

MINUTES OF THE METRO OPERATIONS COMMITTEE MEETING

July 5, 2000

Metro Council Chamber

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

Councilors Absent: None

Also Present: David Bragdon, Susan McLain, Michael Morrissey, Peggy Coats

Chair Monroe called the meeting to order at 3:34 p.m.

1. CONSIDERATION OF THE MINUTES

Motion: **Councilor Atherton** moved to adopt the minutes of the June 21, 2000, Metro Operations Committee meeting.

Vote: There were no amendments to the minutes. The motion passed unanimously.

2. Resolution No. 00-2929, For the Purpose of Submitting to the Voters an Amendment to the Metro Charter Abolishing the Office of Executive Officer, Creating the Office of Council Chair Making Related Changes

Mike Burton, Executive Officer, explained his extensive Metro background. The primary roles of the executive officer were leadership and managership. He read from the preamble of the Metro Charter. He said it was critical to have a regionally elected voice to lead Metro. The executive officer bore significant managerial responsibility in budgeting, managing approximately 800 FTE, and overseeing approximately \$1 billion in assets. He has brought this proposal forward as a matter of efficiency and to make Metro more effective. Just as the Office of General Counsel is responsible not to the executive office or council office but to Metro, the remaining Metro departments could also be set up the same way. Within the last two years there has been a positive consolidation of the way in which staff services have been delivered. An easier way to operate would be to consolidate staff. As a separately elected regional official, the executive officer responds to questions and makes statements, and should express his views to the electorate. The public needs clarity as to who speaks for Metro. This measure proposes a region-wide elected chair serving a four-year term, who chairs the meetings, makes appointments, sits with six other councilors and would vote only in the case of a veto. He struggled with the veto status because he wanted a position with region-wide responsibility, but also one with responsibility for facilitating the business of the council and the policymaking, to make sure that everyone's voice is heard and building consensus. The important point is for the person holding this position to facilitate the business and policymaking of the Council. The proposal also provides for the appointment of a regional administrator who would handle the day-to-day operations and would be appointed by the Chair with the approval of the Council.

Mr. Burton said that the draft legislation updated some language and addressed some housekeeping matters.

Councilor Atherton asked Mr. Cooper if Metro was required to adhere to a single subject in the upcoming Charter review, or could a number of issues be addressed? **Dan Cooper**, Legal Counsel, responded that the Charter required that amendments to the Charter be confined to one subject only. To propose other amendments would require them to be separately voted upon. What is here is one single subject package: abolishing an office and creating another, dealing with voting issues, and salary issues. For example, to raise taxation issues would be to get onto another subject.

Councilor Washington asked since today's hearing of Resolution No. 00-2929 required no action, when was action scheduled to be taken. **Chair Monroe** responded that a work session had been scheduled for the next Metro Operations Committee Meeting, July 19, 2000, and if the Committee chose, a recommendation to the full Council would be made at that time. No action would be taken today, just gathering information.

METRO OPERATIONS COMMITTEE MEETING MINUTES

July 5, 2000

Page 2

Councilor Bragdon agreed with Mr. Burton, that this issue was not about personalities but about efficiency.

Councilor Atherton asked Mr. Burton what the meaning of the word “effective” was that he used in his opening sentence “the purpose was to promote efficiency and “effectiveness.” **Mr. Burton** replied “effective” to make certain that there is good representation of the views of the people of the region and to provide an opportunity for the policy body to lead. Also to achieve livability, protection and enhancement of the environment. Efficiency can be measured in many ways including investing and spending of money. What is key is how well people understand what Metro is doing in representing them on regional issues.

Councilor Atherton said there was a substantial difference between local government and regional government. A local government, more like community government, has a goal of making good things happen and make good deals. It needs a deal-maker and a one-person voice to organize and structure the work. A regional government works not to make good things happen, but to prevent bad things from occurring. He asked Mr. Burton to comment on this. **Mr. Burton** responded by saying his opening remarks had been quoted from the preamble of the Charter: “Metro’s most important service is planning and policymaking to preserve and enhance the quality of life and the environment.” He understood “preserve” and “enhance” to be action words that imply making good things happen, particularly choices. That includes providing recreational arts, parks, convention venues and stadiums. With a broader base of funding, there will be a more level cost for those benefiting from the services. Metro has been successful in doing that with the Zoo, parks and Convention Center. On the other hand, the enhancement of the quality of the way in which choices are provided for the citizens to live, i.e., residentially or by employment, through the planning that is done is a much more difficult thing to do. **Councilor Atherton** thanked Mr. Burton.

