

MINUTES OF THE METRO COUNCIL MEETING

March 30, 2000

Metro Council Chamber

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

Councilors Absent: None

Presiding Officer Bragdon convened the Regular Council Meeting at 2:07 p.m.

1. INTRODUCTIONS

Councilor Park introduced Paul Thalhofer, the Mayor of the City of Troutdale.

Councilor Monroe welcomed Aleta Woodruff, an MCCI member who recently returned from a stay in Tucson, Arizona.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

None.

5. BUDGET/FINANCE COMMUNICATIONS

Councilor McLain announced the next Budget Committee meeting would be on April 3 at 3:00 PM at which the carryover amendments from the general funds would be discussed. She summarized items on the agenda. (Details of the agenda for this meeting can be obtained from the Council Office or from the Metro Website.) She said that if the work has not been completed, the meeting would continue on April 4 at 1:30 PM.

Motion: **Councilor Kvistad** moved to make budget committee a committee of the whole.

Second: **Councilor Park** seconded the motion for discussion.

Councilor Kvistad said that through his service on the Metro Council, all budget committees had included a majority of the Council. The past few years the committee had been made up of a committee as a whole. He would like a return to that configuration, particularly when the committee begins to take final actions.

Councilor Washington asked for an explanation of how this would be implemented.

Councilor Kvistad said everything would remain the same except that all seven members of the council would be able to be present as voting members on items that go to Council.

Chair McLain said she would not object to changes in the size of the committee. She said that after the budget seasons ends, the committee would become a finance committee. She suggested it might return to a committee of three then.

Presiding Officer Bragdon said that forming a committee of three was intended to increase efficiency. He said he had no problem changing the size of the committee.

Councilor Monroe said that because the Presiding Officer has the authority to change committee size or configuration at any time, it should be done that way rather than through a motion. He requested a recess to address this issue.

Presiding Officer Bragdon recessed the Council meeting at 2:15 p.m. and reconvened at 2:20 PM.

Presiding Officer Bragdon said he would appoint anyone to the committee who wished to participate.

Councilor Kvistad moved his motion forward for consideration on next week's agenda.

6. MPAC COMMUNICATIONS

Councilor Park said that the Growth Management committee had decided the day before MPAC met to extend the schedule for Goal 5, to allow time to evaluate comments from the public and from local partners.

Councilor Park announced that he has a conflict of interest regarding Goal 5 decisions that he was trying to resolve. He said he had sent a letter to the Government Standards and Practices Commission for a determination, based on the fact that he owns property inside the Metro Boundary. That property has a creek that runs through it. He said that until he receives a final determination from the Commission, Goal 5 issues would be handled by Presiding Officer Bragdon.

Presiding Officer Bragdon summarized the issues discussed, which included slowing down the process to provide time to assimilate conversations with local partners on related issues. Among the issues were definitions for a riparian zone management plan, what the performance measures are, and how outcomes might be measured.

Councilor Washington asked if Title 3 issues applied to underground creeks that crisscross this whole area.

Daniel Cooper, Metro Legal Counsel, said those creeks had been considered, but no active proposal existed to daylight creeks that are currently underground.

Councilor Washington said he understood there were plans to daylight Tanner Creek.

Mr. Cooper said clarified that he meant no active proposal existed to include requirements to daylight any creek in the regulatory sense. Tanner Creek would be a voluntary action.

Councilor Washington asked whether voluntarily daylighted creeks would then fall under Title 3 and other regulations.

Mr. Cooper said he did not know the answer but that he would find out.

7. CONSENT AGENDA

7.1 Consideration of minutes of the March 16, 2000 Regular Council Meeting.

Motion: **Councilor Washington** moved to adopt the meeting minutes of March 16, 2000, Regular Council meeting.

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

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

8. ORDINANCES –FIRST READING

8.1 **Ordinance No. 00-856**, Confirming the Readoption of Metro Code 2.06 (Investment Policy); and Declaring an Emergency.

Presiding Officer Bragdon assigned Ordinance No. 00-856 to the Metro Operations Committee.

8.2 **Ordinance No. 00-857**, For the Purpose of Amending Metro Code Chapter 7.01 to Convert the Excise Tax Levied on Solid Waste to A Tax Levied Upon Tonnage Accepted at Solid Waste Facilities and Making Other Related Amendments.

Presiding Officer Bragdon assigned Ordinance No. 00-857 to the Regional Environmental Management Committee.

