

**MINUTES OF THE METRO COUNCIL
STATE & FEDERAL LEGISLATIVE AGENDA COMMITTEE MEETING**

Tuesday, July 11, 2000

Council Chamber

Members Present: Susan McLain (Chair), Rod Park (Vice Chair), Bill Atherton

Also Present: David Bradgon, Rod Monroe

Members Absent:

Chair McLain called the meeting to order at 1:36 PM.

CALL TO ORDER AND ROLL CALL

1. CONSIDERATION OF THE MINUTES OF THE JUNE 27, 2000 STATE & FEDERAL LEGISLATIVE AGENDA COMMITTEE MEETING

Motion: Councilor Park moved to adopt the minutes of the June 27, 2000 State & Federal Legislative Agenda Committee meeting.

Vote: Chair McLain and Councilor Park voted aye. The vote was 2/0 and the motion passed. Councilor Atherton was absent from the vote.

2. METRO LEGISLATIVE TEAM REPORT

Bruce Warner, Chief Operating Officer and member of the Metro legislative team, referred to the committee flowchart (see copy of the flowchart included with the permanent record of this meeting) and explained the purpose of the team. He reviewed Executive Officer Burton's memo regarding the proposed proactive timeline for the 2001 State legislative session and a list of potential state and federal legislative issues. The memo also included a worksheet for legislative issues for the team and a copy of the councilor survey regarding issues of interest and involvement for each council member to fill out and return to the team. (a copy of this memo and attachments can be found with the permanent record of this meeting). He outlined the proposed program timeline and the changes that were made as a result of the committee's comments from last meeting. He noted that the team looked over the issues list and had decided to wait for the consultant to be on board to employ their assistance to look at issues, prioritize them, and get additional information if needed. He said the team reviewed and updated the legislative principles from the last session (see copy of *General Principles Guiding Metro Representatives* included with the permanent record) for committee review. He said he would get additional input from department managers in the next week. He suggested having this be a discussion item for the next agenda. **Chair McLain** agreed it was a good idea.

He pointed out that as a result of Mr. Cusack's testimony at the last meeting, affordable housing had been added to the issues page as an issue that should be monitored at the federal level. He said the team had discussed the ESA summit/retreat and felt they needed to talk about it in more detail to figure out the target audience and the timing of the event. He said the team would speak to each member of the committee over the next week for input and suggestions

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He said the rest of the work plan remained unchanged and they would continue to work on it. He felt the committee would be able to dive into the meat of the issues as soon as the issues were prioritized and the white papers were prepared.

Chair McLain said the committee was looking for guidance from Pac/West as far as who the contacts should be and who they should be working with. She said they were trying to widen the net of understanding of Metro issues, concerns and partnerships. She noted Mr. Burton's concern about how much money was needed for the event. She thought they could all agree that it was both a political issue and a public relations issue, and there was a role for more than just the council or the executive to play. She thought the most important item was the target audience and what were they trying to achieve. She noted the different events that had been suggested as important, necessary and relevant. Those were the 4(d) rule and Goal 5, a social event to meet with legislators, and/or some Metro prioritized issues in the next legislative session. She felt all three had validity of purpose and usefulness. She thought they needed to discuss those as well as the timing. She added that the resolution that had been added to the meeting agenda today would allow the executive to go forward with the contract so they could at least speculate about the event.

Mr. Cooper said she had identified the discussion they were starting to have very clearly and within the next week they needed to have closure on that and move towards the actual event planning.

Chair McLain asked if the legislative team was committing to talking to the committee and other interested councilors for suggestions and input as soon as possible.

Mr. Warner said yes.

Councilor Park wondered about the purpose of a summit such as the 4(d) rule. He asked if Metro would facilitate discussions or outline their priorities for the next legislative session. He was reluctant to step into the 4(d) issue before they knew exactly what they were getting into.

