



METRO

Agenda

MEETING: METRO COUNCIL
DATE: October 4, 2007
DAY: Thursday
TIME: 2:00 PM
PLACE: Oregon Zoo – Education Classroom 1 & 2

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. CONSENT AGENDA

3.1 Consideration of Minutes for the September 27, 2007 Metro Council Regular Meeting.

4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 07-1163**, Amending Metro Code Chapter 2.19 to Establish the Nature in Neighborhoods Capital Grants Review Committee, and Declaring an Emergency.

4.2 **Ordinance No. 07-1164**, Amending Metro Code Sections 2.01.010 and 2.20.030 and Repealing Metro Code Section 2.01.200 to Require Metro's Chief Operating Officer to Prepare and Submit the Metro Budget.

5. RESOLUTIONS

5.1 **Resolution No. 07-3871**, For the Purpose of Declaring a Vacancy in the Office of Metro Councilor For Council District No. 2. Newman

5.2 **Resolution No. 07-3872**, Amending the 2007 Council Organizing Resolution and Council Project Resolution Nos. 06-3666 and 07-3815. Newman

6. CHIEF OPERATING OFFICER COMMUNICATION

7. COUNCILOR COMMUNICATION

ADJOURN

Agenda Item Number 3.1

Consideration of the Minutes of September 27, 2007 Metro Council
Regular Meeting

Consent Agenda

Metro Council Meeting
Thursday, October 4, 2007
Oregon Zoo Education Classroom

Agenda Item Number 4.1

Ordinance No. 07-1163, Amending Metro Code Chapter 2.19
to Establish the Nature in Neighborhoods Capital Grants Review
Committee; and Declaring an Emergency.

First Reading

Metro Council Meeting
Thursday, October 4, 2007
Oregon Zoo Education Classroom

BEFORE THE METRO COUNCIL

AMENDING METRO CODE CHAPTER 2.19 TO) ORDINANCE NO. 07-1163
ESTABLISH THE NATURE IN)
NEIGHBORHOODS CAPITAL GRANTS REVIEW) Introduced by Chief Operating Officer
COMMITTEE, AND DECLARING AN) Michael J. Jordan, with the concurrence of
EMERGENCY) Council President David Bragdon

WHEREAS, Metro Resolution No. 06-3672B, “For the Purpose of Submitting to the Voters of the Metro Area A General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection,” was approved by the Metro Council on March 9, 2006.

WHEREAS, at the election held on November 7, 2006, the voters approved Measure 26-80, the Natural Areas Bond Measure; and

WHEREAS, the Measure, in addition to providing funds for regional and local share programs dedicated to the acquisition of natural areas from willing sellers, provided for \$15 million to fund a Nature in Neighborhoods Capital Grants Program (the “Capital Grants Program”), intended to increase natural features and the ecological function and water quality of public lands in neighborhoods; and

WHEREAS, the Measure provided for the creation of a grant review committee composed of no fewer than seven members to review grant applications and make grant award recommendations to the Metro Council; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Chapter 2.19 shall be amended to add the following text as new Code Section 2.19.230:

2.19.230 Nature in Neighborhoods Capital Grants Review Committee

(a) Purpose and Authority. The purpose and authority of the Nature in Neighborhoods Capital Grants Review Committee (the “Grants Review Committee” or “Committee”) is to review all grant applications provided to the Committee by Metro staff, to make site visits, when appropriate, to the locations where prospective projects will occur, to score applications according to specific criteria, and to make grant award recommendations to the Metro Council. The Committee may also make recommendations to the Metro Council and Metro staff regarding the grant application, review, and award process in order to achieve the grant program’s goals in the most effective and efficient manner reasonably possible.

(b) Membership. The Grants Review Committee shall be composed of no fewer than seven and no more than 11 members, all appointed by the Metro Council President subject to Council confirmation. The Council President shall designate one (1) member of the Committee to serve as Chair. Except for Committee members whose positions are not term-limited, as indicated below, Committee members initially appointed to serve one (1) year terms may each be reappointed for up to two (2) additional terms as provided in Metro Code Section 2.19.020. The Committee shall be comprised as follows, with initial terms as indicated:

Background	Number of Members	Initial Terms
Metro Councilor(s)	1 to 3	Two years, not subject to term limits
Metro Natural Resource Staff	1	Two years, not subject to term limits
Water Quality Specialists	2	One for one year term; one for two year term
Fish and Wildlife Specialist	1	One year term
Community Representatives	2 to 4	Half or 2/3 for two year terms; others for one year terms.

