

**MINUTES OF THE METRO COUNCIL
STATE & FEDERAL LEGISLATIVE AGENDA COMMITTEE MEETING**
Tuesday, November 28, 2000
Council Chamber

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

Also Present:

Members Absent: Bill Atherton

Chair McLain called the meeting to order at 4:05 p.m.

CALL TO ORDER AND ROLL CALL

1. CONSIDERATION OF THE MINUTES OF THE NOVEMBER 14, 2000 METRO COUNCIL STATE & FEDERAL LEGISLATIVE AGENDA COMMITTEE MEETING

Motion:	Councilor Park moved to approve the minutes of the November 14, 2000 State & Federal Legislative Agenda Committee meeting.
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Vote:	Councilors Park and McLain voted aye. The vote was 2/0 in favor and the motion carried.
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2. RESOLUTION NO. 00-2997, FOR THE PURPOSE OF ADOPTING THE METRO 2000-2001 OREGON STATE & FEDERAL LEGISLATIVE PRINCIPLES AND PRIORITIES.

Michael Morrissey, Metro Senior Council Analyst, referred to the materials in the meeting packet, which contained some revisions. Resolution No. 00-2997 approved Metro's legislative principles and priorities. Then, the Committee could add to or modify them when they were ready, possibly after January 1, 2001.

Chair McLain asked if the *General Principles Guiding Metro Representatives (Revised: November 28, 2000)* document in the meeting packet was what the Committee reviewed and revised at the last meeting.

Mr. Morrissey said yes. The document in today's meeting packet, with strikeouts and underlined sections added, reflected those revisions.

Councilor Park referred to the Transportation section of the document. He asked Mr. Morrissey to explain "Sufficient funding is an important goal if the region is able to meet the needs imposed by growth."

Mr. Morrissey said the language reflected what the Council approved during the last session or the session before. There was a real push by Metro to join and seek "increased" funding or at least highlight that principle. It did not seem appropriate during the current session. Therefore, he changed the word "increased" to "sufficient." It identified funding was still important for Metro to realize many of its needs.

Councilor Park questioned whether the Committee and Council should identify the needs as "imposed by growth." Some would want to do so. Others would not.

Chair McLain suggested changing the sentence to read: "Sufficient funding is an important goal in the region for appropriate and adequate infrastructure." "Appropriate" and "adequate" would not require a legal definition. Instead, the general principles document would provide a general overview. That might solve both the language requirements of the sentence and Councilor Park's concerns.

Councilor Park said that was correct.

Mr. Morrissey agreed.

Jeff Stone, Metro Chief of Staff, referred to the *2001 Legislative Priorities (November 2000)* document in the meeting packet. He mentioned the last Committee meeting and several revisions suggested by the Committee regarding the language and order in which items appeared within each of the categories of the document. He incorporated those revisions in the new document. He said **Nancy Goss Duran**, Metro Executive Analyst, told him Metro had not had a “sustain policy and funding” component for freight mobility. In the past, that had not been identified. However, the Committee might want to think about that, possibly with new language. The Committee might also want to strike freight mobility and include it with the other principles that would guide the representatives. Ms. Duran believed, and he agreed, that the language that described the items below freight mobility might not match up exactly.

Mr. Stone said otherwise, the land-use and growth management sections were reordered and made sense, in terms of Metro's priorities. He mentioned the proactive legislation portion and items that the Metro Regional Environmental Management department was developing regarding scrap tire management that might have some possibilities. The Metro lobbyist was talking to SOLV (Stop Litter and Vandalism) and others to try to establish support in the Oregon Legislature. He and the Metro staff were working on the project. However, it was not ready to be presented to the Committee yet. However, they would present it to the Committee as soon as possible.

Chair McLain, as part of JPACT (Joint Policy Advisory Committee on Transportation), believed she often talked about freight mobility. The JPACT was also very conscious to ensure it was a mix of the infrastructure the group was supporting and sustaining. She did not see a problem with the language. However, if it was offensive to some, she wanted to know why and fix the problem.

Ms. Duran did not consider it offensive at all. However, it was more relevant to the sentence the Committee just rewrote regarding sufficient funding, as opposed to funding that currently existed.

