro code requirements for Metro officials, and acknowledges and is more stringent than state ethics code requirements, in many cases.

Metro

***Financial Statement Audit
Management Recommendations***

March 1999

A Report by the Office of the Auditor



METRO

1999-10357-AUD

Alexis Dow, CPA
Metro Auditor



METRO
OFFICE OF THE AUDITOR

March 4, 1999

To the Metro Council and Executive Officer:

As part of their audit of Metro's financial statements, Deloitte & Touche LLP studied Metro's internal control in order to determine appropriate auditing procedures and not to provide assurance on Metro's internal controls. They noted no matters involving Metro's internal control and its operation that they consider to be a material weakness. They did note other matters related to Metro's internal control and certain other accounting, administrative or operating matters. The accompanying report describes their observations and recommendations.

Deloitte and Touche LLP recommends changes in the following areas of internal control:

- Increase use of on-line purchase orders
- Consult Metro's Accounting Services and Financial Planning Division prior to combining budgetary funds or changing their purpose
- Use accounts receivable aging analysis and provide an allowance for doubtful accounts for those receivables that are potentially uncollectible
- Perform a complete physical inventory of fixed assets biannually
- Track retainage on all construction contracts throughout the year.

This report presents management's written response following each recommendation.

We appreciate the cooperation and assistance provided to Deloitte & Touche LLP by staff in the Administrative Services Division.

Very truly yours,

Alexis Dow, CPA
Metro Auditor

Auditor: Deloitte & Touche

Deloitte & Touche



Deloitte & Touche LLP
Suite 3900
111 S.W. Fifth Avenue
Portland, Oregon 97204-3642

Telephone: (503) 222-1341
Facsimile: (503) 224-2172

December 9, 1998

The Metro Council, Executive Officer,
and Metro Auditor
Metro

Dear Sirs and Madams:

In planning and performing our audit of the general purpose financial statements of Metro (including the Metropolitan Exposition-Recreation Commission ("MERC") as a component unit) for the year ended June 30, 1998 (on which we have issued our report dated December 9, 1998, which expresses a qualified opinion on the financial statements because of the limitation on our audit with respect to the year 2000 issue), we considered its internal control in order to determine our auditing procedures for the purpose of expressing an opinion on the general purpose financial statements and not to provide assurance on Metro's internal control. Such consideration would not necessarily disclose all matters in Metro's internal control that might be material weaknesses under standards established by the American Institute of Certified Public Accountants. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the general purpose financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving Metro's internal control and its operations that we consider to be material weaknesses as defined above.

We did note other matters related to Metro's internal control and certain other accounting, administrative or operating matters. Our comments are presented in Exhibit I.

This report is intended solely for the information and use of the Metro Council, Executive Officer, Metro Auditor, management, and others within the organization and is not intended to be and should not be used by anyone other than these specified parties.

We will be pleased to discuss these comments with you and, if desired, to assist you in implementing any of the suggestions.

Yours truly,

Deloitte & Touche LLP

**Deloitte Touche
Tohmatsu**

EXHIBIT I

Purchasing

Observation: We noted that Metro currently initiates purchase orders using both manual and on-line purchase orders. Each of these methods requires different processing and maintenance by Metro personnel, thus creating inefficiency.

Recommendation: We recommend Metro mandate the use of on-line purchase orders. This will eliminate unnecessary inefficiencies in purchasing.

Management Response: While some departments have been using on-line purchasing, Metro has mandated that all departments switch to on-line purchasing effective March 1, 1999. Purchasing staff is currently conducting training sessions to review on-line processing with appropriate department staff.

Financial Reporting

Observation: Effective July 1, 1997, Metro combined all MERC operating funds on a budgetary basis and changed the purpose of two other MERC budgetary funds, which had a significant impact on the required budgetary and financial reporting in accordance with generally accepted accounting principles presented in MERC's Comprehensive Annual Financial Report. While such decisions may be made for valid reasons such as improving budgetary flexibility, it appears that consultation with Accounting Services to consider the impacts upon financial reporting was not incorporated in the decision making process.

Recommendation: We recommend that Accounting Services be consulted and included in the decision making process when changes are proposed that will affect Metro accounting and financial reporting.

Management Response: Metro's Accounting Services and Financial Planning Division will work together to implement a procedure whereby budgetary changes such as new funds, discontinued funds, change in the purpose of funds, consolidation of funds, etc., are reviewed for financial reporting impacts before adoption.

Accounts Receivable

Observation: We noted several departments do not review an aging analysis, nor maintain an allowance for doubtful accounts receivable. We specifically noted that an allowance for doubtful accounts receivable was not recorded for property taxes receivable, trade receivables, and other receivables, and that an allowance was recorded for user and landfill receivables equal to .5% of the user and landfill receivable balance as of June 30, 1998. Based on our analysis of these receivables as of June 30, 1998, \$208,703 and \$55,183 within MERC and the Solid Waste Fund, respectively, were more than 90 days past due.

Recommendation: We recommend all departments receive and review an aging analysis of their accounts receivable. Furthermore, Metro should maintain an allowance for doubtful accounts receivable for those receivables that are potentially uncollectible. Accounting Services should be given the authority to record the allowance for doubtful accounts for financial reporting purposes.

Management Response: As part of the current implementation of modules for Accounts Receivable and Billing in PeopleSoft, Accounting Services will have additional capabilities for producing standard aging reports and other analysis tools. Accounting Services will work with departments to establish and maintain reasonable allowances for doubtful accounts in each affected fund.

Fixed Assets

Observation: Metro has not performed a complete inventory of its fixed assets in more than eight years. Furthermore, Metro has not tagged fixed asset additions in the last five years. This increases the risk of unrecorded disposals and lends to weakened property management controls.

Recommendation: We recommend that Metro perform a complete physical inventory of all fixed assets at least biannually. Furthermore, all assets should be tagged with an identification number. This will allow Metro to properly manage its assets.

