

## MINUTES OF THE METRO COUNCIL MEETING

April 27, 2000

Metro Council Chamber

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

Councilors Absent: None

Presiding Officer Bragdon convened the Regular Council Meeting at 2:06 p.m.

### 1. INTRODUCTIONS

**Councilor McLain** introduced her daughter, Melissa, who was visiting Metro as part of National Take Your Child to Work Day.

**Councilor Atherton** introduced Rob Kappa, former city councilor of the City of Milwaukie.

### 2. CITIZEN COMMUNICATIONS

None.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

### 4. AUDITOR COMMUNICATIONS

**Alexis Dow, Metro Auditor**, spoke to her request for amendments to the budget for the Auditor's Office. One amendment was to reinstate a position arbitrarily cut from her budget by the Executive Officer, Mike Burton. The cut was made without the common courtesy of seeking her input on how to make that cut. Another amendment request was to increase funds for outside professional services. Later in today's meeting, the Council would review the budget for next fiscal year. She asked the Council to reconsider her budget amendments at that time. The Budget and Finance Committee worked very hard to present a balanced budget to the Council. As in all budgets, there were always more wants than resources available, and compromise was necessary. She offered the Council a compromise: reinstate the position arbitrarily cut by Executive Officer Burton, but disregard her request for additional contract monies for professional services. It was important to reinstate the position cut by Executive Officer Burton for several reasons. One, and the most important, was to maintain the staffing level, which had been stable for the last few years. There had been no effort to build from this level, it was a consistently fiscally prudent level of funding. It was an appropriate level of funding for the Auditor function at Metro. Executive Officer Burton's stated reason for the cut was to conserve tight general fund excise tax resources. That was not true; the Council knew that little excise tax dollars were associated with this position. It had also been said that everyone was taking cuts, and that was not true: some departments were, and some departments were not. Overall, Metro's total expenditures were higher than last year's expenditures. What was true was that over the years, she had generally worked very well with the Council, keeping the Council informed of audits as they progressed and trying to provide unbiased information on issues of interest to the Council. The Auditor's

Office provided value to the Council and to the citizens of the area. Final decision to maintain the basic level of service provided by the Auditor's Office was the Council's to make today. She asked that the Council favorably consider an amendment reinstating the budget resources that were arbitrarily cut by Executive Officer Burton and falsely justified.

## 5. MPAC COMMUNICATIONS

**Councilor Park** reviewed the MPAC meeting. The Metro Technical Advisory Committee (MTAC) updated the Metro Policy Advisory Committee (MPAC) on its accessory dwelling units work. With little debate MPAC adhered to MTAC's recommendation. MPAC also received an update from the Affordable Housing Technical Advisory Committee (H-TAC), with more information to follow at a later date. MPAC also discussed a resolution, to come before Council later in the meeting, concerning minimum lot sizes.

**Councilor Atherton** asked about MTAC's recommendation concerning accessory dwelling units.

**Councilor Park** said MTAC reported to MPAC what was put forth by the Growth Management Committee, and did not recommend any changes in the present level of accessory dwelling units.

## 6. CONSENT AGENDA

6.1 Consideration of minutes of the April 20, 2000 Regular Council Meeting.

**Motion:** **Councilor Washington** moved to adopt the meeting minutes of April 20, 2000, regular Council meeting.

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

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

## 7. ORDINANCES –FIRST READING

7.1 **Ordinance No. 00-861**, Amending the FY 1999-00 Budget and Appropriations Schedule for the Purpose of Adopting a Supplemental Budget for the Zoo Operating Fund for the Fiscal Year beginning July 1, 1999 and ending June 30, 2000; and Declaring an Emergency.

**Presiding Officer Bragdon** assigned Ordinance No. 00-861 to Metro Operations Committee.

7.2 **Ordinance No. 00-862**, Amending the FY 1999-00 Budget and Appropriations Schedule for the Purpose of Recognizing Grant Funding for the Replacement of Dock Floats at the M. James Gleason Boat Ramp, and Declaring an Emergency.

**Presiding Officer Bragdon** assigned Ordinance No. 00-862 to Metro Operations Committee.

7.3 **Ordinance No. 00-863**, Amending the FY 1999-00 Budget and Appropriations Schedule for the Purpose of Adjusting Expenditures in the Contractor's Business License Program; and Declaring an Emergency.

**Presiding Officer Bragdon** assigned Ordinance No. 00-863 to Metro Operations Committee.

**8. ORDINANCES – SECOND READING**

8.1 **Ordinance No. 00-847A**, For the Purpose of Adopting the Annual Budget for Fiscal Year 2000-01, making appropriations, and levying an valorem taxes, and declaring an emergency.

**Motion:** **Councilor McLain** moved to adopt Ordinance No. 00847A.

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

**Presiding Officer Bragdon** reviewed the process for Council consideration of Ordinance No. 00-847A. First, Councilor McLain would introduce the motion and comment on the work of her committee. Then he would open a public hearing, followed by Council discussion and consideration of amendments.

**Councilor McLain** introduced Ordinance No. 00-847A. She said the budget had been through a great deal of hard work by many people. The budget before the Council today incorporated all of the amendments that had been reviewed and approved by the Budget Committee. The primary commitment of the Budget Committee was to balance the budget. The Council asked Executive Officer Burton to submit a neutral budget, which he did. The balanced budget was achieved through a number of ways. First, a number of reductions to various department budgets were approved, primarily to the Council, with minor reductions to Transportation, Information Technology, and the Executive Office. A policy was established that any unanticipated increases in the general fund would be used to fill fund balance reserves, rather than be allocated to any new spending in any program area. An explicit policy was established to provide a decreasing level of subsidy to the Metropolitan Exposition-Recreation Commission (MERC) over a three year period, with the goal of allowing both Metro and MERC to meet cost allocation obligations in a predictable, planned manner. She thanked Mark Williams, General Manager of MERC, the MERC Budget Committee, and MERC staff for working tirelessly to help the Council Budget Committee through the budget process. At the last Budget Committee yesterday, the Committee honored MERC's recommended changes. The Budget Committee also recommended additions to the budget, which would help support mission-critical elements of Metro programs, such as restoring the MB/WEB/DBE Program Coordinator and reaffirming Metro's commitment to women and minority businesses in the Metro region, and increasing the Growth Management Budget to provide public involvement and outreach material for Goal 5 programs on wildlife and fish habitat, and the urban growth boundary (UGB) decision making. The net result of the additions and reductions to the budget was an anticipated \$115,000 addition to the general fund balance revenue. The Budget Committee kept its promise and brought to the Council a zero budget. The Committee also carefully reviewed all budgets, understanding that there were always more needs, but Metro needed to have a balanced budget and fulfill its charter-mandated responsibilities. She looked forward to the public hearing, discussion by the Council, presentation of additional amendments, and the conclusion of the budget process.