9. ORDINANCES – SECOND READING

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

Motion: **Councilor Monroe** moved to adopt Ordinance No. 00-849, with a friendly technical amendment.

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

Councilor Monroe introduced the ordinance as part of a process begun a year ago to strengthen the Metro ethics code. This ordinance provides for additional campaign reporting disclosure to the public that is consistent with Oregon and federal law. It requires that candidates for Metro office or any Metro elected official who is a candidate for any elected office file with the Metro Clerk of the Council an original copy of the finance report commonly known as “C & E Reports.”

These reports must be filed on the same day they are due under Oregon and federal law. In addition, candidates shall provide such a filing within 90 days after filing for office and no less frequently than 90 days thereafter. This would be a more frequent filing requirement than that required by Oregon law. In addition to the reports being filed with the county clerk, they would be filed at Metro and put on the Internet.

Under this ordinance Metro elected officials who receive contributions of \$500 or more after one of these filing periods and face a vote on an issue that would benefit the contributor would be required to disclose the contribution before either voting or abstaining on the issue. Councilor Monroe called this a “sunlight” ordinance, as it turns up wattage of light shed on process of campaign contributions and reporting. It provides easier and more current access to this information. He urged support.

Councilor Atherton offered a second friendly amendment. This provides for Metro’s preparing a voluntary, binding contract a candidate could sign that promises not to accept campaign contributions of more than \$200 from anyone doing business at Metro. If the candidate did, he or she would recuse himself or herself if an issue involving a campaign contributor in land-use approval or contracts came before the Council. If the candidate signs the contract before the state voter’s pamphlet is printed, the information would be allowed to be printed in that pamphlet. If it happens after, it would still be binding but the advantage of being publicized through the pamphlet would not be available.

Presiding Officer Bragdon asked Councilor Monroe if he would accept this as a friendly amendment.

Councilor Monroe said this proposal had not been presented to him before nor had it been presented to the Committee as an amendment. He said the amendment goes in an entirely different direction. He recommended that Councilor Atherton draft a separate ordinance rather than trying to put it on this reporting ordinance. He declined it as a friendly amendment.

Councilor Atherton acknowledged that he had just now thought this up. However, he said that a number of questions had been raised in committee that he had expected would be resolved before this measure was brought to Council, namely a definition of legislative and administrative interest. He asked Councilor Monroe to withdraw his motion and take it up again at the next Council meeting. He said he would have a formal amendment ready at that time.

Presiding Officer Bragdon said that the ordinance at hand had been discussed at the Metro Operations Committee, and the decision was to bring it forward at this time.

Councilor Monroe said it had been announced some time ago that this ordinance would be on the Council agenda today. He said he would not withdraw his motion, as he thought the two issues were different. He recommended that Councilor Atherton seek legal help in drafting an ordinance to express his proposal.

Motion: **Councilor Atherton** moved to table Ordinance No. 00-849.

Second: **Councilor Kvistad** seconded the motion.

Vote: The vote was 2 aye/ 5 nay/ 0 abstain. The motion failed with Councilors

Park, Monroe, McLain, and Washington, and Presiding Officer Bragdon voting nay.

Motion to Amend #1: **Councilor Kvistad** moved to amend Ordinance No. 00-849 to change section 21 to require filing with the Metro Clerk of the Council within seven days of filing with the state filing officer.

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

Councilor Kvistad said that filing in two different places—Salem and Portland—on the same day can be a hardship on those running for offices other than Metro offices. He said that a seven-day filing period should make the report available in a timely manner without creating undue hardship on candidates.

Councilor Monroe said that because this affects Metro officials who already work here, he did not see that it would be an inconvenience to bring a copy of the report forms by before delivering one to another office.

Councilor Park said that the reports can be faxed. He asked for clarifications as to the hardship.

Councilor Kvistad said he objected to the whole ordinance, but as long as it was being discussed, his interest was in making it more reasonable. His next amendment would address the 90-day rule. He said he would be leaving in eight months and did not see the relevance to those who would be leaving. He said he normally hand-carried his reports. He said he had two other jobs, and this was supposed to be a part-time job. He did not see how a seven-day leeway would hurt anything.

Councilor Atherton said this related to the public's perception. He said that campaign contributions accepted while at Metro could be perceived by the public as trying to influence a Metro vote. He did not see the difficulty of filing here and in Salem on the same day.

