

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Wednesday, April 26, 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 1:04 p.m.

1. DISCUSSION WITH JOHN KITZHABER

Council President Bragdon introduced the topic of working with government in a multi-stakeholder environment. We needed to come up with new strategies. He appreciated former Governor Dr. John Kitzhaber's willingness to share his experiences and thoughts.

Dr. Kitzhaber described the evolution of his political philosophy. He said we needed to remember that there has historically existed a tension in America, dating back to the founders' times. They had to make compromises and tradeoffs also, and they struggled with the question of where ultimate responsibility for action rested—with the community or with the government. The progressive and populist movements were a response to the industrial revolution. A top-down, muscular central government developed, followed by the politics of disengagement. Individuals ceded responsibility to third parties, reaching its zenith with Lyndon Johnson and the Great Society programs of the 1960s. More recently, there was a tendency to rely on third parties—the courts, for example—to resolve issues. However, these decisions were often less permanent and less satisfying than direct mediation. Dr. Kitzhaber saw government as a vehicle for collaboration and for convening forums to bring stakeholders together. When he first started as governor, he realized there were certain structures that got in the way of productive collaboration. Individual entities often saw only one part of the elephant.

He also recognized that, for a certain set of problems, there really was no appropriate government tool—law, regulation, enforcement, or resource allocation—that would result in a successful outcome. For example, in the 1970s, most pollution was point-source; you could find and shut down pollution where it occurred. But in today's environment, most pollution was non-point-source; it was run-off from almost everywhere that found its way into the watershed. Dr. Kitzhaber described the watershed council to illustrate how community stakeholders came together to address a shared problem. An example of how structures got in the way of solutions was health care. For example, no one ever questioned the structure of Medicare or Medicaid, or questioned the preferential treatment of employer-sponsored health care. But the latter was an accident of history, resulting from the labor shortage of the Second World War. The private provision of health care has now put American companies at an economic disadvantage relative to countries with national health care programs.

We needed to keep in mind that all the different jurisdictions were ostensibly serving the same people. We shouldn't let conflicts between jurisdictions get in the way of our service. Dr. Kitzhaber borrowed an analogy from a Harvard Kennedy School scholar, comparing public sector problems to certain diseases. With a Type I problem, such as bacterial pneumonia, the doctor would give you a prescription, you would take it, and you'd get better. This type of problem was solved by someone else. An example of a Type II disease would be cardiovascular disease; the

physician could prescribe certain treatments, but a lot of the responsibility would rest with the patient as well, to incorporate healthier lifestyle changes. In this situation, the solution required each party to play a role. With a Type III situation, such as terminal cancer, it was less of a problem to solve than a condition to face. Increasingly, public sector problems were of a Type II or III nature, but the current system was best at addressing Type I problems—i.e., vote for me and I'll fix everything. The focus needed to be shifted more towards the individuals and having them take action themselves.

Councilor Liberty commented that many people were becoming disengaged from politics. The business community was conflicted. Things seemed much more partisan and personal than before. Dr. Kitzhaber believed the structure was broken. There has been explosive growth of well-moneyed special interests, from all points of the political spectrum; this has blurred the distinction between citizens and stakeholders. Politics has become transactional—do this for me and you'll get my vote. This was a narrow focus and did not allow for the big-picture view. We should start by creating meaningful spaces for public engagement, outside the legislative process. His Archimedes Movement was trying to get people to address the issues themselves. If they were unable to get together to talk about their trade-offs, the political system would not be able to do it for them. We did not reward people for failing and taking risks; we had to give them permission to screw up and fail occasionally.

Councilor Newman said new approaches were definitely needed, particularly in view of Metro's New Look. Previous approaches to managing the urban growth boundary (UGB) had often been antagonistic and confrontational. We disappointed people on each side of a disagreement. How could we change the system to be more collaborative, in light of the fact that we operated under state law? For some things, we simply did not have a lot of latitude. Dr. Kitzhaber responded that fortunately he was not well-versed in the details of Metro's responsibilities. But he did appreciate the frustration with the state structure that did not provide sufficient flexibility. As problem-solvers, we might need to go around such obstacles. There would always be limits to collaboration; at some point, somebody would have to make a decision. Often, in public hearings, the people testifying were not the decision-makers. People voted for harsher sentences (Measure 11), but then they complained when the prisons were sited near their homes. People needed to become more personally invested in the outcomes of their choices. They needed to be placed into the box with their problem and not be able to ignore the consequences.