**Presiding Officer Bragdon** opened a public hearing on Ordinance No. 00-847A.

**George Bell, Chair, MERC Commission**, commented on the budget submission made by the MERC Commission. First, he thanked Councilors Park, Kvistad, Washington and Presiding Officer Bragdon for their continued support of MERC activities and their guidance during the budget process. He thanked Councilor McLain, Chair of the Council Budget Committee, for her attentiveness to the MERC Commission's need for time to study and debate the issues at MERC, and to work out a solution to bring back to the Budget Committee. He thanked Councilors Monroe and Atherton for their considered judgment and for listening to MERC's proposals, and

in the end, giving advice and guidance to assist in future management. He said like Councilor McLain, he was very glad this budget process was coming to a close. He felt the process was longer and far more acrimonious than anyone wanted it to be. To close, he said he wanted the MERC Commission to be viewed as a strong partner with MERC in running its facilities. The goal of MERC was to provide a service to the public, while providing the greatest possible opportunity for increased revenues and effective management. Many of the actions taken by MERC did not look like the typical governmental management structure, because its function was to generate maximum revenue. Some people may have said MERC and Metro had a duplication of effort, but sometimes it was necessary to invest extra resources in staff in order to achieve increased revenue. He asked for a little time to implement the measures intended to bring about maximum revenues. He recommended looking for different parameters with which to judge MERC's performance, perhaps based on revenue targets. He urged the Council to continue to allow some discretion at the MERC Commission to explore the opportunities for the continuing success of the MERC facilities and for identifying ways to maximize revenue and return for the community.

**Alice Norris, Vice Chair, MERC Commission and Chair, MERC Budget Committee**, said she was pleased that the budget process had come to an end, and she commended everyone who had worked very hard for and with the MERC Commission to achieve a new level of understanding. The MERC Budget Committee also sent its appreciation to the Council Budget Committee for recognizing that it was specialist agency, and giving it the ability to determine where to make budget cuts in order to affect MERC programs as little as possible and to maintain its ability to be as entrepreneurial as possible. It became clear during the budget process that greater understanding was needed between Metro and MERC, and the MERC Commission pledged to help the Council understand how it operated and how it thought it needed to operate to maximize the income the Council enjoyed from MERC facilities. The MERC Commission had a number of questions to ask in the coming months. As Metro and MERC went through the budget process in the fall, they would need to maintain closer contact between the two agencies. Perhaps assigning someone from Metro to sit on the MERC Budget Committee would alleviate future questions. She thanked the Council for its willingness to listen to MERC's points of view. She hoped that in the future they could come to greater understanding in a more timely manner.

**Presiding Officer Bragdon** commented that while there had been a diversity of opinions about structural matters, all the members of the Metro Council supported the mission of MERC and the importance of the industries MERC served. The Council looked forward to working more closely with MERC in the future. He thanked them for their efforts.

**Rob Kappa**, former city councilor of the City of Milwaukie, spoke as a citizen, not as a member of the Regional Water Providers Consortium. It was his understanding that the Council may consider a budget proposal to cut the \$13,000 membership to the Water Consortium. He urged the Council to retain its membership. When he was chair of the Water Consortium, one of the concerns expressed by the other board members was that Metro should be a full participant, and not merely serve in an advisory capacity. He thought Metro's presence was very important, as Metro and the Water Consortium represented a similar population base.

**Lorna Stickel**, Project Manager of the Regional Water Providers Consortium, said the Consortium was primarily composed of 25 direct water providers; the twenty-sixth member was Metro. Metro was a unique member of the Water Consortium, and it would be a shame for Metro to leave. Metro signed an intergovernmental agreement three years ago, and part of the agreement was an obligation to continue to participate in the organization and pay dues. The dues were assessed for all other members on the basis of their size and anticipated growth in

water use. Metro's dues had been held at a rather low level, and had not increased this year even though the other agencies' dues had increased. She distributed materials about the Regional Water Providers Consortium, copies of which are included in the meeting record. She added that the Regional Water Providers Consortium board met quarterly in Metro's Council Chambers, even though initially there was skepticism about having Metro on board. A trust relationship had been built over the years, and in general, Metro received a pretty good bargain for what the Consortium was doing as a group of entities. Metro's charter and vision documents required Metro to address water sources and storage. The Regional Water Providers Consortium fulfilled those duties, alleviating Metro of the necessity of including that work in its budget.

**Councilor Atherton** said that he used to sit on the board of the Water Consortium. The board had discussed who paid for water services, and how. He asked if there had been any progress on establishing policy for funding water supplies in the region.

**Ms. Stickel** responded that in general, the Water Consortium's current work on regional transmission and storage came close to addressing Councilor Atherton's question. The Water Consortium planned to adopt its strategy in June, which identified areas of need, areas of supply, and which entities needed to work together to pay for and operate facilities. The strategy also addressed water conservation as a necessary component.

**Councilor Atherton** said it sounded as if the question of growth paying its own way had been on the table and focused toward the question of distribution, which could be done by local improvement districts and the like. He asked if the conservation component translated into asking citizens to take "Navy showers" in order to accommodate more growth.

**Ms. Stickel** said the members of the Water Consortium served about 95% of the region's population, and their conservation programs could be much more cost effective if they worked together.

**Ron Sarver, President of the local American Federation of State, County Municipal Employees (AFSCME)**, reiterated the local's position that there was money available for the 1.5 FTE currently slated for lay-off. As the lead person in Metro's Copy Center, he said that one of the people being laid off was Francine Floyd, a secretary in Transportation. He worked with all the secretaries in Metro to print and mail all the agency's documents, and Ms. Floyd was very important to the Transportation secretaries in getting the job done. While she was not a front-line person, she understood the agency and could step up during sickness and vacations in a way that temporary employees could not. The half-time position scheduled for lay-off was Mario LaPriore in the Copy Center. Mr. Sarver said that if he had to do Mr. LaPriore's job, he would not be able to do his own job. The ultimate effect would be the loss of timely printing and mailing. Mr. LaPriore had been at Metro for two years because the need for his position was identified, and Metro acted accordingly. Metro was lucky to have an employee with the flexibility to move from part-time to full-time to fill in when people were ill or on vacation at a moment's notice. Metro faced legal deadlines for printing and mailing the Council's agendas, and it was always a rush job by the time it reached the Copy Center. In short, without Mr. LaPriore, the next time the Council needed to print and mail a late agenda, it would need to give the job to Kinko's and run to the post office for stamps while it printed.

