

MINUTES OF THE METRO COUNCIL MEETING

Thursday, September 7, 2006
Metro Council Chamber

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

Councilors Absent: Carl Hosticka (excused)

Council President Bragdon convened the Regular Council Meeting at 2:02 p.m.

1. INTRODUCTIONS

Council President introduced Judge Laura Pryor from Gilliam County. He noted that she had sworn at least three members of the Metro Council into office. Judge Pryor provided a plaque to the Council in appreciation of their partnership. Judge Pryor said the picture was taken at the back door of the landfill. She noted the herd of long horn sheep had grown as their Metro/Gilliam County partnership had grown. Council President Bragdon said a herd of them had visited the landfill twice this year. He said there was a lot happening in Gilliam County. Councilor Park noted his appreciation of her service. Judge Pryor thanked the Council for their urban/rural partnership that has worked so well. Councilor Newman suggested a dinner later this fall with the Judge to celebrate their partnership.

2. CITIZEN COMMUNICATIONS

Kate Warren, Metro Committee on Citizen Involvement (MCCI) Chair, said they had been keeping the Council President busy interviewing new members of the committee. They had been hard at work trying to figure out how MCCI can be of better service to Metro, particularly with citizen involvement processes. She appreciated Councilor McLain's attendance at last night's meeting.

3. RISK MANAGEMENT PROGRAM CAN BE STRENGTHENED

Alexis Dow, Metro Auditor, said she would be presenting a report on Risk Management. She noted Metro spent over \$2 million a year on risk management issues. Debbie DeShais, Metro Senior Auditor, provided a power point presentation on "Risk Management Program Can Be Strengthened" (a copy of which is included in the meeting record). She summarized the kinds of insurance Metro purchased for the agency. She noted the objectives and findings of the audit. They found that risk generally was well managed but there were some suggestions for changes. Workers compensation claims and liability claims were trending downward at Metro. Insurance costs were carefully managed. She also noted outside expertise was efficiently obtained. She talked about other cost containment measures. She then provided some suggestions for improving the program including levels of reserves, higher deductibles, updating the risk management and safety programs guidelines. She said safety didn't appear a priority within departments. They recommended Metro enhance its safety culture and program. They also recommended developing procedure manuals for processing claims. They recommended improving management reporting. She summarized the recommendations. Councilors asked clarifying questions about the report.

Bill Stringer, Chief Financial Officer (CFO), said Ms. DeShais's audit was very thoroughly done. He pointed out that in 2003 they had identified potential issues with the risk fund. Due to an

audit, they separated the risk fund from the environmental fund. He noted last year they recommended a portion of the reserve fund be transferred to the risk fund. Councilors asked questions of management. Bill Jemison, Risk Manager, responded to their questions about deductibles in each fund. Ms. DeShais said the Risk Management team was doing a great job.

4. ENVIRONMENTAL PROTECTION AGENCY (EPA) SCHOOL GRANT

Jim Quinn, Solid Waste and Recycling Department, said they had done a school clean up project. They had applied for the grant from EPA and received funding for the project. 12 school districts expressed interest in the clean up project of chemicals in the schools. His power point presentation on the grant clean up project is included in the meeting record. He said Dave Waddell facilitated the project as well as conducted training to the schools districts and Metro staff. Councilor Burkholder said he had been in the Grant High School laboratory 20 years ago and had to educate himself on the chemicals because there was no program such as this at the time. Mr. Quinn said they had learned a lot in this project. He summarized the results of the program including training and disposal of chemicals. He said Metro's contribution was in, in kind services, staff time.

5. CONSENT AGENDA

- 5.1 Consideration of Minutes for the August 17, 2006 Metro Council Regular Meeting.
- 5.2 **Resolution No. 06-3723**, For the Purpose of Confirming the Appointment of Theresa Koppang to the Regional Solid Waste Advisory Committee (SWAC)
- 5.3 **Resolution No. 06-3725**, For the Purpose of Confirming the Appointments of Hall Ballard, Mark Knudsen, and Gerritt Rosenthal to the Metro Committee for Citizen Involvement

Motion:	Councilor Park moved to adopt the meeting minutes of the August 17, 2006 Regular Metro Council and Resolution Nos. 06-3723 and 06-3725.
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Vote:	Councilors Burkholder, McLain, Liberty, Park, Newman, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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Hal Ballard and Gerritt Rosenthal thanked the Council for the opportunity to serve on MCCI. They shared their interests and experiences.

6. ORDINANCES - SECOND READING

- 6.1 **Ordinance No. 06-1126**, For the Purpose of Amending FY 2006-07 Budget and Appropriations Schedule to Provide Funding For Metro's Diversity Plan and Declaring an Emergency.