Councilor Newman approved of throwing problems back into the laps of the people bringing these issues forward. We could localize issues, have smaller areas come up with their proposed solutions and then work with that. He compared it to the Linux operating system, where many people had input, but the final decision was made by a few people.

Councilor McLain really wanted to see some thinking outside of the box, as far as what the objectives were, or what your responsibilities were. We needed to be more creative in engaging stakeholders. In 1990, when she ran for the first time, people were talking about merging the metro area into one county, Willamette County, as a way of addressing jurisdictional turf issues. We should not let history chain us to a certain set of choices. Was there a way to start thinking about structural change as well as changing our engagement with the public? Dr. Kitzhaber said that part of problem-solving was having a vision of where you wanted to go. "No wind is the right wind if you don't know what port you're sailing for." There was lots of agreement about what the problems with the health-care system were, but it was crucial to focus on the vision for the solution. We needed to think big—go back to basics and evaluate what we were trying to solve. What would our ideal solution look like? If anything were possible, what would we do?

Councilor McLain stated that there was a tendency for everyone to point the finger at someone else and lay the blame in their laps. It would be helpful if people could let go of placing blame, and re-focus on getting the work done. Dr. Kitzhaber agreed that acknowledging achievements was important; if somebody accomplished something, they needed to be recognized for it. Issues were being framed in terms of the differences, and the fears; the resulting debates would proceed accordingly. Instead, we ought to try to frame the debate in terms of what we had in common, our shared interests, and focus on that.

Councilor Burkholder appreciated the community solutions approach; he wanted to know what the accompanying resource costs would be, to educate staff and improve their problem-solving skills. Dr. Kitzhaber observed that, in his office as governor, he initially did it within his existing budget, although tradeoffs had to be made. It needed to be a cultural change. He used the Oregon Department of Transportation (ODOT) as an example. They got buy-in from the leadership as well as the community level. In between, there were some people who couldn't see past their own noses. Structural and cultural changes had to be supported, encouraged, and acknowledged. People needed a chance to fail.

Council President Bragdon commented on Metro's new project management program; there had been some concern at first, but it was becoming more accepted. As far as getting placed inside the box, Metro wanted to place ourselves into the box with the jurisdictions. At the mayors' forums, we got the mayors together to create an atmosphere that simulated the box that we were in and forced them to make the necessary tradeoffs. The stakeholders needed to be closer to the decisions; they needed to be educated as to what the tradeoffs were and to get closer to the people who would be most affected.

Councilor Hosticka stated that, in the political world, there was a problem with saying "no" to people. Issues of workers' compensation, health care, water rights, all involved saying no to somebody. How did we decide who to say no to? Dr. Kitzhaber replied we needed to keep clear on what the larger objective was, and on why achieving that objective would benefit everyone. We had lost any sense of common purpose. The system rewarded instant outcomes. We needed to talk about what was good for the community, and to say no based on that. The whole purpose of governance was to figure out where social priorities trumped individual priorities. Councilor Hosticka said lots of people wanted the process to be one where "everybody wins." Dr. Kitzhaber gave an example of a commonly-accepted tradeoff—the draft during wartime; people sacrificed their individual interests in support of a common goal. A less severe example—we each gave up some personal freedom by driving on the same side of the road.

Michael Jordan, Chief Operating Officer, thought that the need to make tradeoffs was self-evident; the problem as he saw it was how to go about making them. The only way to change to a more collaborative process, where we actually did get everybody together in the same box, was a commitment not to be an enabler. We had to stop enabling addictive behavior, such as people thinking their only input was to spout off at a public hearing and then hand off the decision to someone else. People were going to have to have more face-to-face interaction with others with conflicting interests. Dr. Kitzhaber liked the "enabler" language. He frequently saw campaign literature with promises to fully fund schools with existing resources—completely unrealistic fantasies. In addition to leadership, it was going to take personal political courage, because one of the biggest problems with politics was that there were fewer and fewer people willing to risk losing an election by doing the right thing instead of advancing their careers.

