

MINUTES OF THE METRO COUNCIL MEETING

July 27, 2000

Cornelius Council Chamber

Councilors Present: Susan McLain, Ed Washington (Deputy Presiding Officer), Rod Park, Bill Atherton, Rod Monroe, Jon Kvistad, David Bragdon (Presiding Officer)

Councilors Absent:

Deputy Presiding Officer Washington convened the Regular Council Meeting at 2:04 PM.

1. INTRODUCTIONS

Councilor McLain introduced Cornelius Mayor Ralph Brown and Forest Grove Mayor Richard Kidd. She presented certificates of appreciation to each of them for their diligent and hard work on the 2040 Functional Plan for complete communities.

Ralph Brown, Mayor of Cornelius, thanked Councilor McLain for the certificate. He noted that every positive thing that had happened in his community had help from Metro in one way or another, either funding, expertise, guidance, or helping work through a project. He introduced Cornelius's new police chief, Paul Rubenstein, and Tracey Lee and Richard Reynolds, city planners.

Richard Kidd, Mayor of Forest Grove, appreciated the certificate and said it would look good on his "brag wall" and would let citizens know they were working. He said they had worked hard to cooperate with Cornelius and with Metro. He added that without Metro, a lot of things they had done would not have been accomplished. He thanked the council for coming to see the area and for Metro's efforts to help the community.

Deputy Presiding Officer Washington thanked the Mayors and the citizens for attending the meeting and had the Metro Councilors and staff introduce themselves.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATIONS

Councilor Park reported a spirited policy discussion yesterday at the MPAC meeting. He said the central issues dealt with sub regional need questions. He said they had chosen to keep the cap

at 20 years on the land supply question. Regarding Goal 5 issues, he said they were still working on that issue in subcommittee, but would have something soon.

6. CONSENT AGENDA

6.1 Consideration of minutes of the July 20, 2000 Regular Council Meeting.

Motion: **Councilor Monroe** moved to adopt the meeting minutes of July 20, 2000 Regular Council meeting.

Seconded: **Councilor Atherton** seconded the motion.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed with Presiding Officer Bragdon absent from the vote.

7. RESOLUTIONS

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

Deputy Presiding Officer Washington said they would hear the focus group report from Governor Roberts, then have a public hearing. He said there would be no action taken on the resolution at this meeting.

Councilor Monroe thought it would be helpful for Dan Cooper to give a thumbnail review of all four of the amendments. Mr. Cooper did so.

Deputy Presiding Officer Washington introduced Governor Roberts.

Former Governor Barbara Roberts noted that her late husband had grown up in Forest Grove and had graduated from Pacific University. She commented that she had agreed to act as moderator because she believed the Metro government had a predominately positive role in the region. She said while they were not above criticism, without Metro there would be a lesser quality of life for the region. She felt the timing of the Charter restructuring was good because the council districts could be redone to reflect the latest census numbers, and because Mr. Burton was term limited out in the 2002 election. She commended Metro's effort to outreach to all three of the counties involved.

She said she had pointed out at each of the hearings that the ideas presented were nothing more than discussion structures and did not necessarily have to be submitted as the final proposal. She felt the meetings were positive and constructive. She reported that 63 of the people invited came to participate, and other people came also, just to listen.

She said several themes emerged. The strongest one, she felt, was that people believed there was need for some kind of consolidation between the two leadership positions. They saw the two positions as designed for conflict and deluding the sense of leadership that the public needed. She said the panel saw a need for a single voice of leadership, and there were also a number of

interesting discussions regarding the size of the council. The consensus appeared to be for 7 people on council, including the new Executive Officer/Council Chair position.

She said there was a great deal of concern expressed about the duplication of staff between the two leader roles. They felt consolidating staff would be more efficient and less costly. The salary issue was discussed and it was felt that should be left pretty much as it was, although some thought it should be raised. A lot of people felt there should be a professional administrator/manager. Some of those felt that administrator should be selected by the council as whole, but there was a lot of uncertainty about how the process should work.

She said Metro was a very unique structure and the options under discussion would help clarify their role as the only regional elected government in the country. People also thought there was a need for an ongoing charter review process on a regular basis. She said though it did not meet with a lot of favor, the most unusual proposal they received was for the governor to appoint the Metro council, and not have them be elected by the citizens. She said Metro was doing a much better job of connecting with jurisdictions and it was encouraging to her to hear positive things about Metro's role in the region. She said from a general standpoint, it felt good that people cared to make Metro better rather than try to get rid of it.

