

MINUTES OF THE METRO COUNCIL MEETING

June 20, 1996

Council Chamber

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

Councilors Absent: None

Presiding Officer Jon Kvistad called the meeting to order at 2:05 p.m.

1. INTRODUCTIONS

Councilor McFarland acknowledged MCCI participant.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Consideration of the Minutes for the June 13, 1996 Metro Council Meeting.

Motion: Councilor Washington moved the adoption of the minutes of the June 13, 1996 Metro Council Meeting.

Second: Councilor Morissette seconded the motion.

Vote: The vote was 7 aye / 0 nay / 0 abstain. Presiding Officer Jon Kvistad declared the minutes unanimously approved by all those voting.

5. INFORMATIONAL PRESENTATION

5.1 Presentation of MPAC Boundary Committee recommendations by Portland City Commissioner Charlie Hales and Clackamas County Commissioner Judie Hammerstead.

Commissioner Hales presented the MPAC Boundary Committee's recommendations to Metro Council. He reviewed the history of the Boundary Commission, left over from the Charter. He acknowledged John Houser and his work on the committee. Ken Martin of the Boundary Commission assisted MPAC as well, he is the expert on how the current system works. He was also very helpful in explaining how boundary decisions are made today. Mr Hales felt that the heart of the

issue is, can you do boundary setting and regional planning in two different houses? MPAC believes that you must do boundary setting and regional planning under one roof, not two. The Metro structure must take on the functions that are now carried on by the Boundary Commission. Voters care about the livability of the region not so much about how the system works. Question before the Metro Council is how do we do it right? MPAC's recommendation to the Council is that this should be a Metro function.

County Commissioner Judie Hammerstead detailed the specifics of how the system should work. Members of the Committee included city representation included Charlie Hales of Portland, Alice Schlenker of Lake Oswego, Jeannine Murrell of Cornelius. Counties were represented by Judie Hammerstead and Linda Peters from Washington County. Rod Mitchell represented the service districts. There was broad representation both in geographics and population.

Three public hearings were held to seek public's perspective about how the Boundary Commission actually work. The Committee's charge under the Charter was to review the Boundary Commission and to put into a context with what is currently going on and what direction the region will be heading. Commissioner Hammerstead indicated that not all work is completed, there are technical details which need greater depth. The Committee looked at the function and structure, the geographical boundaries, the jurisdiction, the criteria for making decisions and the funding of the Boundary Commission.

The report and diagram are included with minutes. Commissioner Hammerstead reviewed the points. Their aim is to streamlined the process which allows for public participation, mostly at the local level. They focused on the public good rather than the individual. Hearing are held at local level and if all criteria is met and legal qualifications, there is a filing with a Metro administrator. If there is a citizen who objects, there would not be a public hearing but the citizen can submit a letter expressing concerns. Contested processes are clarified in the attached report. The geographical boundaries have been reduced to the Metro boundaries. There is quite a bit of process before coming to the Council. Outside the Metro boundaries, each entity would do their own process as in the rest of the State. Three criteria were identified as needing to be followed; 1) compliance with regional plans and Senate Bill 122 agreements, 2) the considerations of economics and financial impacts, and 3) the presumption that all territory within a UGB be within a city (primarily because this is the direction that 2040 is going).. Based upon those criteria there needs to be more clear and objective standards that would be applied. The committee recommended that the funding be considerably reduced with dues from the local jurisdictions, it should be more 'fee for service' based.

The timeline requires conforming legislation, Metro would need to have legal look at it and need to develop legislation that will enable it to be brought forward in the next legislative session. Planned implementation would be about January 1998. There is some discomfort about the lack of public participation. The Council will have to decide if there is enough public participation and adjust accordingly. There is a concerns about objectivity, about too much power for Metro and also a lack of trust that Senate Bill 122 will be successful.

Councilor McFarland asked that Bob Wiggin be included on the list so that he knows when this subject is coming up and where on the Council agenda.

Commissioner Hales added that the current boundary system will not work with the current 2040 process. The change that is being proposed does not allow the Boundary Commission to be a referee of local disputes. The boundary function has to be a means by which the regionally planning agenda is put into reality. This is a major change in the function. Boundary making is a tool for carrying out the regional plan.