Councilor Park recalled the history of Senate Bill 1010, from 1993. That was a very gutsy change for an environmentalist such as Dr. Kitzhaber to be involved with. He liked the way the command and control system had transformed into empowering the farmers in the field to be responsible for the outcome. It had been done in the face of skepticism from every quarter. What had caused Dr. Kitzhaber to change his mind on that issue, to realize that the power had to go back into the hands of those most directly involved? Dr. Kitzhaber said it was the simple recognition that the existing paradigm was not working. He didn't want leaders to assume that people didn't want to do the right thing. Farmers did care about the land. We needed to focus on education, on illustrating the importance of doing the right thing, and usually people would do it. Also, we should not underestimate the risks of inaction; they frequently outweighed the risks of action.

Councilor Burkholder pointed out that we were acting as proxies for many people who would be arriving here in the future, according to current growth projections. Often, we fell back on the rationale of "the law says that we have to do this," but this could be unsatisfying for the people whose lives were affected. We were trying to plan for growth of a population that hadn't arrived yet; yet these plans would more immediately affect the people who already lived here. Dr. Kitzhaber said that, four weeks ago, the U.S. Congress raised the debt limit to an historic high, in order to avoid facing difficult tradeoffs. No one wanted to sacrifice their personal consumption; therefore, we were passing it on to future generations. As a species, until recently we had not really had to think beyond the next reproductive cycle; the future was an abstraction. The challenge was in figuring out how to make that abstraction real to people.

Councilor McLain related that a candidate for the Metro District 4 seat was claiming that "Metro was planning to bring a million and a half people to this region"—as if we were going out and rounding them up in buses. We had to find ways to counteract such thoughts; we needed to be good long-range thinkers. Mr. Jordan thought that it was a problem of individualism vs. communitarianism; if the community could be defined as multi-generational, it expanded the concept. Dr. Kitzhaber said that we needed to educate people and formulate these concepts in terms people could understand. Mr. Jordan said that the people who would be moving here shared similar values; they were not extra-terrestrials. The issues would be the familiar ones of job creation, the environment, livability, clean air and water, and quality affordable education.

Councilor Newman observed one challenge with the collaborative model, which was that it was easier and cheaper to just use the command and control approach, even if it didn't actually solve the problems. The difficulty was that we were facing diminishing resources. How should we think about finding funding for these models? Dr. Kitzhaber said that the watershed council had been self-starting and self-supporting; their only significant expense was a watershed coordinator. We needed to wean ourselves from the idea that government had to manage the collaboration. He did not feel that collaboration was inherently more expensive than the authoritative model; it would only be more expensive if we added the collaborative model onto the existing model.

Councilor Liberty commented on two ballot measures, 7 and 37, that seemed to indicate that many people didn't appreciate a common interest. In land use situations, the tradeoffs were not as simple as your interests vs. community interests; it was much more blurred. Things that benefited communities also benefited individuals—this was the thrust of much public policy. Had we put ourselves at a disadvantage by treating them as conflicting? Dr. Kitzhaber agreed. All parents would make tangible, immediate sacrifices for their children. During the 1996 floods, people really rallied around, as they are wont to do during disasters. When people agreed to "sacrifice" personal property interests in the service of managing growth and maintaining the quality of the community, they were in effect doing it for future generations. Councilor Liberty expressed that

the common sentiment of desiring regulation for others, but not for oneself, was easily exploited by campaigns against land use regulation.

Council President Bragdon, quoting Tocqueville, referred to the principle of self-interest, properly understood. Our challenge was to help people define their self-interest more broadly, to include community interests. We could build upon commonly-accepted ways people accept the overlap of self- and community-interests, such as obeying traffic signals. Dr. Kitzhaber reflected that in the 1970s and 1980s, when a lot of land use regulation was being developed, people had a greater view of government as being basically helpful. Also, we were not facing the urban growth pressures that started occurring later. Many people living in the region now were unaware of the reasons that many of these regulations were instituted.