She was pleased to see amendments in heavy consensus being included in the options and she looked forward to the outcome. She thanked the Council for giving her the opportunity to take part in this process.

Presiding Officer Bragdon, who had been absent at the start of the meeting due to a family emergency, arrived and introduced himself.

Deputy Presiding Officer Washington opened the floor to any citizens present to question Governor Roberts on the process.

Mary Williams, a member of the audience, said that although the proposal would seem to reduce the number of employees at Metro and thereby reduce the burden to the taxpayers, the ability of the Council to appoint people to positions would actually allow Metro to grow.

Governor Roberts said part of what was creating duplication now was that Presiding Officer Bragdon had administrative staff working for him in his role, and the current Executive Officer, Mike Burton, had a staff that worked for him in his role. If the two roles were combined, two separate staffs would not be needed. That would downsize the Metro staff somewhat. The officers who would be appointed would be those who, for example, deal with MERC. Those that would be appointed would be those that already exist. The discussion here was on who would make those appointment under the new charter. Some of those positions could be eliminated under the charter.

Deputy Presiding Officer Washington asked Mr. Cooper for further clarification.

Mr. Cooper said that under the City Manager form of government, typically the manager appoints the Fire Chief, the Police Chief, the Planning Director, the Public Works officer. This proposal would have the department directors report to the Chief Operating Officer rather than directly to the Council.

Councilor Monroe asked Governor Roberts to comment on the choice between having a regionally elected chair as opposed to having the chair elected by the Council.

Governor Roberts said that there had been strong preference for having a regionally elected chair, because that person was thought to be more answerable to people throughout the region. Also, that person would be better known by the people of the whole region and have a better vision for the entire agency, what it can accomplish and whom it will serve. The people of the region would elect a chair based on his or her articulated vision, and the term of office would extend for more than one year to avoid turnover that might prevent an agenda from being finished.

Councilor Atherton noted that the Executive Officer had run unopposed in the last election.

Governor Roberts said that one cannot assume that lack of opposition is bad. It could indicate agreement with that person's position. If people strongly oppose a particular view, they will find a candidate to run against that view.

Councilor Atherton asked what issues might need a region-wide vote on a person as opposed to a region-wide vote on an issue.

Governor Roberts said people seemed to feel that individual councilors representing individual districts would overshadow their ability to represent the region as a whole. She said that furthermore, people tended to think voters would have more confidence in someone they directly elect as opposed to someone chosen by the Council.

Councilor Kvistad asked where the idea for having six Councilors came from.

Governor Roberts said people had talked about having six Councilors elected from districts and one elected regionally.

Councilor Kvistad said that would reduce the number of Councilors. He questioned the wisdom of making the districts larger than they already were, he felt it was difficult enough to be accountable.

Governor Roberts said the size arose out of discussions in the round table meetings. People felt that nine people was too many and five too few. Seven seemed to be the logical choice. She agreed that the size of the districts was problematic, but she suggested that size did not preclude the ability to represent the district.

Councilor Kvistad said the constituencies consist not only of the individual citizens of the region, but also the local governments Metro coordinates. He suggested that the function of a Councilor that represents other jurisdictions differed fundamentally from one that represents only individual citizens.

Councilor McLain thanked Governor Roberts for doing such an excellent job of facilitating the round tables. She said that at the round tables she attended, the question had come up of whether there would be a comprehensive review of the Metro Charter. The answer had been that it would be important to confine the issues to just one, and that was the basic structure, and not confuse things with too many other issues.

Governor Roberts said that was correct, that at this time the focus should be “housekeeping issues,” namely the issue of the executive officer and clarification on the size of the Council. There was a suggestion to create a charter-review commission, whose job it would be to examine the charter every few years and make recommendations for changes. That commission would be new, along with the salary commission.

Councilor Bragdon thanked the former governor for her contribution to the process. He said he had found her experience in government valuable.

Councilor Atherton addressed the concept that people felt the need to have a regionally elected person speak for Metro as opposed to the Council deliberating questions in the open with input from the public. He asked why that was not considered speaking for Metro. He noted that Metro was a limited-purpose government.