Chair McLain said the beginning of the summit idea had come from Mr. Riggs and his group. She said a purpose of the summit was not to put Metro in charge, but to point out that Metro and NMFS were not necessarily connected at the hip. She said the legislators had the same problem in that they had to respond to something that had been requested of them. She said this might be an opportunity to condense resources and efforts by working together to be effective for both groups. She said there was a lot of misunderstanding about the state's response with the Oregon Plan and related water issues and concerns. She wanted to be sure the same thing would not happen again as did with transportation when the governor said wait and respond to the state plan, and then there was no transportation response made available to them in the state plan.

Mr. Burton added he did not disagree, but had cautions. He said there was a conference, second in a series that Multnomah and Clackamas Counties put together with Hood River, Columbia and other upstream and downstream counties, on the ESA, trying for regional cooperation. He noted that the City of Portland had already written a response to the ESA 4(d) rule and there were other efforts by individual governments to respond. He had concerns about some legislators thinking Portland and the metro area were getting ahead of the rest of the state, and that would somehow diminish the ability of the Oregon Plan to move forward. He felt

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the problem with the Oregon Plan was that it had no standing. He said Metro and the City of Portland had received criticism from some legislators that they were somehow co-opting the ability of local jurisdictions to respond to the 4(d) rule by setting the bar too high. He felt the ideal situation would be for NMFS hold a meeting for the state and the local governments to tell them what they should be doing, and have the jurisdictions respond to that. He said Metro could facilitate the meeting by providing mailing lists or being the place to hold the meeting. His concern was that if it looked like Metro was holding the meeting, there could be difficulties with colleagues in, for instance, Pendleton and Coos Bay, who might feel they were being left behind. He added that he was not aware of the council position was on 4(d). He knew there was 7,000 or 8,000 acres upon which, internally, they would apply administrative standards and rules to make sure it was being done right, but externally, regional transportation planning and land use planning, could affect the limits questions within the ESA take. He commented that Metro should be working on a cooperative arrangement with local jurisdictions.

Chair McLain said she also saw it as a sharing of information and not as having Metro be the leader. She saw it as partner building. She said the essence of what they were doing was not to be over-reactive, but to get credit where they could as quickly as they could.

Councilor Park asked again what they were trying to accomplish.

Chair McLain responded that they were trying to achieve more outreach. She said she was not wedded to 4(d) as a topic and there were a lot of other ideas. She said there were decisions to be made.

Mr. Burton urged the council to get focused on Goal 5 and finish that work. He heard from Representatives Messerle and Morgan and Senator Ferrioli that they thought the metropolitan area should object to the federal rule, or if there had to be federal rules, have the attitude that we would solve these problems the Oregon way and ask their blessing for that. He said the Oregon Plan was done primarily to try to meet the ESA listings in areas outside the metropolitan area. He mentioned a draft letter to the governor he was working asking what to do now that there was an ESA listing in the metropolitan area to link with that. The letter also asked whose responsibility it was to find ways to do that, Metro's or the state. He had not sensed that anyone in the state was doing that.

Councilor Park said the question was what was this committee trying to accomplish with the legislators. He said picking the 4(d) rule to try to build bridges would backfire. He felt they should not pick the most controversial issue for the topic.

Doug Riggs, Pac/West Communications, thought Councilor Park's point was a good one. He said what he had seen was that the legislature already thought Metro and NMFS were operating hand in glove. He said he had attended a number of meetings of the Joint Streams Committee over the last few months and the perception was almost that Metro had written the 4(d) rules.

He said the purpose, and why it was suggested in the first place, was to have a briefing or an informational exchange to be held a week or so after the NMFS 4(d) regulations came out. He said the real goal was to invite legislators and their staff who had been asking us about what the 4(d) rule meant and what Metro and the jurisdictions would be doing to address it. He said "summit" connoted an outcome, agreement, compromise and/or solution, and "briefing" may have been the more appropriate word to use.