Councilor McLain said she thought the chair should have a vote. She asked Mr. Burton why he decided upon a veto. **Mr. Burton** said he had looked at other governmental models, as to their structure, and spoken with other elected officials before deciding. Ultimately, he said he could support either one: a vote or a veto.

Chair Monroe thanked Mr. Burton for his leadership on this issue. He said Council will continue to work directly with him and his office on variations to this proposal. He acknowledged Mr. Burton’s political experience in having been twice regionally elected. He said the Charter gives the Council sole policy making authority which carries with it a built-in conflict. Although not a personality conflict, it is an area which could be improved upon. Metro’s constituency encompasses 24 cities and three counties and sometimes it is not clear who speaks for Metro. This is exactly the time this issue needs to be reviewed.

Governor Barbara Roberts, Charter Review Facilitator, shared a few of her observations before reporting on the public roundtables. One reason she agreed to act as Charter Review Facilitator was because she believes in Metro. Metro and the Council are not above criticism, but this three-county area would not be as livable as it is now and our quality of life would be lesser both in the short and long term. Metro has a very important role in the region. She believed the timing was important: the primary elections were over, the redistricting would be addressed due to the 2000 census, and Mr. Burton’s term limitation.

Governor Roberts said she was embarrassed and disappointed when she learned that Mr. Burton had not been made aware of the roundtables. She said the best decisions are made with an inclusive group and historical perspective. She complimented the Council on its outreach efforts to all three counties, use of the website for citizen input, the outstanding group of leaders invited to participate, and the impressive reserve the Metro Councilors employed as listeners to the comments made.

Governor Roberts chaired three of the four roundtables. She made clear that the Options 1-3 which were pre-printed for distribution were starting points for the discussion on structure. Any mix, or part of those ideas were equal; that they were tools only. The meetings were positive, constructive, interactive and thoughtful. She briefly commented on the prior discussion relating to efficiency and effectiveness. Her definition was that the most efficient government doing the wrong thing wasn’t reaching the goal of effectiveness - to create the outcome that was wanted. Governor Roberts continued her report which is attached as a permanent part of this meeting record.

METRO OPERATIONS COMMITTEE MEETING MINUTES

July 5, 2000

Page 3

Presiding Officer Bragdon apologized for the oversight of not having invited Mr. Burton to participate in the roundtable discussions. Conflicting schedules were contributing factors to the oversight, but nonetheless, it caused Presiding Officer Bragdon embarrassment for which he apologized.

Councilor McLain asked about the veto versus the vote. **Governor Roberts** felt there was a very strong consensus that the presiding officer be a voting member of the Council, and was the reason that the odd number of councilors was so strongly preferred. The relationship of the governor and the legislature, and the president and the congress are much different. The issue needs to be more closely examined as to whether Metro needs to put a veto in place.

Councilor Atherton said he heard Governor Roberts' comment regarding the need for a seven-member deliberative body to be inclusive. He found little comparison to a larger legislative body. He also expressed that electing a regionwide presiding officer can embed deficiencies, could lead to a lack of inclusiveness and a tyranny of the majority. He asked why there was such interest in a regionwide elected presiding officer, as opposed to the current system of the council electing the presiding officer, since the presiding officer works for the council and functions on process, not necessarily on specific tasks. The focus is on making the council work through inclusiveness. He said small group deliberative bodies require absolute inclusiveness because of the great details involved in local governance. He asked if there was any discussion regarding his approach? **Governor Roberts** responded that there was no specific discussion along those lines. She said when she mentioned inclusiveness she applied it not only to the council, but to the public as well. She said when members come from a broader area they seem to be given a greater sense of leadership than those elected from a district. A regional government is recognized as such because at least one person is elected regionally. A concern was raised at the Beaverton roundtable that when Mr. Burton from Portland was first elected, it was felt that the voices of the other two counties would not be heard. Clearly, Mr. Burton's willingness to spend time with them and hear their issues was the kind of inclusiveness to which she was referring.

