

## MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, January 31, 2006  
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Carl Hosticka, Rod Park, Robert Liberty, Rex Burkholder, Brian Newman

Councilors Absent:

Council President Bragdon convened the Metro Council Work Session Meeting at 2:05 p.m.

### **1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, FEBRUARY 2, 2006/ADMINISTRATIVE/CHIEF OPERATING OFFICER AND CITIZEN COMMUNICATIONS**

Council President Bragdon reviewed the February 2, 2006 Metro Council agenda.

Councilor McLain asked whether Mike Hoglund, Solid Waste, had heard any new information at last Thursday's meeting about the disposal system moratorium. Mr. Hoglund replied that he had not heard anything surprising.

Councilor Newman distributed two explanatory statements about his proposed amendment to Ordinance No.06-1111 (copies are included in the meeting record). Councilor Burkholder said this brought up the larger issue of the health of the general fund contingency. Council President Bragdon thought the fund was in pretty good shape.

Council engaged in repartee about their current legislative load. Councilor McLain described a constituent who encouraged her to tell Metro that, once they made a decision, to stick with it so people could feel confident in making their own plans and not feel things would be changing too often.

### **2. NATURE IN NEIGHBORHOODS GRANT PROGRAM**

Stacey Triplett and Janelle Geddes, Nature in Neighborhoods Program, presented the results of the Nature in Neighborhoods (NiN) pre-application process. Ms. Triplett said they had a really great response, with projects from all over the region. There were 83 proposals, with total requests of \$2.8 million. They distributed a fact sheet about the program (a copy is included in the meeting record).

Ms. Geddes said they considered 81 of the pre-applications to be "responsive. She reviewed the criteria that were used to rank the pre-applications. Councilor Liberty asked how they came up with the size ranges for the grants. Ms. Triplett replied that Council had approved this during the program proposal process. The goal was to make everyone feel there was a project of the appropriate scale for them to apply for. The 43 highest-ranked projects, based on the criteria, totaled \$1.6 million in requests. The highest-rated projects were not necessarily evenly distributed geographically.

Council and staff discussed the process that had been used to rank the proposals. Only Ms. Triplett and Ms. Geddes reviewed every single application. There was a cut-off line for projects that were less responsive and less competitive.

Councilor McLain emphasized that these were pre-applications, not full applications, and she thought that even the applicants who did not make the top 43 should have the opportunity to make a full application. Councilor Burkholder asked how the pre-application was to be used. If all 83 were to apply again, the ranking process seemed like a duplication of effort. Ms. Geddes said that her approach would be to respond to the top 43 and ask them to submit full applications, but there was nothing that said the others couldn't apply as well. Ms. Triplett added that the pre-application period could be used to improve their applications.

Councilor Liberty asked staff for their overall reactions about the applications that had been received. Ms. Geddes said that she had seen some pretty amazing applications, including some neighborhood groups who submitted small requests that really seemed to have potential to get a lot done for a small amount. There was also an interesting application from the Tualatin Basin. Clean Water Services got everyone in the basin together and pounded out an application, with multiple projects under a single application. That's some of the range. Then some real oddball stuff, but very creative! Ms. Triplett added that even some of the applications that didn't seem competitive, there still might be an opportunity for Metro to go and work with them in another way, to guide them into other Metro projects, to tie programs together, if not necessarily giving them a grant.

Councilor Park had a question about the rationale for the program, which was in large part for educational outreach. This was an opportunity, a teachable moment, to help these groups learn how to put together a good grant application. They didn't want to just cut off certain applicants who didn't rank very highly but to encourage the educational process to take place.

Councilor Newman noted that we had encouraged partnerships with solid waste partners and with schools; did the team have any sense of what kinds of partnerships had been proposed? Ms. Triplett said that the schools and educational programming was very well represented. Unfortunately, the same did not seem to be true of solid waste partnerships. Councilor Burkholder asked if any specific haulers had been named as partners. Staff thought maybe not by name, but loosely by concept. Applicants did talk about the solid waste connection but not very specifically. Ms. Triplett said this was an opportunity to make the final application process stronger. Councilor Newman asked if there was any evidence of new partnerships in the schools or whether they seemed to be existing partnerships. Staff was not sure. There seemed to be a range.

Council President Bragdon tried to identify the areas where Council needed to give direction. We didn't want to raise the expectations of the less-competitive applicants. Everyone would be welcome to continue, but not to encourage them overmuch. He asked staff how they were planning to proceed. Ms. Triplett said the top 43 would be sent a letter to encourage them to continue with the process. They would also be told what parts of their proposals would not be considered, and which parts to focus on. For the lower group, it would be a "thank you for applying, you weren't in the highest rank, but you may be able to improve your project, etc." Projects that are in areas we want to encourage, but that didn't have a great pre-application, we would help them make their full application more competitive.