Councilor Park referred to recent media coverage, raving about the Oregon legislature's successful special session, where things actually got done. The assumption seemed to be that special interests were acting in a naturally cooperative fashion, which he did not feel was actually the case. Sometimes it felt more like a tug-of-war. But what happened if those on the other end of the rope just decided to stop playing the game, and dropped the rope? It would get tiring falling on your fanny all the time. Dr. Kitzhaber thought that the legislature did have a common interest, unrelated to the budget. Governor Ted Kulongoski strategically called the special session before the primary election. The motivating force for the legislature was political self-interest. We ought to try to identify a larger common interest, to reframe the tug-of-war.

Council President Bragdon asked Dr. Kitzhaber if he had had any interactions with people from other areas who were grappling with similar issues. How were they approaching their decision-making? Dr. Kitzhaber believed that the issue was huge almost everywhere, but he had not personally been a party to a lot of discussions. He was taking on the challenge of looking at structural obstacles and getting them out of the way.

Councilor Hosticka wondered about how to measure whether the message was being effective. Dr. Kitzhaber said he did not have a magic number for the critical mass that it would take. Clearly, if 10,000 Oregonians signed up around the health care movement, it would be taken seriously. Of course, some actors create bigger ripples than others. We needed both quantity and quality of influence. Councilor Hosticka thought there must be some point at which the numbers started to echo on each other. When it happened, you could feel it, but it was hard to predict.

Councilor Newman commented on Dr. Kitzhaber's recent conversations with Joe Trippi, Howard Dean's presidential campaign manager. As we were working to find new tools to engage people in public policy decisions, were there any strategies coming out of this work, that could be applied to a more ongoing, abstract situation? Dr. Kitzhaber responded that Mr. Trippi had managed his own 1994 campaign and was helping with the Archimedes Movement. The environment was different from a political campaign, which had a specific goal and finite duration. In the case of Howard Dean, the campaign was able to use the Internet effectively, but the goal was always to get the people out into the community, not sitting in front of a computer. It was a powerful tool. We needed a simple concept, something people could wrap their minds around. But don't forget there were still people who couldn't or wouldn't use the Internet.

Councilor McLain explained that she had had a group of her high school students do critiques of contemporary campaign flyers and websites. One student commented that one of the web sites looked pretty haphazard and thrown-together; another site got the high praise of "not bad." She wanted us to recognize that these young people were very technologically sophisticated.

Councilor Liberty offered the idea that “progressives want to explain things; the other side just wants to win.” Would such techniques really work, or would we end up sinking to the lowest common denominator? He was open to inspiration. Dr. Kitzhaber felt that the “other side” did want to win, but that they also had a very clear idea of who they were and what they wanted. He wasn’t sure the same could be said for the Democrats (not that it was a strictly partisan issue). The big programs of the 20th century—the New Deal and Great Society—were created by Democrats. But were they still applicable to modern demographics? For example, when Medicare was created, seniors were the single poorest group of Americans; today, they were the wealthiest. We should be taking on both the programs and the constituencies. We weren’t leading our base; we were reacting to them. We needed a clearer message—not a partisan message.

Councilor Liberty felt that some of the techniques being used were fairly ruthless. Since Metro was a non-partisan agency, that was not a part of our daily interaction here. But in other arenas, was our only choice to fight fire with fire? Council President Bragdon thought such ruthless techniques were designed to suppress the participation of some groups, and not to raise awareness but to reduce it. Dr. Kitzhaber said the traditional tools of political engagement were not working very well. Lots of people have dropped out of participating because they didn’t think voting made much of a difference, and they were turned off by the nasty tone. Howard Dean was a threat to the establishment because he could have made the practice of large television ad campaigns obsolete. Big money almost always won, especially at the primary level. Council President Bragdon described the winning 2004 presidential campaign strategy as one of “make sure black people in Ohio don’t vote; and make sure people who don’t like homosexuals in Florida do vote.” But this did not do very much to enhance the public dialogue, and in fact it served to discourage participation. Dr. Kitzhaber agreed, but he said another factor was the ability to frame the debate—the successful campaign was able to define foreign policy discussion as being about terror, and the domestic policy discussion as about gay marriage. The progressive/Democratic side had nothing to answer that with. We didn’t give people a reason to go out and vote. “Their” strategy worked, but it worked especially well in a vacuum.

