

## METRO COUNCIL GOVERNMENTAL AFFAIRS COMMITTEE

Monday, February 2, 1998

Council Chamber

Members Present: Susan McLain (Chair), Lisa Naito (Vice Chair), Ruth McFarland

Members Absent: None

Chair McLain called the meeting to order at 1:31 P.M.

### 1. CONSIDERATION OF THE DECEMBER 2, 1997, GOVERNMENTAL AFFAIRS COMMITTEE MEETING

**Motion:**

Councilor McLain moved to accept the minutes of the December 2, 1997, Governmental Affairs Committee meeting into the record.

**Vote:**

Without objection, the minutes were accepted into the record by members of the committee.

### 2. ETHICS DISCUSSION

- STATE LAW
- METRO CODE
- EXECUTIVE ORDER NO. 66
- RESOLUTION NO. 97-2538, AS PASSED BY THE GOVERNMENTAL AFFAIRS COMMITTEE ON JULY 8, 1997

Chair McLain said the Governmental Affairs Committee worked on this issue last year, and its work is included in the agenda packet.

Leo Kenyon, Senior Auditor, testified for the Auditor's Office. In September 1995 the Auditor's Office issued a report with suggestions for both the Council and the Executive Officer. Subsequently, on January 21, 1997, the Executive Officer passed an executive order, which was adopted by the auditor shortly thereafter. The Council is now looking at an ethics code, but has not adopted one yet. Metro Exposition-Recreation Commission (MERC) does not have an ethics code either. Councilor Naito drafted an ethics code, which Alexis Dow, Auditor, has discussed with both Councilor Naito and Presiding Officer Jon Kvistad. Ms. Dow has made some observations and comments, and provided Councilor Naito with a copy of a document the Institute of Internal Auditors calls "how to develop a code of conduct."

Chair McLain asked Mr. Kenyon to stay for questions and comments.

Councilor Naito said this matter came before the Governmental Affairs Committee several times last summer. Metro's elected officials are governed by State law and provisions in the Metro Code. To her, one of the most important ethical issues is financial conflicts of interest. She asked legal counsel to clarify the rules regarding financial conflicts of interest and a Councilor's ability to vote.

Dan Cooper, General Counsel, said State law distinguishes between two types of financial conflicts of interest: potential and actual. Councilors must declare the existence of a potential conflict of interest, and then they have the option to vote. In the case of actual conflicts of interest, Councilors are required to declare the existence of the conflict, and may not vote unless their vote is required for a quorum or to break a tie.

Councilor Naito said she believes Metro has existing code and statutes in place to address the issue of financial conflicts of interest, with regard to the Council. Resolution No. 97-2538, passed out of the Governmental Affairs

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Committee on July 8, 1997, proposed a code of ethics for Council staff. Ms. Dow requested additional work on the resolution, and Councilor Naito, former chair of Governmental Affairs, pulled the resolution from the Council's agenda. Councilor Naito said Council staff should receive additional guidance regarding financial conflicts of interest and clarifying their individual right to testify on public policy issues before the Council. It is important that Council staff avoid the appearance of undue influence. Councilor Naito said the issue of accountability also came up during committee discussion. In her opinion, elected officials are primarily accountable to the public for their decisions, assuming their actions are within State law. The Executive Order states that Metro employees should not show any bias or favoritism. While this is true with staff, Councilor Naito said she believes officials are elected based on their particular views and are expected to advocate for those positions and for their constituents' interests.

Councilor Naito said the committee should consider the issue of Council appointments to boards and commissions. Appointees' potential financial conflicts of interest should be, and are, covered by the Metro Code. An issue that should be considered is the appointment of someone who is a member of another organization, such as the League of Conservation Voters or 1000 Friends of Oregon. Would their appointment to an advisory board be considered a conflict of interest? Councilor Naito said in her opinion, the Council wants to appoint people who are involved in their communities and have views, and should be careful not to put too many onerous conditions on its appointees. In existing code may be satisfactory for some of the Council's appointment areas. Councilor Naito said the committee may choose to work further on Resolution No. 97-2538. Ms. Dow recommends a more general approach, whereas Councilor Naito feels staff also needs specific examples of unacceptable behavior.

Chair McLain asked Mr. Kenyon if he wanted to add anything from the Auditor's perspective. He said no, Ms. Dow has given her input to Presiding Officer Kvistad and Councilor Naito. Chair McLain thanked Mr. Kenyon for his testimony.

Chair McLain suggested that the committee hold a work session on the code of ethics document at the second meeting in February, and then act on the document at the first meeting in March. The committee agreed.