**Tim Collins, AFSCME**, spoke to the two lay-off positions. AFSCME did some preliminary work looking at the budget, projecting the ending balance at the beginning of the year. They came up with a different picture than Metro's budgeting people. They did not see that money was that tight. There was contingency money in the planning fund that could fund the secretary

position, and there was contingency money in support services that could support the mail room position. The combined total to support the 1.5 FTE would be around \$55,000, a relatively small amount of money. He said he had spoken with Councilor McLain, chair of the Budget Committee, and he supported her suggestion to restore the 1.5 FTE for this year and not fill the positions that were currently vacant until the ending balances were known at the end of the year. Metro had a history of estimating its ending balances very conservatively, and could have spent its money more judiciously without fear of running out. The union asked that the 1.5 FTE be restored directly from the contingencies currently in the budget, followed by a budget note, as suggested by Councilor McLain, stating that the Council would look at the balances in specific general fund areas once the actuals were known at the end of the year. If there was indeed more money there, the Council would then revisit potentially providing more of the essential services also being cut out of the budget, that were currently vacant.

**Peter Donahue, AFSCME**, said one of the difficulties of budgeting was that it was an inherently speculative process. AFSCME attempted to look at Metro's overall financial condition in light of its actuals. Specifically, the occurrences of the last five years had given them a different perspective on the budget, particularly on the resources available to fund these positions. They relied on the CAFR (Comprehensive Annual Financial Report), which was typically done at the end of the fiscal year and then reviewed and approved by outside auditors. They relied on the actuals in the CAFR to develop a different perspective on Metro's current financial situation. First, they focused on unrestricted funds, which were funds that were not stipulated for use for particular purposes by outside entities, by contract, by grant, or by statute. Secondly, it was important to understand that funds were only counting devices; they were not actual entities and did not correspond to real things. This was important because the funds AFSCME was looking at for the positions at jeopardy were all general governmental funds, which were general fund Support Services, Planning, and Regional Parks funds, all of which were most closely identified with Metro's primary mission. They took the current year-to-date numbers as of the end of February, two-thirds of the current fiscal year, and simply projected it out for the rest of the year. Those calculations suggested that the projections under which Metro was currently operating were overly pessimistic. It showed that right now, unrestricted fund balances for FY 1999-2000 would more likely be almost \$2.5 million more than currently budgeted. This excluded the funds with which Metro began at the beginning of the fiscal year. Those numbers were also numbers for individual funds, which were prior to transfers among the funds. Typically large amounts of general fund resources were moved to other funds along the way, which if they stayed within the governmental funds group would largely keep the total unchanged. Finally it was worth noting that their projection compared fairly well with the historic record of the CAFRs. Typically, over the last five years, the ending fund balances averaged 6.5 million over their budgeted levels; nearly 3.7 times what had been projected in the budgeting process. He urged the Council not to act precipitously.

**Councilor Atherton** asked in what years Metro's revenues had exceeded projections.

**Mr. Donahue** said they went back through 1994-95 and came up with the average difference between the budgeted and actual levels over that period.

**Councilor McLain** said budget staff had reviewed this report and met with the gentlemen testifying before the Council. She appreciated the time and energy they had put into their report. There was a difference of opinion on the results of that study, and on some, the conditions that had changed between 1995 and today. As Mr. Donahue pointed out, budgeting was predictions and Metro had a method of predicting solid waste revenue that had since been refined. There were a number of different reasons why the Budgeting Committee believed there might be a

different number at the bottom of the report, if looked at with different assumptions than the committee believed were appropriate. When she presented the budget note to which Mr. Collins referred, she would explain why the committee felt it was best to look at the actual bottom line number.

**Presiding Officer Bragdon** closed the public hearing.

**Presiding Officer Bragdon** said he had received six budget amendments and Councilor Atherton had an additional amendment. He said he would take the amendments in the order in which he received them.

**Motion to Amend the Main Motion:**        **Councilor Washington** moved Transportation Amendment #8.

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

**Councilor Washington** reviewed amendment Transportation #8, which would withdraw the budget amendment Transportation #4, which provided \$15,000 in funding for Metro's purchase of a portion of the service of regional federal lobbyists and restored funds to the general fund to fill fund balance reserve needs. He proposed the amendment for a couple of reasons. First, this was a difficult budget season and every department had to make sacrifices. Secondly, while the federal lobbyist pursued the Joint Policy Advisory Committee on Transportation (JPACT) and Council-adopted programs and funding requests, in conjunction with Tri-Met, they were not dedicated to Metro's interest exclusively, and the scope and benefit of the lobbyist's presence at the federal level might not bring the most value to Metro's program on a regional basis. Metro had a contract with PacWest Communications for federal and local lobbyist service, and the sharing of a portion of a lobbyist with Tri-Met could be seen as a duplication of efforts at this time. The Budget Committee recommended a policy which allocated unanticipated increases in general funds to fill fund balance reserve needs. This amendment would restore \$15,000 to the general fund. He hoped the cut would be temporary, and that some of the funds could be restored later in the year.

**Councilor Monroe** said **Andrew Cotugno, Director of Planning**, had suggested that this restoration was a very high priority, in terms of transportation area restorations. He asked him to briefly explain why.

**Mr. Cotugno** said he recommended it as his highest priority restoration because of the significance of the issue and the cost effectiveness of the solution. The significance of the issue was high: there were large transportation dollars for the region as a whole at stake, and it affected Metro's ability to build on the light rail system, the rest of the transit system and the highway system. Metro played a leadership role in setting policy for the region's transportation system and funding played an essential piece. He noted that federal dollars were currently Metro's only successful funding source. Tri-Met spent over \$100,000 a year on the lobbyist; the lion's share. Metro contributed a small \$15,000 a year and received just as much service out of the lobbyists as Tri-Met. The federal lobbyist advocated for the region's agenda, which Metro managed through JPACT for the whole regional transportation system. While Metro's lobbyist could be helpful in getting greenspaces grants and FEMA grants, he could not fill the role of the federal transportation lobbyist. Tri-Met would not eliminate its lobbyist because it was too important. Metro's role in that lobbyist may disappear, however.

**Councilor McLain** asked Mr. Cotugno how much he cut from his department in the Executive Officer's proposed budget.

**Mr. Cotugno** said his excise tax cut was \$200,000 from this fiscal year and \$200,000 from last fiscal year. This was one item that was purely excise tax funded; Metro could not use federal dollars to lobby for federal dollars.

