

MINUTES OF THE METRO COUNCIL
STATE & FEDERAL LEGISLATIVE AGENDA COMMITTEE MEETING
Tuesday, October 10, 2000
Council Chamber

Members Present: Susan McLain (Chair), Rod Park (Vice-Chair) and Bill Atherton

Also Present:

Members Absent:

Chair McLain called the meeting to order at 4:02 p.m.

CALL TO ORDER AND ROLL CALL

1. CONSIDERATION OF THE MINUTES OF THE SEPTEMBER 26, 2000 METRO COUNCIL STATE & FEDERAL LEGISLATIVE AGENDA COMMITTEE MEETING

Motion:	Councilor Atherton moved to approve the minutes of the September 26, 2000 State & Federal Legislative Agenda Committee meeting.
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Vote:	Councilors Atherton and McLain voted aye. The vote was 2/0 in favor and the motion carried.
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2. ORDINANCE NO. 00-860, FOR THE PURPOSE OF ADDING A NEW CHAPTER 2.19 TO THE METRO CODE RELATING TO ADVISORY COMMITTEES.

Dan Cooper, Metro General Counsel, said the ordinance was not first read. He referred to a document: Proposed *Ordinance No. 00-860 Regarding Committees/MCCI*. (A copy of this document can be found in the permanent record of this meeting.) They discovered some committees that needed to be removed. That was one of the goals.

Chair McLain said she talked to Michael Morrissey about that issue. She asked if someone, who was confirmed by the Metro Council but disliked by the Executive authority, could be denied confirmation on a whim.

Mr. Cooper said that was how the confirmation process worked in many government models. However, the subject had been recommended and appointed by the Executive authority. The confirmation was simply an indication that the person was qualified. It was a confirmation and recommendation to act but not an empowerment to do so. When the Council confirmed a department director, it did not mean they could not be terminated without Council approval. That was also true for advisory committee members. The new structure was even more explicit regarding the Council President having the authority to make the appointment and removal of members, with the exception of specified officer positions (Chief Operating Officer, Attorney, Commissioners, etc.). With the advisory committees, the Council had to concur with the removal decision, which recognized the sharing of power. As a practical matter, Metro should be more concerned about having enough people on the advisory committees; not who does the firing. As a practical matter, it would not be a hotly contested power. There were controls. In most cases, a simple, non-public removal process would be the best arrangement for everyone.

Councilor Atherton asked what "streamline" meant in the ordinance.

Mr. Cooper said it was direction to the Executive Officer to expeditiously submit names to the Council for confirmation, instead of waiting forever to find the perfect candidate to fill a vacancy. The process could proceed quicker if the Council had a list of qualified candidates ahead of time when the vacancy occurred.

Councilor Atherton said expedite might have been more appropriate.

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Mr. Cooper said someone else suggested streamline and both words were appropriate.

Councilor Atherton also asked how Metro, when it considered advisory committees, ensured a broad spectrum or representation of viewpoints, not just a party line.

Mr. Cooper said Metro should trust the public to elect officials who value that. They were ultimately political appointments. Elected officials would choose people whose opinions they valued. They would value some individuals more than others. He was not certain a guarantee of broad representation could be made. The ordinance was written in such a fashion that if the charter amendment passed Metro only needed to change the term Executive Officer to Council President at the appropriate date.

Again, Mr. Cooper referred to the document. He cited page 9 of 33, section 2.19.010 and MCCI. Chair McLain's suggestion, that she received from the MCCI Chair, "to perform other related duties that the Metro Council shall prescribe" in the purpose of MCCI. It was an appropriate word (related) to insert in that section.

Chair McLain requested to do that. Otherwise, MCCI thought it was too wide open.

Councilor Atherton approved.

Mr. Cooper returned to the document. The GPAC remained. The GPAC was crossed out in the document because it was moved from one section to another. They also eliminated its old membership and adopted the most current one. The Solid Waste Rate review Committee was changed to the Rate Review Committee.