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Chair McLain said the committee had not committed to doing this, they simply threw it out to look at. She said she had learned today was that some felt the lack of knowledge or the misinterpretation of knowledge of where Metro fit in had caused some concerns and reactions. She commented that she had recently heard Andy Cotugno speak to a group of business folks regarding real estate and homebuilding. She was impressed with Mr. Cotugno's ability to be part of a panel to get information out and let people ask questions about Metro's perspective. She said it had been really helpful, and by the end of the meeting the participants felt like there was understanding in the room. She reiterated that she was not tied to the 4(d) as a theme for any one of these three activities that they had discussed. .

Mr. Burton said the point there was that Mr. Cotugno did not call the meeting, he was asked to participate.

Councilor Atherton felt there were a couple of points in the Oregon Plan that there was consensus on. One very important one was directly related to Metro, and that was to do the planning watershed by watershed.

Mr. Burton said he had understood the Oregon Plan to be a series of actions and administrative rules comprised of elements like the Oregon Forest Practices Plan. He said it had also been described to him as an attitude: that if the federal government would let us do our own thing we would be okay here. He said he would love to have a checklist or something to help identify issues in a way that would apply to the metropolitan area. He said he had asked that question before. .

Chair McLain asked that the committee members and other councilors return the *2000 Legislative Issue Councilor Survey* forms to Mr. Morrissey as soon as possible. She noted that Mr. Warner would speak to the councilors individually regarding the form and the upcoming legislative event.

Councilor Monroe hoped that the Endangered Species Act issue could be turned into an opportunity to improve communication with the Oregon legislature. He thought Metro's position should be that everyone was in this boat together and had to figure out a reasonable, legal way to react to the issues. He said they needed to work for an all Oregon approach to the ESA and the 4(d) rules.

Councilor Bragdon felt that every opportunity to explain what we were going was good. He felt the tours should continue. He added that any close personal contacts or friends each of the Metro councilors had in the legislature could be useful.

3. METRO LEGISLATIVE PRIORITIES & KEEPING THE COUNCIL INFORMED

Mr. Riggs reported that three housing bills that had come up (see the *Metro State & Federal Legislative Committee State & Federal Legislative Issues July 11, 2000* in the permanent record of this meeting) while he was in Washington DC this time. 1) HR 175, which was the Affordable Housing Opportunity Act of 1999, increased the state ceiling on the low-income housing credit. 2) HR 1102, which was the Comprehensive Retirement Security and Pension Reform Act, and was a vehicle for changes to the minimum wage and retirement law. 3) HR 4870, the HUD Appropriations Bill, which was just beginning the appropriations process. He said the house

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was expected to act on that bill this week. He would follow up on those issues and give more detail as time went by.

He updated the committee on HR 701, the Conservation and Reinvestment Act (CARA). He said it had passed the house overwhelmingly and would provide additional funding for a variety of purposes. He handed out a copy of an article from the National Journal's CongressDailyAM entitled *Landrieu Backs Off Threat to Sink Conservation Measure* (see copy with the permanent record of this meeting.) He explained that a large percentage of the money in this bill would go to coastal states. He said the compromise being worked on was between some wanting more money for coastal states and some wanting more money for non-coastal states. He said the conflict was a big one. He said he had spoken with Senator Smith's staff and they were very interested to see what came from that compromise. They said there was still a possibility that Senator Smith would be interested in supporting such a compromise if federal ownership issues for the eastern Oregon folks could be worked out satisfactorily.

Mr. Riggs distributed a report to the committee which he felt was fairly timely, *Pacific Salmon and Anadromous Trout: Management Under the Endangered Species Act* (see copy included with permanent record of this meeting). He said it was from the Congressional Research Service and was interesting reading.

He commented that the tours of the Metro facility would continue. He said they were very helpful and provided basic good information to legislators about Metro and what they did. The next tours are scheduled for July 25 and July 27. He said the total number of legislators who had taken the tour was now up to 22 or 23. There was also a tour planned for the middle part of August.

