

## MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, August 8, 2006  
Metro Council Chamber

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

Councilors Absent: Susan McLain (excused)

Council President Bragdon convened the Metro Council Work Session Meeting at 2:04 p.m.

### **1. ADMINISTRATIVE/CHIEF OPERATING OFFICER AND CITIZEN COMMUNICATIONS**

Chief Operating Officer (COO) Michael Jordan was having some conversations regarding Metro's energy usage. Metro was served by both PGE and Pacific Power. He was exploring a variety of options, such as buying on the open market and how "green" our energy buy was. Council President Bragdon asked about the status of the solar power facility at the Zoo. Mr. Jordan said the Zoo and PGE were working through the issue. We were moving towards sustainability.

Councilor Burkholder reminded Council that there would be a work session this Thursday at 1 p.m. at the Expo Center, to review 2004 goals and objectives. Council President Bragdon felt this would be a useful exercise, to emphasize our progress.

### **2. E-MAIL MANAGEMENT**

Becky Shoemaker, Council Archivist, introduced Mary Beth Herkert, State Archivist. Ms. Herkert was following up on a previous meeting with Mr. Jordan and Metro Attorney Daniel B. Cooper. She gave an overview of e-mail management via a PowerPoint presentation (a copy is included in the meeting record). She described some of the potential negative fallout from poor e-mail management, such as the recent situations faced by the State Accident Insurance Fund (SAIF) and the City of Beaverton. E-mail has morphed into something that it was not originally designed for. We needed to use our agency retention schedule to process this properly. E-mails were public records under Oregon law and were subject to public records requests. Oregon also had a public meetings law. Ms. Herkert reviewed the meaning and intent of the relevant laws.

Councilor Liberty asked about moving towards a decision versus sharing information. Ms. Herkert said that the Oregon legislature found that they were in violation of the public meeting law. She reviewed some common attitudes towards e-mail and how we could view this in a more publicly-minded way. Councilor Hosticka had a question about whether e-mail was deleted from his mailbox automatically. Ms. Herkert said if you deleted it, it went to the trash, but it then needed to be removed from the trash. Also, it could have been captured on a backup tape, which was kept for 30 days. Councilor Liberty commented that it was very time-consuming to go through each message and see whether to keep it or trash it. Mr. Jordan agreed but explained how it was a burden on the system to have so much e-mail. He described the new system that would be in place to make e-mail records retention more automated. Ms. Herkert said if we kept everything, there were storage costs, and we were also jeopardizing the server system, but most importantly we were violating our records retention schedule. As long as records existed, they must be accessible to the public. If we followed the retention schedule and got rid of things, we

had no obligation to provide them. Most e-mails would not need to be retained for very long. She described some systems, such as our own records management system, that could help.

Councilor Liberty asked if the Oregon Revised Statutes (ORS) specified the length of time to retain records. Ms. Herkert said that Metro had developed a retention schedule. Mr. Cooper clarified that the schedule was not by defined by statute—the state had the authority by statute but did not specify the schedule. The statute did not address format; it was by subject matter. Ms. Herkert said the law behind e-mail was the Cross case from about 20 years ago. The judge in that case ruled that it was the content of the message, not the medium, that decided retention.

Ms. Herkert was trying to raise awareness. SAIF's costs added up to several million dollars, from one instance of a public records request not being managed. The City of Beaverton's costs were up to \$500K and climbing. She had a video and manual online on her website available for review. We needed to change our behavior and viewpoint. Ignoring the situation was no longer an option, due to court rulings and the cost of maintaining file servers. She would like to see an environment of accountability and was ready to provide support.

Councilor Hosticka asked if he could be responsible only for his received e-mail, and not his sent e-mail. Ms. Herkert said it had to be both; the specifics would depend on the policy we came up with. We had three options for storage: 1) e-mail system 2) print and file 3) hybrid. Paper and microfilm were the two acceptable physical media for storage. She talked about filing and disposition of records. Less than 3% of our records would have permanent retention. She talked about security. E-mail was the least secure medium around.