Councilor Atherton asked why Solid Waste Rate Review Committee was changed to Rate Review Committee.

Mr. Cooper said Metro no longer had a Solid Waste Department, instead it had the Regional Environmental Management Department. Therefore, its name was inconsistent with the department name. Therefore, they made an editorial decision because it was the only rate review committee Metro had.

Councilor Atherton approved. However, the review committee only handled solid waste rates, not parks or any other rates. People want to know what type of rates the rate review committee handled. That was not clear in the committee's title.

Chair McLain said clarification might be necessary if Metro ever adopted a second rate review committee. However, currently there is only one rates source.

Councilor Atherton said if that was the case there might be a future amendment.

Chair McLain asked how the 2-2 membership requirement affected those who were WARPAC members because of their job description.

Mr. Cooper said appointments made by the Executive Officer or Council members were subject to that requirement.

Chair McLain asked how it could be recognized for MPAC.

Mr. Cooper said they simply stated what the membership of MPAC was and that it was controlled by the Charter and its own by-laws, and could be changed only with the concurrence of both MPAC and the Council.

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Chair McLain said it was important to make that recognition, somehow. Many of the parties had only one representative who was appropriate for the specified expertise.

Mr. Cooper said he considered this issue. In general, what they did with the advisory committees where Metro had groups the appointment would come from the Executive Officer and confirmed by the Council, and the two-term limit would apply. With WARPAC they did not say the Executive Officer made the appointments. Instead, they said the appointment of the members were representatives of.

Karen Withrow, Administrative Assistant – Office of the Executive Officer, asked how that worked for MTAC, GTAC and TPAC, which were non-elected. She asked if it would be the same as WARPAC, where they were members.

Mr. Cooper said TPAC had a mix of citizen representatives. The MTAC was a subcommittee of MPAC and, therefore, not included. It was not appointed by the Council directly or confirmed by the Executive Officer. They spelled out the process with GPAC. The citizen TPAC members had the term limit.

Chair McLain said Mr. Cooper indicated the terms applied when they were appointed by the Executive Officer and confirmed by the Council. Therefore, it was that combination as long as it was written clearly enough in the ordinance.

Mr. Cooper said, once the committee moved the ordinance for introduction and into the appropriate process, his office would double check to make sure it was clear, and if not, introduce some technical amendments. However, the committee did not have to wait.

Chair McLain said only a couple committees were suspect.

Mr. Cooper said he would review the arrangement for WARPAC. They used the exact language from the resolution that most recently rearranged the membership and inserted it in the ordinance. He wanted to be certain they clarified who was a confirmed appointee and who was a representative named by a jurisdiction.

Chair McLain said the WARPAC committee was a special situation. It was a combination of agency and general people. It was rare to see candidates with generalist backgrounds apply for positions on technical committees.

Mr. Cooper said the committee needed to direct the Executive Officer to streamline or expedite the process to submit names.

Nancy Goss Duran, Metro Executive Analyst, clarified the word “streamline.” The process for streamlining was expediting and creating the process to recruit candidates for appointment to certain committees depending on their interests and availability, etc.

Chair McLain approved as long as it incorporated two separate lists, one for citizens and another for people with specialized skills and/or interests.

Mr. Cooper said in the document they acknowledged the difference for WARPAC.

Chair McLain said Metro did not want to eliminate volunteers or those who served because it was their job.

Mr. Cooper said it might be enough that they exempt WARPAC because of its specialized nature (agency employees should not be subject to term limits).

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Chair McLain wanted to retain term limits for citizens yet encourage their participation.

Councilor Atherton referred to the Tax Study Committee and asked about a definition of taxes and fees and the possibility of a Fee Study Committee.

Mr. Cooper said the Tax Study Committee was in the ordinance because the Metro Charter provided that before the Council could adopt any tax, as defined by state law, that they have the power to adopt without referring it to the voters, they must convene such a committee and receive its advice on the proposed tax. They could then have the umbrella for creating a specific tax study to committee to proceed forward and make it official. They simply added the existing code language to the ordinance.