Chair McLain said she believes the spine of the work is fine, but she wants to refine it in places to make it more parallel with other Metro documents. Chair McLain asked Meg Bushman, Council Analyst, to meet with her and legal counsel to discuss the ethics code.

### **3. OUTREACH TO ALL CITIES AND COUNTIES**

- **MPAC PROCESS**
- **MPAC MEMBERSHIP**
- **CITIES NOT REPRESENTED ON ADVISORY COMMITTEES**

Chair McLain said her main goal as chair of the Governmental Affairs Committee will be to find more effective ways to keep the public and local jurisdictions, both inside and outside the Metro Boundary, informed on Metro issues. She asked Councilor Naito to update the committee on the work done in last year's Governmental Affairs Committee and give her opinion of what issues need to be carried forward into 1998.

Councilor Naito said that with respect to the Regional Framework Plan, Councilors did extensive outreach in their districts. She encouraged Councilors to use a slide show, prepared by Beth Anne Steele, Council Public Outreach Coordinator, that provides an overview of Metro and details the Regional Framework Plan. The slide show is effective both with groups unfamiliar with Metro and with groups that are more involved. Councilor Naito recommended adding executive summaries to Metro information that is sent out, in order to make the information more accessible and place it in a broader context.

Chair McLain thanked Councilor Naito for her presentation. She agreed with Councilor Naito's recommendation to include executive summaries. Chair McLain congratulated Councilor Naito on the passage of Resolution No. 97-2552A, which includes provisions for evening Council meetings and the possibility of meetings in each Councilor's district.

Chair McLain asked staff to create a short document for the public that describes how advisory committee decisions and products relate to Metro's work and Council decisions. She said there are people and communities both inside and outside the urban growth boundary (UGB) who do not feel connected to the advisory groups.

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Councilor McFarland said there are people interested in government issues who are not affected by Metro's contacts with governmental groups. She highlighted a recent Century Club meeting at which she spoke. She also recommended the slide show for Councilors' use.

Councilor Naito said the volunteer recognition event in December was well received by the Metro Committee for Citizen Involvement (MCCI) and other volunteers. Resolution No. 97-2552A asks for joint meetings with advisory groups and the Council, possibly at the evening meetings. She said she views the Metro Technical Advisory Committee (MTAC) as a subgroup of the Metro Policy Advisory Committee (MPAC), and asked Chair McLain for her opinion about MTAC's relationship to the Council.

Chair McLain said she intends for the explanatory sheet to explain that MTAC is an advisory group to MPAC. She recommended that the MPAC Council Coordinating Committee clarify the expectations of MTAC and MPAC's roles.

Councilor Naito agreed. She said she would prefer to receive one recommendation from MPAC, rather than separate MPAC and MTAC recommendations.

Chair McLain gave the committee members examples of the outreach work she has been doing regionally and in her own district. Her goal for the committee is to refine its outreach materials to better reach communities outside the Metro Boundary.

Councilor Naito said she supports Chair McLain's idea to increase outreach to areas that are involved with Metro's actions but outside the Metro Boundary, such as Vancouver, Scappoose and Canby.

Chair McLain said Metro has neighboring city agreements with the cities of North Plains, Canby, and Sandy regarding green corridors. One or two of the cities may choose to work with Metro to coordinate forecast population numbers.

Councilor Naito said Metro is a national leader in linking land use and transportation. As the Council moves forward with the Regional Framework Plan it will make progress linking parks and greenspaces with growth issues. She said the Council should continue to look for opportunities for various Metro services to work together, such as linking the zoo and greenspaces programs.

Chair McLain thanked Councilor Naito for her suggestions. She said she will work with Council and legal staff to create a committee calendar for 1998. She asked Mr. Seltzer to speak to the committee.

Ethan Seltzer, Director, Institute of Portland Metropolitan Studies, Portland State University, Post Office Box 751, Portland, thanked Chair McLain and the committee for the opportunity to speak. The Neighboring Cities Forum is being developed by rural communities outside of the Metro Boundary but inside the metropolitan area, to provide a forum in which to learn from one another.

Chair McLain said it is important for the Governmental Affairs Committee and Metro to realize that the Neighboring Cities Forum exists, so that Metro can coordinate with them and give support. She invited Mr. Seltzer to return to the committee, and invited representatives of the Neighboring Cities Forum to speak to the committee at any time.

Mr. Seltzer said he is happy to facilitate in any way he can, and encouraged Chair McLain to contact the members of the Neighboring Cities Forum directly.

Councilor McFarland thanked Mr. Seltzer for his time and expertise.