**Councilor Monroe** said about a month ago, Presiding Officer Bragdon asked him to lead a delegation to Washington D.C. on behalf of the Metro region, talking to all of the congressional representation, both in Oregon and Southwest Washington, about the transportation needs of this region. Metro's lobbyist in Washington D.C. was absolutely critical to the success of that mission. In the past, he might have been skeptical about the need for this expenditure; he became convinced on that trip that it was absolutely essential. It would be extremely myopic for Metro to make this cut in the budget at the cost of perhaps hundreds of millions of dollars of needed transportation money, and at the cost of a potential breakdown in a bi-partisan unity on the part of the delegation in support of the region's transportation needs. Furthermore, he was hesitant to rely exclusively on Tri-Met. He had a great deal of respect for Tri-Met and its leadership, but Tri-Met did not always represent the same interests as Metro. In fact, it was rumored that someone at Tri-Met was partly responsible for leaving Washington County Commuter Rail out of a recent letter. Having Metro's federal lobbyist to watchdog those missteps was critical. He asked the Council to join him in voting against the cut.

**Councilor Atherton** noted Councilor Monroe's comment about the unanimity of support in the region's congressional delegation for transportation projects. He asked Councilor Monroe if it was possible, because of that unanimity, that in the combined budgets of those congressional delegations, they could provide assistance in this expenditure.

**Councilor Monroe** said they were not allowed to fund Metro's effort to lobby them, that would be blatantly illegal.

**Councilor Atherton** said he appreciated that opinion. The concept of having a unified delegation, however, would give Metro considerable clout in Washington D.C. in using its lobbyists and facilities through that delegation. He asked if Councilor Monroe thought this expenditure was still necessary, even with that force behind it?

**Councilor Monroe** said the reason the region had a unified delegation was because it had orchestrated a unified message. Metro's federal lobbyist was extremely helpful in helping Metro to craft a unified message so that Clackamas, Washington, Multnomah, and Clark Counties interests all spoke with one voice for the overall transportation needs of the entire region. Without the federal lobbyist to help Metro, that unified voice would quickly disintegrate.

**Councilor McLain** said she voted for this amendment at Budget Committee because the lobbyist was a professional position, dedicated to procuring federal funds for the region. The region needed federal funds now more than ever, with the state gas tax measure in jeopardy in the upcoming election. Secondly, Metro and the region did not have the same needs as Tri-Met and the Oregon Department of Transportation (ODOT). Metro could not expect to repeat past results without a full time person working in Washington D.C.

**Councilor Kvistad** said this was a difficult amendment for him. However, because he would probably vote to cut the budget in other areas, and because the Council would consider a motion



to cut Metro's internal staff, the least the Council could do was to cut this item. Therefore, he would support Councilor Washington on this particular budget item.

**Councilor Washington** said he appreciated the Council's comments, and he understood the importance of leveraging money. He understood how the process worked, and the work that was being done in Washington D.C., but this was a tough time and everyone throughout the agency had to take some of the burden. It was tough, and maybe the money could be restored in the future, but he felt that the cut was appropriate right now.

**Vote on Motion to Amend Main Motion:** The vote was 4 aye/ 3 nay/ 0 abstain. The motion passed with Councilors Atherton, McLain and Monroe voting no.

**Motion to Amend #2:** **Councilor Park** moved Transportation Amendment #9.

**Seconded:** **Councilor Washington** seconded the amendment

**Councilor Park** introduced Transportation Amendment #9, which would withdraw the funding for Metro's membership in the Association of Metropolitan Planning Organizations, and to put those funds back into the reserve account. The amendment would affect the Transportation department. The argument for the amendment was to conserve agency resources in dues and subscriptions. He hoped it was a prudent measure. This was not in the mission-critical portion of materials, services or staff.

**Councilor McLain** said this membership offered Metro and its staff the opportunity to provide leadership on transportation issues in the United States, and to participate and learn from others. The Budget Committee thoroughly reviewed the advantages and disadvantages of membership, and determined that it was important to Metro's critical mission. She would have to respectfully vote no on this cut, because these budget items made the difference in staff's ability to do its job well.

**Councilor Monroe** said this was another "ostrich's head in the sand" kind of cut that would come back to bite the Council.

**Councilor Park** closed by saying that this was another tough cut, and hopefully in the future it could be restored. He understood the importance of Metro's staff working with its peers, but it was a matter of choices in order to avoid further cuts in personnel.

**Vote on Motion to Amend #2:** The vote was 5 aye/ 2 nay/ 0 abstain. The motion passed with Councilors Monroe and McLain voting no.

**Motion to Amend #3:** **Councilor Kvistad** moved Council Amendment #12.

**Seconded:** **Councilor Park** seconded the amendment.

**Councilor Kvistad** introduced Council Amendment #12, which would remove Metro's membership dues for the Regional Water Providers Consortium from the budget. It was a difficult amendment for him, because he had been closely involved with the Regional Water Providers Consortium in the past. In a tight budget year, however, in which line staff were being cut, it was hard to do an add-back of this size, even though it was a program very worthy of Metro's participation.

**Councilor McLain** noted Mr. Kappa and Ms. Stickel's earlier testimony that Metro was saving itself money with its \$13,000 membership dues. If Metro did not stay a member of the Regional Water Consortium, it would have to find another way on staff to fulfill its charter responsibilities in this area. Had Metro not been a member of this group, its Regional Framework Plan work would have been much more expensive, and finishing its Functional Plan work would be much more expensive. She said withdrawing Metro's membership would send a poor message to a group that was struggling to find regional solutions to water problems. She said \$13,000 was a bargain price and a priceless opportunity for Metro to sit around the table with its partners in a positive, pro-active way, and help fulfill its charter responsibilities.

**Councilor Atherton** said he would normally be in favor of this amendment, and not have Metro participate in the Regional Water Providers Consortium, because the consortium was really a group of water providers set up to accommodate growth. He would not support this amendment, however, because Metro's seat at the table may be necessary to get across a very important point about the limits to growth, and living within the limits. There needed to be a voice on the Water Consortium for carrying capacity, and he hoped Metro could provide that voice.

**Councilor Kvistad** closed by noting that the Executive Officer had not included this item in his budget. This was an add package that came from the Council Budget Committee. He recommended an aye vote.

**Vote on Motion to Amend #3:** The vote was 4 aye/ 3 nay/ 0 abstain. The motion passed with Councilors Atherton, McLain and Monroe voting no.

**Motion to Amend #4:** **Councilor Kvistad** moved Executive Amendment #3.

**Seconded:** **Councilor Park** seconded the amendment.

**Councilor Kvistad** introduced the Executive Amendment #3, which would eliminate one Executive Analyst position in the Executive Office, which was an "at will" employee. He said it usually seemed that budget cuts in Metro came at the expense of the agency's line staff. The Council department saved over \$100,000 in its budget, which went directly into hiring a new at-will employee in the Executive Office a year ago. That hire was done during the budget cycle. The savings in this line item would be approximately \$70,000. Those monies would then be available to restore the cuts in line staff. This \$70,000 was entirely excise tax available dollars, and dollars that Metro might be able to use to backfill, from a position that Metro could do without in this lean budget time. He recommended this cut as prudent.