Ms. Herkert spoke about technology and technological obsolescence. She advised against the use of instant messaging, chat rooms, and blogs, since that information was not capturable. She advised use of memory sticks if working from home. Anything done at home on a personal computer was subject to a public records request.

Councilor Burkholder said he was very confused about what to keep. Council President Bragdon asked what our current process was. Ms. Shoemaker said we had an e-mail policy and a network policy, but they were both badly outdated and should be revisited more frequently. Our agency records retention schedule was in the process of being updated, hopefully by the end of the year. She was working to have a policy. Mr. Jordan said there was a helpful tool available, but it would be rather expensive, in the six figures. Ms. Herkert said the system we currently used was capable of handling this.

Councilor Hosticka questioned when a record became a record. If it landed in his e-mail box and he hadn't looked at it, was it a record? Ms. Herkert said, if you knew for sure that it was pure junk, go ahead and delete it. But if we were using e-mail, we needed to manage our messages. The court decisions have been consistent.

Councilor Newman recalled a few months ago, when we had a GroupWise crisis; everyone was required to clean up a bunch of old e-mails. Mr. Cooper said, for 99% of the employees in our building, whose e-mail was routine work communication, that would probably be okay. The things that were important would be things that affected policy decisions. Council staff captured the physical mail pretty well. Now we needed to apply the same standard to electronic records.

Councilor Newman wondered about “robo e-mails,”—identical mass mailings on a certain topic. Could we just save one copy? Or did we need every single one? Ms. Herkert said we just needed

to save one. Councilor Liberty again emphasized that he would prefer a system that minimized the amount of time needed to manage it. He deleted a lot of e-mail without opening it and didn't have time to read every single message. Ms. Herkert reiterated that, if it did not relate to his work as a public official, it could be deleted. Mr. Cooper said they were working on a more formal recommendation that would address his concerns.

Councilor Park asked how e-mail compared to voice mail, since both were electronic. Ms. Herkert responded that, when voice-mail first came out, the legislature decreed that it was not included in public records law; the reason was that there was no way of really capturing it. Mr. Cooper added that the access provisions required us to respond to public requests. This was separate from the retention schedules, which detailed how long we must keep something. Voice-mail, while still on the system, was a public record and subject to request; however, we were not required to keep them or even listen to them. Mr. Jordan said that the e-mail management issue was nested within a larger records issue, on which more information would be forthcoming.

### **3. REGIONAL TRANSPORTATION OPTION UPDATE AND EVALUATION REPORT**

Pam Peck, Planning Department, gave a PowerPoint presentation and distributed four other documents (a copy of each is included in the meeting record). She introduced Caleb Winter, Planning Department, and Dr. Jennifer Dill, PSU Urban Studies program. Ms. Peck reviewed some highlights of the Drive Less/Save More campaign. She discussed some of the details and outcomes of the program, as well as some events that had taken place. About 70,000 people had been exposed to the message, with about 3,000 coming to the booths, signing commitment cards, and getting cling stickers. She described some media highlights and the program partners.

Councilor Hosticka wanted to know where the booths had been located. Ms. Peck said it was places like farmers' markets; they were all listed on the Metro calendar. They were primarily outside the City of Portland. She talked about how the process worked. The program was previously administered by TriMet and was taken over by Metro in 2003. The transition was now complete. She talked about program goals and components.

Dr. Dill then gave her presentation of the evaluation process. She talked about how they went about doing the evaluation. They used a lot of surveys and carpool match survey data. She summarized the key findings. There was high success in carrying through the planned activities. She shared a graph showing that non-single occupancy vehicle (SOV) traffic had been going up. Mostly this was because transit use has been going up. A lot of downtown Portland employers had good bike commuter resources. On carpooling and, especially, vanpooling, there was a limit. Vanpools were more appealing for really long commutes, over 20 miles, and where there was a high-occupancy vehicle lane.