Councilor Washington said that he did not see that a seven-day leeway would be unreasonable. He asked his fellow Councilors to consider this motion.

Presiding Officer Bragdon said he did not think a same-day filing would be onerous; however, when he drafted this legislation he was not taking into consideration the need to file in Salem. He said a seven-day window would accommodate that rare need.

Councilor Monroe said in his view an entire week would not be necessary. He suggested a one-business-day delay.

Councilor Kvistad proposed to amend his proposed amendment to allow two days instead of seven. Councilor Atherton, who had seconded the original motion to amend, agreed.

Councilor Monroe accepted the amendment as a friendly amendment.

Councilor Washington, who had seconded the main motion, agreed to accept the friendly amendment.

Councilor Kvistad introduced a second amendment to eliminate the requirement that all financial disclosure requirements be reported no less frequently than every 90 days. He said that filing the first report within 90 days would not be a problem, but filing every 90 days would be unreasonable for those running for state offices and nearly impossible for those running for federal. He proposed amending Section b) to delete the words “no less frequently than every 90 days.” He said the rest would stay the same.

Motion to amend #2: **Councilor Kvistad** moved to amend section 2.18.030, subsection (b), to delete the phrase “no less frequently than every 90 days.”

Second: **Councilor Park** seconded the motion.

Councilor Kvistad said his intent was to address situation whereby Metro officials might be running for federal office. The requirement under those circumstances would be unworkable. It likely would be just as unworkable for those running for state offices. Getting the first reports in within 90 days should be no problem. The additional reports would be unworkable.

Councilor Monroe said that the federal reporting laws were different and more complicated. He did not think the 90-day requirement would be impossible. He said when people choose to run for complicated offices they take on the responsibilities that go with that.

Presiding Officer Bragdon said his intention was to ask more of elected officials, so he would not support this amendment.

Councilor Park said he agreed with Councilor Kvistad. He said the C&Es are expensive and time-consuming to have done. A Metro Councilor who was running for a federal office would be asked to do more time-consuming and expensive work than one who was not. He asked for a legal opinion.

Mr. Cooper said the state statute requires the first report be due from the time a candidate files to the 40th day before the election. A second report is due from the 39th day to the 9th day contributions. That must be filed no later than five days before the election. After the election another report is due. That covers the primary cycle. Then the same cycle begins again until the general election. Then annually after that, as long as the campaign committee remains open. The 90-day clock requires that those who file early—and candidates are allowed to file as early as the September before the main primary—to do several reports before the first report is due under state law.

Councilor Atherton asked Mr. Cooper about the issue of loans that Candidates make to themselves. He understood that under this requirement, reports would have to be filed every 90 days through the entire term of office of the Councilor.

Mr. Cooper said that was correct. The ordinance would require a more frequent disclosure to be filed after an election while there was still a balance carried in the campaign. Under state law, there is a short period after the election a candidate must file, then every September. This ordinance would require a report every 90 days through the term of office or until the balance is paid off and the campaign committee closed.

Councilor McLain said she agreed with Councilor Kvistad in that the purpose of this ordinance was to make campaign finance reports more accessible to the public, not place an undue burden on candidates and elected officials. She suggested amending this to allow reporting dates to coincide for those who might be running for offices other than Metro. She did not think Metro should have a different starting date for those running for offices other than Metro.

Councilor Kvistad said he that requiring reports every 90 days would not accomplish anything in his view. He said most public officials have open campaign committees after the election, although most do not receive contributions during that time. For those running for federal offices, reporting every 90 days would be extremely expensive and onerous and it does not fit with any other reporting schedule—either state or federal.

Presiding Officer Bragdon said his intent was to have those reports even while a committee was dormant. He intended it to go further than federal law does.

Councilor Monroe said many Metro Councilors run for offices but do not succeed, leaving a deficit that needs to be paid off. Those individuals would likely be involved in fund-raising to pay off that deficit. Under federal law, those individuals would need to file a report annually. This would move that up to four times a year. He said he agreed with Councilor Kvistad's point about needing to file 90 days after filing for candidacy. He suggested adding the word "within," to the sentence, "...the first report shall be filed with the clerk within 90 days after the date..." As it reads now, the report must be filed in exactly 90 days.

Councilor Kvistad accepted that language as a friendly amendment.

Councilor McLain asked for legal clarification on the state filing requirements.