Mr. Cooper said if the Council asked whether something was a tax at all or was it somehow a fee that was not a tax, then the question would be whether the Council needed to refer it to a Tax Study Committee. It was a separate question that would be difficult to answer unless the fee is known. They discussed the specifics of that issue.

Councilor Atherton mentioned a system development charge. It was not a tax. It was a reimbursement or a fee.

Mr. Cooper said the tax study committee did not review Metro's solid waste fees.

Councilor Atherton asked if the committee would review a planning utility fee.

Mr. Cooper did not want to be definitive about what would and would not be reviewed by the committee because they still had to define those terms.

Ms. Withrow said she spoke with/for Ted Kyle, Chair, MCCI, who was preparing for a trip out-of-town. One, Mr. Kyle was concerned about whether the terms and term limits applied to the agency personnel. He recommended not exempting them from term limits. This would involve a variety new people in the process, not the same people. Two, is an issue that the MCCI steering committee discussed at their last meeting. They requested adding language to section 2.19.007(b) on page 6 of 33 of Mr. Cooper's document. They suggested changing the end of the first sentence to read: "...specifically provides staff and reasonable materials and services support for each committee's functions." She thought MCCI's intent was to specify that it would be done for each committee individually.

Chair McLain questioned the term reasonable. She was not sure what that meant.

Ms. Withrow said MCCI may not have known either, but they liked the terminology.

Ms. Duran said it probably meant identifying specifically staff and time.

Ms. Withrow thought the ordinance was clear and said what it intended to say. She was simply passing along what MCCI requested. She cited MCCI's third concern and referred to section 2.19.003(b) on page 4 of 33 of Mr. Cooper's document. The MCCI was concerned that it separated MPAC and JPACT and asked Metro to specify why.

Mr. Cooper said Metro identified that MPAC and JPACT had special Metro Charter requirements. He cited section 2.19.007 and other Charter language in his document. The sequencing in the ordinance may have caused confusion.

Chair McLain planned to write a letter of explanation to Chair Kyle and MCCI.

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Ms. Withrow said the ordinance did not have any MCCI member removal provisions or criteria. The MCCI by-laws stipulated that members who missed 3 consecutive meetings would be removed from the committee.

Mr. Cooper recommended not adopting that rule. Those decisions should be left to the discretion of whoever had the authority. They were advisory positions not jobs.

Chair McLain asked Mr. Cooper to advise how to handle the MCCI by-laws stipulation.

Mr. Cooper said the MCCI by-laws would not deal with the topic of membership if the Metro Code Chapter was adopted and implemented.

Chair McLain requested, with approval from Councilor Atherton, that Mr. Cooper start putting it through the adoption process

Mr. Cooper said it was ready to be introduced to the Council as a committee ordinance.

Chair McLain also requested that the ordinance include the names of both Mike Burton and Councilor Monroe who both had a roll in creating and an interest in the ordinance. The committee had already done a lot of work. She assumed it would be appropriate to ask Presiding Officer Bragdon if he would like to maintain it at the Council level. The committee might not need to review it again.

Mr. Cooper noted it was never noticed for a formal public hearing.

Chair McLain agreed and requested a later meeting to encourage citizen participation.

Ms. Withrow said a later time probably would not matter to most MCCI participants.

Chair McLain retracted her suggestion and retained the original meeting time.

Mr. Cooper said the ordinance would be first read at Council on October 19, 2000 and reviewed by the committee on October 24, 2000 for a final committee vote.

Chair McLain briefed Councilor Park on the work accomplished by the committee today and the routing schedule for the ordinance and review of all the amendments, etc.

Councilor Park approved.

Chair McLain recommended a non-vote action to place the ordinance into the Council process. Mr. Cooper and Mr. Morrissey would ensure the changes were adopted. She praised Mr. Cooper's performance, in particular, in handling a difficult situation.

