

MINUTES OF THE METRO OPERATIONS COMMITTEE MEETING

March 22, 2000

Metro Council Chamber

Councilors Present: Rod Monroe, (Chair), Bill Atherton (Vice Chair), Ed Washington

Councilors Absent: None

Also Present: David Bragdon, Michael Morrissey

Chair Monroe called the meeting to order at 3:35 p.m.

1. CONSIDERATION OF THE MINUTES

Motion: Councilor Washington moved to adopt the minutes of the February 23, 2000, Metro Operations Committee meeting. There were no additions or corrections.

Vote: The vote was 3/0. The motion passed unanimously.

2. Resolution No. 00-2902, For the Purpose of Appointing Pat Russell, Dennis Ganoë, Darren Pennington, Tom Joste, and Judith Anderson to the Metro Committee for Citizen Involvement

Motion: Councilor Atherton moved to approve Resolution No. 00-2902.

Karen Withrow, MCCI, explained there were five candidates filling positions in districts 2, 3 and 4. **Councilor Washington** asked if any inquiries had been made of Darren Pennington. **Ms. Withrow** said Lou Ogden had recommended the appointment of Mr. Pennington. **Councilor Atherton** asked if there were any other applicants considered for these positions. **Ms. Withrow** indicated there had been several others. **Councilor Atherton** asked to see the list of those interviewed and since it was not available Councilor Atherton asked the Chair to hold over this agenda item for later in the meeting. **Chair Monroe** said this agenda item would be heard later in the meeting when the applications were available to the committee.

Discussion was reopened

Councilor Atherton repeated his request for the list of applicants considered for the available positions on MCCI. **Nancy Goss-Duran**, Executive Officer's Office, submitted the three additional names for positions on MCCI. They were Andrew Leonard, Bruce Brooks, Carol Sue Engleman, and they were all interviewed for the District 2 seat. **Councilor Atherton** asked that further research be continued off the record. **Chair Monroe** suggested moving this resolution forward without recommendation.

Motion: Councilor Washington moved a friendly amendment that Resolution No. 00-2902 be forwarded to full Council without committee recommendation.

Vote: The Committee voted 3/0 to forward Resolution No. 00-2902 without recommendation. Chair Monroe will carry the resolution to the full Council.

3. Resolution No. 00-2913, For the Purpose of Amending the Contract Between Metro and Ankrom Moisan Associated Architects (Contract No. 903749) for the Architectural Services Associated with the Great Northwest Project at the Oregon Zoo

Motion: Councilor Washington moved to approve Resolution No. 00-2913.

Kathy Kiaunis, Deputy Director, The Oregon Zoo, said the purpose of the request was for an additional \$300,000 to be added to the architectural services contract of Ankrom Moisan, the lead architect of the Great Northwest Project. The money would be used for design, geotechnical services and surveying related to moving the train tracks and the station across from the current Elk Meadow. **Councilor Atherton** asked about the necessity of a geotechnical study. **Ms. Kiaunis** said that the actual new site of the train tracks

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was originally in a kind of trough and had been engineered and improved but this was a precaution ensuring that the train tressel would be sound.

Vote: The Committee voted 3/0. Resolution No. 00-2913 passed unanimously. Councilor Atherton was asked to carry the resolution to the full Council.

4. Ordinance No. 00-849, For the Purpose of Amending the Metro Code to Adopt Campaign Finance and Disclosure Requirements

Motion: Councilor Washington moved to approve Ordinance No. 00-849.

Councilor Atherton asked to move to substitute Ordinance No. 00-849A.

Motion: Councilor Atherton moved to substitute Ordinance No. 00-849A, attached as a permanent part of this record.

Councilor Atherton said his amendment it was a blend of the ordinances prepared by Councilor Bragdon and Councilor Atherton carried over from the last Operations Committee meeting of February 23, 2000, calling for extra campaign contribution reporting requirements and disclosure at the time of voting from parties involved in the issues before Council. Councilor Atherton said he had worked with Councilor Bragdon on a joint ordinance, but that Councilor Bragdon did not feel comfortable about the disclosure recusal issue that Councilor Atherton felt important, however, and wanted to add the increased reporting requirements, the web page posting and especially the reporting requirement that the records be kept by the Council Clerk. Although good ideas, the issue of disclosure recusal was not agreed upon. Ordinance No. 00-849A continues to include the disclosure recusal provisions, and also increases the campaign contribution limit from \$100 to \$200. Councilor Atherton referenced page 4, Section 2.18.090 (additional campaign finance reporting requirements) were Councilor Bragdon's inclusions. Councilor Atherton's proposals do not include campaign finance issues, but deal with the public's trust in the decision-making that occurs. He felt these issues were not ethics issues, but rather campaign related. Most local governments face these issues. He said the constitutionality of his proposed ordinance was not settled. Councilor Atherton's proposal expands the current requirements for disclosure and recusal for defined conflicts of interest. It has nothing to do with campaign finance, nor ethics. A key issue involved in this legislation could be litigation expenses if it became necessary to mount a legal defense. On the other hand, Metro could be seen in a leadership role in helping other local governments who do not have the resources, capability, visibility or sophistication in carrying this further in public debate. He hoped the legislature would address this in its next session.