Management Response: Budget resources to conduct a fixed asset inventory have not been available in prior years. During the current fiscal year, the Senior Accountant in Accounting Services will be assigned to develop written procedures for recording, tagging, inventorying, and reporting fixed assets. This will be accomplished by suspending some current duties of the Senior Accountant to allow time to focus on the fixed asset work. The completion of the actual physical inventory will be dependent upon budget resources being made available in future years and the re-prioritizing of Accounting Services Division goals.

Construction Contracts

Observation: During our testing of contracts payable we noted that, while tracking retainage on large construction contracts, Metro does not have an employee responsible for maintaining and tracking the retainage on all construction contracts. An increased potential for miscoding errors and failure to record retainage exists for those contracts not being regularly monitored.

Recommendation: We recommend Metro designate an employee to track retainage on all construction contracts throughout the year in order to more accurately account for retainage payable.

Management Response: Current resource constraints have affected Accounting Services' ability to monitor all construction contract retainages on a regular basis. As a result, the focus has been on the larger contracts; however, efforts will be made in the current fiscal year to track all retainage accounts.

030499c-02

From: <Wseditor@aol.com>
To: MetCen.MRC-PO(billingtonc),MetCen.GWIA("steveduin@...
Date: Sat, Feb 27, 1999 8:12 AM
Subject: No Subject

Dear Editor:

When a corporation gives money to a politician, it expects something in return*like favorable legislation. Home builders poured money into Metro candidate races in 1998 (\$7,000 for Bragdon and \$9,500 for Monroe) so naturally Portland's urban growth boundary will come under pressure.

The State Land Use Board of Appeal's recent remand of Metro's attempts to ignore Oregon's land use laws is a frightening indication of where Metro stands on these issues. With the builders chafing at the bit to build on Oregon's flat farm land, how long can these Councilors resist helping their patrons?

Attempts are currently being made to pass an ethics code for Metro that would require lobbyists to register and limit gifts up to \$100. It is certainly a step in the right direction, but does not address the real problem. Bragdon, Monroe and anyone else on the Council who receives money from the home building industry should remove themselves from voting on land use issues due to a conflict of interest. That won't leave many councilors left to vote, but perhaps they will make better decisions that reflect what the people of Oregon want.

Walt Amacher
734 SW Cheltenham St.
Portland, Oregon 97201
(503) 244-0437

030499c-03

From: <Wseditor@aol.com>
To: MetCen.MRC-PO(billingtonc),MetCen.GWIA("callison@t...
Date: Tue, Feb 23, 1999 3:53 PM
Subject: Atherton Amendment

Dear Metro:

It appears to me that Metro councilors are accepting money from developers under the guise of election campaign funding and then voting in favor of these developers' interests instead of in the best interests of the voters. This is wrong!

There's just too much money changing hands in these big projects like Light Rail and the Expo Center expansion, putting too much temptation on these elected officials to feather their nests. Metro needs to change the way it does business, and I think the Atherton Amendment for reform is a step in the right direction. Let's address this problem right here in our own back yard before we end up like that mess in Washington. D.C.

Walt Amacher
734 SW Cheltenham St.
Portland, Oregon 97201
(503) 244-0437



METRO

030499C-04

INTEROFFICE TELEPHONE MEMORANDUM

TO: METRO COUNCIL
FROM: WALT ANICKER
ADDRESS: NONE GIVEN
CITY, STATE & ZIP:
TELEPHONE:
FACSIMILE:
SUBJECT: ATHERTON AMENDMENT
DATE: 02/24/99 09:43AM

MESSAGE:

In this message left at 3:25pm on Tuesday, February 23, 1999, Mr. Anicker wanted his name added to the list of people in support of the Atherton amendment.

030499c-05

From: Liz Callison <callison@mail.teleport.com>
To: MetCen.MRC-PO(billingtonc)
Date: Tue, Feb 2, 1999 3:45 PM

To: Chris Billington, Council Clerk for email distribution today, please.

Subject: Communication to Metro Council regarding Code of Ethics Amendments
Date: 2/2/99
From: Liz Callison, Dir. at Large, West Mult. Soil and Water Conservation District

Testimony to Metro Council and the Metro Government Affairs Committee

Requesting Additions/Amendments to Resolution No. 99-795 For the Purpose of Adopting a Code of Ethics for Metro Officials and Requiring Registration of Lobbyists--

Re Code Section 2.17.030 Giving and Receiving Gifts Prohibited

1) Financial disclosure is needed by Metro Council campaign contributors who request or negotiate contracts with Metro. Councilors who have taken contributions from such contractors must declare the contributions, and excuse themselves from negotiating or voting on such contracts;

and 2) Metro Councilors, who have received campaign contributions from prospective Metro land use applicants, must excuse themselves from voting on urban growth boundary amendments or other land uses which could affect those prospective applicants.

Re Code Section 2.17.080 Abuse of Public Office.

Government employees, and prospective consultants or contractors with Metro, may not be appointed as voting members of Metro's policy advisory committees or citizens advisory committees. Such government employees or private consultants/contractors may have membership on Metro's technical advisory committees, and may represent their governmental jurisdiction on MPAC.

The proposed Code contains certain exceptions under Section 2.17.090--Prohibition Against Doing Business With Certain former Metro Officials. These exceptions render the Code too weak, as they allow the Council to waive the effect of prohibitions by simply creating several written findings.

(end)

030499c-06

From: Liz Callison <callison@mail.teleport.com>
To: MetCen.MRC-PO(billingtonc)
Date: Fri, Feb 19, 1999 3:00 PM
Subject: Feb. 22 Operations Committee

Chris Billington, Metro Council Clerk: please note edited version for re-circulation to Council today. Hard copies, please.

Testimony for Monday, Feb. 22 Metro Operations Committee
Respectfully submitted by Liz Callison, Metro District 7 resident
6039 SW Knightsbridge Drive, Portland 97219

February 19, 1999

Requesting Amendments to Resolution No.99-795 For the Purpose of Adopting a Code of Ethics for Metro Officials and Requiring Registration of Lobbyists--

Re Code Section 2.17.030 Giving and Receiving Gifts Prohibited

1) Financial disclosure is needed by Metro officers' campaign contributors who request or negotiate contracts with Metro. Councilors or the Executive Officer who have taken contributions from such contractors must declare the contributions, and excuse themselves from negotiating or voting on such contracts; and

2) Metro officials, who have received campaign contributions from prospective Metro land use applicants, must excuse themselves from voting on urban growth boundary amendments or other land uses which could affect those prospective applicants.

