

MINUTES OF THE METRO COUNCIL MEETING

May 8, 1997

Council Chamber

Councilors Present: Jon Kvistad (Presiding Officer) Ruth McFarland, Susan McLain, Patricia McCaig, Ed Washington, Lisa Naito, Don Morissette

Councilors Absent: None.

Presiding Officer Jon Kvistad called the meeting to order at 2:00 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. POTENTIAL ISSUES REGARDING STATE LEGISLATION

Councilor Naito reported to the Council, the transportation package, HB 3163 was still in the House Revenue Committee. There was no word when this would be out of committee.

She noted Mr. Dan Cooper's memo concerning the Egge bill, HB 3638. This bill would be up again on Friday in House General Government Committee. Larry Shaw, Legal Counsel, will be monitoring that bill in Mr. Cooper's absence.

Councilor Naito testified on last Thursday on SB 626, she had not heard if it were on the floor yet. There was no negative testimony and it should not be a problem.

SB 686, the Tax Supervision and Conservation Commission bill was no longer a problem.

The Boundary Commission bill passed the Senate, 22 to 8.

The parks bills, SB 624 and 625 were moved from House Revenue Committee to the House floor.

SB 459 Senator Baker's bill on tolls was moving to the House, it passed the Senate.

5. CONSENT AGENDA

5.1 Consideration of the Minutes of May 1, 1997 Metro Council Regular Meeting.

Motion: **Councilor Washington** moved the adoption of the minutes of May 1, 1997 Metro Council Regular Meeting.

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

Discussion: **Councilor Morissette** said that on page 7, Councilor Morissette said, "that the project was different now. Was it not the assumption of the group that they should have another opportunity to vote on it, "they": were "the voters" and the "group" was JPACT and the group that was representing the new North/South line.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. The vote was unanimous as amended of those present.

6. ORDINANCES - FIRST READING

6.1 **Ordinance No. 97-692**, For the Purpose of Amending Metro Code Chapter 2.04, modifying the MBE/WBE Program and Establishing an ESB Program; and Declaring an Emergency.

Presiding Officer Kvistad assigned Ordinance No. 97-692 to the Government Affairs Committee.

Councilor Naito indicated that this ordinance would be on an evening meeting on June 5, 1997 at 5:30 p.m. There may be in the public who wish to participate.

6.2 **Ordinance No. 97-693**, Amending the FY 1996-97 Budget and Appropriations to Adjust the Growth Management Services Department Budget in the Planning Fund to Transfer Appropriations From Materials and Services to Personal Services to Complete Approved Projects; and Declaring an Emergency.

Presiding Officer Kvistad assigned Ordinance No. 97-693 to the Growth Management Committee.

6.3 **Ordinance No. 97-694**, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule by transferring \$80,000 from personal services to materials and services in the Spectators Facilities Fund to provide for unanticipated concessions expenditures at the Portland Center for the Performing Arts (PCPA), and Declaring an Emergency.

Presiding Officer Kvistad assigned Ordinance No. 97-694 to the Regional Facilities Committee.

6.4 **Ordinance No. 97-695**, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule by transferring \$23,500 from materials and services to capital outlay in the MERC Administration Fund to provide for unanticipated capital expenditures, and Declaring An Emergency.

Presiding Officer Kvistad assigned Ordinance No. 97-695 to the Regional Facilities Committee.

6.5 **Ordinance No. 97-697**, Amending the FY 1996-97 Budget and Appropriations Schedule Transferring \$3,000,000 from Open Spaces Fund and Transferring \$7,000 from Smith Bybee

Contingency to Personal Services in the Smith and Bybee Lakes Fund and Transferring \$34,6000 from the Regional Parks and Expo Fund Contingency to Personal Services in the Regional Parks and Greenspaces Department to Provide for Unanticipated Expenditures; and Declaring an Emergency.

Presiding Officer Kvistad assigned Ordinance No. 97-697 to the Finance Committee.

7. RESOLUTIONS

7.1 **Resolution No. 97-2437**, For the Purpose of Approving a Change in Composition for the Metro Policy Advisory Committee and Revising the Bylaws to reflect the change.

Motion: **Councilor McLain** moved the adoption of Resolution No. 97-2437.

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

Discussion: **Councilor McLain** said that they had been working on this bylaw change for over a year. They had asked the Executive Officer and MPAC to review the idea that Metro would benefit from having a school representative on MPAC. Metro had had a group of superintendents and vice-superintendents unofficially working with Metro on growth issues. It was very apparent that this group needed to have more of a representation on MPAC advisory group. She noted the second page, the MPAC bylaws, article 3 on committee membership. This resolution added a governing body of a school district within the Metro region, this group would get one member. She said that the staff report explained the factual background that they created in section 27 of the 1992 charter, the advisory committee. They then looked at what the charter said and appropriately provided a mix of membership members. She believed that this was one group that was forgotten, it wasn't that this was not important but rather an oversight.

Councilor Morissette asked how the new member would be chosen?

Councilor McLain explained that there was a process for the selection of this new member. The school districts would be ask to bring forward a recommendation. According to the Metro Code, the Council would approve the recommendation.