Councilor Atherton asked the Governor about the role of districting in achieving a regional voice. Right now the Metro Council district are organized around historic political boundaries which he regarded as the antithesis of regional government. Rather, we should be cutting across those traditional historic boundaries. He asked what she thought of a regional government whose boundaries would be determined in a pie-type fashion, so each district shared in central city concerns, as well as growth area concerns on the periphery, diminishing the allegiance to previously established historic boundaries. **Governor Roberts** responded that she had previously been involved in such a process and felt that it had a very divisive effect upon the community. Communities can be traumatized by the pie-shape redistricting because the same district widths cannot be consecutively cut due to the different populations within each slice. Although it is a more regional perspective, it is very difficult to accomplish. **Councilor Atherton** made his suggestion in an attempt to equalize the areas, economically as well as socially. **Governor Roberts** said redistricting was an effective tool. Tyranny by the majority would be less likely with strong citizen involvement. The ability of the few to rule, another form of tyranny, can occur when the majority of citizens do not vote, or participate in the process, leaving the few who do participate to rule.

Presiding Officer Bragdon said one tension he sensed in the discussions was related to the value of a regionally elected presiding officer who is known to the various districts, but also part of the Council team, having the option of voting. For example, one of the things that distinguishes Tom Brian's job from Beverly Stein's job; a way to mesh a regional elected presiding officer but also have some of the authority remain with the Council rather than with an overly powerful presiding officer. Did Governor Roberts gain any insights through the discussions. **Governor Roberts** responded that she did not have the detail that he was requesting. The issues were raised by means of carefully defining the roles and responsibilities of the presiding officer or members of the Council in a proposed, new structure. The hiring and firing issues arose in conjunction with the hired, professional manager/administrator and on the General Counsel position. The rest was left as remaining to be defined in the drafting process. There simply wasn't sufficient detail resolved in any of the meetings.

Chair Monroe thanked Governor Barbara Roberts for her leadership and insightfulness. Her advice will be well taken. **Councilor Atherton** presented her with a bouquet of flowers in appreciation for her assistance.

Chair Monroe opened a public hearing at 4:47 p.m.

Alita Woodruff, 2143 NE 95th Place, mentioned that whatever decisions made as a consequence to the discussions held would greatly affect the membership of the Metro Committee for Citizen Involvement. Their districting is the same as the Council's districting, as well as six members from outside the districts.

Chair Monroe closed the public hearing at 4:48 p.m. He asked if there were any amendments to this resolution to be presented at the next Metro Operations Committee meeting on July 19, 2000, that they be prepared by Friday, July 14, 2000. **Mr. Cooper** offered to make any amendments needed, as a standardize format had been decided upon.

3. Resolution No. 00-2970, For the Purpose of Council Approval of the Mt. Talbert Master Plan and Management Recommendations, Pursuant to an Existing IGA Between Metro and North Clackamas Parks and Recreation District

Motion: **Councilor Atherton** moved to approve Resolution No. 00-2970.

Charlie Ciecko Director, Regional Parks and Greenspaces Department, said this legislation pertained to property located in the East Buttes and Boring Lava Domes Target Area, specifically the Sunnyside area of North Clackamas County. The North Clackamas Parks and Recreation District (NCPRD) had acquired about 143 acres on Mt. Talbert and Metro has paid approximately 75% of the related land acquisition costs, with NCPRD covering the remaining 25%. An IGA had been entered into with regard to the management of this site, wherein the NCPRD agreed to develop, operate and maintain this site consistent with the Greenspaces Master Plan and the bond covenants. One provision required the NCPRD to develop and adopt a masterplan for this site, to be submitted to Metro for review and approval. The planning process had been underway for about a year, culminating in the proposed masterplan, and with Council approval, the NCPRD will be able to implement it.