Re Code Section 2.17.080 Abuse of Public Office.

Government employees, and prospective consultants or contractors with Metro, may not be appointed as voting members of Metro's policy advisory committees or citizens advisory committees. Such government employees or private consultants/contractors may have membership on Metro's technical advisory committees, and may continue to represent their governmental jurisdictions on MPAC, JPAC and MTAC.

The proposed Code contains certain loopholes under Section 2.17.090--Prohibition Against Doing Business With Certain former Metro Officials. These loopholes ("exceptions") render the Code overly weak, as they allow the Council to waive the effect of prohibitions by simply creating several written findings. Therefore, we urge the Council to eliminate the four exceptions listed under 2.17.090, part (b).

Note: I strongly encourage Metro Operations Committee to adopt the Atherton amendment before them, dealing with campaign disclosure/voting recusal. Councilor Atherton's amendment would deal with my main concern. I hope Council will give careful consideration to issues which are raised in my other proposed amendments.

Regarding Metro public involvement: Having paid fairly close attention to Metro business--especially in water and habitat issues--for the past several years, I've become increasingly concerned over the policies being recommended by Metro's numerous (22 committees plus

subcommittees, task forces, etc.) to Council and the Metro Executive. Many committee appointees seem to be hand picked by staff with insufficient democratic process.

Paid government staff and consultants are competing for committee appointments, against citizens who have no financial or career interest in the outcome of Metro's legislation; and most often the staff and consultants seem to win the appointments.

The recent appointment of a senior employee of the Clackamas sewer bureau, a former light rail contractor, to the Metro Citizens Involvement Committee could easily create the perception of favoritism to government staff-- who have not been required to disclose their potential career and financial interests in the outcome of Metro policies. Although as the Representative of District 2, Councilor Atherton legitimately questioned whether the MCCI had followed its own Bylaws in making this appointment, I don't believe those questions were given adequate response.

Regarding my suggested amendments 1 and 2 to 2.17.030: Some Metro Councilors and the Executive have received campaign contributions from groups or individuals having professional and financial dealings with Metro.

Metro obtains millions in state and federal funding which is then paid out to private or government contractors for various projects. Funding for light rail planning and engineering contracts, given by Metro to TriMet and the Port, are examples of this.

Whether one is for or against light rail, or certain UGB expansions, of course, are not at issue. The issue is whether contracts--which pass on federal and state tax money to private or agency contractors--can be equitably awarded. These proposed amendments offer Metro the opportunity to gain public credibility by honestly earning it.

030499c-07

MYLES CUNNEEN
TRANSPORTATION PLANNER/ANALYST
5229 EAST BURNSTIDE STREET (#12)
PORTLAND, OREGON 97215-1184

FAX COVER SHEET
HOME/FAX # 503-235-3871

FAX Number Sent To 503-797-1793

Date 2/03/99

Attn: Chris Billington, Council Clerk

To: Metro Council

Number of Pages (Inclusive this cover): 2

COMMENTS

Please extend to my Council representative, Rod Monroe, as well as to the other Council members, my support for the accompanying amendment to the proposed Code of Ethics, submitted by Liz Callison.

LIZ
CODE
OF
ETHICS

Date: Monday, February 01, 1999 3:51 PM

CODE OF ETHICS AMENDMENT

Notice: Metro has its final draft of a Code of Ethics, about ready to go to Council. Last chance to suggest amendments is Tuesday, Feb. 3 (tomorrow).

I request you join with me in cosigning three amendments, which are needed to improve Metro's citizen participation function, as well as to help prevent conflicts of interest by councilors and committee members. The terminology I have used corresponds to new Code definitions for persons, public agencies, public officials, legislative actions, Metro officials, considerations."

Testimony to Metro Council and the Metro Government Affairs Committee

Requesting Amendments to Resolution No. 99-795 For the Purpose of Adopting a Code of Ethics for Metro Officials and Requiring Registration of Lobbyists--

Re Code Section 2.17.030 Giving and Receiving Gifts Prohibited

1) Financial disclosure is needed by Metro Council campaign contributors who request or negotiate contracts with Metro. Councilors who have taken contributions from such contractors must declare the contributions, and excuse themselves from negotiating or voting on such contracts;

and 2) Metro Councilors, who have received campaign contributions from prospective Metro land use applicants, must excuse themselves from voting on urban growth boundary amendments or other land uses which could affect those prospective applicants.

Re Code Section 2.17.080 Abuse of Public Office.

Government employees, and prospective consultants or contractors with Metro, may not be appointed as voting members of Metro's policy advisory committees or citizens advisory committees. Such government employees or private consultants/contractors may have membership on Metro's technical advisory committees, and may represent their governmental jurisdiction on MPAC.

The proposed Code contains certain loopholes under Section 2.17.090--Prohibition Against Doing Business With Certain former Metro Officials. These loopholes (exceptions) render the Code too weak, as they allow the Council to waive the effect of prohibitions by simply creating several written findings.

We urge the Council to eliminate the four exceptions listed under part (b).

(Note: As one who paid fairly close attention to Metro business--especially in water and habitat issues--for the past several years, I've become increasingly concerned over the policies being recommended by Metro's numerous (22 plus subcommittees, etc.) to Council. Many committee appointees seem to be hand picked by staff without any apparent democratic process. Paid government staff and consultants compete for committee appointments, with citizens who have no financial or career interest in the outcome of Metro's legislation, and most often the staff seem to win.

Also, most of the current Metro Councilors have received campaign contributions from groups or individuals having professional financial dealings with Metro. Metro obtains millions in state and federal funding which is then paid out to private or government contractors for various projects. Funding for light rail planning and engineering contracts, given by Metro to TriMet and the Port are examples of this.)

