

# 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: April 6, 2000  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Metro Council Chamber

### CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS
2. CITIZEN COMMUNICATIONS
3. EXECUTIVE OFFICER COMMUNICATIONS
4. AUDITOR COMMUNICATIONS
5. BUDGET/FINANCE COMMUNICATIONS
6. MPAC COMMUNICATIONS
7. CONSENT AGENDA
  - 7.1 Consideration of Minutes for the March 30, 2000 Metro Council Regular Meeting.
8. ORDINANCES - FIRST READING
  - 8.1 **Ordinance No. 00-858**, For the Purpose of Amending Metro Code Chapter 5.02 to Extend the Sunset Date for the Regional System Fee Credit Program to June 20, 2001.
9. RESOLUTIONS
  - 9.1 **Resolution No. 00-2917A**, For the Purpose of Appointing Thomas Donaca, Washington County, Christine Cook, Multnomah County, and Robert Traverso, Clackamas County, to the Metro Boundary Appeals Commission.
10. COUNCILOR COMMUNICATION

ADJOURN

**Cable Schedule for April 6, 2000 Metro Council Meeting**

	<b>Sunday (4/9)</b>	<b>Monday (4/10)</b>	<b>Tuesday (4/11)</b>	<b>Wednesday (4/12)</b>	<b>Thursday (4/6)</b>	<b>Friday (4/7)</b>	<b>Saturday (4/8)</b>
<b>CHANNEL 11</b> (Community Access Network) (most of Portland area)						2:00 P.M. *	
<b>CHANNEL 21</b> (TVCA) (Washington Co., Lake Oswego, Wilsonville)	7:00 P.M. *	1:00 A.M. *		7:00 P.M. *			
<b>CHANNEL 30</b> (TVCA) (NE Washington Co. - people in Wash. Co. who get Portland TCI)	7:00 P.M. *			7:00 P.M.*			
<b>CHANNEL 30</b> (CityNet 30) (most of Portland area)		POSSIBLE 2:00 P.M. (previous meeting)					
<b>CHANNEL 30</b> (West Linn Cable Access) (West Linn, Rivergrove, Lake Oswego)	8:00 A.M. (previous meeting)	9:00 A.M. (previous meeting)	10:00 A.M. (previous meeting)	2:00 P.M. (previous meeting)		8:00 P.M. (previous meeting)	12:00 P.M. (previous meeting)
<b>CHANNEL 33</b> (ATT Consumer Svcs.) (Milwaukie)	4:00 P.M. (previous meeting)					10:00 P.M. (previous meeting)	9:00 A.M. (previous meeting)

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. Public Hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by email, fax or mail or in person to the Clerk of the Council. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

*Agenda Item Number 7.1*

Consideration of the March 30, 2000 Regular Metro Council Meeting minutes.

**Metro Council Meeting  
Thursday, April 6, 2000  
Metro Council Chamber**

**Copies of the minutes of the March 30, 2000 Regular Council meeting will be available at the April 6, 2000 Regular Council meeting.**

*Agenda Item Number 8.1*

**Ordinance No. 00-858, For the Purpose of Amending Metro Code Chapter 5.02 to Extend the Sunset Date for the Regional System Fee Credit Program to June 20, 2001.**

***First Reading***

**Metro Council Meeting  
Thursday, April 6, 2000  
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING	)	ORDINANCE NO. 00-858
METRO CODE CHAPTER 5.02 TO	)	
EXTEND THE SUNSET DATE FOR	)	Introduced by Mike Burton,
THE REGIONAL SYSTEM FEE CREDIT	)	Executive Officer
PROGRAM TO JUNE 30, 2001	)	

WHEREAS, Metro Ordinance No. 98-720A established the Regional System Fee Credit program to help support material recovery through a performance and incentive-based system; and

WHEREAS, an evaluation of the Regional System Fee Credit program indicated the program may need to be altered in order to achieve the program objective of supporting material recovery in the Metro Region; and

WHEREAS, The Regional Environmental Management Department is presently developing plans which may affect major aspects of the solid waste system; and

WHEREAS, changes to the solid waste system may impact the effectiveness of the Regional System Fee Credit program; and