(c) Meetings. The Grants Review Committee shall meet no fewer than two times per year.

Section 2. This Ordinance being necessary to better serve the public and to work more effectively and efficiently with communities of interest of the Metro Area to implement the Nature in Neighborhoods Capital Grants Program, an emergency is declared to exist, and this Ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1).

ADOPTED by the Metro Council this _____ day of _____, 2007.

David Bragdon, Council President

ATTEST:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 07-1163, AMENDING METRO CODE CHAPTER 2.19 TO ESTABLISH THE NATURE IN NEIGHBORHOODS CAPITAL GRANTS REVIEW COMMITTEE, AND DECLARING AN EMERGENCY

Date: October 4, 2007

Prepared by: Jim Desmond
Kathleen Brennan-Hunter

BACKGROUND

The Natural Areas Bond Measure provides \$15 million for a Nature in Neighborhoods Capital Grants Program to provide local organizations and public entities with additional funds for land acquisition and projects that protect and enhance natural resources in the urban environment.

Resolution 06-3672B, "For the Purpose of Submitting to the Voters of the Metro Area A General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection," states that a grant review committee will review applications that Metro staff has screened and will make a recommendation for funding to the Metro Council. The Metro Council will award all grants under this program.

This Ordinance establishes the committee, its terms of service and its members, and describes the purpose and authority of the committee.

ANALYSIS/INFORMATION

1. Known Opposition: None.

2. Legal Antecedents:

Metro Resolution No. 06-3672B, approved by the Metro Council on March 9, 2006.

Metro Code Chapter 2.19, "Metro Advisory Committees," providing generally applicable rules for the creation of committees providing advice to the Metro Council and appointment of members to such committees.

This Ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1).

3. Anticipated Effects:

By approving Ordinance No. 07-1163, the Metro Council will meet the requirements of the Natural Areas Bond Measure as directed by the region's voters in November 2006. This Committee is required by the Resolution 06-3672B and will be most effective if it begins work immediately, and for that reason an emergency is declared to exist and this Ordinance will become effective immediately upon adoption.

4. Budget Impacts:

Budget impacts should be limited to staffing of the committee meetings (estimated to be held 1-2 times annually) and producing project summary reports on each full grant proposal received. Metro Parks and Greenspaces staff will assist the Committee on administrative and technical matters as needed.

5. Outstanding Questions: None

RECOMMENDED ACTION

Staff recommends adoption of Ordinance No. 07-1163.

Ordinance No. 07-1164, Amending Metro Code Sections 2.01.010 and 2.20.030 and Repealing Metro Code Section 2.01.200 to Require Metro's Chief Operating Officer to Prepare and Submit the Metro Budget.

First Reading

Metro Council Meeting
Thursday, October 4, 2007
Oregon Zoo Education Classroom

BEFORE THE METRO COUNCIL

AMENDING METRO CODE SECTIONS)	Ordinance No. 07-1164
2.01.010 AND 2.20.030 AND REPEALING)	
METRO CODE SECTION 2.01.200 TO)	Introduced by Michael Jordan, Chief
REQUIRE METRO'S CHIEF OPERATING)	Operating Officer, with the concurrence of
OFFICER TO PREPARE AND SUBMIT THE)	David Bragdon, Council President
METRO BUDGET)	

WHEREAS, Metro Code Section 2.01.010 requires the Metro Council President to serve as the district budget officer and to submit the budget to the Council; and

WHEREAS, Metro Code Section 2.01.200 requires the Metro Council President to submit the proposed budget not later than April 15th of each year; and

WHEREAS, pursuant to Metro Code 2.20.030, the Chief Operating Officer is responsible for the proper administration of all affairs of Metro, including the administration of financial matters; and

WHEREAS, it is appropriate to delegate to the Chief Operating Officer the full authority to carry out his duties as Metro's chief administrative officer; and

WHEREAS, the Metro Council desires to delegate to the Chief Operating Office the authority to develop and submit the proposed budget to the Metro Council, together with a message describing its features; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. Metro Code section 2.01.010 is amended as follows:

(a) Council President. The Council President is elected by the voters of the region as provided for in the Charter. The Council President has the power and duties described in the Charter.