3. LEGISLATIVE UPDATE

Doug Riggs, Pac/West Communications, mentioned the CARA federal appropriations act, which would be extremely helpful for some of the Metro programs. However, Nancy (Chase) mentioned rumors that CARA itself might rise from the ashes. The U.S. House and Senate already approved the FY2001 Interior Appropriations Act. He referred to a document: *FY2001 Interior Appropriations Act, Conference Report 106-914*. It was compiled from a combination of the House and Senate press releases, and Mr. Riggs interpretation of Conference Report 106-914. (A copy of the document, an outline of the act, can be found in the permanent record of this meeting.) He suggested the Metro legislative committee and Metro Council take a close look at

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the bill. It is nearly \$4 billion more than the 2000 fiscal funding, and 2.5 billion more than the President requested. That was due, in part, to the \$1.2 billion for CARA-like programs.

Mr. Riggs commented on why the act appeared and passed, yet the CARA bill had not yet passed. Congress did not like to pass bills that permanently enacted spending programs. The appropriators, especially, were very reluctant to lose control of spending packages. CARA would have been essentially an entitlement program the Congress and Appropriations Committee would have had very little control or routine oversight of for approximately the next 15 years. They could have passed the bill, reversed course at any point in time, held hearings and mark ups, and decided to rescind or adjust funding. There were provisions in the CARA agreement that was reached in the Senate Energy and Natural Resources Committee that would have allowed them to do that. However, the appropriators were very adamant about retaining control of the funding. Norm Dix, a Democrat from Washington State, led the charge to have something like this inserted in the Interior Appropriations Act. Therefore, it existed.

Mr. Riggs referred to a number of programs on a chart on a second handout. It outlined some of the various titles and areas. (A copy of this chart can be found in the permanent record of this meeting.) They would have to discuss these programs in significantly more detail on a future date and time, to determine which of the categories would be most hopeful for Metro programs. Regardless, it was a significant amount of money. He referred to the documents. There were plenty of opportunities to work with the Metro staff, lobby the federal government for financial support and determine whether any of the Metro Regional Parks and Greenspaces programs, or other Metro programs, fit any of the required categories.

Mr. Riggs said Nancy (Chase) and Charlie (Ciecko) heard a rumor that CARA might still be alive. It was impossible to say never considering the current crazy election cycle. The situation was unpredictable. There could be additional information. He proposed to return before the committee within a week or two with more details. Last week, the delegation in Washington D.C. was pleased the Interior Appropriations Bill passed because it was a concrete guarantee, although they were disappointed the overall CARA did not pass. But, realistically, it would have been difficult to pass something of the CARA's magnitude in any year.

Mr. Riggs referred to a third document: *FY2001: Transportation Appropriations*. (A copy of this document can be found in the permanent record of this meeting.) Most of the programs that Metro asked for were funded fairly adequately, with the exception of Interstate Max (I-MAX). Essentially, the message he received from the congressional delegation from the committee was that the Portland region received plenty of funding when other Senators (that are no longer on the committee) were the committee chairmen. The region got more than its share. It was time for other cities and areas to get more funding. He had not yet talked to Andy Cotugno, Metro Planning Director, or others involved in the program. But obviously, \$7.5 million was less than \$35 million or \$40 million. He was not certain what it meant for I-MAX. However, it was appropriated money and better than no funding. They might have to go back to the drawing board and reevaluate how to successfully explain and justify funding for I-MAX. It might also be a good idea to spend more time next year talking with the members of the appropriations committee, not just members of the congressional delegation.

Chair McLain noted the \$7.5 million and the environmental study portion of the project.

Mr. Cooper said he thought Metro was beyond that phase.

Chair McLain asked if the funding would help Tri-Met start building the project.

Mr. Cooper said Tri-Met might be ordering some equipment, doing some advanced engineering and checking the specifications. The \$7.5 million may be enough funding to get the ball rolling.