**Councilor Park** agreed with Councilor Kvistad that the timing of the hiring was unfortunate. To the Council's credit, it respected the hire, given the fact that an actual person had taken the position based on a promise of employment by the Executive Officer. He proposed an amendment to Councilor Kvistad's motion. The Executive Analyst position was primarily used to

work with Metro's local partners on habitat and Goal 5 issues, the Endangered Species Act, and clean water issues. His proposed budget note to amend Councilor Kvistad's motion would note that the Executive Analyst position be used for growth-related policy issues for the remainder of this fiscal year and FY 2000-01. He thought, given the personnel changes in the Growth Department, it would be appropriate to have this person's help in that arena.

**Motion to Amend Executive Amendment #3:**      **Councilor Park** moved to substitute a budget note, as described above, for Executive Amendment #3.

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

**Councilor Monroe** asked **Dan Cooper, General Counsel**, if it was true that the proposed budget would not take effect until July 1, 2000.

**Mr. Cooper** said yes, that was correct.

**Councilor Monroe** said there would be no remainder of this fiscal year. Therefore, the budget note was poorly drafted because it spoke to the remainder of this fiscal year, which was not germane to the FY 2000-01 budget.

**Councilor Park** moved, seconded by **Councilor Washington**, to amend his motion by striking the language "the remainder of this fiscal year and."

**Councilor Monroe** asked Councilor Park who would enforce this policy on the Executive Officer, in terms of the use of one of his staff.

**Councilor Park** said that, as with the other budget notes adopted by the Council, he assumed that the Executive Officer would self-police. The other opportunity, if Councilor Monroe preferred, was to withdraw this motion and move the position to the Growth Management Department.

**Councilor Monroe** said that was not his desire. If that was Councilor Park's desire, then that would be the proper action.

**Councilor Atherton** paraphrased Councilor Monroe's concern that this was too much meddling in the Executive Officer's affairs. The Council was not the Executive Officer; it did not manage the agency, it set policy. This motion did not come under the rubric of policy.

**Councilor Monroe** agreed.

**Councilor Kvistad** spoke against the motion to substitute. He said it was amazing how, at Metro, people were constantly appointed to quasi-political positions that cost \$70,000, but every time cuts were made, they went to a secretary or part-time worker, or someone doing the line work. This job was not needed at the time it was filled. It was filled as a political position. He clarified that he was not talking about the person who currently sat in the position, but this funded position itself. One of the policy points that the Council was entitled to make was whether positions should exist, and his point was that this position should not exist. That money should be used to keep the staff that Metro already had. He did not support Councilor Park's amendment

simply because it would keep the position in the budget. If his own amendment failed, he might be open to another use of the position.

**Councilor Park** closed by urging an aye vote.

**Vote on the Motion to Amend Executive Amendment #3:** The vote was 3 aye/ 4 nay/ 0 abstain. The motion to substitute failed with Councilors Atherton, Kvistad, McLain and Monroe voting no.

**Presiding Officer** said the Council would now return to consideration of Councilor Kvistad's Executive Amendment #3.

**Councilor Atherton** asked Councilor Kvistad if he would accept an amendment to reduce a fixed amount of money from the Executive Office's budget, rather than targeting a particular position.

**Councilor Kvistad** said his responsibility as a policy maker was to find available money, not to simply tell the Executive Officer to go find money in his budget. This was the only action with which Councilor Kvistad felt comfortable, in a position he knew could be cut as a policy decision by the Council.

**Presiding Officer Bragdon** said he too shared Councilor Kvistad and Councilor Park's distaste about the circumstances of how the position was filled last year. However, he thought the position had proved its worth in terms of the intergovernmental aspect. The local government liaison was an important piece that was not always done as well as possible, and this position was serving that function in a valuable way.

**Councilor Washington** said last year when this position came up he supported leaving the position intact. He felt that Councilor Park was trying to save the day with his amendment. In this particular situation now, the Council did not have the choice to save the day.

**Councilor Kvistad** said it was amazing to him how Metro had the big political jobs with the big political money, but was always looking at the little niche folks to pay the price. This was a make-work position; \$70,000 worth of make-work. This was the Council's opportunity to free up excise tax money. In order to keep positions around the agency, which he would support, the agency needed to have the money to do it, and this was the place to get it. Based on past experience with Metro budgets, he did not agree with the argument that the money would be there. Regardless of what the Council did with the budget today, he was very afraid they were doing too little, too late, and the big problems were just on the horizon. This was one place the Council could make a cut that would be prudent and appropriate.

**Vote on Motion to Amend #4:** The vote was 2 aye/ 5 nay/ 0 abstain. The motion failed with Councilors Atherton, Monroe, McLain, Park and Presiding Officer Bragdon voting no.

**Motion to Amend #5:** **Councilor McLain** moved to add the following budget note to the proposed budget, "Due to the limited resources available, the Council has endorsed the Executive Officer's recommended staff reductions within the departments and offices that are financed by the General Fund. When actual ending balances for FY 99-00 have been determined, the Council may revisit the need to restore some or all of the eliminated positions."

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

A copy of the budget amendment, later labeled #42, is included in the meeting record. Also included in the meeting record is a letter from Executive Officer Burton, supporting the budget amendment.

**Councilor McLain** introduced her motion. She thought it would be prudent for the Council to revisit some of the cuts made in this year's budget once the actual ending fund balances were known. The entire Council had agreed that the budget should be based on the money in the bank, not on projected revenues.

**Councilor Park** asked when the actual ending fund balances would be known. He asked because, as an author of a budget note last year, any carry-forwards were supposed to be placed into a separate line item, or added up, so the Council would know what they were. He asked if that was the procedure the Council was following here, or if this was something different.

**Councilor McLain** said her amendment addressed anticipated revenue, not carry-overs, which were different.

**Councilor Park** asked if they had an accounting of what the carry-overs would be. What was the budgeted amount, less the actual spent? When would the Council have that projected amount put forth?

**Councilor McLain** said any underspend would be identified at the end of the budget year.

**Councilor Park** asked if the \$90,000 underspend in the Council's budget was in addition to the projected \$500,000 anticipated carry-over, or was the \$90,000 within the projected \$500,000 carry-forward?

**Councilor McLain** asked **Jennifer Sims, Director of Administrative Services Department and Chief Financial Officer**, to answer Councilor Park's question.

**Ms. Sims** said the proposed budget had a smaller anticipated general fund balance than was showing in the committee recommendation. The \$90,000 identified as underspending from the Council Office was not included in the proposed budget of the Executive Officer. The committee had since identified that money and made recommendations, incorporated in the budget, on how to use that resource.