Council President Bragdon clarified that we would be sending two different letters – an encouraging one to the top group, and a lukewarm one to the rest. The top group has applied for about 150% of the total available.

Councilor McLain agreed, as long as the “discouraging” letter wasn’t too harsh. Council President Bragdon asked if the Council approved this approach. Councilor Liberty actually thought that a letter with stronger discouragement would be better, to not waste people’s time. Councilor Park was concerned that this would eliminate some smaller groups, who didn’t have professional grant writers to help them. Ms. Geddes confirmed that the content of the projects was considered more than the slickness of the application. Council basically agreed that false hope should not be given to the weaker applicants. Councilor Newman stated that if you didn’t make the cut, they should be encouraged over a longer time period to prepare for the next grant cycle, rather than this go-round. Councilor Park thought this would be helpful. He wanted the process to end up with more positives than negative. He thought we should reserve a set amount of money for the second funding cycle. Councilor Liberty proposed to spend 75% this year and 25% next year. Councilor Hosticka thought maybe 60/40 would be better, to let the Council learn about the process as well. Councilor McLain was at 75/25 before, but now she’s concerned about what the pre-applicants were told, that maybe they were encouraged beyond what they should have been. Now she is more leaning toward a 60/40. What message would we be sending? Maybe the letter should include their ranking, with some indication of how to improve.

Councilor Newman said he thought it had been set at 50/50, but 60/40 would be okay. Giving away money can only be a good thing! And if the bond measure is successful, there will be more chances, and NiN is building on the fish and wildlife program. So if we can keep it and make it into an annual cycle that includes more chances to hand out some money, that’s good for us.

Councilor Burkholder wondered if the creative ideas had been exhausted, or whether there was such a demand that we ought to be looking at it in a different way. He would tend to start out slow, let people learn about what kinds of things work, and then give away the bigger part of the funds after we had learned something about the process.

Councilor Park wondered about the distribution of awards based on the size of the projects. He would tend to want to do a lot of the smaller projects. If we spend more on smaller projects, are we getting more energy and buzz going out there? Councilor Newman agreed. Councilor Liberty asked if people would be allowed to re-apply next year and was assured that they would be.

Council President Bragdon agreed with Councilor Hosticka, he certainly wouldn’t go any higher than 60/40; they wanted to have some funds to play with next year. Ms. Geddes thought that was reasonable, we would be learning a lot about what was going on out in the communities. Council President Bragdon polled the Council; decision was that we give away no more than 60% this cycle.

Council President Bragdon thought we ought to stick with the process as it was set up. He also wanted to support as many small projects as possible. Councilor McLain said that we either had a process or we didn’t. She didn’t think our process had been clear enough and that it should be tightened up for next year. Councilor Hosticka thought there should be no early grants and wanted to support more smaller projects. Councilors Burkholder and Newman concurred.

Councilor McLain reported that they had received some applications from outside the boundary, but they fit a lot of other criteria. She had heard from a lot of neighboring city folks who wanted to be included. Council President Bragdon thought the criteria were clear that only projects from within Metro jurisdiction would be considered. Councilor Newman said we ought to stick to the ground rules. Councilor Burkholder added that we do spend a lot of energy and money outside the boundary, but that the dollars for this program had been generated from local sources and

ought to be spent locally. Councilor Hosticka didn't want to have a hard and fast rule about it. Council President Bragdon, Councilor Park, and Councilor Liberty added their support for not changing the rules at this point.

Councilor McLain said that we had never used the Metro jurisdictional boundary as a rule for anything else. She thought the Council was making an arbitrary statement that we didn't really believe in, based on past experience.

### **3. OUTDOOR SCHOOL**

Outdoor School was being under-funded almost to the point of extinction. Councilor Burkholder asked Council to consider referring a ballot measure to the region's taxpayers (possibly in Spring 2007) to support Outdoor School programs. He described some of the figures that had been proposed and what would be accomplished with those funds. Outdoor School supported Metro goals by creating an impression on a group who could be taught to appreciate the value of land preservation and protection.

Councilor McLain said that three of her four children had attended Outdoor School and benefited from it. But most of the camps that the students attended were outside the Metro jurisdictional boundary. Also, the fish and wildlife grants went outside the boundary. If the current proposal were to work, it would have to have more than the Multnomah school district behind it.

In response to Councilor Park's questions, Dan Cooper, Metro Attorney, said the proposal would go to the voters either by referral from the Council or by initiative. He clarified some issues of process.