Jane Hart, Planning and Education Division, explained some of the components of the masterplan using a conceptual drawing. There will be main parking and access off of Sunnyside Road, with plans to realign 117th, creating a lighted intersection. It is also the site for a trailhead with ADA restroom facilities, picnic tables and entry kiosk, and a bike rack. The first portion of the trail will be ADA accessible, the remaining portion will be quite steep and inaccessible. There will be a network of soft-surface trails using environmental education and interpretative signage. Trail improvements and habitat protection are included in the masterplan. The plan prohibits the presence of dogs, mountain bikes, horses, camping and fires.

Councilor Atherton asked about the trailhead access which includes a pedestrian tunnel under a bridge over Sunnyside Road and the creek. **Ms. Hart** responded that it is further up Sunnyside Road. **Mr. Ciecko** confirmed that it was outside the project area.

Chair Monroe said there is a trail down from Scotts Creek to connect into the Mt. Talbert area by way of the bridge. **Councilor Atherton** was concerned that no Metro parks funds be used for the bridge. **Mr. Ciecko** said there are no Metro funds going into this project. There are currently discussions underway with an adjacent property owner with regard to an easement crossing Metro's property. Metro is seeking a significant contribution by the landowner for use in developing the trailhead access point off of Sunnyside Road in exchange for the easement rights.

Councilor McLain asked how much parking there would be at the trailhead. **Ms. Hart** said the design has not been completed yet. **Mr. Ciecko** said there would be a turn off lane on Sunnyside Road from both directions of the project site. **Chair Monroe** supported the ban on dogs as a means of protecting the environment and its inhabitants.

Councilor McLain asked about the liability involved in the IGA regarding our ownership while being managed by an outside party.

METRO OPERATIONS COMMITTEE MEETING MINUTES

July 5, 2000

Page 5

Joel Morton, Assistant Legal Council responded that there is a hold harmless clause in our agreement and we are fully indemnified.

Chair Monroe opened a public hearing at 5:05 p.m.

Daisa Lawson, North Clackamas Parks and Recreation District, spoke in support of the resolution. Her written testimony is attached as a permanent part of this record.

Suzanne Bader, North Clackamas Parks and Recreation District, read written testimony into the record from Mike Henley, Director. It is attached as a permanent part of this record.

Dan Butler, Mt. Talbert Steering Committee, spoke in support of the resolution. His written testimony is attached as a permanent part of this record.

Dick Shook, Mt. Talbert Park Steering Committee, spoke in favor of the resolution. His written testimony is attached as a permanent part of this record

Ms. Bader responded to a question about the Mt. Scott Creek trail. Currently there are discussions underway about acquisitions and easements for trails. She is unfamiliar with the area mentioned by Councilor Atherton because it is outside of the study area and not part of the plan.

Councilor McLain praised North Clackamas Parks and Recreation District's recognition of Title 3 issues and the ESA listing.

Councilor Washington asked about the relationship of the project to Kaiser Sunnyside Hospital.

Ms. Bader responded that the project is directly behind the hospital.

Councilor Atherton thanked the witnesses for their hard work on the project, and asked Mr. Shook about the issue of mountain biking. Did the district and Metro provide adequate opportunity for bicycle trail riding? **Mr. Shook** said yes, there are extensive bicycle paths in the area.

Chair Monroe closed the public hearing at 5:21 p.m.

Vote: The Committee voted 3/0, unanimously passing Resolution No. 00-2970. **Councilor Atherton** will carry the resolution to the full Council.

Chair Monroe announced and welcomed Ms. Peggy Coats, as she had recently been assigned as the Committee's analyst.

4. Councilor Communications

There were none.

The meeting was adjourned at 5:29 p.m.

Respectfully submitted,

Patricia Mannhalter
Council Assistant

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METRO OPERATIONS COMMITTEE MEETING MINUTES

July 5, 2000

Page 6

Document Number	Date	Document Description	RES/ORD
070500.01	July 5, 2000	Report entitled: "Metro Charter Reform" submitted to the Metro Council by Governor Barbara Roberts	Resolution No. 00-2929
070500.02		Letter to the Metro Council from Mike Henley, Director, North Clackamas Parks and Recreation District	Resolution No. 00-2970
070500.03		A copy of the oral testimony of Daisa Lawson, Dan Butler, Dick Shook	Resolution No. 00-2970