Councilor Hosticka thought that the strategy worked to win the campaign, but not to actually govern the country. He thought it was too simple to say that “they know what they want, and we don’t know what we want.” Ultimately, there was no “we” and “they”; we were all “us.” How could this be translated into a message that engaged people? Dr. Kitzhaber argued that it might not be possible to do it through the existing partisan political structure. Metro, being non-partisan, had a real opportunity to reframe the parameters of such debates. He was curious to see how we worked it out.

2. COUNCIL DISCUSSION ABOUT LEADERSHIP

Council President Bragdon talked about the Regional Leadership Initiative. They have trained about 25 project managers. He would like to see the principles be applied to the seven-member Council and to agree on where they wanted to go, both with the region and with the agency, in a strategic planning sense. The Council was simultaneously seven unique individuals and a single governing body. There were other similar bodies in the region that did not enjoy Metro Council’s cohesion. He was also interested in the ways in which Metro could accumulate political capital.

Mr. Jordan drew Council attention to the set of questions (a copy is included in the meeting record). Staff was interested in Council’s thoughts on Dr. Kitzhaber’s appearance, and also with the leadership model, especially as it pertained to the New Look. The project management

concept was slowly gaining acceptance throughout the agency; Council directives would drive future implementation.

Mike Wetter, Advisor to the Council President, said that the project management team discussed what it would take for Metro to begin to lead in a new way, and what the roles and leadership paradigms were. He presented a flowchart (a copy is included in the meeting record). How did we get public policy done in today's multi-stakeholder environment? There was a spectrum of influence, with three different leadership paradigms: 1) authoritative leadership, or top-down decision-making; 2) consultative leadership, where the leading body involves stakeholders and then makes the decision (Metro's traditional model); and 3) collaborative leadership, which convenes a group of stakeholders and empowers the group to create the solution.

Mr. Jordan said the question was, how did this apply to the Council? Staff was spending a lot of time thinking about how to use a collaborative approach to get at some of the thornier public tradeoff questions in the New Look process. Who's at the table? What's the venue? How do we approach this highly collaborative model when we're not really used to it yet? Mr. Wetter said we want to choose wisely; certain decisions may apply best to the different models. And how would we do it? What was the Council's role? These efforts were interconnected and would build upon each other. Councilor Hosticka liked the tool and found it useful. It helped to decide when we needed collaboration. On the collaborative side, people needed to define the problem as their problem as well. How did we induce participation?

Council President Bragdon agreed it was a good tool, but there needed to be an output. He had some hesitation about the convening aspects. The seven Councilors each had a point of view. It wasn't simply a matter of getting people together and doing what they wanted. What if what they wanted wasn't compatible with "our" view? Councilor Hosticka said that we sometimes needed to exercise our authority. But we may not be comfortable exercising it until we have consulted on our own. Maybe we should separate institutional authority from the elected official's personal viewpoint and political needs. Mr. Jordan said wanted to frame it as the dynamic between the seven individual electeds and their internal dynamics, vs. the collective Council in the role of executive of the agency. How did we identify these tensions and make them work for our benefit? How could the staff create a process that was viewed as and actually was collaborative, yet still allow the individual Councilors to have their viewpoints? Staff was struggling with that tension.

Councilor Burkholder said he would appreciate an explanation at the staff level of how these decisions were made. There were issues of implementation and durability. What were the really big questions? Metro was different from a lot of other governments. We didn't have authority over a lot of the areas we were trying to influence. Council President Bragdon thought that some of it was political judgment. Also, collaboration and consultation were not the same as consensus. Sometimes we may have to call it good at 51%. An example was the expansion area planning fund. There were still some sizable interests who did not want that to happen, but there was such an overwhelming group who wanted to move forward that those who objected faded into the background. Could we strategize similarly in other situations?

Mr. Jordan described the importance, in the collaborative model, of being committed to the process. If you were committed to the outcome instead of the process, another approach might be better. Councilor Burkholder disagreed. The mechanism to achieve the goal was livable communities, but maybe the mechanism would look different. Mr. Jordan said the definition of the outcome was critical. He gave the example of affordable housing as a classic failure of how Metro had tried to use the authoritative model. This was a real-life situation, not an academic

exercise, because we were defining the New Look as collaborative, so we'd better know what that meant and be on board with it.