Governor Roberts said that the Council’s deliberations also spoke for Metro. She said it is similar to how people feel the governor represents the whole state as opposed to the acts passed by the legislature. People for whatever reason see the governor as representing Oregon. She said there were a lot of limited-purpose governments in Oregon, and the voters’ view of that depended on how much they were involved in that government. Metro has a wide range of responsibilities—mostly those no one else wants to do—and considerably citizen involvement, so people expect a lot of Metro.

Councilor Monroe said that because Mike Burton was elected regionally, he assumes he speaks for Metro. He said the Council, which has chartered responsibility for making policy, feels it speaks for Metro as well. The voice has not always been the same. He said the goal of the proposed changes was to make the government more efficient, more cost effective, and more responsive to the voters. He asked that this proposal with the amendments be set over for action until the next meeting.

Deputy Presiding Officer Washington opened a public hearing on Resolution No. 00-2929.

John Greiner, City Manager for Cornelius. Thanked the Council for coming to Cornelius. He said it was historic to not only have the Metro Council there, but also a former governor. He expressed appreciation that the current Executive Officer as well as the Council had come out to look at Cornelius. He noted that Cornelius had problems unique to its situation. He asked how he could keep Metro informed. He suggested that coming out to Cornelius to have Council meetings occasionally might be one way. He said he recognized Metro’s dilemma and supported its efforts to find the best way to run a very important organization.

Mr. Greiner addressed the issue of affordable housing. He said Cornelius has affordable housing, but it was built out. He expressed hope that other communities would take their share so as to not lay the entire burden on only a few struggling communities.

Councilor Kvistad asked for a summary of the status of this process.

Councilor Bragdon said the resolution had been advertised through regional public outreach. Four round table and the two public hearings at the Metro Operations committee had been completed. Two more public hearings would be held at the Council level, one of which would be

in the evening next week. Final action would be taken after that at a meeting in West Linn on August 10.

Councilor Kvistad said he had several concerns he would like addressed.

Councilor Bragdon suggested he get with Mr. Cooper soon to draft any amendments he would like.

Mr. Stone said next week would be devoted to discussing the amendments, and then at the final meeting on the 10th the whole package would be available for discussion.

Councilor McLain requested that any new amendments be available for review by Monday or Tuesday of next week.

Councilor Atherton asked staff to prepare a resolution to empower a charter review committee to work in 2001 on recommendations for 2002.

Mr. Burton introduced Jim Larkin, who had served on the CRAG board many years ago, and was a past mayor of Cornelius.

Deputy Presiding Officer Washington closed the public hearing and indicated this item would be held over until the next Council meeting for further public input and possible amendments. He recessed the Council to convene a meeting of the Contract Review Board.

8. CONTRACT REVIEW BOARD

8.1 **Resolution No. 00-2973**, For the Purpose of Authorizing Amendments to Certain Personal Services Contracts of Environmental Auditors and Surveyors for the Metro Open Spaces Acquisition Division.

Motion: **Councilor Monroe** moved to adopt Resolution No. 00-2973.

Seconded: **Councilor McLain** seconded the motion.

Mr. Cooper explained the resolution. He said they had initiated a new process this week for additional RFPs to reopen these contracts completely and they would be back in front of Council for authorization of a new contracts list. He said this resolution was to cover a short period of time between now and when they got through the RFP process.

Councilor Kvistad asked if the money would come from bond fund proceeds.

Mr. Cooper said yes, from the authorized budgeted amounts for open spaces acquisitions.

Councilor Kvistad felt it was a lot of money all at once. He asked what kind of value they would get for the money.

Mr. Cooper said they would get the ability, for example, to go to OTAK as they had properties to do due diligence on and be able to ask them for quote on how much they would charge for surveying a property for acquisition. Someone on this list would be available for a fast turn

around and Mr. Cooper's staff could pick one who could meet the timeline. For best price would depend on the individual property. He said surveyors and environmental auditors were expensive and did a lot of detailed work. He added they may very well not spend all the money during the timeframe.

Councilor Kvistad said they were amending all these personal services contracts rather than creating a pool of money for potential amendments. He asked if this was required.