WHEREAS, coordinating the evaluation of the Regional System Fee Credit program with other on-going evaluations of the solid waste system will allow for consistency; and

WHEREAS, these coordinated efforts will extend beyond June 30, 2000; and

WHEREAS, the Regional System Fee Credit program is scheduled to expire on June 30, 2000, an emergency is declared to exist; and

WHEREAS, The ordinance was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. Metro Code Section 5.02.047 is amended to read:

5.02.047 Regional System Fee Credit

(a) A solid waste facility which is certified, licensed or franchised by Metro pursuant to Metro Code Chapter 5.01 and which attains a Facility Retrieval Rate of 10 percent or greater shall be allowed a credit against the Regional System Fee otherwise due each month under Section 5.02.045 for disposal of Processing Residuals from the facility. The Facility Retrieval Rate and the Recovery Rate shall be calculated for each six-month period before the month in which the credit is claimed. The amount of such credit shall be in accordance with and no greater than as provided on the following table:

**System Fee Credit Schedule**

Recovery Rate		System Fee Credit of no more than
From Above	Up To & Including	
0%	20%	0.00
20%	25%	1.00
25%	30%	3.00
30%	35%	6.46
35%	40%	8.00
40%	45%	9.82
45%	100%	12.00

(b) The Executive Officer may establish additional administrative procedures regarding the Regional System Fee Credits, including, but not limited to establishing eligibility requirements for such credits and establishing incremental System Fee Credits associated with Recovery Rates which fall between the ranges set forth in paragraph (a) of this section.

(c) The provisions of this section are repealed June 30, ~~2000~~2001.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 2000

\_\_\_\_\_  
David Bragdon, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

SAL  
s:\share\dept\adams\rsfc sunset extension ord.doc

**EXECUTIVE SUMMARY**  
**ORDINANCE 00-858**  
**REGIONAL SYSTEM FEE CREDIT PROGRAM**  
**Sunset Date Extension**

**PROPOSED ACTION**

Extend the Regional System Fee Credit program sunset date to June 30, 2001.

**WHY NECESSARY**

- In a continuing effort to encourage recycling and recovery in the Metro Region, the Regional System Fee Credit program, a recovery-based incentive program, was adopted by the Metro Council and implemented in conjunction with the 1998 disposal rate reduction.
- The credit program was initiated as a one-year pilot project, with a June 30, 1999 sunset date. In April 1999, the original sunset date was extended to June 30, 2000 in order to allow time for an evaluation of the program and analysis and implementation of recommendations resulting from the evaluation.
- An evaluation was completed in July 1999 that reviewed the program for the 11-month period from June 1998 to April 1999.
- Key findings indicated that the program successfully restored the loss in operating margin for facilities with high recovery rates. However, not all facilities experienced increases in recovery tonnage.
- Analysis of the credit program evaluation is still underway in conjunction with analysis of other aspects of the solid waste system, like the potential for private regional transfer stations and restructuring excise taxes.
- The requested extension of the credit program sunset date will create the opportunity to make any future changes to the program consistent with other changes in the solid waste revenue system.

**ISSUES/CONCERNS**

- The Department is coordinating analysis of the credit program with evaluation of:
  - The structure of solid waste fees and taxes
  - How fees and taxes should be levied
  - Additional private regional transfer stations
  - Minimum recovery rates at private regional transfer stations and other solid waste facilities

**BUDGET/FINANCIAL IMPACTS**

- None



## **STAFF REPORT**

Consideration of Ordinance No. 00-858, for the purpose of amending Metro Code Chapter 5.02 to extend the sunset date for the Regional System Fee Credit Program to June 30, 2001.

---

April 5, 2000

Presented by : Terry Petersen

### **BRIEF DESCRIPTION OF ORDINANCE**

Ordinance No. 00-858 extends the sunset date for the Regional System Fee Credit program to June 30, 2001. Consistent with Metro's waste reduction policies, the credit program provides financial incentive to mixed waste processing facilities to achieve material recovery. The credit program was initiated as a pilot project in order to allow for any necessary changes to the structure and design of the program. Further analysis of the credit program should be coordinated with on-going evaluations of other aspects of the solid waste system.