***Thank you. Please cc me, so I can track this legislation. You may respond directly to Metro Council, by email to Council Clerk Chris Billington: billingtonc@metro.dst.or.us

FEB-03-99 WED 15:31 NYLES CUNNEEN

503 235 3871

P.02

030499c-08

From: William Elliot <marsh@agora.rdrop.com>
To: MetCen.MRC-PO(billingtonc)
Date: Thu, Feb 11, 1999 2:19 AM
Subject: Code of Ethics Amendments

>
 >To: Chris Billington, Council Clerk for email distribution today, please.
 >

It has come to my attention that Metro is at crucial ethical cross road. Tho much may be considered about money, it is ethics that is paramount, for ethics ultimately determines how to manage public money. The cross road is whether the council will represent people or will bring about more politics as usual.

Liz Callison has noted several shortcomings in the council's proposed ethical code and has offered needed amendments. I expect the council to find the backbone to include these amendments. My comments follow below.

>Subject: Communication to Metro Council regarding Code of Ethics Amendments

>From: Liz Callison, Dir. at Large, West Mult. Soil and Water Conservation District
 >

>Testimony to Metro Council and the Metro Government Affairs Committee
 >

> Requesting Additions/Amendments to Resolution No. 99-795 For the
 >Purpose of Adopting a Code of Ethics for Metro Officials and Requiring
 >Registration of Lobbyists--
 >

>Re Code Section 2.17.030 Giving and Receiving Gifts Prohibited

> 1) Financial disclosure is needed by Metro Council campaign
 >contributors who request or negotiate contracts with Metro. Councilors
 who
 >have taken contributions from such contractors must declare the
 >contributions, and excuse themselves from negotiating or voting on such
 >contracts;

It is not good enuf, as David Bragdon proposes, to accept this amendment with out the requirement to withdraw from the proceedings. Judges are required to declare both a conflict of interest and dismiss themselves from the case. This standard should also apply in full force to Metro.

> and 2) Metro Councilors, who have received campaign contributions
 >from prospective Metro land use applicants, must excuse themselves from
 >voting on urban growth boundary amendments or other land uses which could
 >affect those prospective applicants.

This is a litmus test for the council's ethics. What a wonderfully simple way to effect campaign finance reform.

>
 >Re Code Section 2.17.080 Abuse of Public Office.
 > Government employees, and prospective consultants or contractors
 >with Metro, may not be appointed as voting members of Metro's policy
 >advisory committees or citizens advisory committees. Such government

>employees or private consultants/contractors may have membership on
>Metro's technical advisory committees, and may represent their
>governmental jurisdiction on MPAC.

Surly the council will readily agree to this. How could it be otherwise? It is you we vote for to represent us, not those others. Let them earn the privilege of voting on public matters, as you councilors have done, by getting elected. Without being elected, their vote would be fraudulent.

> The proposed Code contains certain exceptions under Section
>2.17.090--Prohibition Against Doing Business With Certain former Metro
>Officials. These exceptions render the Code too weak, as they allow the
>Council to waive the effect of prohibitions by simply creating several
>written findings.

What, you are creating an ethical code that you don't have to live up to when you decide you don't want to? What kind of code is that? It would appear the councilors are ineligible to govern themselves, that a code of ethics for Metro needs to be drawn up by an outside party, a citizen group.

030499c-09

From: <Pantherpdx@aol.com>
To: MetCen.GWIA("billington@metro.dist.or.us")
Date: Fri, Feb 19, 1999 11:24 AM
Subject: Atherton Disclosure/Recusal Amendment to Metro Ethics Code

Please strongly encourage the other councilors to support the above-referenced amendment which I, my friends, family and business associates strongly support; In fact, virtually everyone to whom I have spoken even casually about the matter supports it.

If the council truly is interested in improving its public image, it should realize the importance of this issue and act NOW before another credibility crisis arises.

Thank you.

Sincerely,

Cynthia C. Eardley
1825 SW Evans Street
Portland, Oregon 97219
(503) 245-9318

030499c-10

From: William Elliot <marsh@agora.rdrop.com>
To: MetCen.MRC-PO(billingtonc)
Date: Wed, Mar 3, 1999 12:44 AM
Subject: Ethics

Councilor David Bragdon, as others at metro, have told me that Atherton's Disclosure/Recusal amendment is unworkable or flawed. As he explained the amendment would prevent councillors from voting on worthwhile deliberations such as those backed by the Sierra Club or One Thousand Friends of Oregon.

As the Sierra Club and One Thousand Friends of Oregon are not contractors nor land use applicants, a councillor who has received contributions from these organizations, is not required, by Atherton's amendment, to refrain from voting for accepting the contributions.

So please David explain to me, as you claim, how you would be prevented by Atherton's Disclosure/Recusal amendment from voting because of contributions from the Sierra Club or One Thousand Friends of Oregon.

CC: MetCen.GWIA("callison@mail.teleport.com","rrreneee...

030499c-11

From: "Richard Jones" <BULLDOGJONES@prodigy.net>
To: "Bill Atherton" <athertonb@metro.dst.or.us>
Date: Tue, Feb 2, 1999 10:56 AM
Subject: Proposed Code of Ethics

This note to you relative to the new Code of Ethics. I strongly support changes being proposed by Liz Callison. I not sure which would be most important to me but they all are citizen friendly and help to bridge the gulf between government and citizens.

Regards, Dick Jones

CC: "Chris Billington" <billingtonc@metro.dst.or.us>

From: "M. Scott Jones" <msjns@hevanet.com>
To: MetCen.MRC-PO(billingtonc)
Date: Mon, Mar 1, 1999 11:00 AM
Subject: Code of Ethics



030499c-12

Dear Metro Councilor Clerk:

METRO

Please print a hard copy, circulate to all Councilors, and include as an attachment to formal Council record for 3/4/99 meeting, re Ordinance No. 99-795A Code of Ethics:

I find it absolutely inexcusable that not one of you other councilors--including my representative David Bragdon, who won because of the support of those advocating a better Portland--have yet to second Councilor Bill Atherton's disclosure/recusal amendments. With all the talk of ethics and accountability from the White House and U.S. Congress on down, nothing should preclude you from taking such a small, simple step.