**Councilor McLain** said Budget Committee suggested that the money go to the reserves, based on the committee's understanding of the Council's intentions.

**Councilor Park** said \$90,000 had been identified from the Council budget. He asked if they knew the total or projected total from the other departments.

**Ms. Sims** said those were already incorporated in the estimated beginning balance.

**Councilor Park** said therefore, the \$500,000 was all amounts rolled forward.

**Ms. Sims** said yes. She believed the actual amount was \$599,000.

**Councilor Atherton** asked if recommendations to eliminate particular positions were based on projected work load reductions, or were necessary for budget balancing.

**Ms. Sims** said the various positions that were proposed for cut in the proposed budget were cut because of the budget forecast for excise tax revenues, and associated work load and program reductions were made to accommodate the lack of revenue and the work that those people would have been doing.

**Councilor Atherton** asked if the reductions had been made based on revenue projections rather than work load. He said his questions had been based on the assumption that the reductions were made because of reduced work load.

**Ms. Sims** said the work load would be there if the revenue were there. The work load was reduced to accommodate the lower revenue.

**Councilor Kvistad** expressed concern about addressing this situation through a budget note rather than addressing the situation head-on. He said the contingency fund balance had gone from \$1.5 million to nothing over the past five years. He questioned how money could suddenly become available during the budget cycle. He did not believe the budget note would do anything, even though he was sympathetic to the intent. He said the budget, in his view, was not good overall in that it did not make it clear what the financial status of the agency was. He objected to what he saw as Metro spending down all its funds every year instead of putting some away for years like this. He said that was why the budget had to be balanced at the expense of some people's jobs. He would prefer that the agency build a fund balance than put a budget note in promising to spend money before the fiscal status was known accurately.

**Councilor McLain** said the philosophy that guided the budget committee was to make sure no money was used that was simply anticipated, only money actually in the bank. In support of that philosophy, this budget note says the Council would like to revisit this issue in three months when the actuals become available. If sufficient funds are available then, the positions considered valuable but that needed to be cut would be restored. She urged support.

**Vote on Motion to Amend #5:** The vote was 5 aye/ 2 nay/ 0 abstain. The motion passed with Councilors Park and Kvistad voting no.

**Motion to Amend #6:** **Councilor Atherton** moved Auditor Amendment #6.

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

**Councilor Atherton** introduced Auditor Amendment #6, which would add \$34,000 to fund a temporary, part-time auditor. He asked Ms. Dow to review the amendment.

**Ms. Dow** said that she was requesting a position be restored that had been arbitrarily cut from her budget. She said the position had been in place for the past few years and crucial to the operation of her office.

**Councilor Atherton** asked Ms. Dow to explain a compromise she had mentioned earlier.

**Ms. Dow** said she originally proposed two amendments, one would reinstate the positions the Executive Officer had removed from her budget. The other proposed to fulfill a previous agreement with the Council to staff her office with the equivalent of four full-time FTEs by substituting three full-time positions and one half-time position plus \$30,000 in contracting funds. The \$10,000 brings the discretionary contracting funds up to \$30,000. The compromise would be that she would forego the \$10,000 in order to keep the part-time auditor.

**Councilor McLain** asked how many full time staff there were last year and how many full time would there be this year.

**Ms. Dow** said that in addition to herself, she had an administrative assistant, three full-time auditors and a half-time auditor.

**Councilor Kvistad** said he normally would not support a budget add-back, but he would in this case because the cut was made without discussing it with Ms. Dow first.

**Councilor Washington** asked if there was an effort from her office to correct *The Oregonian's* misinformation about who had made the cut.

**Ms. Dow** said she had not done that yet but she would do that right after the meeting, at the same time she called to thank them for supporting her position.

**Councilor Monroe** said the facts need to be clear, in that the number of full-time FTE remain the same, and the current budget had been supported by the budget committee.

**Councilor Park** asked if Ms. Dow was proposing to restore a position so that the number of FTE would be the same in the coming year as it was in the past year.

**Ms. Dow** she said that was correct.

**Councilor Park** asked if the contracted amounts would be the same or less.

**Ms. Dow** said it would be \$10,000 less.

**Councilor Atherton** asked why she needed money for contracts.

**Ms. Dow** said the office sometimes needed specialty audits that the staff auditors could not realistically be expected to have the expertise to conduct.

**Councilor McLain** said that although she was sympathetic to Ms. Dow's position in having a staff cut without being consulted, the budget cycle was the only time the auditor's work came up for consideration. When the budget committee had reviewed the proposed budget for this year

and taken her testimony during committee meetings, it had noticed that most of the time the Auditor's line items had been underspent. The committee concluded that she supported the proposed budget. She wondered what had changed since then.

**Ms. Dow** clarified that her budget had not been underspent in the past few years. She said she had said she would be looking at different ways of presenting audits in the future, but she did not mean by that she would be presenting fewer reports, only a different style of report. She emphasized that an agency of Metro's size and complexity needed four audit positions.

**Councilor Atherton** said the Council's role was not to review the Auditor's work; rather, the auditor should be independent. He said he hoped to find a way to provide stable funding for the auditor's office. He urged support for this resolution, with an eye to addressing problems in the coming year.

**Vote on Motion to Amend #6:** The vote was 4 aye/ 3 nay/ 0 abstain. The motion passed with Councilors McLain, Monroe and Presiding Officer Bragdon voting no.

**Motion to Amend #7:** **Councilor Atherton** moved to include a budget note concerning unfunded mandates.

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

A copy of the budget amendment, later labeled #28, is included in the meeting record.

**Councilor Atherton** introduced his budget amendment, and said this note related to House Bill 2493 of the 1997 session. That bill required Metro to comply with the 20-year land supply mandate within two years. That mandate required Metro to do jobs housing analyses among other things. He thought it was important to send a message to the legislature that it could not continue passing unfunded mandates and go unchallenged. This note would require the Executive Officer to study the unfunded mandates of the house bill and any other unfunded state mandates, to present those findings to the Council so the Council could formally revise the budget to make the requisite cuts. The services then would be continued only if Metro were to receive full reimbursement from the state, as called for in Ballot Measure 30, which must come up for a vote in November to continue itself. If Metro continues to carry out the mandates of HB 2493, for four more years from the date of adoption of that bill, then Metro would be required to do it regardless of the outcome of Ballot Measure 30. Therefore it was important for the Council to take action on this matter now.

**Councilor Kvistad** said he had seconded the motion for the purpose of discussion, not to indicate support.

**Councilor Park** said he understood the sentiments of Councilor Atherton but voting in favor would not change Metro's obligation to do the same periodic review every five to ten years. He said the alternative would be to eliminate all land-use planning.