### **EXISTING LAW**

In a continuing effort to encourage recycling and recovery in the Metro Region, the Regional System Fee Credit program, a recovery-based incentive program, was adopted by the Metro Council and implemented in conjunction with the 1998 disposal rate reduction. The credit program was established by Metro Ordinance 98-720A as a pilot project, with a June 30, 1999 sunset date. In April 1999, Ordinance 99-805 extended the sunset date to June 30, 2000 in order to allow time for an evaluation of the program and analysis and implementation of recommendations resulting from the evaluation.

### **BACKGROUND**

An evaluation of the Regional System Fee Credit program was completed in July 1999. The evaluation reviewed the effectiveness of the program for the 11-month period from June 1998 to April 1999. Key findings indicate that the program is functioning as designed. The program successfully restored the loss in operating margin resulting from Metro's reduction of the tip fee.

Although the credit program did "make whole" any facility that achieved recovery rates commensurate with the requirements in place prior to the incentive program, recovery rates at some facilities did decline. It appears that the program may not have offered a great enough incentive to counterbalance the economic effect of certain operational and other changes at those facilities.

These findings prompted the Regional Environmental Management Department to continue its analysis of the program in order to develop recommendations to make the incentive element more effective. The effectiveness of the credit as an incentive to recover is dependent on other elements of the system. Analysis of the credit program should be coordinated with analysis of other aspects of the solid waste system, like the potential for additional private regional transfer stations and the restructuring of solid

waste excise taxes. Extension of the credit program sunset date will create the opportunity to make any future changes to the program consistent with other changes in the solid waste revenue system.

#### **BUDGET IMPACT**

None. The Requested FY 2000-01 Budget maintains the funding level of the existing Regional System Fee Credit program (\$900,000).

#### **OUTSTANDING QUESTIONS**

The Department is coordinating analysis of the Regional System Fee Credit program with evaluation of:

- Structure of solid waste fees and excise tax
- How fees and taxes should be levied
- Additional private regional transfer stations
- Minimum recovery rates at private regional transfer stations and other solid waste facilities

#### **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends approval of Ordinance No. 00-858.

s:\share\dept\adams\rsfc sunset extension staff rpt.doc

*Agenda Item Number 9.1*

**Resolution No. 00-2917A, For the Purpose of Appointing Thomas Donaca, Washington County,  
Christine Cook, Multnomah County, and Robert Traverso, Clackamas County,  
to the Metro Boundary Appeals Commission.**

**Metro Council Meeting  
Thursday, April 6, 2000  
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPOINTING ) RESOLUTION NO.00-2917A  
THOMAS DONACA, WASHINGTON COUNTY, ) Introduced by Mike Burton  
CHRISTINE COOK, MULTNOMAH COUNTY, ) Executive Officer  
AND ROBERT TRAVERSO, CLACKAMAS )  
COUNTY, TO THE METRO BOUNDARY )  
APPEALS COMMISSION )

WHEREAS, Metro Ordinance 98-791 adopted Metro Code Chapter 3.09 which creates the Boundary Appeals Commission;

WHEREAS, Metro Code 3.09.060 provides that Washington, Multnomah and Clackamas counties shall each nominate one member of the Boundary Appeals Commission;

WHEREAS, Thomas Donaca was selected as the Washington County nominee;

WHEREAS, Christine Cook was selected as the Multnomah County nominee;

WHEREAS, Robert Traverso was selected as the Clackamas County nominee;

NOW THEREFORE BE IT RESOLVED, that Thomas Donaca, Washington County is appointed to the Boundary Appeals Commission for a four year term, Christine Cook, Multnomah County, is appointed to the Boundary Appeals Commission for a two year term and Robert Traverso, Clackamas County is appointed to the Boundary Appeals Commission for a four year term.

ADOPTED BY THE METRO COUNCIL THIS \_\_\_ day of \_\_\_\_\_,  
2000.