In addition, I ask that each of you please live up to your pledge of clean ethics and adopt the followed no-brainer amendments suggested by Liz Callison:

Requesting AMENDMENTS to Resolution No.99-795 A For the Purpose of Adopting a Code of Ethics for Metro Officials and Requiring Registration of Lobbyists--

Re Code Section 2.17.030 Giving and Receiving Gifts Prohibited

1) Require disclosure by contributors to Metro officials who request or negotiate contracts with Metro.

Councilors or the Executive Officer who have taken contributions from such contractors must declare the contributions, and recuse themselves

from negotiating or voting on such contracts; and

2) Metro officials, who have received gifts or campaign contributions from Metro land use applicants, must recuse themselves from

voting on urban growth boundary amendments or other land uses which could affect those applicants.

Re Code Section 2.17.080 Abuse of Public Office.

Government employees, and consultants or contractors with Metro, may not be appointed as voting members of Metro's policy advisory committees or citizens advisory committees. Such government employees or private consultants/contractors may have membership on Metro's many technical advisory committees, and may continue to represent their governmental jurisdictions on MPAC, JPAC and MTAC.



The proposed Code contains certain loopholes under Section 2.17.090--Prohibition Against Doing Business With Certain former Metro Officials. These loopholes ("exceptions") render the Code overly weak, as

they allow the Council to waive the effect of prohibitions by simply creating several written findings. Therefore, we urge the Council to eliminate the four exceptions listed under 2.17.090, part (b).

030499c-13

From: "M. Scott Jones" <msjns@hevanet.com>
To: William Elliot <marsh@agora.rdrop.com>
Date: Wed, Mar 3, 1999 1:08 AM
Subject: Re: Ethics

It seems to me that Councilor Bragdon is biting the hands that feed him, not the developers', but the ones that voted him in office. Seems like a real about-face to what he had been vowing during his campaign, and it's not hard to wonder what his real motives are: feed the developers and Port of Portland clients with more goodies, or serve his constituents?

William Elliot wrote:

>
> Councilor David Bragdon, as others at metro, have told me that
> Atherton's Disclosure/Recusal amendment is unworkable or flawed. As he
> explained the amendment would prevent councillors from voting on
> worthwhile deliberations such as those backed by the Sierra Club or One
> Thousand Friends of Oregon.
>
> As the Sierra Club and One Thousand Friends of Oregon are not
> contractors nor land use applicants, a councillor who has received
> contributions from these organizations, is not required, by Atherton's
> amendment, to refrain from voting for accepting the contributions.
>
> So please David explain to me, as you claim, how you would be
> prevented by Atherton's Disclosure/Recusal amendment from voting because
> of contributions from the Sierra Club or One Thousand Friends of Oregon.

CC: MetCen.MRC-PO(billingtonc),MetCen.GWIA("callison@m...

030499c-14

From: Renee Kimball <rrrrenee@aracnet.com>
To: ""billingtonc@metro.dst.or.us"" <billingtonc@metro...
Date: Tue, Feb 9, 1999 3:23 AM
Subject: Ethics and Metro

To: Chris Billington, Council Clerk

Dear Ms Billington:
Could you please pass a copy of the following letter on to the
Metro Government Operations Committee and the Metro Council

Thanking you in anticipation.
Kindest Regards
Renee Daphne Kimball

To: Liz Callison <callison@mail.teleport.com>

Dear Ms Callison

I whole heartedly support your concerns regarding conflicts of interest on the Metro Council in relation to gifts and campaign contributions.

Please add my voice to the ever growing block of voters who believe that ethics are for everybody, including elected officials. What is good enough for personal life and the corporate environment is good enough for politics.

It's time we ALL started playing by the rules that are so easily mouths as the "preferred" path but seem "grassy and wanting wear".

As a member of Dictirct 7, I want to thank you for your concern and committment to improving the quality of both life and government in Portland.

Kindest regards
Renee Daphne Kimball
rrrRenee@aracnet.com
2224 SE Umatilla St
Portland OR 97202-7417
PH: 503.238-6973 or 232-8028

030499c-15

From: Susan King <smking@teleport.com>
To: MetCen.MRC-PO(billingtonc)
Date: Mon, Feb 22, 1999 9:24 AM
Subject: Atherton amendment

Please approve the the Atherton Amendment to the
Code of Ethics and incorporate the Callison amendment language.

Metro needs to be fair in the way it gives our
money to contractors, and it needs to be fair in its decisions about the

UGB.

S. M. King
Portland

030499c-16

By telephone on 2/2/1999

To be part of the public record on the Ethics Ordinance.

To Clerk of the Council
Jim Marsh, 2104 SW Spring
Portland 97201

Disappointed that the Atherton amendment cannot get a second. Wish that the Council show more ethical fortitude. Maybe the wording needs a little patching. Also add amendments proposed by Liz Calison to share the ethical code will be ethical and not just politics as usual. Urge someone to provide second then vote in favor.

Gussie (Norma J.) McRobert

030499c-17

PO Box 310 • Gresham, Oregon 97030

503-665-4800 FAX 503-492-4470 E-MAIL gmcrbl23@aol.com

March 3, 1999

The Honorable Rod Monroe
Metro Council Presiding Officer
Metro Regional Center

VIA FAX 797-1793

Dear Rod,

I want to applaud you and the Council for tackling the ethics of how you do business. The broad disclosure requirements in Ordinance No. 99-795A will inspire public trust and give the Council credibility.

The detailed sections on lobbyist activities are excellent, as is the clarification of doing business with Metro officials. One area that isn't addressed, however, is Council actions regarding businesses regulated by Metro where lobbyists are not involved. For example, the various performing arts facilities, Convention Center and Exposition Center often have blocks of free tickets available through staff. Can a Councilor who frequently uses these tickets be as objective about the organization as other Councilors who choose not to use them? Aren't "freebie" tickets from a Metro regulated business similar to "freebie" tickets from lobbyists? The following language would correct this situation which is seen as "being on the Council for the perks, for the good times" - Councilors shall not accept gratis tickets for events held at Metro regulated facilities.