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However, it could not proceed too far until the region secured more funding. The question of when Portland could contribute its money and whether they faced any realistic legal challenges to their adoption of the urban development agreements they have for the tax increment financing may cause delays. Those factors may make I-MAX more of a timing issue than anything else. He suggested Councilor McLain request a full report from Mr. Cotugno. He offered to help facilitate that.

Chair McLain said she would talk to Rod (Monroe, Chair of the Metro Transportation Planning Committee) and address the issue and make that request of Mr. Cotugno at the committee level. She asked when the I-MAX funding decision occurred.

Mr. Riggs said the appropriations committee reached the agreement on October 3, 2000. The press release appeared on October 6, 2000. He received a copy of it yesterday afternoon. He did not see anything in the newspaper but it was significant.

Mr. Cooper read something in the news media from Fred Hansen (General Manager – Tri-Met) that announced they planned to order more light rail cars and start the project. They were happy. However, it would be helpful to brief the Metro Council regarding exactly what happened.

Councilor Atherton asked how common it was to start a project, finish the preliminary engineering and have the land use questions jumbled with no clear contract to move forward. Instead, everyone was in limbo. He asked what Metro should do about that.

Mr. Riggs said the appropriations committee did provide some funding. If they wanted to kill the project they would have done so. They sent a political message to the Portland region that it received a lot of money in the past. He anticipated that, in the end, the federal funding promised by the Federal Highway Transportation Administration or the rail authorities from the Department of Transportation (DOT) would be granted and would satisfy the Appropriations Committee and Congress. In the Congressional House the funding request was cut from \$40 million to \$5 million. There were members of the Appropriations Committee from Minnesota. Currently, they wanted to pursue a Minnesota light rail project that was not requested by the DOT. Funding for that project came from the same federal pot of money used to fund I-MAX. They also had to consider proposed light rail projects in Seattle, San Antonio and elsewhere across the nation. All were competing for limited funding from the same pot of money.

Councilor Atherton said that was what concerned him. Exactly what was the political message? Was it clear or mixed? Did the construction have to be funded locally?

Mr. Riggs did not think so. Instead, I-MAX was caught in a series of issues, including the fact that the region did not have a contract signed by the time the House acted in June 2000. That was their excuse. Perhaps a contract would have resulted in more funding. He did not think the Appropriations Committee rejected the I-MAX project. But maybe the message was it was time Portland did not get everything they asked for the first year. Maybe next year, when the Portland region goes back before the Appropriations Committee they will have better luck. That is what he would look into.

Councilor Atherton said the appropriations committee was stringing the region along.

Chair McLain said Jeff Stone's team was creating a resolution that would dedicate the principles for the approaching legislative session. The Legislative Committee would want to review it at a future meeting date. There might be some agenda or exhibit amendments that would be changed after the election. The agency would want to put forward a principle representing the region's vision or foundation.

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Mr. Cooper said he knew no reason why her scheduling expectations would not be met. Mr. Stone, Bruce Warner and Nancy were putting it all together.

Chair McLain said it was important for the region to be ready to go after the election. Mr. Stone showed her a rough draft. She wanted to see it forwarded as soon as possible. If there was any reason to hold it back she wanted to know what it was.

ADJOURN

There being no further business before the committee, **Chair McLain** adjourned the meeting at 5:23 p.m.

Respectfully submitted,

Andy Flinn
Council Assistant

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF OCTOBER 10, 2000

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

Document Number	Document Date	Document Description	TO/FROM
101000Leg-01	10/10/00	Proposed Ordinance No. 00-860 Regarding Committees/MCCI	Committee/Cooper
101000Leg-02	10/04/00	Proposed Amendments to Draft Ordinance 00-860	Committee/Morrissey
101000Leg-03	10/10/00	FY2001 Interior Appropriations Act: Conference Report 106-914	Committee/Riggs
101000Leg-04	10/10/00	Regional Federal Programs Chart	Committee/Riggs
101000Leg-05	10/10/00	FY2001: Transportation Appropriations	Committee/Riggs