David Bragdon, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

STAFF REPORT

**CONSIDERATION OF RESOLUTION 00-2917A FOR THE PURPOSE OF APPOINTING THOMAS DONACA, WASHINGTON COUNTY, CHRISTINE COOK, MULTNOMAH COUNTY, AND ROBERT TRAVERSO, CLACKAMAS COUNTY, TO THE METRO BOUNDARY APPEALS COMMISSION.**

---

March 23, 2000

BRIEF DESCRIPTION OF RESOLUTION

This resolution is to appoint Thomas Donaca, Washington County, Christine Cook, Multnomah County, and Robert Traverso, Clackamas County, to the Metro Boundary Appeals Commission.

EXISTING LAW and BACKGROUND

Metro Ordinance 98-791 adopted Metro Code Chapter 3.09 which creates the Boundary Appeals Commission;

Metro code update of June 1999, Section 3.09.060 provides for the creation of the commission as consisting of a nominee by each of the three county commissions. The nominees selected are as follows: Thomas Donaca, Washington County, Christine Cook, Multnomah County, and Robert Traverso, Clackamas County.

Per Section 3.09.060 (a) the initial terms were decided by chance; thereafter, each commissioner shall serve a four year term. The Multnomah County nominee will serve a two year term. A resume from each of the three nominees is attached.

BUDGET IMPACT

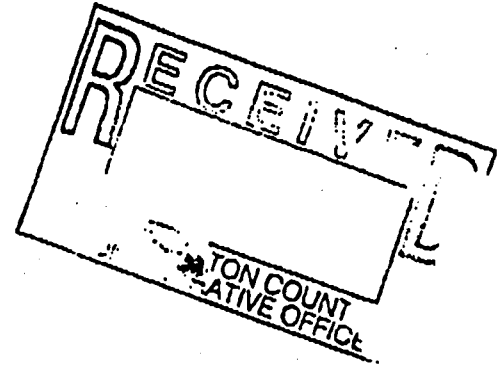
None

OUTSTANDING QUESTIONS

None

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution 00-2917A.

**RESUME****Thomas C. Donaca**

**Education:** Irvington Grammer School, Portland, Oregon  
Grant Hi School, Portland, Oregon  
Stanford University, BA Political Science  
Northwestern College of Law, 1959 ( Oregon State Bar - 1959)

**Employment:** Associated Oregon Industries, Inc. 1955 to 1990.

**Responsibilities:** Lobbying, AOI general counsel.

1. Unemployment and workemens compensation -1961-1969;
2. First AOI Director of taxation - 1963;
3. First Director of the Oregon Retail Council, a division of AOI - 1965
3. Manager of Environmental Affairs - 1965 -1990, including all environmental legislation, and all Department of Environmental Quality regulations and service on numerous DEQ advisory committees.
4. Responsible for licensing and safety laws and regulations relating to electrical, boiler, elevator and other such laws and regulation affecting Oregon employers 1981 -1990.

**Other activities:**

1. Washington County Civil Service Commission, 1968-1974, Chairman 1973 and 1974.
2. Member Interagency Hazard Communications Advisory Council, appointed for a 4 year term by Governor Atiyeh as one of two industry representatives - 1986 - 1989, and reappointed by Governor Goldschmidt an additional two year term - 1989 - 1993.
3. Appointed to the Portland Water Bureau Budget Advisory Committee by Commissioner Lindberg - 1991 - 1994.

home address: 7690 SW Cedar Street  
Portland, OR 97225

verified by Bonita Gorsche of Washington County  
as being recorded in land records as in the county

**ROBERT D. TRAVERSO**  
**29322 S. NEEDY ROAD**  
**CANBY, OREGON 97013**  
**HOME PHONE: (503)651-3222)**

**BORN:** LaGrande, Oregon  
July 27, 1945  
Age: 54

**MARITAL STATUS:** Married, 24 years

**CHILDREN:** One son

**HEALTH:** Excellent - 6'0" - 200 lbs.

**EDUCATION:** John Marshall High School -  
1963 Graduate  
Multnomah Community College -  
1963-1966

**ARMED FORCES:** U.S. Army, September 1966 - September  
1968 - Honorable Discharge  
Vietnam Veteran - Sgt. E5 Squad Leader-  
Platoon Leader

Recipient of:

1. Bronze Star with valor pin (Vietnam)
2. Purple Heart (Vietnam)
3. Army Commendation Medal (Vietnam)
4. Vietnam Service Medal (Vietnam)
5. Outstanding Trainee Award -  
(recipient of the outstanding  
trainee award during advanced  
infantry training at Fort Hood,  
Texas, Squadron Level)