(b) The Council shall, at its first meeting after the first Monday in January of each year, elect one Councilor to serve as its Deputy for the ensuing year. The affirmative vote of the majority of the Council is required to elect the Deputy. The Council may also adopt a resolution establishing such committees as the Council deems necessary for the orderly conduct of Council business. Committee members and committee chairs shall be appointed by the Council President subject to confirmation by the Council by resolution.

(c) The Council President will preside at all meetings of the Council and will preserve order and decorum. The Council President is authorized to sign all documents memorializing Council's action on behalf of the Council. The Council President will have a vote on each matter before the Council, but will not make motions unless first relinquishing the position of Council President for the purpose of making such motion.

(d) The Deputy shall be the acting Council President in the temporary absence or incapacity of the Council President, and will have the authority and perform the duties of the Council President but shall not receive the salary of the Council President. In the event a vacancy exists in the office of the Council President, the Deputy shall serve as the Acting Council President until a new Council President is elected or appointed pursuant to Metro Code Chapter 9.01. The Acting Council President shall not receive the salary of the Council President.

(e) In the absence or incapacity of the Council President and the Deputy, the Council President may designate a Councilor to act as the Temporary Council President.

~~(f) The Council President shall serve as the district budget officer and shall submit the budget to the Council, together with a message describing the important features of the proposed budget.~~

SECTION 2. Metro Code section 2.01.200 is repealed.

SECTION 3. Metro Code section 2.20.030 is amended as follows:

2.20.030 Power and Duties of the Chief Operating Officer

The Chief Operating Officer shall be the chief administrative officer of Metro, may head one or more departments, and shall be responsible to the Metro Council for the proper administration of all affairs of Metro. To that end, except as otherwise provided by Charter or ordinance, the Chief Operating Officer shall have the power and shall be required to:

(a) Appoint, supervise, discipline, or remove all officers and employees of Metro. The Chief Operating Officer may authorize the head of a department or office to appoint, supervise, discipline, or remove subordinates in such department or office.

~~(b) On behalf of the Council President, prepare the budget annually under the direction of the Council and be responsible for its administration after adoption.~~

(b) Serve as the district budget officer and accordingly prepare and submit to the Council a proposed annual budget, together with a message describing the important features of the proposed budget, and be responsible for the administration of the budget after its adoption by the Council.

(c) Prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of Metro for the preceding year.

(d) Keep the Metro Council advised of the financial condition and future needs of Metro, and make such recommendations as may be deemed desirable.

(e) Consolidate or combine offices, positions, departments, or units under the Chief Operating Officer's jurisdiction, with the approval of the Metro Council. The Chief Operating Officer may be the head of one or more departments.

(f) Devote full time to the discharge of all official duties.

(g) Perform such other duties as may be required by the Council, not inconsistent with Metro Charter, law, or Ordinances.

ADOPTED by the Metro Council this __ day of _____, 2007.

David Bragdon, Council President

Attest:

Approved as to form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO.07-1164, AMENDING METRO CODE SECTIONS 2.01.010 AND 2.20.030 AND REPEALING METRO CODE SECTION 2.01.200 TO REQUIRE METRO'S CHIEF OPERATING OFFICER TO PREPARE AND SUBMIT THE METRO BUDGET

Date: September 24, 2007

Prepared by: Williams Stringer, Chief Financial Officer

BACKGROUND

Oregon budget law requires:

294.331 Budget officer. The governing body of each municipal corporation shall, unless otherwise provided by county or city charter, designate one person to serve as budget officer. The budget officer, or the person or department designated by charter and acting as budget officer, shall prepare or supervise the preparation of the budget document. The budget officer shall act under the direction of the executive officer of the municipal corporation, or where no executive officer exists, under the direction of the governing body. [1963 c.576 §5]

Metro Code 2.01.010 currently assigns the duty of budget officer to the President of the Metro Council.