Council President Bragdon asked about the role of the Educational School Districts (ESDs). Would this project end up being part of something larger, in the larger scheme of funding schools? What would it take to run a region-wide campaign to support the measure? If we were going to go to the voters to ask for money for Outdoor School, why not ask for more money, for more types of education? Also, the public perceives different agencies and their responsibilities differently. When Metro asks people to support the Zoo, citizens understand it, but will they understand why we are asking for money to support the schools?

Councilor Burkholder responded that, in terms of asking for more money, it was a question of hoping the measure would pass; hopefully voters would pass a measure that didn't ask for too much money. As far as the relationship between Metro and education, that would have to be part of the messaging – we will have to get it across successfully.

Councilor Newman was intrigued on the idea but not sold yet. He clearly saw the connection between Metro's mission and Outdoor School. But he said there would have to be an absolute firewall between this and other Metro operations. We could not take money away from other services if Outdoor School's costs grow. Also, we needed to be aware of the administrative costs to Metro. If Metro was providing some funding, we ought to have some influence on the program, such as the curriculum.

Councilor Burkholder said there was a wide range of ways that the program could be supported, with a range of price tags attached. He asked Lake McTighe, Policy Intern, to discuss some of the financial particulars. She said that the full amount would cover the full cost of student and faculty attendance, but not transportation or teacher stipend for preparation for the program. Councilor

Burkholder said these were just ballpark figures. He was looking for Council approval to go further in the process.

Councilor McLain again noted that some of the schools were outside the Metro jurisdictional boundary. So where would we draw the line? Ms. McTighe said some school districts were halfway inside and halfway outside. Councilor Burkholder agreed this was an issue to consider. Council discussed the home addresses of students within certain school districts – some of them lived outside the Metro jurisdictional boundary. Councilor Burkholder agreed that we couldn't charge certain taxpayers and then have their children not be in the program.

Councilor Burkholder asked if there was enough Council support to go forward with the idea, to go ahead and fill in some of the specifics – did anyone object to just the concept? There was discussion of some of the particulars. Council agreed that the Outdoor School programs supported Metro's goals of conservation education. Councilor Liberty was concerned about the amount of money and about the cost of putting it on the ballot – and he agreed with Councilor McLain that the boundary would have to be a factor.

Councilor Park wanted to make sure that we had regional support. We often hear criticism about Metro's "mission creep"; he would like to see more data before we jumped into it. He asked if there had been a funding source identified. Councilor Burkholder said there were a few options but nothing definite. Council discussed the larger issues of the role of Metro in trying to solve all jurisdictional problems, and which other committees and agencies ought to be involved.

#### **4. BREAK**

#### **5. UPCOMING SOLID WASTE ORDINANCES BRIEFING**

Roy Brower and Steve Kraten, Solid Waste and Recycling Department, presented their work on some housekeeping changes. Mr. Brower said it was an accumulation of amendments that needed to be made to Metro Code Title V: Solid Waste. They were mostly procedural clarifications that would reflect our current practice and in some cases bring Metro into line with existing state law.

Two changes dealt with Chapter 5.01 (solid waste facility regulation). The first had to do with financial assurance – recognizing that there are certain forms of financial assurance that some facilities cannot obtain. The second would change code to reflect state law and administrative rules regarding the prohibition on disposing of source-separated recyclable materials.

Next would be one change to Chapter 5.02 (disposal charges and user fees). There is an oddity in the code where currently we are not able to require a user of the facility to pay a user system fee. We have had some instances of fraud. We would also define waste that came from both inside and outside Metro as being from inside Metro unless a methodology was presented to document otherwise.

Three items dealt with Chapter 5.05 (solid waste flow control). These would make enforcement more effective. The first one would prohibit false statements regarding the origin of solid waste. The goal was to catch people trying to avoid fees and taxes. It also added a clarification of loads.

The second one addressed non-system licenses (NSLs) timeframes and renewals. We wanted all of our non-system licenses to be on a cycle. This would allow a first-time filer to get in the cycle without having to wait up to three years. Councilor McLain asked why it was so important to

bring them to the Council twice a year, versus a review process or license process. Mr. Kraten said that bringing the calendars more in sync would help in coordinating other contracts that we let. Also, if someone doesn't fulfill their license, this gives more opportunities to terminate a contract. Councilor McLain asked if we couldn't train the licensee better to do what we want them to do, rather than adjusting the system for their convenience. Mr. Steve said it was an effort to not cut people out of the process due to unforeseen timing circumstances. Mr. Brower added it also formally recognized what an NSL renewal was, and it clarified that early filing would not guarantee early approval.

The third one under 5.05 was a non-system exemption for waste destruction. This only applied to certain types of waste sent to Covanta for destruction. It clarified who was eligible and what types of materials were eligible for incineration there. Only material clearly in the public interest should be sent here.