Councilor Park thought that one reason the 2002 UGB decision was successful was that there was a series of decisions that forced people into a certain direction through the decision-making process. Mr. Jordan said it could actually be viewed as a failure, because planning wasn't happening on a third of the area that was brought in. So not all the implementers were on board.

Council engaged in a lively and thoughtful discussion of the various elements:

- The spectrum of leadership models
- How and when to use each model
- The importance of committing to the model once it was chosen
- Application to the New Look
- Defining terms and expectations
- Tension between Metro objectives and stakeholder role
- The importance of defining the regional problem
- How and when to break down problems into the various models
- Capitalizing on existing public support
- Individual Councilors being clear on their expectations and role
- The differing natures of influence and authority

Councilor Liberty stressed the importance of keeping the process dynamic, and the fact that good outcomes could be achieved through a variety of processes. We needed to cultivate new leadership as well as to broaden our concept of stakeholders. People needed to be specific about what they wanted the region to look like. The bedrock was the authority, but there was added value around people's aspirations. Be prepared that things will change over time. He felt Metro was in a good position now to try a new approach. We should be allowed to have our values, but make sure people know about them up-front.

Councilor Hosticka understood that the way we got people engaged was by the fact that we did have authority. How we exercised our authority was key to how much influence we had. Councilor Burkholder said that Metro was setting the table. But what kind of dinner party would it turn out to be? He emphasized our responsibilities over our authority. Mr. Jordan clarified that this was not a decision about values. He thought it was a discussion about how to achieve the values. Council President Bragdon said we needed to recognize that our authority was not always the answer. Some people might not be happy with us using our authority.

Councilor Liberty emphasized the significance of accessing other pools of expertise in the community. Metro staff couldn't solve everything. Mr. Jordan again addressed the tension between the existence of seven individuals with independent viewpoints and pointing the Metro Council outward as a guiding body in the region. Council President Bragdon thought that overall Council success was tied to individual Councilor success. Mr. Jordan reinforced the temporal nature of the discussion. We were only three years into the current model, as an institution. The Council was fairly new to its executive role. Council President Bragdon said one positive thing was that the current group would be more or less intact until 2009.

Councilor Newman brought up the issue of how the Councilors worked with each other, and how sometimes they got upset with each other. He wondered if there were ways for them to interact

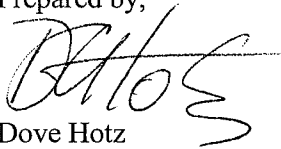
legislatively that could reduce such conflicts. Councilor Hosticka thought that, by comparison to, for example, the Portland City Council, we were doing pretty well. Council President Bragdon thought that hard feelings once in a while were not unacceptable. He was more concerned with the appearance of outside credibility. If the public viewed the Council as being mixed-up, that reflected poorly on the institution. Our own process could be made better, if we were to be a model for these leadership choices. Trust in Metro was indispensable. Councilor Hosticka saw political capital as something to invest, not to spend. Power and influence was like a muscle. If you exercised it, it got stronger. People would respect our process as well as our outcomes.

Council discussed some successes and failures of Metro and other agencies. Analogies flew thick and fast—dinner parties, NASCAR, financial models. Councilor Liberty stated that he would like to see Council use their particular skills as a team. Mr. Jordan summarized the points that he saw coming out of the discussion. Sometime this summer, the strategic plan needed to be revisited. Also, the rules of engagement might be examined. Lastly, the New Look—the next few months were going to be critical. He described upcoming events and how they would parallel the leadership model discussions. He felt he had a better understanding about Council opinions, but he didn't hear a lot of consensus.

Council discussed what they thought the status of the process was. It was agreed that future discussions were needed. They would like to see a list of regional responsibilities. What responsibilities were not being carried out?

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:03 p.m.

Prepared by,



Dove Hotz
Council Operations Assistant

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF APRIL 26, 2006

Item	Topic	Doc Date	Document Description	Doc. Number
2	Leadership	Undated	To: Metro Council From: Michael Jordan Re: Agenda	042606c-01
2	Leadership	4/26/06	To: Metro Council From: Mike Wetter Re: Determining Leadership Paradigm in Council Project Management	042606c-02