Mr. Cooper said the first report under state law is due 29-39 days before the election for the entire period, from the time of filing until the 40th day before the election. The reports are due within 10 days after that period closes.

Councilor Monroe asked if the word "within" was therefore not necessary.

Councilor Atherton asked Councilor Kvistad whether eliminating reference to federal law and keeping only state law would address his concern.

Councilor Kvistad said he was not concerned about reporting. He objected to the attempt to fix a problem that in his view did not exist. He understood filing reports with the clerk at the same time as with the county and state. He did not understand the need to report every 90 days. He did not understand what that would accomplish.

Councilor Atherton said he had two points. First, this would frustrate the ability of those who hold one office while running for another. Second, he took issue with the claim that an opponent could obtain access to C&E reports at any time during the campaign. He said he had gone to court and had been unsuccessful in obtaining those reports.

Councilor Washington said these discussions demonstrate how complex these issues are. He said people had been sitting in the audience for some time waiting to testify. He suggested postponing this issue until the end of the meeting, after other business had been taken care of..

Motion to

Table: **Councilor Kvistad** moved to table until time certain, at the end of this meeting.

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

Vote: The vote was 4 aye/3 no/0 abstain. The motion passed with Councilors Kvistad and Monroe and Presiding Officer Bragdon voting no.

Councilor Kvistad said he could not be present for that discussion as he had to leave in 20 minutes.

10. RESOLUTIONS

10.1 **Resolution No. 00-2899**, For the Purpose of Appointing Andrew Stamp, Chris Hathaway, Bill Gaffi, and Kendra Smith to the Water Resource Policy Advisory Committee.

Motion: **Councilor McLain** moved to adopt Resolution No. 00-2899.

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

Councilor McLain introduced the resolution. She thanked the Homebuilders for bringing forward Andrew Stamp as its appointment. (The staff report contains more background and information on the nominees.)

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

10.2 **Resolution No. 00-2902**, For the Purpose of Appointing Pat Russell and Dennis Ganoie to the Metro Committee for Citizen Involvement.

Motion: **Councilor Monroe** moved to adopt Resolution No. 00-2902.

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

Councilor Monroe introduced the resolution and the nominees. (More details can be found in the staff report to the resolution, included in the public record.)

Presiding Officer Bragdon opened a public hearing on Resolution No. 00-2902 at 3:19 p.m. He invited Ms. Durtschi, chair of MCCI, to come forward.

Kay Durtschi, MCCI, said these candidates were outstanding. She looked forward to the expertise they would bring to the issues of citizen involvement. She said MCCI planned to put a map together to indicate where the committee's members live, to try to achieve membership from a broad geographic area.

Presiding Officer Bragdon closed the public hearing at 3:20 p.m.

Councilor Kvistad said Mr. Pennington, who was on the list, had been incorrectly listed as being in District 4. He is in District 3. He wondered if that was the at-large position.

Ms. Durtschi said she had noted that error. She said that was the reason MCCI was making that map.

Councilor McLain said that in the past, when MCCI sought to fill the “at large” position, it considered where people work as well as where they live. District 4 has not had representation for three or more years. MCCI was glad to have interested parties from that area.

Ms. Durtschi said MCCI was working on procedures to address this problem.

Councilor Monroe asked why he had two resolutions numbered 00-2902, but one with two nominees and the other with five.

Councilor McLain said the resolution with five names on it was a substitute for the one with two. The committee had submitted five. Legal counsel has advised that those names could be added.

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

10.4 **Resolution No. 00-2914**, For the Purpose of Granting Time Extensions to the Functional Plan Compliance Deadline for the City of Troutdale.

Motion: **Councilor Park** moved to adopt Resolution No. 00-2914.

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

Councilor Park said other jurisdictions that have been working in good faith do comply with titles one and 6 of the functional plan have been granted extensions. The city of Troutdale has requested an extension until June of 2000 to complete its work on density, accessory dwelling units, street design, and street connectivity.

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

10.5 **Resolution No. 00-2915**, For the Purpose of Granting a Time Extension to the City of Troutdale for Compliance with Title 3 of the Urban Growth Management Functional Plan.

Motion: **Councilor Park** moved to adopt Resolution No. 00-2915, with a friendly amendment to change the extension date from May 2000 to October 2000.