**Councilor Atherton** said this would not eliminate all land-use planning; rather it would remove the coercive planning mandates from the state that were unfunded. He asked Mr. Cooper whether this amendment would allow Metro to go back through expenditures over the past three years and request reimbursement.



**Mr. Cooper** said the measure in the Oregon Constitution now sets up a right not to do things; it does not talk to the right to a refund once the money has been spent. He said it might be implicit in the measure that if the money had been spent and an agency chose to sue to recover that money, the agency might get its money back. It also sets up a voluntary mediation process that it not binding on the state to obtain advisory opinions on that. He said he was not aware of that process being tried, however.

**Councilor Atherton** said Mr. Cooper had summed up the strongest argument, and that was that this idea had not yet been tested. Metro had the chance now to do that with this amendment.

**Vote on Motion to Amend #7:** The vote was 1 aye/ 6 nay/ 0 abstain. The motion failed with Councilor Atherton voting aye.

**Presiding Officer Bragdon** called for general comments on the Ordinance and announced that consideration of it would continue officially until June 15.

**Councilor Kvistad** said he had several amendments he would have liked to present but had chosen not to because he knew they would not pass. He did want it on the record that the budget in total should be a place to address general policy as well as the fiscal health of the agency. He said the agency was not fiscally healthy, and that the cuts this year were only the beginning of the cuts that would need to be made in the future if the agency itself survived past the next two years. He said he would not support the budget unless more attention were paid to where the cuts would be made.

**Councilor McLain** summarized that impact of amendments that had been made today. The bottom line added a net of \$608 to the total budget. The general fund was reduced by \$32,387, and support service was increased by \$32,995. She said the budget committee had produced an additional \$115,000 for the reserve and for the bottom line on the general fund contingency fund. In addition, there were additional anticipated revenues, the exact amount of which would be known by the end of June. She said the Council had been prudent and had tried to establish priorities while holding the line on spending. She said the cuts in union FTEs and those in the Transportation and Growth departments would be restored if the actuals indicate the money was there.

**Councilor Park** said last fall that the Council's message was for a zero-base budget. He said he would be studying the budget to confirm that that was the case.

**Councilor Atherton** said he had tried to communicate a serious message about the entire mission of the agency. He was disappointed the unfunded mandate issue, House Bill 2709, House bill 2493 had not been more seriously discussed. He said the citizens needed to know that the planning issues did not originate with Metro. He said that might lead him to vote against the entire budget to indicate his deep concern that his note had not been included.

**Presiding Officer Bragdon** announced that final consideration of this Ordinance would be on June 15, 2000.

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

**Motion:** **Councilor Atherton** moved to adopt Ordinance No. 00-856.

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

**Councilor Atherton** said Metro's investment policy had been prudent. He noted that in spite of all the market volatility, Metro's status had actually improved. He urged adoption of the ordinance.

**Presiding Officer Bragdon** opened a public hearing on Ordinance No. 00-856. No one came forward to testify, so he closed the public hearing.

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

8.3 **Ordinance No. 00-858**, For the Purpose of Amending the Metro Code Chapter 5.02 to Extend the Sunset Date for the Regional System Fee Credit Program to June 30, 2001.

**Motion:** **Councilor Park** moved to adopt Ordinance No. 00-858.

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

**Councilor Park** briefly summarized the Fee Credit Program. He said the program was entrepreneurial in that it encouraged recycling through offering a credit for material that was recovered. He noted that the state had mandated that the region achieve a 56% recycle rate by the year 2005. This program has demonstrated its value as a means of creating incentives through economic means rather than regulatory means to increase recycling. This would be part of a larger package to help move the region toward its recycling goals.

**Presiding Officer Bragdon** opened a public hearing on Ordinance No. 00-858. No one came forward to testify, so he closed the public hearing.

**Councilor Kvistad** said this has been a good program for Metro and it works well.

**Councilor Atherton** said this was a mandate that he supported.

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

## 9. RESOLUTIONS

9.1 **Resolution No. 00-2916**, For the Purpose of Approving the FY 2000-01 Budget and Transmitting the Approved Budget to the Tax Supervising and Conservation Commission.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 00-2916.

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

**Councilor McLain** said approval of this resolution would move the budget off to have another review, this time by the Multnomah Tax Supervising and Conservation Commission. The commission then would discuss its findings with Metro early in June, and the budget would then be passed on June 15.

**Vote:** The vote was 5 aye/ 2 nay/ 0 abstain. The motion passed, with Councilors Kvistad and Atherton voting no.

**Presiding Officer Bragdon** announced that Councilor Atherton wished to change his vote on Resolution No. 00-2916. He had voted yes when he meant to vote no. He asked that the vote be changed to reflect that, without objection. [Ed. Note: That change has been reflected in the recorded vote.]

9.2 **Resolution No. 00-2928**, For the Purpose of Confirming the Nominations of Jay Hamlin, David Manhart, and Jim Battan to the Regional Parks and Greenspaces Advisory Committee.

**Motion:** **Councilor Washington** moved to adopt Resolution No. 00-2928.

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

**Councilor Washington** said on October 13, 1994, the Metro Council adopted a resolution establishing a Regional Parks and Greenspaces Advisory Committee. He said the purpose of this 11 member committee was to review and make recommendations related to policy plans, programs, user fee structure, annual budget plans and similar issues facing the Metro Regional Parks and Greenspaces Department. They also serve in an advisory role to the Metro Council, the Executive Office and the Regional Parks and Greenspaces Department. He noted that committee members served a 3-year term. He said this resolution would add 3 members to the committee and urged an aye vote.

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

9.3 **Resolution No. 00-2930**, For the Purpose of Authorizing Metro Regional Parks and Greenspaces to Apply for a Local Government Grant from the Oregon Parks and Recreation Department and Delegating Authority to the Department Director to Sign the Application.

**Motion:** **Councilor Atherton** moved to adopt Resolution No. 00-2930.

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

**Councilor Atherton** reviewed the resolution and said it would receive matching funds from the Multnomah County local greenspaces grant program. He urged an aye vote.

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

9.4 **Resolution No. 00-2936**, For the Purpose of Amending the Intergovernmental Agreement with Washington County for the Wilsonville/Beaverton Transit Corridor Study.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 00-2936.

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

**Councilor McLain** explained that Washington County wanted additional study on the Wilsonville/Beaverton Transit Corridor. She urged an aye vote.

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

9.5 **Resolution No. 00-2937**, For the Purpose of Approving a 1999-00 Business Waste Reduction Outreach Workplan.