Mr. Larry Shaw, Legal Counsel, said according to the bylaws, both MPAC and the Council must approve under the provisions of the charter when the composition of MPAC was being changed.

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

7.2 **Resolution No. 97-2502**, For the Purpose of Approving the Selection of Hearings Officers for Contested Case Hearings.

Motion: **Councilor McLain** moved the adoption of Resolution No. 97-2502.

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

Discussion: **Councilor McLain** said that Mr. Shaw brought to her attention several weeks ago that there were situations where Metro had opportunities, obligations and times where Metro utilized hearings officers. There were usually a list of at least 3 hearings officers that Metro could draw from. At the present time there was only one on the list that was able to do the work

and that one could have an affiliation with a contested case and then would not be able to do the work. There needed to be at least two more people added to the list. This resolution asked the Council to let the Executive Officer authorizing entering into contracts with Richard Forester and Michael Holstun at the same rates and in a form substantially similar to existing contracts with Larry Epstein. the current hearings officer.

Councilor Naito asked how these individuals were selected?

Mr. Larry Shaw, said that there was a history of going out for an RFP. They had a bad experience with this RFP and almost immediately lost two of the three attorneys selected due to their circumstances changing. Metro had only had one hearings officer for two years. Mr. Shaw noted that there was a conflict with Mr. Epstein and this was why there was an urgency to move quickly on this resolution. They implemented the alternative contract procedures, calling three attorneys that had experience in this area and who had expressed interest and brought two names forward based on their review of Metro's current contract provision with Mr. Epstein, which was at very good rate. Two attorneys agreed to work under that contract. He added that they may be doing an RFP later in the year due to the additional work, this would allow a broader sweep of candidates.

Councilor Naito concluded that she was comfortable with the process, it seemed a temporary stop gap until a bigger process could be completed.

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

7.3 **Resolution No. 97-2506**, For the Purpose of Waiver of the Filing Deadline for the Chamberlain Petition for an Urban Growth Boundary Locational Adjustment.

Motion: **Councilor McLain** moved the adoption of Resolution No. 97-2506.

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

Discussion: **Councilor McLain** said that this particular resolution was specifically to offer a waiver so that an applicant could finish the application. This particular applicant had to get through another local jurisdiction process, Washington County. Metro requested that he had had contact with that body (Washington County) to make sure that they understood what his request for the locational adjustment was. He had told staff that the particular time when he could get through the process was May 28th. She asked Ray Valone to confirm this timeline.

Ray Valone responded that it could be June or July.

Councilor McLain said that he had been pushed back a number of times by the county. It was a situation where he had actively tried to achieve finishing the application and had not had an opportunity to do that. This resolution would allow him the waiver so that he could finish the application and get it into Metro. She made no judgment on the application itself, she had not seen it. She was trying to make sure that this applicant had an opportunity to go ahead, to be able to correct the application which was incomplete at this time. She noted a typo in the resolution, whereas the Metro Code established the deadline for filing petitions for individual amendments, the urban growth boundary as March 15 of each calendar year. The resolution currently said May, is should read March.

Councilor Naito said she was unclear, was this a red tape issue where he had done all of the application that he could at the time and was awaiting a decision from the county or was it simply incomplete due to his own lack of completion, that might influence how she felt about the waiver.

Councilor McLain said to be a complete application he must get through the Washington County process, it was apparent that he had not been able to get through that process. She had known about this as early as March.

Councilor Naito asked if it was not due to a fault on his part?

Councilor McLain said that this was the reason she was willing to bring this forward to the Council, he had an application. The facts she had been given were that he had gone to Washington County, they did have him on a future agenda, he had made every effort to contact both Mr. Valone and herself to ask if there was any process to help him finish the application. If the Council did not do this, he would have to come back next March. She did not advocate any more than that, she felt that the Council had the opportunity to give him this waiver if they felt that he had tried to finish his application in a timely way.

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

8. COUNCILOR COMMUNICATION

Councilor McLain said that this last Tuesday, Hage Lake, in Washington County had a pavilion and a same creek picnic area that was dedicated. The funds used for improvement came from Washington County, Washington County Elks, Bureau of Reclamation and Metro local share money from Bond Measure 2626. She encouraged the Council to see the lake. The partners who put money into this effort had done an extraordinary job. There was handicap access for fishing with an elevator to the dock, boating and picnicking. It was another tribute to local share 2626 bond measure.

Presiding Officer Kvistad thanked Councilor McFarland for chairing the Council meeting last week. It was a speedy meeting.

He said that there had been over 425,000 total visitors for the Smithsonian Exhibit. about 40,000 more than expected. The Smithsonian was delighted, they felt that it had been the best show there had been. He thanked Mr. Stone for all hard work he had done on this project as well all of staff.

The Cascadia Conference would be occurring this weekend, Councilor Naito and he would be attending. They would report back to the Council.

Millie Brence was leaving the Council staff and moving to New York. The Council Office and the Council were planning a luncheon next Wednesday, May 14th from 11:30 to 1:00. Please notify either Lindsey or Cora of attendance.

9. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 2:23 p.m.

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Prepared by,

Chris Billington
Clerk of the Council