Mr. Cooper responded that procedures adopted in the contracts code required the administration to have an open contract with a dollar amount. If the dollar amount was in excess of \$25,000 more than the original amount set by council, they had to come back for authority to amend the contract. In order to proceed in a timely fashion as they closed the properties, they wanted to have this much capacity. He said they had been doing it for a while this way.

Councilor Kvistad said if it was simply a capacity issue for the vendor, that was different than amending a personal services contract. He said he was reading the staff report as "amendments to the personal service contracts".

Mr. Cooper said they were literally amendments to the contracts, but the contracts were set up so they only allowed the contractor to be paid as council approved individual work orders.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

Deputy Presiding Officer Washington closed the contract review board and reconvened the regular Council meeting.

8. COUNCILOR COMMUNICATIONS

Councilor Kvistad asked about the timing of Growth Management issues before Council that he was reading about in the paper.

Councilor Park said the committee recommendation was to combine tasks 2 and 3. He said he had not seen the amended proposed work plan and reported that Mr. Cotugno was in Salem today. He said he and Mr. Cooper would be there tomorrow as well to see what the commission decided to do with the work plan. He said they would report back to the council as soon as they knew.

Presiding Officer Bragdon said council action had approved the workplan that had been sent to Salem and they got a staff report back from LCDC recommending that tasks 2 and 3 be combined. His sense was that council was willing to accept that recommendation. He said they could have an official polling of the council if that was desired or they could wait to see if LCDC ordered us to accept it. He said that was the origin of the story and it was accurate based on his reading.

Councilor McLain added that comments at MPAC were in favor of looking at subregional needs but they still needed to make sense of how to look at it. She said putting those issues together was okay with her. She felt the goal was not the process or the order, but getting the state to acknowledge the need.

Councilor Park said he talked with Mayor Faber in Hillsboro. The mayor had indicated he was comfortable and they were working in good faith to get some answers. He acknowledged to Councilor Kvistad that it had been fast moving and they would find out more tomorrow in Salem.

Councilor Kvistad said his problem was they were setting policy without votes and lobbying that policy with LCDC without a council vote as a whole. He objected to that, especially when he saw policy choices show up in newspaper without the council having made a decision. He felt they had a process problem.

Councilor McLain assured Councilor Kvistad that 6 of them had done that nod test at the growth committee that he was unable to attend.

Councilor Kvistad said the council made the decisions, not the growth committee, and that he was not a member of the growth committee.

Councilor McLain said there would be a council vote when they had more clarity from the state agency. She said the nod test of the 6 at the growth committee was that they needed more information before officially voting.

Presiding Officer Bragdon said Councilor Kvistad had a point but nobody was going to lobby LCDC, they were going to respond to LCDC comments on a policy the council did adopt. He said they would respond to their staff recommendation.

Councilor Park also understood Councilor Kvistad's feelings, though he did not agree. He thought they were working within policy. He said it was a hearing process and they were getting comments back and forth. He said the actual policy of being in periodic review and doing the task were the policy questions and they had already said they wanted to do subregional need and other things they wanted to finish and when. He wondered if they had to vote on the sequence. He did not think they had adjusted the policy, but the timeline schedule. He did not see a problem.

Councilor Bragdon clarified, with regard to the newspaper that reported on his exchange with Mayor Katz, that he had made clear in his letter that it was his personal willingness to accept that recommendation, and not the opinion of the whole council.

Councilor Kvistad said what he was trying to get to was that as the policy was changed and LCDC sent things back to staff and to the committee for review, it should never go back to another agency before Council reviewed the policy shift. He said it was not that hard to review it on a Thursday at Council.

Councilor Park responded that they did not know what the commission would say tomorrow. He said the policy question they were asking was still within their work plan.

Deputy Presiding Officer Washington asked that this discussion to be held at a later date if there was a lack of clarity or timing. He urged Councilor Kvistad to talk to Councilor Park because he sensed his frustration with the timing process.

Councilor Kvistad said it was not a matter of something between he and Councilor Park, it was a matter between the Presiding Officer and the process he had an issue with.

Deputy Presiding Officer Washington acknowledged Mr. Cliff McLain and Ms. Billie Monroe seated in the audience.

Presiding Officer Bragdon reminded the council that the next council meeting was at 5:30 p.m..

9. ADJOURN

There being no further business to come before the Metro Council, Deputy Presiding Officer Washington adjourned the meeting at 4:00pm.

Prepared by

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