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

Councilor Park explained that the city of Troutdale had been addressing Metro's Title 3 of the functional plan, which deals with water quality. The Growth Management Committee had adopted a recommendation different recommendation from that put forth in the amendment. He invited Mayor Thalhoffer and Mr. Faith to explain the situation.

Richard Faith, Community Development Director, City of Troutdale, thanked the Council for passing Resolution No. 00-2914, and for the opportunity to speak on this resolution as amended. He explained that in his effort to convince the Growth Management Committee that Troutdale has strong erosion control measures and standards for managing development in flood plains, he had said claimed that Troutdale was in "substantial compliance" with Title 3. He said his comment was interpreted as his seeking a formal ruling from the Council declaring that Troutdale was in substantial compliance. His statement was not meant to be taken literally, but to indicate that Troutdale has measures in affect to protect water quality. He said he also acknowledged that Troutdale's measures fall short of those required under Title 3, namely the balanced cut and fill provision and the requires minimum 50-foot setback. He said his use of the term "substantial compliance" was in error. He should have said Troutdale was partially in compliance. He requested an extension until October, explaining that Troutdale had only one planners on staff. for a large part of the year. Another planner had been hired in January, which should allow things to move forward more quickly. In addition, other matters—some of them contentious—have demanded the city's attention. He did not believe staff could address Title 3 until the middle of the summer. He requested an extension until October of 2000. He added that he thought that this request was consistent with those made by the cities of Gresham and Fairview.

Paul Thalhoffer, Mayor, City of Troutdale, expressed his appreciation for the one extension the Council had already granted the city. He anticipated the in-depth hearings Troutdale normally holds on issues like this would be time-consuming. He requested an extension until October.

Presiding Officer Bragdon said extensions were granted to jurisdictions that were making progress by working in good faith. He thanked the city officials for more fully explaining the city's situation.

Councilor Atherton also appreciated the Mayor's comments. He said he had recently learned just how complex this all was and he would search for ways to possibly correct the problem.

Mayor Thalhoffer explained that his remarks about substantial compliance should have stated that they were in pretty good shape, but not in substantial compliance with Title 3.

Marnie Allen, legal counsel, City of Troutdale, thanked Councilor Park for working with them on a solution. She understood there was a recommendation for a new section 3. She asked for affirmation that they were in fact restating what was already required by state law.

Councilor Park responded they were restating Metro Code, not state law.

Councilor Washington spoke in support of the resolution.

Councilor Park, in closing, thought they had heard today how to craft a fair solution for Troutdale and the other partners. He said there were conditions that the City of Troutdale needed to understand, for instance, October 31 was a drop-dead date and there would be no further extensions, consistent with the agreements with the Cities of Gresham and Fairview. He noted a

comment made at the last Growth Management meeting regarding tying Title 3 and Goal 5 together. He checked the MPAC position and found that they had consented unanimously to keep them separate. He noted the McMennamin's pig farm development issue had been addressed in this also. He felt the resolution expressed a desire by all parties to serve the citizens. Another condition was for the work plan to be back to Metro staff in 30 days. He urged an aye vote,

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

Mayor Thalhoffer thanked the Council, and said they appreciated Councilor Park's work on their behalf.

Motion **Councilor McLain** moved reconsideration of the motion to table Ordinance 00-849 to the end of the meeting so Councilor Kvistad could be part of the conversation because he had to leave before the end of the meeting.

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

Councilor McLain said in order to allow Councilor Kvistad to be part of the discussion and vote she wanted to do the work right now.

Councilor Kvistad appreciated the courtesy, but said he could not take advantage of it because he had to leave soon.

Councilor McLain withdrew her motion.

10.7 **Resolution No. 00-2919**, For the Purpose of Approving New Citizen Members to TPAC and the Transportation Demand Management (TDM) Subcommittee of TPAC, in Accordance with Resolution 92-1610.

Motion: **Councilor Kvistad** moved to adopt Resolution No. 00-2919.

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

Councilor Kvistad recommended an aye vote. He said if the proposed members he did not know were as highly qualified as the ones he did, these would be very good members for the committees.

Councilor Monroe reported that he represented the Council on interview committee and said these were most outstanding applicants. He supported their approval.

Councilor Washington said he also on the interview committee and urged an aye vote.

Presiding Officer Bragdon was pleased to see someone from the freight industry represented on the committee. He supported the resolution.