I do not support limiting Council actions in land use decisions because of campaign contributions. This well intentioned but simplistic idea fails the test of logic:

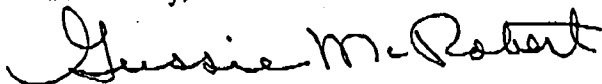
- It assumes that a favorable vote on any land use decision is bad without any thought given to the quality of the project or policy. It doesn't make sense to deny elected officials the right to vote on good public policy.
- It restricts voting rights for openly receiving campaign contributions from developers but allows any organization to quietly raise money for candidates avoiding public scrutiny.
- It restricts voting rights for receiving campaign contributions but allows endorsements by organizations.

- It ignores the protection of Oregon's legalistic and therefore honest land use system. Land use decisions in this state must be based on facts and findings. A dishonest elected official might influence a decision but it would be overturned on appeal if it weren't sound public policy.

Public scrutiny is the key to honest voting. Contribution lists are public records and are always fodder for the press. Elected officials who base votes only on contributions do so at their peril. They will be found out -- and thrown out by the voters.

Again, congratulations on taking a stand for honesty.

Yours truly,

A handwritten signature in cursive script that reads "Gussie McRobert". The signature is fluid and written in dark ink.

Gussie McRobert

From: Dianna Roberts <rosewoodinc@juno.com>
To: MetCen.MRC-PO(billingtonc)
Date: Tue, Feb 23, 1999 8:43 PM
Subject: Metro Code of Ethics

030499c-18

Dear Mr. Billington,

February 19, 1999

(as printed in The Oregonian 2/19/99 Letters):

>From 26 co-signators (2/19/99):

M. Scott Jones, Alan Peterson, Dianna Roberts, Chuck Fall, Mary Taylor, Jere Retzer, Don Bain, Russ Walton, Dave Nadal, Robert Boulware, Tom Boon, Fred Stovel, R. Opp, T. Cropper, Craig Flynn, Cynthia Eardley; Per Fagereng, Renee Kimball,

Gresham residents--R.M. Tiernan, Scott Forrester;
Milwaukie--Bill Scott, Dale Potts, Sharon Phillips, Edie Kerbaugh;
Washington County--Mary Rigg;
Oak Grove--Richard Jones

For the Record, re Code of Ethics:

Metro Council's proposed Code of Ethics will ensure Metro officials don't accept meals or gifts from lobbyists--or face a \$500 fine.

Strong, enforced ethical standards could improve Metro's credibility. But the Code drafted by Councilors Rod Monroe and Susan McLain avoids Metro's most serious shortcomings.

Metro's officials need to recognize they may not be acting in the public interest if they have taken campaign contributions from Metro contractors, or applicants in Metro land use cases such as urban growth boundary expansions. A recent Metro Council contender, Liz Callison, offered amendments insisting potential contractors declare campaign contributions--and that councilors who've accepted them must recuse themselves from voting on those contracts or land use decisions. Callison also asked Metro to improve citizen representation on its more than 25 assorted advisory committees.

New Metro Councilor Bill Atherton, District 2, suggested language drafted by Robert Liberty, 1000 Friends of Oregon staffer, which admirably dealt with the disclosure and recusal issues. Of three new councilors taking office, Atherton alone had taken no money from land developers or Metro contractors. By contrast, newly elected Councilors Monroe and Bragdon had accepted thousands of dollars in contributions from Metro's waste management contractors, as well as potential light rail contractors and suburban land developers, such as Genstar.

Metro awards millions of dollars in planning and engineering contracts to semi-public agencies such as Tri-Met and the Port, and to

numerous private corporations including Bechtel and OTAK. Until Council cleans up its questionable contracting process, the Metro Code of Ethics will be a hollow shell.

Thank you,

##

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or call Juno at (800) 654-JUNO [654-5866]

030499c-19

FOR THE RECORD

(Left on Councilor Washington's voice mail, Monday, March 1, at 1:30 PM)

Courtney Scott
2639 NE Clackamas
Portland OR 97232
Tel. 288-6142

Please support Bill Atherton's recusal amendment to the ethics code. It is important in that it will take away conflict of interest, especially on land use decisions.

2 March 1999

030499c-26

To: 'Metro Council'/ Public Testimony:

From: 'Mr. Bill' Spidal (resident of Portland, Oregon)
2831 S. E. Colt Dr. #222
Portland, Oregon 97202 (231-4820)

Topic: Metro Councilor Bill Atherton's ammendment to limit political contributions:

I would like this letter added to the public testimony to show my support of Bill Atherton's ammendment to "limit political contributions to Metro councilors".

I believe most people know that candidates who receive large contributions to get elected have a difficult time voting against their contributors.

I would recommend that the limit be raised to "over \$500 dollars" because the \$100 dollar limit is too low and would have a negative effect on many concerned individuals.

I believe the majority of people have lost confidence in government, and with the expansion of the urban growth boundaries many people believe that money has had a "great influence on this issue!!!!!!!!!!!!!!" (the recent L.U.B.A. decision against Metro show's that a significant error was made by Metro with their hasty decision to please "BIG MONEY" and I hope this decision won't be appealed, but corrected).

Respectfully;

'Mr. Bill' Spidal

'Mr. Bill' Spidal

From: Bob Tiernan <zulu@teleport.com>
To: MetCen.MRC-PO(billingtonc)
Date: Mon, Feb 22, 1999 12:16 PM
Subject: Re: Metro Operations Committee

030499c-21

To - All Metro Councillors:

Once again I strongly encourage all of you to approve the Amendment, as submitted by Councillor Bill Atherton, to the Code of Ethics. Campaign disclosures and recusal provisions are impossible to keep out of any Code of Ethics involving elected officials. Also, I recommend the Amendment regarding public involvement, as submitted by Liz Callison. The latter will help by putting more "public" in public involvement.

Bob Tiernan
2700 W. Powell Blvd.
Apt. # C-117
Gresham, Oregon 97030

CC: MetCen.GWIA("davidreinhard@news.oregonian.com")

030499c-22

From: Bob Tiernan <zulu@teleport.com>
To: MetCen.MRC-PO(billingtonc)
Date: Tue, Feb 2, 1999 11:03 PM
Subject: Amendments to Code of Ethics

To: Chris Billington:

I have reviewed the Amendments below and understand that the Metro committee members are aware of them and may have them on the agenda for Wednesday's Governmental Affairs Committee meeting. I wish it to be known that I support the adoption of these amendments.