Chair McLain asked if she thought it made more sense with the introduction.

Ms. Duran suggested it be reworded to somehow indicate that sufficient funding would be preferable to funding that currently existed. It was a way to deal with the issue of transportation funding.

Chair McLain offered to add the word “sufficient” before the words “funding components.” It should solve the deficiency if the sentence read: “Preserve and sustain policy and sufficient funding components.”

Ms. Duran said that would make more sense.

Mr. Morrissey said it sounded awkward. The staff would work on the language and satisfy everyone. He did not know what the solution was but the staff could fix the language so that it would be clear.

Chair McLain said she expected to see the sentence mentioned above in the language until the staff presented her with alternative language. There would not be a Committee meeting in December. Therefore, she wanted to finish things today. If he had any ideas, she wanted to hear them. She did not see anything wrong with the content of the sentence. She suggested adding “...for the transportation system.” to the end of the sentence.

Councilor Park asked if to preserve and to sustain were the same.

Chair McLain drew a distinction. There was the preservation of existing infrastructure that usually dealt more with maintenance. Sustainability involved more than just maintenance. It also involved the functionality of the system. Therefore, Metro would possibly be dealing with new system components. Regardless, it would involve more than just maintenance.

Councilor Park asked if she deleted “...that currently exists...”

Chair McLain said yes.

Mr. Stone said if the Committee approved the resolution the staff would show both councilors present and Councilor Atherton (who was absent) what the final language of the sentence would look like.

Chair McLain said the Committee could approve the resolution with the understanding that there would be a final review by individual Committee members.

Councilor Park said the Committee had not planned to adopt the resolution until Council action in January 2001. There would be plenty of time for adjustments.

Chair McLain said the Committee, however, was starting to communicate with representatives in the Oregon Legislature. Doug Riggs, Pac/West Communications, needed the Committee and Metro Council to act as soon as possible. She asked Presiding Officer Bragdon to ensure that the resolution was the first item considered on the first Metro Council meeting agenda in January 2001. That way, Metro could distribute the information and articulate their official positions on the issues as soon as possible.

Motion:	Councilor Park moved to recommend Council adoption of Resolution No. 00-2997.
Vote:	Councilors Park and McLain voted aye. The vote was 2/0 in favor and the motion carried.

Chair McLain assigned herself to carry the resolution to the Council.

3. UPDATE – LEGISLATIVE ISSUES

Dan Cooper, Metro General Counsel, wanted to discuss Measure 7, which would be timely. There was movement on several fronts. Audrey McCall filed a challenge to the validity of the measure in Marion County Circuit Court. He would report the details as soon as possible. The challenge would concern the validity of Measure 7 itself. If the challenge were successful, the measure would not take effect. If it did take effect it would be rescinded. He addressed the legislative front and said the Miller-Nash law firm advertised a conference in *The Oregonian*. They scheduled it on December 6, 2000. The partners had a legislative perspective. It could become a forum for proposal of legislative referrals of a different measure, in the same manner measure 47 became Measure 50 by the 1997 Oregon Legislature. The conference planned to discuss that possibility. The Committee/Metro Council would want a seat at that table to help shape that project. The Committee/Council needed to at least pay attention to that process. It was possible that could happen. It could be harder to achieve in the Oregon Legislature because there was much less agreement regarding what Measure 7 was intended to do and the voters' intent. It would be tough to recapture that intent with a well-crafted measure and replacing a measure as poorly drafted as Measure 7. If there were proposals actively being considered in the Oregon Legislature regarding Measure 7, the Council would want to take a position and have it represented, whatever the position.

Chair McLain asked what the law firm's policy position was.

Mr. Cooper said they were a law firm with clients and had at least one partner who was a member of the Oregon Legislature who might be playing a role in the Measure 7 process. He was not sure how that would all play out. Metro legal staff was not sure what the law firm's motivation was.

Chair McLain said either the Metro legislative or legal team needed to determine that.

Mr. Cooper agreed.

Chair McLain was not sure if Metro should be involved. It depended on the law firm's motives.