**PROFESSION:** 1961-1966 (Through High School & College)  
  
Parker Construction Co. - Laborer on paving  
crew

1966-1968 -

2 year break for Armed Services duty

1968-1970 -

Parker Construction Co.  
Estimator/Project manager

1971-1973 -

Parker-Northwest Paving Co. -  
General Manager

1974-2000 -

River Island Sand & Gravel Co. -  
Owner/President

1974-Present -

Parker-Northwest Paving Co. -  
Owner/President

Canby Sand & Gravel Co. -  
Owner/President

Molalla Sand & Gravel Co. -  
Owner/President

Molalla Quarries -  
Owner/President

Parker-Northwest Realty -  
Owner/President

Island Park Co. -  
Owner/President

**INTEREST:**

Fishing, reading, horseman/cattleman,  
Community services, rodeos, antique cars

**ORGANIZATIONS & MEMBERSHIPS:**

1. Zoar Lutheran Church (Present Member)
2. Oregon Cattleman's Association (Present Member)



3. Clackamas County Livestock Association (Present Member)
4. American Quarter Horse Association (Present Member)
5. American Paint Horse Association (Present Member)
6. Canby Boosters (Present Member)
7. American Legion (1980 to present)
8. Portland Asphalt Association – Vice President (1976)
9. Portland Asphalt Association – President (1977)
10. 4-H assistant leader (1982-1986)
11. Molalla Flood Control District – President (1989)
12. Clackamas County Vector Control District – Secretary (1987-1992)
13. Clackamas County Fair Board (1986-Present)  
(Fair Board President – 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000)
14. Oregon Fairs Association – Alternate Director (1990-1991)
15. Oregon Fairs Association – Director (1992-1994)
16. Clackamas County Hotel/Motel Tax Force Member  
(February, 1992 – May, 1992)
17. Clackamas County Vector Control Budget Member ( 1993-1996)
18. Clackamas County Rodeo Committee – Sponsorship Chairman ( 1992-Present)
19. Clackamas County Tourism Development Council Director (1993-1998)
20. Clackamas County Tourism Development Council – Vice President (1995, 1996)
21. Clackamas County Tourism Development Council – President ( 1996, 1997)
22. Oregon Fairs Association – Vice President ( 1995, 1996)
23. Oregon Fairs Association – President ( 1997, 1998)
24. Oregon Fairs Director At Large (1999-Present)
25. City of Canby Zoning Periodic Review Citizens Advisory Committee  
Member ( 1999-Present)
26. Clackamas County Aggregate Resource Advisory Committee Member  
(1999-Present)

#### REFERENCES:

Jack W. Parker  
P.O. Box 159  
Oregon City, Oregon 97045  
(503)656-0663

Marilyn Wall  
Attorney at Law  
Suite 700  
500 N. E. Multnomah  
Portland, Oregon 97232  
(503)232-0333

Sue Hammond  
32032 S. Barlow Road  
Canby, Oregon 97013  
(503)651-2080

John Rosebrook  
17314 S. Steiner Road  
Beavercreek, Oregon 97004  
(503)632-3122

# CHRISTINE M. COOK

ATTORNEY AT LAW

The Ambassador  
1207 S.W. Sixth Avenue  
Portland, Oregon 97204

Telephone  
(503) 248-0204

Fax  
(503) 228-4529

## Professional Experience

- 1998 - Present      Sole practitioner of law. Concentration in Oregon land use law. Representation of individuals, organizations and business entities in local proceedings and state-level appeals.
- 1992 - 1998      Staff attorney, 1000 Friends of Oregon. Administered pro bono program matching volunteer attorneys with Oregon citizens and citizen groups in land use matters. Legislative lobbyist. Represented individuals and organizations in state-level appeals. Advised land use organizations on corporate and tax matters.
- 1985 - 1991      Associate attorney, Stoel Rives Boley Jones & Grey, and its predecessor, Seattle, Washington and Portland, Oregon. Represented corporate clients in corporate transactions and securities matters.
- 1974 - 1981      Teacher, Norwood, Ohio Public Schools. Taught senior high school social studies. Coached girls' sports.