Bob Tiernan
Gresham

Requesting Amendments to Resolution No. 99-795 For the Purpose of Adopting a Code of Ethics for Metro Officials and Requiring Registration of Lobbyists--

Re Code Section 2.17.030 Giving and Receiving Gifts Prohibited

1) Financial disclosure is needed by Metro Council campaign contributors who request or negotiate contracts with Metro. Councilors who have taken contributions from such contractors must declare the contributions, and excuse themselves from negotiating or voting on such contracts;

and 2) Metro Councilors, who have received campaign contributions from prospective Metro land use applicants, must excuse themselves from voting on urban growth boundary amendments or other land uses which could affect those prospective applicants.

Re Code Section 2.17.080 Abuse of Public Office.

Government employees, and prospective consultants or contractors with Metro, may not be appointed as voting members of Metro's policy advisory committees or citizens advisory committees. Such government employees or private consultants/contractors may have membership on Metro's technical advisory committees, and may represent their governmental jurisdiction on MPAC.

The proposed Code contains certain loopholes under Section 2.17.090--Prohibition Against Doing Business With Certain former Metro Officials. These loopholes (exceptions) render the Code too weak, as they allow the Council to waive the effect of prohibitions by simply creating several written findings.

We urge the Council to eliminate the four exceptions listed under part (b).

030499c-23

From: Patty Wisner <chick@integrityonline.com>
To: MetCen.MRC-PO(billingtonc)
Date: Mon, Feb 22, 1999 12:22 PM
Subject: Amendment to Code of Ethics

To Metro Operations Council:

I strongly support the Atherton Amendment to the Code of Ethics regarding Disclosure-Recusal. I strongly encourage the Metro Operations Committee to pass this amendment and send it forward to the Metro Council. I believe that incorporation of the Callison amendment language containing provision for more equitable public involvement in Metro Committees and Disclosure/recusal issues is the wisest course of action for the Metro Operations Committee to take. It is very important that Metro improve its track record in the areas of equitable distribution of tax money to private and government contractors, and its overall credibility where fairness is concerned regarding UGB expansion issues, especially where Metro runs the risk of showing favoritism toward contributors to Metro campaigns. Do something to rebuild the trust Metro has lost in the 1990's. Vote in favor of the Atherton Amendment.

Thank you,

Patty Wisner
Lake Road Neighborhood Association
Milwaukie, OR

Metro Council 3/4/99
RE Code of Ethics (attach Callison amendments, earlier email correspondence)
For the Record
Elizabeth Callison
6039 SW Knightsbridge DR.
Portland 97219

Metro prides itself on being an agency of "smart growth. You know, smart is good, but ethical and honest are equally important.

We should want to see all three attributes in our elected officials.

Today you are being presented with several amendments to your proposed new Code of Ethics. One is from Councilor Atherton and several are from me. All I have been hearing from most of the Council and staff are your objections to why Metro elected officials should not have to demonstrate fair government practices in the rules of their Code of Ethics. This Code is to be locally adopted, and you would voluntarily accept it to guide how you conduct Metro business. The Code at present deals with a very narrow, almost irrelevant slice of the spectrum of Metro business dealings. Although Metro was stung last year by the Blazer ticket scandal, that incident is tiny in relation to the real potential for favored treatment of contractors, consultants and land developers who come before you for a vote on their financial contracts.

Several councilors and staff have been telling people, who have called by phone and email in support of contributions disclosure and recusal amendments, that the proposed amendments are "unconstitutional and unworkable." It is both very workable and in line with the constitution. It is workable because few councilors have been getting money from exactly the same contractors or land developers. So it would be highly unusual for you not to reach a quorum on any particular case, even if several officials had to step aside and not vote on that decision. Also your currently proposed code provides for a waiver process. You allow yourselves to escape the rules by providing the Council with 2 or 3 written reasons (findings) why you can vote even when the rules say you shouldn't.

As to the question of constitutionality, unless one of you other six councilors seconds Councilor Atherton's amendment, you won't even have an open public discussion with your legal staff. I'd like to see at least one of you second Councilor Atherton's amendment and show the public the courtesy and respect you owe to another Councilor, and to the more than 30 individuals from all over the region, who have faxed, emailed and telephoned you their support of the disclosure/recusal amendment.

You need to give the subject some honest discussion before the public with your legal staff. Several councilors and staff have implied to callers that such a discussion has already taken place but of course you haven't had it.

This disclosure/recusal amendment doesn't prevent contributions, and there is no limitation on amounts. The amendment requires that if a major contributor (in excess of \$100) asked the Council or Exec. Director to award him a financial contract or land use decision, the councilor or director would disclose his potential conflict of interest and refrain from voting on the contract or land use decision. \$100 is the accepted state standard for a political tax credit, and \$100 is the best standard to use for a disclosure threshold. The recusal rule simply adds substance to the disclosure.

As Metro officials you are in a unique position--you can set a good example of fair and even-handed government.

Your executive director, Mike Burton, is presently designing a \$400 million budget for your approval. There will be many opportunities over the coming year for you to award millions to contractors, consultants and land development corporations, some of which take their profits to their headquarters out of state. As some of the public testimony in letters you have received, shows you, people have some concerns about several of the Council who have taken thousands of dollars in contributions from these out of state and other development interests, trucking and hauling companies or light rail related developers.

Please think about this: some day you will be retired from the Council--Probably none of you will be a contractor or land developer later. So wouldn't you like to know your Metro Councilors were working in the interests of the average voter and taxpayer?

To: Metro Council
March 3, 1999

030499c-25

Re: Code of Ethics, Atherton Amendment

The key words to keep in mind regarding a Code of Ethics are "Conflict of Interest", and the problem will not go away by cutting back on receiving Blazer tickets. All of the talk about Blazer tickets and other gifts hides a more serious problem.

The next set of key words are "Campaign Contributions". I have no problem with campaign contributions in general, but I do believe that voters need to be aware of what happens after the elections, paying close attention to how candidates vote and whether or not contributors to their campaigns are benefiting, and then remembering this next time election day comes around.