Mr. Cooper did not consider it the ongoing forum for further discussions. The Oregon Legislature planned to meet soon. That was the venue at which the Measure 7 discussion would occur.

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Chair McLain said she would want to have a conversation regarding this issue with Councilor Park and Mr. Cooper at the next MPAC (Metro Policy Advisory Committee) meeting. The local jurisdictions that had direct responsibility to Metro's guiding principles and some of the agency's functional plan requirements. They were the people Metro had the most responsibility to. Metro tried to support the local jurisdictions and asked them to support the agency's regional proposals and plans. Therefore, it was important for Metro to develop a position on Measure 7. She believed the partners Metro would be most interested in position itself with would be the local jurisdictions. She was not sure how much of the pertinent information the staff and Metro councilors shared. There should be some opportunity for councilors to talk together to develop a Metro Council position before any councilors take anything to MPAC that would start the ball rolling. She also assumed the councilors would want to know where their peers agreed with them regarding the policy position on Measure 7.

Councilor Park was still trying to determine what were the best questions to ask and had not yet taken a position on Measure 7. However, he preferred the arrangement prior to passage of Measure 7.

Mr. Cooper said during the next few weeks there would be significant steps that would help start phrase the questions regarding how Metro should proceed to address Measure 7. The Oregon Attorney General's Office planned to issue an opinion that would answer the questions posed by Governor Kitzhaber's Office. That would provide some significant framework of the issues and how Metro should develop its questions. He planned to provide the councilors a copy of that opinion as soon as possible.

Mr. Cooper said he was questioning in the court proceedings whether the judge would be asked to, and would he, approve a stay that would put Measure 7 on hold pending the legal decisions or whether it would be permitted to take effect with the legal decisions following. That would be significant for everyone involved in the issue. It was a big difference to consider and created two different postures. The legal staff would know that in approximately one week. Then, to determine what, if anything, was proceeding through the legislature was another factor Metro should consider. The reaction of all the local jurisdictions, as well as industry groups and the entire gamut of public, citizen and other interests, was something Metro would want to monitor.

Chair McLain agreed with Councilor Park. She also preferred the arrangement prior to passage of Measure 7. The Miller-Nash strategy sessions showed here that there were interests that were being proactive. Therefore, Metro should be cautious and determine those two important elements to develop a framework to discuss Measure 7 issues. However, it was important to be proactive and provide leadership, when appropriate.

Michael Morrissey said two opportunities to have at least a preliminary discussion were MPAC on November 29, 2000, where someone planned to announce Metro's panel discussion at the Council meeting on December 7, 2000. There might be some MPAC members and local planners at the Council meeting. He mentioned the panelists that might be able to comment on a possible federal nexus.

Chair McLain asked if Metro sent invitations.

Mr. Morrissey said he believed Beth Anne Steele, Metro Public Outreach Coordinator, was creating a notice for the MPAC members and local planners.

Chair McLain said it was important to also invite local elected representatives not just MPAC members. The MPAC representatives did not always represent local councils and commissions.

Councilor Park asked if the sponsors of Measure 7 had indicated what they intended or did not intend the measure to address. He saw news reports but not an official document, which would provide Metro with a starting point to fix some problems. He did not think they meant to include some things in the taking section.

Mr. Cooper said one of the problems when attempting to determine the meaning of Measure 7 was the fact that the measure had multiple sponsors/parents. The leading drafter and lead petitioner/sponsor was Becky Miller of Oregon Taxpayers United. The signature gathering and campaign for the measure was led by Oregonians In Action. Therefore, the people who wrote it were not the same people who got it passed. Thus, there was a question of authority regarding who determined the intent of Measure 7.

Chair McLain hoped today would be the last meeting of the year. She did not plan a meeting on December 12, 2000, unless necessary. The Committee could schedule a special meeting next week.

COUNCILOR COMMUNICATIONS

None.

ADJOURN

There being no further business before the committee, **Chair McLain** adjourned the meeting at 4:37 p.m.

Respectfully submitted,

Andy Flinn
Council Assistant

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF NOVEMBER 28, 2000

There were no attachments for this meeting.