The final change addressed Chapter 5.09 (illegal dumping). It updated the code on illegal disposal. The main objective was to discourage people from giving waste to some other party when they should logically suspect or know that the waste would be illegally dumped. The other goals would be to discourage commercially produced waste as being passed off as residentially produced and to bring the fines into line with state law.

## **6. OCC ISSUES BRIEFING**

Councilor Park reported that the Oregon Convention Center (OCC) was exhausting the gap between being self-supporting and being subsidized. He distributed a project draft (a copy is included in the meeting record). Daniel Lerch, Policy Intern, pointed out a chart showing where the hotel tax and motor vehicle rental tax money was distributed, including a kind of timeline of the various OCC supports over the years. The core of the project was the Visitors Facilities Trust Account (VFTA), with the 12 bucket system; each bucket had to be completely filled before the next one was funded. It was a very complex system of funds and distribution.

Councilor Park said we have been trying to get our other partners (City of Portland and Multnomah County) to agree on the numbers. The gap in 2007-08 would be about \$1.2 million. It's been a very delicate negotiation year after year, and we needed to find a longer-term solution. The good news was that the post-9/11 economic downturn had perhaps turned the corner. Hotel revenues were up the past year.

Councilor Burkholder wondered why the Armory had been selected for funding, rather than other local theatres. It was called a regional facility, which seemed a misnomer. Councilor McLain concurred. Councilor Park agreed that this had been mis-labeled. The same was true for PGE Park.

Councilor McLain thought this project was extremely important, as a lesson in how not to fund things. There was lots of room for problems. The whole system should be simplified, not just strengthened.

Councilor Newman requested some clarification about OCC overhead costs being consistent with the demands of the operation, and about independent review of the Metropolitan Exposition Recreation Commission's (MERC's) overhead costs and funding agreements. Mr. Cooper provided a detailed explanation of the origin of the bucket system, the weaknesses of the system as revealed over time, and the current shortfall.

Councilor Park commented that sometimes even good projects had unintended consequences, such as the airport Max line, which had resulted in a reduction of about \$700,000 in vehicle rental tax. Councilor Burkholder asked if there was a longer-term strategy taking place. Reed Wagner, Policy Analyst, said they were looking at this. It's been recognized that MERC needs a long-term funding solution. Councilor Newman asked why we couldn't just go back to the original agreement. Councilor Park said that the lower buckets would dry up.

Councilor McLain wanted a better, longer-term, more efficient solution for the OCC. This was not really the best plan; it was cobbled together after all other solutions had been rejected. Councilor Liberty questioned the forecast figures. Council and staff discussed that this work session was for Council to decide whether to go forward, get feedback on things that they would support or not. They agreed that short, frequent updates would be valuable.

Councilor Hosticka asked Mr. Wagner what direction they needed from Council at this time. Mr. Wagner said that the focus of MERC right now was to get the numbers together to put together a short-term solution. They were doing a lot of work around this issue, so Councilors should feel free to ask him or Mr. Lerch any specific questions. Councilor McLain said she didn't know enough to even ask the right questions. Mr. Wagner said he would be happy to meet and provide more information. Councilor Burkholder asked if we needed a new committee to look at this or if our existing committees could handle it. Mr. Miller thought existing groups could take care of it.

#### **7. COUNCIL BRIEFINGS/COMMUNICATIONS**

Councilors described their upcoming community outreach. Councilor Burkholder relayed a citizen comment that we need to make sure people are aware that the 1995 bond has not been paid off yet. Councilor Park said we are funding the bonds now and will be able to buy more with them in the future.

There being no further business to come before the Metro Council, Deputy Council President Hosticka adjourned the meeting at 4:59 p.m.

Prepared by,



Dove Hotz  
Council Operations Assistant

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF  
JANUARY 31, 2006**

<b>Item</b>	<b>Topic</b>	<b>Doc Date</b>	<b>Document Description</b>	<b>Doc. Number</b>
1	Agenda	February 2, 2006	Metro Council Agenda for February 2, 2006	013106c-01
1	Agenda	January 26, 2006	TO: Metro Council FROM: Brian Newman RE: Amendment to Ordinance 06-1111	013106c-02
1	Agenda	Undated	TO: Metro Council FROM: Brian Newman RE: Newman Amendment to Ordinance #06-1111	013106c-03
2	Grants program	January 31, 2006	TO: Metro Council FROM: Stacey Triplett RE: General Fact Sheet	013106c-04
6	OCC issues	January 31, 2006	TO: Metro Council FROM: Rod Park RE: Project Working Paper	013106c-05