Example #1: Contracts regarding hauling trash, landfills and other related business. Waste management, trucking, and even barge owners contribute to Metro councilors. Among these donations:

- * Metropolitan Disposal Corp. (\$1,000 to Monroe, \$500 to Bragdon)
- * Browning-Ferris Industries (\$1,000 to Monroe, \$2,000 to Bragdon)
- * East County Recycling (\$1,000 to Park, \$1,000 to Monroe, \$500 to Bragdon)
- * Finley Buttes Landfill Co. of Vancouver (\$250 to Bragdon, \$250 to Monroe)
- * Refuse & Recycling PAC of Milwaukie (\$250 to Bragdon)
- * Tidewater Barge Lines of Vancouver (\$250 to Bragdon)
- * Dennis Gronquist, manager of a trucking company in Arlington (\$250)

Example #2: Construction companies, developers and realtors hoping to get lucky with various projects including light rail, so-called transit-oriented development, and other developments on limited buildable land within the Urban Growth Boundary. Among the many donors:

- * Genstar Land Company (\$1,000 to Bragdon, \$1,000 to Monroe)
- * Landmark Development (\$1,000 to Park)
- * Walsh Construction (\$1,000 to Bragdon)
- * Trammell Crow NW (\$250 to Bragdon)
- * D.S. Parklane Development (\$1,500 to Monroe)
- * Matrix Development (\$500 to Monroe, \$300 to Bragdon)
- * West Hills Development (\$300 to Bragdon)
- * Enterprise Development (\$500 to Bragdon)
- * Ross Island Sand & Gravel (\$1,000 to Monroe, \$500 to Bragdon)

Here's what you can do to improve this situation:

1. Set an example, and refuse these types of contributions in the future.
2. Recuse yourselves during votes that affect these contributors. You can start by accepting the Atherton Amendment, after which you can tell these contributors that the Code of Ethics is making you do it.

Bob Tiernan - Libertarian Party of Multnomah County
Gresham
zulu@teleport.com

B. Tiernan

PROPOSED METRO ETHICS CODE IS NOT TOUGH ENOUGH

SOUTHWEST COMMUNITY CONNECTION

MARCH 1999

TO THE EDITOR:

The Metro Council is considering a code of ethics ensuring the regional government's officials won't accept meals or gifts from lobbyists. If they do, they face a \$500 fine.

Strong, enforced ethical standards might improve Metro's credibility; however, the code drafted by Councilors Rod Monroe and Susan McLain is weak and avoids Metro's most serious shortcomings.

Metro needs to recognize its potential for conflicts of interest by Councilors who have accepted campaign contributions from Metro's stable of private contractors and applicants in Metro's land use cases, including urban growth boundary expansions. Liz Callison, a recent contender for Metro Council, offered amendments stating that potential contractors must declare campaign contributions; and councilors who have accepted such contributions must recuse themselves (not vote) on those particular contracts or land-use decisions. Callison also submitted an amendment to improve citizen representation on Metro's more than 25 policy and technical advisory committees.

Robert Liberty, of 1000 Friends of Oregon, worked with new Metro Councilor Bill Atherton urging the rest of the Council to adopt legal language dealing with the issue of campaign contributions to Councilors. Out of the three new Councilors taking office this year, Atherton was the only one who took no campaign money from land developers or engineering and garbage contractors.

By contrast, newly elected Councilors Monroe and Bragdon accepted thousands of dollars in contributions from waste management corporations, suburban land developers such as Gemstar, and light rail contractors such as OTAK.

Metro awards millions of dollars in urban planning and engineering contracts to agencies such as Tri-Met and the Port, and to numerous private corporations including Bechtel. Without a strong effort to deal with the way Metro awards its contracts, Metro's code of ethics will be a hollow shell.

**MARY TAYLOR
SW JAN TREE COURT**

**JIM MARSH
SW SPRING**

**DON BAIN
SW 45TH**

**TOM BOON
SW 28TH**

**JERE RETZER
SW ALRED**

**JIM SQUIRES
SW 19TH
LAKE OSWEGO**

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BOB ROBINSON 235-5498

To the Metro Council
For the Council Record
March 4, 1999
Re Proposed Code of Ethics
Dorothy Gage
8000 SW 54th Ave.
Portland 97219 (Dist. 7)

030499c-27

I strongly support an amendment submitted to you by Metro Councilor Bill Atherton to the Council's proposed "Code of Ethics," which would require the disclosure of campaign contributions to Metro elected officials from Metro's contractors (garbage, transit development, planning) and land use applicants (e.g. urban growth boundary decisions).

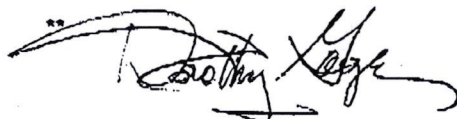
Councilor Atherton's amendment does not in itself limit those contributions, but states that contributions over \$100 must be disclosed, if relevant, before a Metro project award is made.

Councilors who have taken money from the potential contractor, or land developer, would then have to recuse themselves from voting on that contract or land use decision. There already is a Code-waiver process included in the new Code of Ethics, so regular business would never be prevented in any case.

Atherton's amendment would not apply to any persons or corporations, other than prospective contractors or land use applicants. It only applies to those contractors and developers who are actually seeking business contracts or land use decisions. It does not apply to any groups or individuals who have nothing to gain in the way of a direct financial award, or a land use decision from Metro.

It is unfortunate that the rest of the Councilors are not giving Ms. Callison's amendments the attention they deserve. I strongly support her amendment for improving public participation on Metro committees, and her amendments for disclosure and recusal. We have seen letters in both the community newspapers and the Oregonian cosigned by over 20 people who support Callison's much needed amendments to the proposed Code.

I also like Councilor Atherton's well-written amendment requiring disclosure and recusal, in the case of contributions from land use applicants and other contractors. I hope my district representative, Councilor Bragdon, will have the courtesy to second Councilor Atherton's motion to accept Atherton's amendment at today's Council meeting.



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To	Metro Council	From	Dorothy Gage		
Co./Dept.		Co.			
Phone #		Phone #	244-1491		
Fax #	797-1793	Fax #	823-3161		