Councilor Hosticka asked if there were data on separating out bike and walk trips. Dr. Dill wasn't sure. Mr. Winter said, with the commute, walk trips would be higher. Bike trips were usually less than 1% and walk trips around 5% of all trips. Dr. Dill said she did have data broken down by Transportation Management Association (TMA).

She talked about some shortcomings, such as programs not always accomplishing what was planned. There was higher staff turnover and lower funding than anticipated. Also, many programs did not measure outcomes, and many activities in the work plan were not clearly defined. This made it difficult to evaluate them. She also found that some TMA objectives were

not well aligned with RTO objectives. She and Ms. Peck talked about some of the funding and how it would be a better fit. Dr. Drill felt carpools and vanpools warranted more attention.

Councilor Park asked if she had found different levels of sophistication amongst the TMAs. Dr. Dill said there were some large differences. The big example was the Lloyd TMA, but longevity was not the only key to success. They discussed some elements of a successful TMA. Dr. Dill and Ms. Peck felt Metro might want to take a closer look at TMAs. Dr. Dill also felt more data on non-work trips would be helpful. She discussed some recommendations: to develop a new work plan and consistent methods for measuring results. Metro staff was working on these already.

#### **4. BREAK**

#### **5. I-5/99W CONNECTOR BRIEFING**

Andy Cotugno, Planning Director, and Mark Turpel, Planning Department, distributed a handout (a copy is included in the meeting record). Mr. Turpel went through it briefly. They were here in response to Council request for an update on major transportation projects. There was a decision point coming up on the I-5/99W connector. Mr. Turpel described the history of the project. It was part of the 2040 Growth Concept and the Regional Transportation Plan (RTP). The purpose was to serve travel entering and exiting the region from points west. Council President Bragdon asked if it had always been primarily a long-distance travel project. Mr. Cotugno said yes; it was mostly intended for external travel. He said the western bypass portion had been dropped.

Councilor Hosticka acknowledged being one of the members of the steering committee. He hoped to discuss historical value versus current operational significance. To what extent were we bound by past statements and purposes? Mr. Turpel described the financially constrained system and the various RTP elements—street, freight, transit, pedestrian, and bicycle. Other points of the presentation were TMAs, the UGB, local jurisdictions and local partners, the state partner, the project area, process, the proposed purpose statement, and staff recommendations. He talked about the throughway's impact on Centers.

Council President Bragdon wondered if through traffic and avoiding town centers was what we wanted. Mr. Cotugno said, the traffic there was still very heavy. They would retain the local access but would be relieved of the through traffic. Council President Bragdon talked about downtown Tigard and downtown Milwaukie, which he felt had been degraded by throughways. Councilor Liberty said that the argument was that too heavy traffic in a Center interfered with people being able to use the Center. Hosticka wondered if the intent was to get stuff from 99W to I-5, or to accommodate the freight in the new industrial areas so they could exit the region?

Mr. Turpel talked about the transit piece; it could include commuter rail, going to Wilsonville and potentially Sherwood. It included bus routes and the possibility of getting a commuter/wine train out to Newberg. He talked about the role of the UGB expansion. Council thought the Connector should be located before the concept planning was done. Mr. Turpel talked about local jurisdictions and partners. Councilor Hosticka asked about state law. Why did it have to be inside the UGB? Mr. Turpel said the test was reasonableness. If the alternative to looking inside the UGB meant taking out a bunch of homes and businesses, that would be unreasonable. Councilor Liberty added that the exception was to use rural land for an urban purpose. Councilor Park asked about the analysis of the type of traffic. Was it primarily freight, trucks, or cars? If trucks, were they delivering to the industrial area or heading to the coast?

Mr. Turpel said that the local partners had revised their own transportation plans based on the expected Connector. He talked about the Oregon Department of Transportation (ODOT), our state partner. Councilor Liberty wondered what kind of analysis led to the state designation of a “project of statewide significance”? Mr. Cotugno replied that there were nine projects that the state had been pursuing, of such scale that it was impossible to consider funding them through the normal process. Councilor Liberty stated that he understood that it was an expensive project. Council President Bragdon wanted to know why it was significant. Mr. Cotugno said that the state classified their system by district, regional, statewide, and interstate, so everything of statewide level was considered significant. He was not aware of any analysis that the state had done. Council and staff debated the meaningfulness of the term “statewide significance.”