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

Councilor Kvistad apologized for letting his frustration detract from the debate. He felt very strongly about some of the items being discussed and may have been overly strident. He said he had to leave the meeting now due to another obligation in Seattle.

Councilor Monroe responded that he may have come up with language that would help address Councilor Kvistad's concerns, although it may not go as far as he would like it would be helpful to his concerns about the difficulties of federal and state policies and how they worked together. He said they would try to fix it.

Councilor Kvistad appreciated that. He added that it was overkill and they were trying to fix something that wasn't broken. He left the meeting.

10.8 **Resolution No. 00-2920**, For the Purpose of Endorsing Voter Approval of Ballot Measure 82.

Motion: **Councilor Monroe** moved to adopt Resolution No. 00-2920.

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

Councilor Monroe said the legislature had passed a transportation funding package that was signed by the Governor and would be referred to the voters. He said regional transportation improvements were absolutely essential if the 2040 concept was to work. He said Resolution No. 99-2878B, the RTP, was passed late last year and it was not funded. Ballot Measure 82 would provide important funding for it. He felt if they were going to be consistent, it was appropriate to urge the voters to support this badly needed transportation funding measure.

Presiding Officer Bragdon agreed that the gas tax system needed to be supported. The system was vastly under-funded, particularly in terms of maintenance, and he would support a larger gas tax increase than Measure 82, if the money were to be used for maintenance. He said he was concerned, however, about the amount of debt that would be incurred for expansion of very large projects that would not help solve the problems. He said he would not vote for Measure 82 because he did not think it was the way to reach the goals that the region should be trying to reach.

Councilor Park said that, as one of few people at Metro who bought 1,000 gallons of gas a time, the proposed increase did take one back. However, the cost was directly proportional to use. He hoped that the public would view the tax as a user fee and support it. While it was insufficient to meet the region's needs, it was a start.

Councilor McLain said she would support Measure 82 because it was a user fee, and it was fair for the people who used the facilities to pay for them. Secondly, this was the tenth time she had sat through transportation issues, both at Metro and at the state, and it was important to do as much as possible. While she did not favor every project on the list, there was a much needed element in Measure 82 to continue to have a non-deteriorating system. She believed projects should be further refined to make sure that they helped build compact urban forms and supported the 2040 Growth Vision. Measure 82 went a long way toward finding a full solution.

Councilor Washington said he would support the resolution. It was clear after serving on the Joint Policy Advisory Committee on Transportation (JPACT) and the Council Transportation

Planning Committee that the region's road system was in poor shape. He cited potholes as an example. Since he needed to drive to get around the region, he did not mind paying his fair share. While Measure 82 did not solve all the problems, it helped a little bit.

Councilor Atherton responded to Councilor Washington on the two points he made regarding fixing potholes and paying fair share. First, Measure 82 was not designed to fix potholes. Instead, it was designed to accommodate growth that would benefit very specific individuals, on the backs of the general ratepayers and on the region's children. The measure would make the state go into debt to do maintenance, which was the best possible way to go broke. He said Measure 82 encouraged local jurisdictions to contribute their three cents of the gas tax toward state projects. He cited an example from his time on the Lake Oswego City Council, in which the state strong-armed the city into using its local funds to fix the intersection of Highway 43 and Avenue A, even though Highway 43 was a state road. He said rather than taxing the broad ratepayers and the children, the projects should be funded by system development charges or local improvement districts. He concluded that he hoped Measure 82 failed, not because he did not want to fix the roads, but because passage of Measure 82 would frustrate the region's ability to do it right. He said he had proposed an alternative strategy, and he was gratified to see it included as an option presented to the Council by Andy Cotugno, Director of the Transportation Department. He said he briefly expounded upon his alternative in the state voters' pamphlet. He urged members of Metro to join him in rejecting Measure 82 and working to develop a Plan B.

Councilor Monroe closed by saying that Measure 82 did include money to fix potholes. Three cents out of five, or 60 percent, would go directly to local governments for road and bridge maintenance, preservation and modernization. Another cent, or 20 percent, of the tax would go to the state highway for maintenance and preservation. Only one cent, or 20 percent, would be bonded for major highway projects. All of the major projects in the Metro region were included in Metro's Regional Transportation Plan, which the Council had approved. He said one could always find fault in any proposal and oppose it in hope that something better would come along, but that would result in nothing, and the region would come to total gridlock. He closed by saying that when the legislature approved the gas tax increase, it would represent about a four-percent increase in gas tax. That shrunk dramatically, and today the tax only represented less than a three-percent increase in the price of gas. He said the Council should be consistent: it supported the Regional Transportation Plan, it urged the legislature to do something about roads and highways, the legislature finally did, and Metro should at least thank them for their effort by supporting the resolution.