Councilors McLain and Monroe acknowledged the work of committee, the work provides a solid framework for making decisions for the region. Councilor Washington also acknowledged this work and the new definition, boundary making.

Commissioner Hales added that MPAC, under the Charter, has advised Metro to take on this new responsibility.

Commissioner Hammerstead asked about the process that will occur from this point forward and the committee's role in this process. Presiding Officer Kvistad indicated that this has been referred to the Government Affairs Committee, chaired by Councilor McCaig. This is where the decisions and discussion will take place.

6. ORDINANCES - FIRST READING

- 6.1 **Ordinance No. 96-645**, For the Purpose of Adopting Metro Code Chapter 2.16 Code of Ethics.

Ordinance No. 96-645 was assigned to the Government Affairs Committee.

7. ORDINANCES - SECOND READING (Subject to Suspension of the Rules)

Presiding Officer Kvistad noted that there would be no Council meeting on the Fourth of July and that several councilors would not be available for the June 27th meeting, therefore, he asked that both the ordinances and resolutions before the Council today be considered. He asked for a motion to suspend the rules.

Vote to Suspend the Rules:

- Motion:** Councilor McFarland moved to suspend the rules to consider Ordinance No. 96-664A, Resolution 96-2339, and Resolution 96-2350, all of which came out of committee the day previous.
- Second:** Councilor Washington seconded the motion.
- Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously to suspend the rules in order to deal with these three items.

- 7.1 **Ordinance No. 96-644A**, For the Purpose of Granting a Franchise to Waste Management of Oregon for Operating a Solid Waste Processing Facility.

- Motion:** Councilor McFarland moved the adoption of Ordinance No. 96-644A.
- Second:** Councilor Morissette seconded the motion.
- Discussion:** Councilor McFarland indicated that Waste Management of Oregon is the first of several MRFs that will be before the Council. This company has passed the criteria for approval. There is a template setting out the criteria. There was no objection to this criteria.

Motion: Councilor McFarland moved to amend Ordinance No, 96-644A by adding a clause indicating unanimous consent of the Council for immediate adoption and also a clause authorizing the ordinance to be effective immediately. This must be done in order to put the ordinance through today rather than waiting a week.

There was no objection to consideration of these amendment.

Seconded: Councilor McLain seconded the motion.

Vote: The vote on the two amendments was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

Presiding Officer Kvistad **opened a public hearing on Ordinance 96-644B as amended.** No one came forward. The **public hearing was closed.**

Vote: The vote on amended Ordinance 96-644B was 7 aye/ 0 nay/ 0 abstain. The amended ordinance passed unanimously.

8. RESOLUTIONS

(Subject to Suspension of the Rules)

- 8.1 **Resolution No. 96-2339**, For the Purpose of Authorizing The Executive Officer to Enter Into An Agreement With The City of Portland Bureau of Environmental Services For Metro to Receive Federal Funds for Projects Which Benefit Columbia Slough Adjacent to St. Johns Landfill.

Motion: Councilor McCaig moved the adoption of Resolution No. 96-2339.

Second: Councilor Washington seconded the motion.

Discussion: Councilor McCaig indicated that 10 million dollars from the US Environmental Protection Agency came to the City of Portland. The City of Portland can spend up to \$210,000 in grants to other agencies such as Metro for improving and revitalizing the Columbia Slough. There are three projects which total \$93,000, planting trees, lifting a barge out of the slough, monitoring and mapping visible seeps in the landfill. This resolution authorizes the Executive to enter into an agreement to accomplish these three projects.

Councilor Morissette asked about the structure that would replace the barge to maintain slough habitat, is there a potential exposure for cost? Councilor McFarland replied that the structure would be a log to replace the barge, a minimal cost.

Presiding Officer Kvistad **opened a public hearing on Resolution 96-2339.** No one came forward to speak to this resolution. The **public hearing was closed.**

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

- 8.2 **Resolution No. 96-2350**, For the Purpose of Authorizing an Intergovernmental

Agreement with Clackamas County to Provide Litter Collection Services.