## Community Service

- 1994 - Present      Public schools volunteer. Classroom, fundraising, and organizing work at Irvington Elementary School. Legislative lobbying for funding of Oregon public schools.
- 1998 - Present      Pro bono representation of citizens' organization in state-level land use appeal concerning access to Oregon coast.
- 1990 - 1993      Board of Directors, Environmental Federation of Oregon. Assisted with fundraising, public speaking, and corporate and tax issues.
- 1988 - 1989      Board of Directors, Northwest Rivers Council, Seattle, Washington. Assisted with corporate issues and policy development.

Christine M. Cook, Attorney at Law  
Biographical Information  
March 2000

1974 - 1982

Activist, Miami Group of the Sierra Club, Cincinnati, Ohio. Assisted with fundraising events. Taught whitewater canoeing and kayaking. Worked on river preservation and access issues.

1976 - 1978

Volunteer counselor, Women Helping Women, Cincinnati, Ohio. Counseled victims of rape and domestic violence.

Education

1985

Juris Doctor, *cum laude*, Georgetown University Law Center, Washington, D.C.

1974

Arts Bachelor, *summa cum laude*, Ohio University, Athens, Ohio.

Residence

Portland, Oregon.

**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 40<sup>th</sup> 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 Ganoë 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 Thalhofer** 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**                    The vote was 6 aye/ 0 nay/ 0 abstain. Councilor Kvistad was absent.  
**Amended:**                    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.

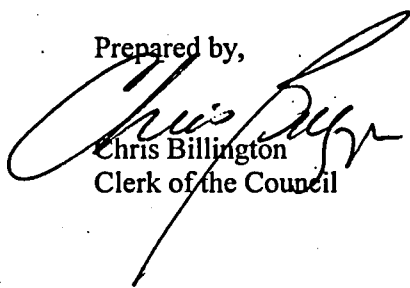
**Councilor Washington** seconded Councilor Park, and said he appreciated the work of committee.

**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

**Metro Council hearing testimony, April 6th, 2000**

The Oregonian March 7th article, (Traffic takes a break from Ross Island Bridge Repairs), had a significant error in the 5th paragraph - the sidewalk is NOT being moved 2' to the north. The 6 inches added to traffic lanes comes from the removal of the 18" "catwalk" on the south side. This project is an outrageous disappointment to all pedestrians who venture across the Ross; an experience that only can be described as "terrorizing". Not only does ODOT refuse widen the sidewalk, they refuse to install the new, protective guardrail between the sidewalk & the street, as on the Steel & Broadway Bridges. The extra lane width will enable higher traffic speeds, (approx 45 mph), & greater collision potential, mere inches from pedestrians & bicyclists. Despite the heralded developments of nearby Macadam & OMSI districts, ODOT fails to comprehend the importance of this pedestrian corridor. The spoiled view is actually quite splendid.

By law, ODOT must widen the sidewalk & install the new guardrail between sidewalk & the street. ODOT is blatantly violating the ADA, (Americans w/ Disabilities Act) & State Uniform Building Codes which require these safety upgrades. According to their plan, the sidewalk will have its current width of 5' reduced about 6". This does not allow enough space for 2 wheelchairs to pass without risking toppling into fatal, high-speed traffic. It is not possible for a bicyclist to pass a pedestrian at the current width. The lame excuse from their PR staff, "It's too expensive", is an insult as well as fallacious; the project is 80% federally funded & the 18" of additional width "can and should" be applied to a wider sidewalk.

In an April 2nd article, "Gas Tax Wouldn't Fix Deadliest Spots", an Oregonian study finds that among the 57 road projects funded by the 5 cent, gas tax increase, measure 82, "the most hazardous places -- as identified by the state Transportation Department's chief measure of highway safety -- are mainly left out". Is there anyone working for ODOT who has a conscience? The offensive Ross Island Bridge Resurfacing Project & a host of equally unproductive, poorly engineered others, reinforce my objection to awarding the State agency with more tax dollars.

Art Lewellan  
3205 SE 8th #9  
Portland, Oregon 97202  
(503) 238-4075  
Lotilive@aol.com