Councilor Bragdon spoke in opposition to Councilor Atherton's motion to amend Ordinance No. 00-849. He said this amendment continues to be unworkable and, probably, unconstitutional. The flaws include the fact that it would not have applied to most of the decisions for which it was intended to apply. He urged a no vote on this motion to amend.

Councilor Washington said he had strong feelings about this campaign issue. He said he would not support any legislation that favored a supporter who had contributed to his campaign. He said he did not feel any more regulation was needed. Councilor Atherton responded to Councilor Washington's remark about this issue being too personal. That was the point, to depersonalize it as it was never intended to be personal. This disclosure was for the public's benefit, not the elected official. Councilor Washington said if he was ever involved in a conflict of interest he would report it. He felt a person's integrity was disregarded by such legislation. Councilor Atherton again stated this was not a matter of integrity or honesty, but rather the public's perception. He urged passage of this amendment to the full Council for open deliberation in the hopes that the legislature would pick it up and move it forward.

Vote: The Committee voted 2/1, failing Councilor Atherton's amendment A to Ordinance No. 00-849, Councilor's Washington and Monroe voting in opposition.

Councilor Bragdon indicated his ordinance had been well discussed at the February 23, 2000 meeting. However, he spoke briefly to its companion resolution, Resolution No. 00-2911. He originally sought the

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assistance of MCCI, the Metro body charged with citizen involvement, but has recently received an e-mail from its chair, indicating that MCCI is uncomfortable in that role. Councilor Bragdon plans on meeting with the committee to discuss the matter further. He asked that Resolution No. 00-2911 be held. He urged passage of Ordinance No. 00-849 because it required campaign finance reports be file with the Clerk of the Metro Council at more frequent intervals than required by the existing law, to announce contributions received in between the reporting periods, and to improve the access by having them on the premises, as well as on the website.

Councilor Atherton referenced Section 2.18.030(b) asking about the length of time of the reporting requirement. **Councilor Bragdon** responded that it applied as long as the elected official had a campaign committee.

Councilor Washington said he was supportive of this ordinance.

Chair Monroe said, if passed, it would be very important for all candidates for Metro offices be informed of Metro's rules.

Councilor Atherton asked if there was a definition of legislative or administrative interest. How is that defined? **Councilor Bragdon** responded that it was defined elsewhere in the Metro Code.

Councilor Atherton asked if Councilor Bragdon would consider an amendment regarding the \$500 limit and **Councilor Bragdon** said if the committee felt \$200 to be a better limit, he would not object. **Chair Monroe** said anything less than \$500 would be considered a minor contribution. **Councilor Atherton** responded that, again, it was for the public's peace of mind and asked for a friendly amendment of a \$200 limit.

Motion: **Councilor Atherton** moved to amend Ordinance No. 00-849, p. 3, (c) to change the limit from \$500 to \$200.

Vote: The committee voted 2/1 against the motion to amend. Councilors Washington and Monroe voting in opposition.

Chair Monroe opened a public hearing on Ordinance No. 00-849. There were no testifiers. However, Chair Monroe acknowledged an e-mail from MCCI Chair, Ray Sherwood, responding to a companion legislation, Resolution No. 00-2911. The e-mail is attached as a permanent part of this record. The public hearing was closed. There was no further discussion.

Vote: The Committee voted 2/1, passing Ordinance No. 00-849 with Councilor Atherton in opposition. Chair Monroe will carry it to full Council.

Chair Monroe suggested Councilor Atherton speak to other Councilors regarding the merits of some of Councilor Atherton's other elements proposed in his original Ordinance No. 00-838.

5. Resolution No. 00-2911, For the Purpose of Directing the Metro Committee for Citizen Involvement to Examine Campaign Finance Proposals

Chair Monroe ordered that action on Resolution No. 00-2911 be postponed indefinitely.

6. Approval of the Operations Committee Work Plan

Michael Morrissey, Council Analyst, said that by polling the departments typically overseen by this committee, a list of items was compiled that were thought to be of interest to the committee, with approximate dates included. It could well serve as a set of items to be reviewed over the year. **Councilor Bragdon** said another important item to be included in the work plan was the proposed Metro Charter amendments pertaining to the nature and role of the Executive Officer, as addressed recently by the

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Executive Officer. Since the November ballot referral would be sometime in August, this matter might be taken up in late Spring, after the budget work is completed. Mr. Morrissey was asked to add this item to the work plan.

Councilor Atherton asked if we were interested in discussing parking under utilization and fees at all Metro parking facilities. **Chair Monroe** thought it appropriate to review the history, marketing, current status and possible future recommendations.

COUNCILOR COMMUNICATIONS

There were none.

The meeting was adjourned at 4:40 p.m.

Respectfully submitted,

Patricia Mannhalter
Council Assistant

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ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MARCH 22, 2000

Document Number	Date	Document Description	RES/ORD
032200.01	March 21, 2000	E-mail from Ray Sherwood, Chair MCCI expressing concern over Resolution No. 00-2911	Res. No. 00-2911
032200.02	March 22, 2000	Councilor Atherton's Ord. No. 00-849A amending Councilor Bragdon's ordinance	Ord. No. 00-849