Mr. Turpel described the project area as being the area within which they thought a solution would lie. Councilor Hosticka asked how the northern alignment would help the town center of Sherwood. All the through traffic would be going through Sherwood and then going on to the connector. Mr. Cotugno was not aware of anything that specifically addressed the Sherwood town center. Councilor Hosticka asked about currently urbanized or potentially urbanized areas, given the timescale of the project. In the New Look, we kept showing huge areas south and west of Sherwood as the next to be urbanized for residential purposes. Mr. Cotugno said this analysis did not assume further UGB expansions in the area. He said they did not know the future prospect.

Councilor Newman wanted to have an explicit step, a refined analysis, where the traffic was originating and terminating. Mr. Turpel said this would be subject to some additional information, modeling, community forums, etc. Councilor Newman said further analysis of the trip patterns would be helpful. Mr. Turpel said that travel forecasters had expanded the area to include Yamhill County. Councilor Liberty noted that the project was supposed to serve a large area. He felt like, “Well, we’ve kind of reached a conclusion; we’ve narrowed the geography.” Mr. Turpel identified the two crucial questions: 1) What kind of connector should it be? It could be anything from taking an existing road and identifying it as a connector, to a parkway, to an expressway, to a freeway. 2) Where should it be located?

Mr. Cotugno talked about the process; the project group had previously discussed whether we were moving into a project implementation step involving an Environmental Impact Statement (EIS), etc. But they thought there were too many unanswered questions. Instead, we should be revisiting the Regional Transportation Plan, which we were doing. Councilor Hosticka observed that we had linked land use to the Connector when we expanded the UGB. Should we hold the land use discussions in the same room, with the same people, as the Connector project? Or keep them separate? Mr. Cotugno talked about three approaches: 1) like in Damascus, have a land-use plan and a transportation plan, and do it together 2) deal with just the transportation network and figure out, if we’ve got a major facility and a bunch of minor facilities, what’s the balance? 3) the approach under consideration, which was, since the major purpose was a connection to Yamhill County, this was not a land-use function. Councilor Hosticka respectfully disagreed that the third one was the approach chosen by project steering committee or stakeholder working group. He felt we were still at the stage of determining what the purpose was. Mr. Cotugno referred to the proposed purpose statement.

Councilor Liberty felt that this followed the pattern common to previous transportation projects. It was an isolated piece, not related to land use, with no price tag attached. Were we going to continue with this process or re-evaluate it? Did it have value for the metro region? Did it fulfill other objectives? What would the impacts on town centers really be? This could be a chance to change the way we did things.

Council President Bragdon asked about upcoming meetings and decision points. Mr. Turpel said August 28<sup>th</sup> was the steering committee meeting to discuss and take action on the purpose statement. He personally did not like the purpose statement. Procedurally, we needed to schedule more time. Councilor Hosticka agreed that if they did schedule some more time, he would like to see the purpose statement as originally adopted by the steering committee, before the stakeholder group and the executive management team proposed a modification.

Councilor Newman wondered about the proposed commuter rail line through Sherwood and on down to McMinnville; was that being looked at? Not just as a supplement but maybe as an alternative to a road-based project? Mr. Turpel said the alternatives, including non-road alternatives, had yet to be determined. There was great interest in a series of arterials or transit service improvements.

Council President Bragdon thought the trouble with the purpose statement was that it described the problem as the absence of a “thing” (likely a road) versus what the “problem” was, such as too much traffic. This seemed backward to him. Councilor Liberty wondered, if the project were defined in terms of needs and objectives, how did it stack up against our other needs? Councilor Burkholder asked what the problem was that we were trying to solve, and did we want to solve it? Could the solution create new problems? He asked if it was our own study, or were we participating in a state study? Mr. Cotugno responded that Metro was a participant in a study by Washington County with participation from the State and Metro. If the result was a change to the RTP, it would have to come to Metro. Councilor Burkholder added that the RTP criteria should be in place by March 2007.