**Motion:** **Councilor Washington** moved to adopt Resolution No. 00-2937.

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

**Councilor Washington** said this was a key element of REM's new waste reduction initiative to encourage businesses in the region to recycle more paper and open the door to a range of waste reduction resources being developed. He asked Mr. Anderson to speak.

**Doug Anderson, Manager of the Waste Reduction for REM**, pointed out that this resolution satisfied a budget note. He noted today's contract review board held a related resolution that would ask for authorization of an RFP. He added that this campaign was intended to motivate businesses to realize there was more they could do as far as meeting recycling goals.

**Councilor McLain** added that it was mentioned at the REM committee that timing of these issues was important. She hoped the money would go to making the system easier for the recyclers. She said this looked like an exciting program and she was looking forward to results.

**Mr. Anderson** assured Councilor McLain that this campaign had a small first phase but they were also developing helps and intended to be ready with help for anyone who called in.

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

9.6 **Resolution No. 00-2941**, For the Purpose of Recommending that the Land Conservation and Development Commission Adopt Regulations to Protect Exception Lands Adjacent to the Metro Urban Growth Boundary from Further Parcelization.

**Presiding Officer Bragdon** announced that this resolution had been removed from the agenda as the Council was waiting for advisory action from MPAC.

9.7 **Resolution No. 00-2942**, For the Purpose of Authorizing Amendments to the Intergovernmental Agreement with the City of Portland for the Consolidation of Regional Facilities to Transfer Civic Stadium.

**Motion:** **Councilor Monroe** moved to adopt Resolution No. 00-2942.

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

**Councilor Monroe** explained that the details for the transfer of Civic Stadium were complete and this resolution would amend an IGA dating back to 1989. The transfer would be some time between June 21 and August 2, 2000, at the choice of the City. He noted that Metro's authority had been clarified and strengthened for this project. He urged an aye vote.

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

**10. CONTRACT REVIEW BOARD**

10.1 **Resolution No. 00-2925**, For the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding, Authorizing Issuance of a Request for Proposals to Procure Hazardous Waste Disposal Services, and Authorizing the Executive Officer to Execute the Resulting Multi-Year Contract.

**Motion:** **Councilor Park** moved to adopt Resolution No. 00-2925.

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

**Councilor Park** said this resolution was regarding contracts dealing with hazardous waste disposal. He noted that all three of the hazardous waste disposal contracts expired the end of June 2000. The Metro Hazardous Waste program strived to manage the waste in a manner that maximized cost effectiveness as well as environmental considerations. He said a Request for Proposal (RFP) process had been used each time the services had been procured for that program, but a main finding of this supported the exemption from the process because there was no concern about favoritism or competition.

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

10.2 **Resolution No. 00-2927**, For the Purpose of Authorizing Change Order No. 2 to the Contract for Operation of the Metro South and Metro Central Transfer Stations.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 00-2927.

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

**Councilor McLain** reviewed that the purpose of the Change Order No. 2 was to make sure, with the change of ownership, that Metro had agreed and consented to the change, because otherwise would constitute a default of the contract. She said the REM committee and the Executive Officer had reviewed the resolution, and the new operator had agreed to continue with the contracts on the South and Central transfer stations. This resolution would authorize the Executive Officer, on behalf of the Council, to approve the transfer and assignment to the new contractor, Allied Waste Industries, Inc.

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

10.3 **Resolution No. 00-2938**, For the Purpose of Authorizing the Release of a Request for Proposals for Advertising Services and Authorizing the Executive to Enter into a Contract.

**Motion:** **Councilor Washington** moved to adopt Resolution No. 00-2938.

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

**Councilor Washington** said this was a follow-up RFP for the previous Waste Reduction Outreach Workplan resolution. He urged an aye vote.

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

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

11.1 **Resolution No. 00-2926**, For the Purpose of Amending the Fanno Creek Greenway Target Area Refinement Plan.

**Members Present:** Charles Ciecko, Nancy Chase, Dan Cooper, members of the press and council staff.

**Motion:** **Councilor Washington** moved to adopt Resolution No. 00-2926.

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

**Charles Ciecko, Manager, Regional Parks and Greenspaces Department**, said this resolution sought to amend the Fanno Creek Greenway Target Area Refinement Plan by adding three site specific parcels into the refinement plan. He said the parcels were located in the upper watershed on creeks previously identified by Council as part of the refinement plan and worthy of acquisition when a local partner was willing to put up 25% and the site had direct stream frontage and was largely in its natural condition.

**Councilor Washington** said there seemed to be some additional questions from the Council on this and asked if this resolution should be continued or if the councilor's questions could be answered in this session.

**Councilor McLain** said one of the reasons she supported this was their Greenspaces bond measure indicated an interest in a variety of aspects of protection of the greenspaces and watersheds in the region. She said it was not true that all of the greenspaces had to be connected to be valuable. She said these areas were regionally significant small greenspaces, important in urban areas where more density and more people would use the kinds of parks and passive recreational activities that could happen there. She thought it was important to support the refinement program and the neighborhoods that were willing to help with the 25% match. She felt regionally significant elements did not always mean big. She said she would support this resolution with the understanding that there were some members on the committee and the council who were interested in looking at the refinement criteria. She said at the present time, these pieces met the criteria.

**Councilor Park** said his concern was not the pieces themselves but rather how the findings were written. He requested that this resolution be continued to clarify the findings.

**Presiding Officer Bragdon** asked if there was a time constraint on this matter.

**Ms. Chase** said Inner City Properties was scheduled to close in June.

**Presiding Officer Bragdon** said this would be held over until May 11, 2000.

**Councilor Monroe** said it would not be necessary to bring the matter back to the Metro Operations Committee.

**12. COUNCILOR COMMUNICATIONS**

**Councilor Monroe** said the Bi-State Committee met this morning and took the first definitive action approving a resolution on HOV lanes, both in Washington and Oregon. Essentially, the recommendation from the committee was that HOV lanes be supported. He said that recommendation would be going to the Southwest Washington RTC in June and then immediately following, it would go to JPACT.

**Councilor Kvistad** asked if they had recommended a funding source.

**Councilor Monroe** said they had not. The current north HOV lane was already built so no funding was needed and the south lane in Washington already had funding. The ODOT southbound portion was not secured.

**Councilor Park** said that morning he, Mr. Cooper and Mr. Cotugno had met with LCDC in Salem for a hearing asking for Metro to be put in periodic review. He said Mr. Cooper had done a fine job and they voted to place Metro in periodic review with a work plan to follow. He felt there would be very key questions answered on how to manage the urban growth boundary.

**Presiding Officer Bragdon** announced there would not be a Council meeting on May 4<sup>th</sup>.

**13. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 5:42pm.

Prepared by,

Chris Billington  
Clerk of the Council