Motion:	Councilor McLain moved to adopt Ordinance No. 06-1126.
Seconded:	Councilor Burkholder seconded the motion

Councilor McLain summarized the budget amendment. She urged support.

Council President Bragdon opened a public hearing on Ordinance No. 06-1126. No one came forward. Council President Bragdon closed the public hearing.

Vote:

Councilors Park, Burkholder, McLain, Newman, Liberty and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

6.2 **Ordinance No. 06-1125**, For the Purpose of Amending Metro Code Section 4.01.050 to Include a Conservation Surcharge With Regular Admission to the Oregon Zoo, Effective January 1, 2007.

Motion:	Councilor Newman moved to adopt Ordinance No. 06-1125.
Seconded:	Councilor Liberty seconded the motion

Councilor Newman provided a history of Zoo and its conservation efforts. He talked about the Oregon Zoo's endangered species efforts and the focus on the animals of the northwest. He noted the kinds of conservation activities that the Zoo had been engaged in recently. He spoke to both Ordinance No. 06-1125 and 06-1127 and what the conservation fund would do.

Council President Bragdon opened a public hearing on Ordinance No. 06-1125.

John Charles, Cascade Policy Institute, 813 SE Alder, Portland, Oregon 97205 raised some governance issues about the ordinance. He felt this fund created an accountability problem. Councilor Newman talked about the fund and the reporting requirements of the Oregon Zoo Director. Tony Vecchio, Oregon Zoo Director, said they were not willing to turn over the money to the Northwest Zoo Alliance. Oversight would be through the Oregon Zoo Foundation.

Council President Bragdon closed the public hearing.

Councilor McLain said we had to demonstrate what our processes were for this fund. She felt Mr. Charles made a valid point. Mr. Vecchio said he would be reporting to the Council on the fund. Councilor Liberty talked about his understanding of the surcharge and asked for clarification of how the funds would be used. Mr. Vecchio responded to his question. They were not looking to add projects but focus on current conservation efforts. Councilor Park talked about coordinating conservation efforts of the agency. Mr. Vecchio said they now have more formal relations with the Nature in Neighborhood program. Councilor Newman asked Mr. Vecchio to update the Oregon Zoo Foundation website. He felt they needed to explain all of the conservation efforts and have those on the website. Second, Oregon Zoo Foundation had decided to dedicate \$1 of the membership to this same fund. He urged approval.

Vote:

Councilors Park, Burkholder, McLain, Newman, Liberty and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

6.3 **Ordinance No. 06-1127**, For the Purpose of Amending Metro Code Section 7.01.050 to Exempt the Oregon Zoo Conservation Admission Surcharge From Metro Excise Tax, Effective January 1, 2007.

Motion:	Councilor Newman moved to adopt Ordinance No. 06-1127.
Seconded:	Councilor Liberty seconded the motion

Council President Bragdon opened a public hearing on Ordinance No. 06-1127. No one came forward. Council President Bragdon closed the public hearing.

Vote:

Councilors Park, Burkholder, McLain, Newman, Liberty and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

7. RESOLUTIONS

7.1 **Resolution No. 06-3727**, For the Purpose of Establishing Metro Council Policy Regarding the Acquisition of Rural Agricultural Land Pursuant to the 2006 Natural Areas Acquisition and Water Quality Protection Bond Measure.

Motion:	Councilor Park moved to adopt Resolution No. 06-3727.
Seconded:	Councilor McLain seconded the motion

Councilor Park said this resolution was in response to an expressed concern by the Washington Farm Bureau, in particular a concern about the urbanization of farmland. Farmland whether it is paved over for housing or whether it was dammed like Bull Run for urban drinking water, was still for urban uses. This resolution was aimed at keeping productive agricultural acres in agricultural use, a cornerstone of state land use planning goals and a desire of the citizens in the Metro region.

This resolution was a first step in the right direction. It represented a habitat, farming and urban Connection. It was the start of the development of a green buffer and a permanent hard edge for the Metro region. The policies that were a part of this resolution were compatible with the work that we were doing in the New Look, particularly with the Shape of the Region. This resolution further expanded the dialogue with the farm and environmental and the urban and rural communities.

The resolution also recognized that some active agricultural land was attached to high quality natural resource areas, a few of which were among the 27 regional target areas identified for protection under Measure 26-80. Examples would be certain lands along both the Tualatin and Clackamas Rivers.

The resolution provided that if Metro was desirous of using bond funds to protect a parcel that included active agricultural production, before buying it Metro should first determine if the landowner instead would accept selling a conservation easement which protected the natural resource portions of the site but kept other non-resource portions in active agricultural production and in private ownership.

If the owner would prefer to sell rather than enter into an easement agreement, Metro could proceed on a willing seller basis to purchase the land provided they committed to placing the property back on the open market subject to a conservation easement protecting the natural resource portions of the parcel and protecting the agricultural portions in question.