Chair McLain asked Kimberly Iboshi Sloop, McKeever/Morris, Inc., to update the committee on the Growth Caucus and how its work relates to the work of the Metro Council.

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Ms. Iboshi Sloop said the Growth Caucus is composed of twelve to fifteen local jurisdictions. Ms. Iboshi Sloop attends Metro meetings and reports back to the Growth Caucus members, so that they can stay informed about Metro without sending individual staff members to each Metro meeting. Growth Caucus does not form group opinions, and is not meant to be something that works outside normal channels. McKeever/Morris, Inc. provides the Growth Caucus with information, feedback, and analysis when requested. The local jurisdictions then decide what to do when they go to MPAC.

Chair McLain asked if the members of the Growth Caucus ask her to create projects or products for them. Ms. Iboshi Sloop said they have asked for additional research on various issues and projects.

Chair McLain asked if the members of the Growth Caucus are staff members who report back to their elected officials. Ms. Iboshi Sloop said the Growth Caucus is composed of both elected officials and staff.

Chair McLain asked how Ms. Iboshi Sloop's projects are determined, since the Growth Caucus does not form group opinions. Ms. Iboshi Sloop said there is a work task list for every six months to which the Growth Caucus members agree.

Chair McLain asked Ms. Iboshi Sloop if she informs the Growth Caucus of opportunities to testify at Metro meetings and public hearings. Ms. Iboshi Sloop said yes.

Chair McLain requested a member list of both the Growth Caucus and the Neighboring Cities Forum. She thanked Ms. Iboshi Sloop for her time.

Councilor Naito asked legal counsel if Metro has registration requirements for lobbyists, such as there are in Salem. She said it is not always clear who some people represent.

Mr. Cooper said State law regulating lobbying activities only applies to persons who lobby the Legislative Assembly and its sub-components. There is no requirement under State law for anybody who is lobbying local government. Metro has not adopted any regulations on lobbying Metro, though it could.

Chair McLain said the idea could be discussed during the Governmental Affairs Committee work session.

Councilor Naito recommended that at a minimum, Metro have a registration requirement for anyone who lobbies Metro for more than a set number of hours. The Council needs to know who people are representing, particularly if they are paid. She said the registration should possibly be overseen by legal counsel.

Chair McLain thanked Mr. Seltzer and Ms. Iboshi Sloop for their time.

Mr. Seltzer said he would love to borrow the slide show. Chair McLain told Mr. Seltzer to contact staff.

Chair McLain said MPAC is working on the issue of MPAC process and membership. The topic may also be discussed at the MPAC Council Coordinating Committee, on which both Chair McLain and Councilor Naito sit. Chair McLain said she supports the MPAC suggestion to include Milwaukie, Hillsboro and Oregon City in its membership.

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**4. RESOLUTION NO. 98-2605, FOR THE PURPOSE OF AUTHORIZING THE AUDITOR TO RELEASE A REQUEST FOR PROPOSALS AND EXECUTE A CONTRACT FOR INDEPENDENT AUDIT SERVICES**

Elaine Stewart, Auditor's Administrative Assistant, presented the resolution. Alexis Dow, Metro Auditor, was out of town and sent her regrets that she could not attend the meeting. The total budget figure of \$261,000 is an estimate based on a ten percent increase of the previous resolution three years ago. The figure serves as a place holder until proposals are submitted and a vendor is selected.

Councilor McFarland clarified that the purpose of the resolution is to determine the cost of the regular yearly audit.

Ms. Stewart said yes and added that State law requires Metro to have its financial statements audited. This contract would do just that.

Chair McLain asked if the estimated figure of \$261,000 is a range, goal, or cap.

Ms. Stewart said the \$261,000 is a somewhat arbitrary place holder. The Auditor's Office expects the proposals will not approach that amount. She would regard \$261,000 as a cap, if forced to say whether it is a range or a cap.

**Motion:**

Councilor McFarland moved to move Resolution No. 98-2605 to the full Metro Council with recommendation for adoption.

**Vote:**

Councilors Naito, McFarland and McLain voted aye. The vote was 3/0 in favor and the motion passed unanimously.

Councilor McFarland will carry the resolution to the full Metro Council.

**5. COUNCILOR COMMUNICATIONS**

There were none.

There being no further business before the committee, Chair McLain adjourned the meeting at 2:28 P.M.

Submitted by,

Suzanne Myers  
Council Assistant

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**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF FEBRUARY 2, 1998**

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

**Oral Testifiers** (testimony cards included)

**Outreach to All Cities and Counties**

Ethan Seltzer  
Kimberly Iboshi Sloop