Regarding the New Look, the RTP, and the 2040 growth concept, Councilor Liberty noted that another piece was neighboring communities and the need for a framework. Could this be a chance to ask if we were solving their problems? He would like to see more traffic analysis. Councilor Newman wondered why there wasn't any Yamhill County representation on the steering committee. Mr. Cotugno said that Yamhill was being coordinated with.

Councilor Hosticka asked if there would be another discussion or would this be the main discussion before the 28<sup>th</sup>? Were we trying to fix a local problem? What was it? Connecting town centers? Or was the primary purpose for drivers to shoot through and go somewhere else? If we expanded the UGB, all the local capacity would be used up. The purpose statement was key to what approach would be used.

Council and staff discussed some of the purposes for the project, and what had been discussed about previous options. They tried to tie previous land use decisions to transportation issues. They talked about shifting growth to neighboring cities and how this project tied into Council goals and objectives and land use planning. They talked about the need for greater analysis.

Councilor Park asked if we were providing a project that would benefit areas outside our jurisdiction. Council talked about issues such as—Where did we want to spend our money? How to put this into the context of the New Look? Deputy Council President Hosticka said he would take on the timing—was this the best time for the project? He suggested that we suspend further analysis until some bigger questions were answered; the scope of the land use discussion was important.

Mr. Cotugno said that, regarding budget and commitments, both the Sunrise corridor and Connector were spending a lot on planning. The Sunrise corridor had about \$60 million committed. The Connector had about \$30 million. Councilor Hosticka asked, what was the Metro Council's role? We needed to keep in conversation with our partners.

Councilor Liberty had some questions about the budget for the RTP. Mr. Cotugno said that Eco Northwest's contract was for \$400K, in addition to four to five Metro staff, totaling about a million dollars for this fiscal year. The assumption for next year was that the activity would be the adoption phase.

**6. DIVERSITY PLAN**

Postponed until next week.

**7. COUNCIL BRIEFINGS/COMMUNICATIONS**

Councilor Liberty spoke about the economic development speaker series.

Councilor Park mentioned a story in the paper about Boring and the failure of the village concept.

There being no further business to come before the Metro Council, Deputy Council President Hosticka adjourned the meeting at 4:52 p.m.

Prepared by,



Dove Hotz  
Council Operations Assistant

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF  
AUGUST 8, 2006**

<b>Item</b>	<b>Topic</b>	<b>Doc Date</b>	<b>Document Description</b>	<b>Doc. Number</b>
1	Agenda	8/10/06	Agenda: Metro Council Work Session, August 10, 2006	080806c-01
2	E-mail	8/8/06	To: Metro Council From: Mary Beth Herkert Re: E-Mail Management, an Overview	080806c-02
3	RTO update	8/8/06	To: Metro Council From: Pam Peck Re: Regional Travel Options program	080806c-03
3	RTO update	8/8/06	To: Metro Council From: Jennifer Dill Re: Evaluation Process	080806c-04
3	RTO update	undated	To: Metro Council From: Pam Peck Re: Transportation Priorities 2008-11 Program: Investing in the 2040 Growth Concept, Regional Travel Options Application Summary	080806c-05
3	RTO update	7/12/06	To: Metro Council From: Pam Peck Re: Regional Travel Options, 2004-05 Program Evaluation, Final Report	080806c-06
5	I-5/99W	2006	To: Metro Council From: Andy Cotugno Re: I-5 to Highway 99W Connector	080806c-07
5	I-5/99W	8/8/06	To: Metro Council From: David Bragdon Re: I-5/99W	080806c-08
5	I-5/99W	8/9/06	To: Metro Council From: Rex Burkholder Re: I-5/99W	080806c-09
5	I-5/99W	8/11/06	To: Christina Billington From: Andy Cotugno Re: Minutes of Metro Work Session Earler this week [sic]	080806c-10