The effect of this would be to: Preserve, and where needed, restore the critical habitat within Metro bond target areas that also encompassed active agricultural acreage. Keep active farm

acreage that was not critical habitat in active farm production and in private ownership. It would save the taxpayers money by not buying and/or retaining full fee interest to active agricultural acres, which would free up more Metro bond money to preserve more land. It was thus a more efficient use of both public bond money and precious agricultural land.

Council President Bragdon opened a public hearing on Resolution No. 06-3727.

Don Schellenberg, Associate Director of Government Affairs of Oregon Farm Bureau, 3415 Commercial Street, Salem, OR 97302 commented about the importance of agriculture. He felt a lot of thought and effort had been involved in creating the resolution. He suggested changes to improve the document. He provided a copy of his recommended changes (a copy of which is included in the meeting record). He thanked Council for the opportunity to comment. Councilor Liberty asked if the department had a position on easement to prevent development. Mr. Schellenberg said he didn't think they would have a problem with this type of easement. Councilor Liberty talked about the proposed amendment to the fourth paragraph. Mr. Schellenberg explained his suggested change. Councilor McLain asked Dan Cooper, Metro Attorney, about the phrase "mitigate". Mr. Cooper said he thought Mr. Schellenberg's recommendation was a strong command. He felt address and mitigate were a policy decision. He also noted the grammatical error and agreed with the recommended change. Council President Bragdon asked about surplus property. Mr. Cooper said in order to sell public property you must declare it surplus. Mr. Schellenberg said he would withdraw his recommendation based on what Mr. Cooper had stated about surplus property. Mr. Cooper said you could accept Mr. Schellenberg's suggestion or leave the language as is. Councilor McLain said as they looked at the language in the first "be it resolve", it specifically focused on the 2006 Natural Area bond measure.

Dave Vanasche, Washington County Farm Bureau, 36130 NW Wren Rd Cornelius, OR 97113 talked about the adverse impact. He felt where this stemmed from was the Weber property in Banks that Metro had purchased. The issue stemmed from the effects of wildlife and water that was backing up on their farmland. These property owners had been arguing with Metro about this for the past 10 years. They didn't want this to occur again. They wanted Metro to work with the property owners. He said the Farm Bureau had voted on the resolution last week. It was a 5aye/4 nay vote. They had planned to oppose the greenspace measure. He talked about their objections such as taking farmland out of the production. He also said they had problems with geese eating private farm crops. This resolution had come a long way to addressing farming issues. He thanked Metro staff, Councilors Park, Liberty and McLain for their efforts. He talked about the four people on the Farm Bureau that voted against the resolution. He said that this was uncharted territory. They wanted to end up protecting natural area and farmland. They also thought they should use the money to create a greenspace around the Urban Growth Boundary (UGB) to protect farmland outside the boundary. Mr. Vanasche said they would like to continue their cooperative efforts with the New Look process. He was concerned about the fact that Metro was studying farmland areas for expansion of the UGB. He asked why? He felt what was in this resolution and the discussions that were occurring on the New Look were in direct conflict.

Council President Bragdon explained that as part of a wide range of studies in the future, they had to have case studies about expansion areas. They had solicited nominations from county governments. Washington County had recommended studying this farmland area. It was in the early stages of study. Council President Bragdon said they were putting a lot of effort into developing tools to put development inside the UGB. Mr. Schellenberg said they had done some work on studying areas they could recommend for expansion. Councilor Liberty added his

comments about the New Look and Wapato Lake. Mr. Schellenberg said they were opposed to Wapato Lake because of its distance from Metro's UGB. He further shared concerns about areas along way from Metro's boundary. They didn't want to lose any more acres in farm production.

Jim Johnson, Oregon Department of Agriculture, 635 Capitol St NE Salem OR 97301 thanked the Council for giving this kind of consideration in dealing with potential impacts on farmland. He had talked with the Board of Agriculture. They were very excited that this could lead to better relations between agriculture and Metro as well as lead to better protection of agriculture land. They would be happy to be a partner in this issue. He felt the resolution that had been drafted went along way to addressing agriculture issues. This was uncharted territory. This resolution could go a long way to addressing trust between government and the agricultural industry. He appreciated their efforts. He focused on the strategic use of this program to support the greenspace project and help develop a buffer or edge for agriculture.

Scott Ashcom, Oregon Agricultural Alliance (OAA), PO Box 4323 Portland OR 97208 said they supported the resolution enthusiastically. It achieved the policy of the Oregon Land Use of Agriculture to protect farmland. They thought it would enable the improvement of habitat on farmlands. He pointed out the wisdom behind Councilor Park's resolution including protection programs for farmland. He felt the voluntary and incentive program would improve the habitat on farmland. A regulatory only approach had a disadvantage in that it was not likely to work. He explained why and noted Measure 37. There was a positive revenue benefit to conservation easements. In conclusion, he urged adoption. He felt they would be all right with Mr. Schellenberg's amendments.