Vote: The vote was 4 aye/ 2 nay/ 0 abstain, with Councilor Atherton and Presiding Officer Bragdon voting no. Councilor Kvistad was absent. The motion passed.

Presiding Officer Bragdon recessed the Metro Council at 4:08 p.m. and convened the Metro Contract Review Board.

11. CONTRACT REVIEW BOARD

11.1 **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 Atherton** moved to adopt Resolution No. 00-2913.

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

Kathy Kiaunis, Deputy Director of the Oregon Zoo, presented the resolution. A staff report to the resolution includes information presented by Ms. Kiaunis and is included in the meeting record.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. Councilor Kvistad was absent.
The motion passed.

Presiding Officer Bragdon adjourned the Metro Contract Review Board at 4:11 p.m. and reconvened the Metro Council.

Presiding Officer Bragdon brought Ordinance No. 00-849 off the table. The Council was considering Kvistad Amendment #2 when the ordinance was tabled. Kvistad Amendment #2 pertained to Section 2.1803 and the phrase "90 days."

Councilor Monroe urged the Council to defeat Kvistad Amendment #2. He said with the help of staff and Councilor Park, he had some suggested language that improved the measure and, in one instance, moved in direction desired by Councilor Kvistad.

Presiding Officer Bragdon called for further debate on Kvistad Amendment #2.

Vote on Amendment #2: The vote was 1 aye/ 5 nay/ 0 abstain. Councilor Monroe, McLain, Washington, Park and Presiding Officer Bragdon voted no. Councilor Kvistad was absent. The motion failed.

Presiding Officer Bragdon called for further debate on the main motion.

Councilor Monroe said he had three friendly amendments to offer. His first amendment affected the second line of Section 2.18.030 (b), and added the phrase "or Candidate for Metro office" after "Elected Official." There was a concern that candidates for Metro office who were not already Metro elected officials would not have the same requirements for reporting that elected officials had.

Councilor Park asked Mr. Cooper to read the amendment. He said the translation was slightly lost between himself to Mr. Cooper to Councilor Monroe.

Councilor Monroe agreed to ask Mr. Cooper for assistance.

Mr. Cooper recommended amending the first line of Section 2.18.030(b) to add "every Candidate for a Metro elected office, and" after the first comma.

Councilor Monroe accepted Mr. Cooper's suggested language.

Councilor Washington, as seconder to the main motion, accepted the friendly amendment.

Councilor Monroe said his second friendly amendment would replace the word "disclosures" with "contributions" on line 3 of Section 2.18.030(b). This amendment partly addressed

Councilor Kvistad's concern that the federal government required a lot of financial disclosure and information about expenditures, and all the ordinance was interested in was contributions. The amendment would greatly simplify the requirement while still giving the important information.

Councilor Washington, as the seconder of the main motion, accepted the friendly amendment.

Councilor Monroe asked Mr. Cooper if the language he proposed worked.

Mr. Cooper said yes.

Councilor Monroe said the third friendly amendment would add the word "within" to Section 2.18.030(b) so that the sentence reads, "The first report shall be filed with the Clerk within 90 days after the date the Metro Elected Official declares their candidacy or first organizes a political committee." The amendment addressed those circumstances in which the current requirements might require that notice to be filed sooner than 90 days.

Councilor Washington asked Mr. Cooper for his legal opinion.

Mr. Cooper said the amendment would be consistent with the wording of the ordinance. He added that in order to carry through the thought of the first friendly amendment, to cover the candidates for Metro Office, then the Council needed to also insert the word "Candidates" into the last sentence of Section 2.18.030(b) so that it read ""The first report shall be filed with the Clerk within 90 days after the date the Candidate or the Metro Elected Official declares their candidacy or first organizes a political committee."

Councilor Washington, as the seconder of the main motion, accepted the third friendly amendment and Mr. Cooper's suggested revision.

Presiding Officer Bragdon summarized that the main motion had been amended by friendly amendment in five ways: Councilor Park's technical amendment, Councilor Kvistad's Amendment #1, as amended to change 7 days to 2 days, and Councilor Monroe's three friendly amendments to subsection (b).