Chair McLain said there might be a need for an additional column for the actual session, but felt the matrix was fine.

Councilor Atherton asked about the Blumenauer initiatives listing under Smart Growth/Federal Actions in the State & Federal Legislative Issues handout.

Mr. Riggs responded that it was a placeholder rather than a specific proposal, and that "smart growth" was increasingly becoming a term that people were using. He noted a Washington Post magazine article entitled "Whose Backyard: the Problem With the Solution of Urban Sprawl" which talked extensively of smart growth although they did not talk about Portland or Congressman Blumenauer. He offered copies to the committee. (See copy with the permanent record of this meeting.) He thought Metro could get questions about how growth had been managed.

Councilor Atherton asked about smaller containers being used for hazardous waste. He said he had had some conversations with employees at Metro South about smaller containers helping to manage disposal problems.

Mr. Riggs said he had not heard anything about the size of packages yet, but there was a packaging issue he had been working with Senator Wyden urging people to recycle unused pesticides and having pool chlorine labeled a pesticide.

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3-A Resolution No. 00-2976, For the Purpose of Authorizing a Personal Services Agreement with Pac/West Communications for Management and Coordination of State and Federal Legislative Agenda for Metro.

Motion: **Councilor Park** moved to take Resolution No. 00-2976 to the full council.

Mr. Cooper explained Resolution No. 00-2976, which would authorize personal service agreements with Pac/West Communications was before the committee, although it was not on the agenda. He said it reflected the RFP process and the contract amount was not to exceed \$100,000. It also provided for optional extensions through October 31, 2003.

Councilor Atherton said he was not prepared to vote on this today because he had not seen any information about it beforehand.

Chair McLain explained that there had been an RFP process to which only this vendor had responded. She said she had attended a review committee meeting yesterday, including Presiding Officer Bragdon and Misters Burton, Cooper, and Warner, to interview the vendor. It was recommended by that review committee to bring the resolution for committee review and action today so there would not be a lapse of services.

Mr. Cooper said he would make sure Councilor Atherton got copy of the RFP and the proposal for his information.

Vote: The vote was 2 aye/0 nay/1 abstain [Councilor Atherton]. The motion carried.

Chair McLain will carry the resolution to the full council.

4. RELATIONSHIP WITH ADVISORY COMMITTEES, INTERNAL & EXTERNAL

Mr. Cooper said Mr. Morrissey had informed him that the cover letters and draft Ordinance No. 00-860 had gone out to the committee chairs for their review. He reported one committee, the 1% for Recycling Committee, had not met in 4 years, so an amendment would come forward to remove that committee from the list.

ADJOURN

There being no further business before the committee, Chair McLain adjourned the meeting at 2:37 P.M.

Respectfully submitted,

Cheryl Grant
Council Assistant

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ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JULY 11, 2000

The following have been included as part of the official public record:

Document Number	Document Date	Document Description	TO/FROM
171100leg-01	7/11/2000	Flowchart for Council State & Federal Legislative Agenda Committee	/staff
171100leg-02	7/7/2000	Memo RE: Proposed proactive program timeline for the 2001 State legislative session and a list of potential issues	Chair McLain/Mike Burton
171100leg-03	no date	General Principles Guiding Metro Representatives	/staff
171100leg-04	July 11, 2000	State & Federal Legislative Issues	/staff
171100leg-05	June 30, 2000	<i>Landrieu Backs Off Threat to Sink Conservation Measure</i>	<u>National Journal's CongressDailyAM</u>
171100leg-06	October 27, 1999	CRS Report for Congress Pacific Salmon and Anadromous Trout: Management Under the Endangered Species Act	/Congressional Research Service, Library of Congress
171100leg-07	no date	Status of Federal Bills	Committee/Riggs
171100leg-08	7/11/2000	Draft Resolution No. 00-2976	/staff