Mary Kyle McCurdy, 1000 Friends of Oregon, 534 SW 3rd Portland OR 97202 said they support the resolution and appreciated Councilor Park's efforts.

Sue Marshall, Tualatin Riverkeepers, 15941 SW Inverurie, Lake Oswego, OR 97035 thanked Councilor Park for his efforts in developing closer relations with the farmers. She supported the elevating easements called out in the resolution. She noted that the resolution did not provide a lot of detail related to the refinement process. She made some suggestions for the refinement process. She talked about public access concerning some of the easements. Councilor Liberty asked Ms. Marshall if it was possible to have support from the agricultural and environmental community combined. Ms. Marshall said this resolution tied the bond measure to water quality. Ms. McCurdy added some additional comments. Councilor Liberty talked about a federal program, called the Equip Program.

Council President Bragdon closed the public hearing.

Councilor Burkholder addressed one of the proposed amendments about the refinement plan. He explained what a refinement plan was according to the program. He felt the amendment addressed the management plan not the refinement plan. Council President Bragdon suggested Councilor McLain address refinement plans. Councilor McLain made suggestions about nailing down the refinement plan. The big job would come when setting out the standards for the refinement plan. She felt some of the amendments were very specific. Mr. Cooper commented on the legal relationship between the refinement plan process and future management plan process. Councilor McLain said this was the transition document, where there were conflicting uses. They had to really make sure they did no harm to either side of the use. She didn't take this commitment lightly.

Councilor Liberty thanked Councilor Park for the work he had put into this resolution. He commented on the proposed amendments. They had made a commitment to the Department of Agriculture to be a good neighbor. He was comfortable with going with the staff recommendation. He felt Council's intent was to follow through.

Council President Bragdon said he had learned a lot about this issue over the past year. This started as a question of could one activity be reduced by another activity. He felt the relationship of this program with agriculture was very exciting. There were trade offs but working together on refinement and management processes was the best way to move forward. The discussion had forged some relationship to make this happen.

Councilor Park said they were keeping the faith. Working together was what made this possible. The tool used in a new way would help weave together a tapestry of habitat, water quality and farming to provide a green buffer for generations to come. He thanked Mr. Cooper, Dave Vanasche, Jim Johnson, the farming community, Jim Desmond, Jim Morgan, Susan McLain, Robert Liberty, Sue Marshall, and Kathryn Sofich, his council assistant.

Vote on Motion:

Councilors Park, Burkholder, Newman, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

8. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, COO, was absent. Mr. Stringer had nothing to add.

9. COUNCILOR COMMUNICATION

Councilor McLain talked about the New Look and some of the studies Metro was doing. She said there would be advice that might be contradictory. She wanted to have the time to analyze these contradictions. Council President Bragdon said they had shifted that discussion until September 20th. In October and November they would continue this discussion. Councilor McLain added comments about the study areas and suggested making sure we didn't lead citizens to misunderstanding. Councilor Newman added his comments about addressing conflicts.

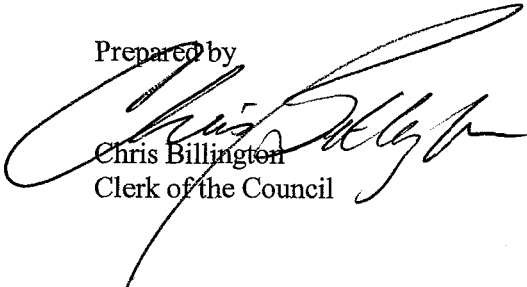
Councilor Park reported on Joint Policy Advisory Committee on Transportation (JPACT) activities. They had had a discussion on limited funds. He noted that there was nervousness about the limits.

Councilor Liberty added his comments about the JPACT conversation.

10. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:40 p.m.

Prepared by


Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF SEPTEMBER 7, 2006

Item	Topic	Doc Date	Document Description	Doc. Number
3.0	Power Point Presentation	August 2006	To: Metro Council From: Debbie DeShais, Metro Senior Auditor Re: Risk Management Program Can Be Strengthened	090706c-01
3.0	Report	August 2006	To: Metro Council From: Debbie DeShais, Metro Senior Auditor Re: Risk Management Program Can Be Strengthened	090706c-02
4.0	Power Point Presentation	9/7/06	To: Metro Council From: Jim Quinn, Solid Waste and Recycling Department Re: School Chemical Cleanout Project	090706c-03
7.1	Recommended amendments	9/7/06	To: Metro Council From: Don Schellenberg, Associate Director of Government Affairs, Oregon Farm Bureau Re: Proposed amendments to Resolution No. 06-3727	090706c-04