Motion: Councilor McLain moved the adoption of Resolution No. 96-2350.

Second: Councilor Monroe seconded the motion.

Discussion Councilor McLain indicated that this resolution has to do with our responsibility to keep up the litter on the roads outside of the South Transfer Station. Intergovernmental agreement with Clackamas County's Department of Transportation and Development to provide litter collection selection. Service is good, there is no change in budget impact so she recommended we continue that services for another two years.

Presiding Officer Kvistad **opened a public hearing on Resolution 96-2350**. No one came forward to speak to this resolution. The **public hearing was closed**.

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

Councilor McFarland asked for a point of privilege. She thanked the Council for taking up these items today.

Councilor McLain handed out a package from the Growth Management Committee. A copy of information given out at the open houses in the last two weeks was included. She indicated that there was an excellent turn out at each open house, good questions that were asked and a lot of interest in the Urban Reserve Study Areas. On the top of the packet is an informational item, the basic schedule that the Committee has been working from. This schedule is necessary to get the document on the functional plan to Council by the first of August. It also lays out general agenda items to get to the finished product.

Councilor McCaig indicated that this was the first time she had seen this packet. She clarified that this packet was not from the GM Committee but rather from Councilor McLain. It is her understanding that the committee will review this timeline and agenda items and make revisions prior to publication.

Presiding Officer Kvistad indicated that the information given out at the open houses in the hand outs was public record.

Councilor McLain clarified that there was one new date on the blue timeline, the only one that hasn't had any public hearing.

Councilor Morissette reiterated that the blue timeline was a draft that Councilor McLain would like to see forwarded. The committee is working on a schedule to accomplish the same goals but may not be the same in every instance, he hope to agree wherever possible.

Councilor McLain indicated that this schedule is the basic record, meeting times, basic general agenda items. She added that the committee members are welcome to come forward with additions as long as they are submitted in a timely manner.

Councilor Morissette added that there is not unanimous support for some of the issues, another proposal would be before the Committee next week and as the Committee goes forward he is

hopeful that there will be agreement on as many issues as possible and that if there is not agreement, there will be good debate.

Councilor McLain acknowledged this was status quo but in order to have public notice of agenda items in a timely manner, those items should be submitted to Mr Morrissey the Wednesday before the meeting.

9. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e). DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL PROPERTY TRANSACTIONS.

Presiding Officer Kvistad opened an Executive Session pursuant to ORS 109-660(1)(e) at 2:56 pm.

Present: Mike Burton, Judy Gregory, Mark Williams.

Presiding Officer Kvistad closed the Executive Session at 3:19pm.

10. COUNCILOR COMMUNICATIONS

10.1 Councilor Washington announced that the City/Metro Transition Committee has had its first meeting concerning PAC and other facilities. Individuals in attendance included Bev Stein, from Multnomah County, Commissioner Lindberg, Larry Harvey from Hotel/Motel, Don McClave and two representatives; one from Clackamas and one from Washington county. Mr Cooper and Mr Morrissey were also in attendance as well as Kathleen Johnson-Kuhn from the Business Community for the Arts. The next meeting is scheduled for the week after July 4th with one meeting every week in July after that.. Don McClave will chair the committee. Issues of finance, governance and ownership will be considered, finance will be covered in the next meeting. Councilor Washington will provide minutes of the meeting to all Councilors.

10.2 Presiding Officer Kvistad announced that there will be no Council meeting on July 4th. He asked that the office be covered, but staff who wish to take July 5th as vacation time could do so. Presiding Officer Kvistad added that the fiscal year is ending, if Councilors have needs for their offices, let the Council Office know ASAP. Third, each Councilor should review of expense account levels, phone bills should be looked at carefully. Fourth, he thanked the Growth Management staff for all hard work in putting on the last four public hearings.

10.3 Councilor Monroe reminded the Council that there was a joint meeting JPACT and at 5 pm today to deal with the regional transportation plan.

11. ADJOURN

With no further business to come before Metro Council this afternoon, the meeting was adjourned by Presiding Officer Jon Kvistad at 3:26 pm.

Prepared by

Chris Billington
Clerk of the Council