Councilor Atherton expressed concern about the number of changes that had been made to the ordinance, because it had not been widely noticed nor was the meeting televised. He asked Mr. Cooper for a definition of "legislative or administrative interest" (Section 2.18.030(c)).

Mr. Cooper said the term "legislative or administrative interest" was used and defined in Chapter 244 of the Oregon Revised Statutes (ORS). He said the Council could return at any time and add a definition to Ordinance No. 00-849 to tie the two definitions together, or to define the term differently.

Councilor Atherton said the problem he saw was that, as a basic rule of good legislative construction, the law should be readily understood by the common man. He suggested including a definitions section in the chapter. He asked for Mr. Cooper's legal advice on his proposal.

Mr. Cooper said it would not be inconsistent with Ordinance No. 00-849 to add the definition and tie the definition to ORS Chapter 244.

Councilor Atherton proposed adding a definition of the term "legislative or administrative interest" as a friendly amendment.

Councilor McLain seconded Councilor Atherton's friendly amendment.

Councilor Monroe, as maker of the motion, and Councilor Washington, as seconder, accepted the friendly amendment, on the condition that Presiding Officer Bragdon, as author of the ordinance, agreed.

Presiding Officer Bragdon said he would accept Councilor Atherton's friendly amendment.

Councilor Atherton said he wished he had seen a definition of "legislative or administrative interest" first, in order to confirm that it was understandable by the common man, and if it fit with his understanding. However, since he had already made the motion, he would have to live and die with it.

Presiding Officer Bragdon thanked Councilor Monroe for carrying Ordinance No. 00-849, and for all of his work on the ordinance at committee. The committee held two very long meetings to consider the ordinance, and the meetings indicated the complexities of the issue. The Council chose to highlight the public's right to know, and to bring sunshine to the process, as the best method of restoring faith in government. The committee saw the complications of alternative approaches, either in unintended consequences that could often lead to proliferation of political action committees (PACs) or shadow committees, as well as the court challenges and legal issues raised by Mr. Cooper. He thought the Council had come up with a solution. He noted an earlier objection that the ordinance went further than state and federal law, and his response was, hallelujah, it should. The Metro Council ought to be held to a higher standard, and if Ordinance No. 00-849 passed, it would be. He advocated a yes vote on Ordinance No. 00-849.

Councilor Monroe closed on the main motion. He said federal and state law, and particularly law in the State of Oregon, was directed toward disclosure: making available information about contributions and expenditures to help voters make informed decisions about supporting candidates. Through Ordinance No. 00-849, the Metro Council would make that information more readily available through the Clerk of the Council. Also, people with computer access could retrieve the information from the internet. Ordinance No. 00-849 strengthened state law and solidified Metro's position as the leading government entity in terms of campaign finance reform. He urged the Council's aye vote.

Vote on the Main

Motion as Amended: The vote was 6 aye/ 0 nay/ 0 abstain. Councilor Kvistad was absent.
The motion passed.

12. COUNCILOR COMMUNICATIONS

Councilor Atherton thanked the Council for its attention to the issue of elections reform. In the Council's discussion today, he indicated that he had an alternative, voluntary proposal in terms of disclosure and recusal, and accepting contributions for persons who could create an appearance of a conflict of interest. He said he would have an alternative proposal for the Council and he would include the other measures, which somehow got lost in the hubbub, in terms of the role of the Metro Committee for Citizen Involvement (MCCI) and minimal public financing and

participation in campaigns to level the playing field. He asked the Council's indulgence to give the measure its full consideration, as he will have removed the very legitimate argument that creating a legal controversy that Metro might have to defend would consume legal resources that the agency could afford at this time.

Councilor Park noted that Presiding Officer Bragdon referred the excise tax ordinance (Ordinance No. 00-857) to the Regional Environmental Management (REM) Committee. He asked anyone interested in the ordinance to talk to members of the REM Committee or staff. He thought the ordinance would put Metro on a business stance in terms of handling its finances.

Councilor Washington seconded Councilor Park, and said he appreciated the work of committee.

Councilor Atherton responded to Councilor Monroe's previous statement that ballot Measure 82 supported projects in Metro's Regional Transportation Plan, by stating that Metro did not have a Regional Transportation Plan because the plan did not include the funding portion.

13. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 4:31 p.m.

Prepared by,

Chris Billington
Clerk of the Council