ANALYSIS/INFORMATION

In discussions with the Council about the effectiveness of the budget process, the budget calendar, and the respective roles of the President and the Councilors, the Council has indicated its interest in assigning the legal function of budget officer to the Chief Administrative Officer. The proposed ordinance amends Metro Code to implement this directive. Further, it removes any reference to a specific date by which the proposed budget is issued. This date may vary from year to year, depending on what changes to the budget process and budget calendar are desired by the Council, but state and local deadlines are relatively prescriptive.

The Chief Operating Officer discussed a conceptual budget process with Council on September 17, 2007, that provides a series of discussions with the Council about program priorities prior to the issuing of a proposed budget.

- 1. Known Opposition:** None known.
- 2. Legal Antecedents:** ORS 294.331 (state budget law, designation of budget officer); Metro Code 1.01.003 (Code Revisions);

- 3. Anticipated Effects:** The proposed Code amendment meets the legal requirements for designation of budget officer. The conceptual budget process allows more opportunities for the Council to discuss its priorities and provide direction prior to the completion of a proposed budget.
- 4. Budget Impacts:** There is no financial impact to changing the designation of budget officer.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this Ordinance.

Agenda Item Number 5.1

Resolution No. 07-3871, For the Purpose of Declaring a
Vacancy in the Office of the Metro Councilor for Council District 2.

Metro Council Meeting
Thursday, October 4, 2007
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DECLARING A) RESOLUTION NO. 07-3871
VACANCY IN THE OFFICE OF METRO)
COUNCILOR FOR COUNCIL DISTRICT NO. 2)
) Introduced by Council President David
) Bragdon

WHEREAS, BRIAN M. NEWMAN was elected to the Office of Metro Councilor for Council District No. 2 at the November 7, 2006 General Election for a four-year term, commencing on January 1, 2007 through January 2, 2011;

WHEREAS, BRIAN M. NEWMAN has tendered his resignation as Metro Councilor for Council District No. 2 to the Metro Council President effective October 6, 2007 at 12:00 p.m. pursuant to his letter to the Metro Council President dated September 11, 2007, attached hereto as Exhibit A;

WHEREAS, Metro Code Section 9.01.050 provides that the vacancy in office shall be filled by the making of an appointment by a majority of the remaining members of the Metro Council for a term ending on the first Monday in January 2009;

WHEREAS, pursuant to the Metro Charter and state law, the remaining two years of the original four-year term shall be filled by election at the primary election to be held in May 20, 2008; and

WHEREAS, Metro Code Section 9.01.060 provides for the procedures to be followed by the Metro Council in making Metro Council appointments; now therefore

BE IT RESOLVED:

1. That the Metro Council declares that a vacancy exists in the Office of Metro Councilor for Council District No. 2, as provided for in Metro Code Section 9.01.030;
2. That the Metro Council President David Bragdon shall commence the appointment process for filling the vacancy as provided in Metro Code Section 9.01.050; and
3. That the remainder of the term of the Office of Metro Councilor for Council District No. 2 through January 2, 2011 shall be filled by election at the regular primary election to be held on May 20, 2008 and at the general election to be held November 4, 2008, if required by law.

ADOPTED by the Metro Council this _____ day of _____ 2007.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney



METRO

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1887 | FAX 503 797 1793

Councilor Brian Newman

September 11, 2007

Council President David L. Bragdon
Metro Council
600 NE Grand Ave
Portland, OR 97232

Dear President Bragdon:

As you know, I have accepted the position of Director of Campus Planning and Development at Oregon Health and Science University.

I hereby resign my position representing district 2 on the Metro Council effective October 6, 2007 at 12 noon.

I have enjoyed my time working with you and the other councilors and I wish you all the best in your future endeavors.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian M. Newman", with a long horizontal flourish extending to the right.

Brian M. Newman
Metro Councilor, District 2

cc Christine Billington, Clerk of the Council
Daniel B. Cooper, Metro Attorney

Agenda Item Number 5.2

Resolution No. 07-3872, Amending the 2007 Council Organizing
Resolution and Council Project Resolution Nos. 06-3666 and 07-3815

Metro Council Meeting
Thursday, October 4, 2007
Oregon Zoo Education Classroom

BEFORE THE METRO COUNCIL

AMENDING THE 2007 COUNCIL ORGANIZING) RESOLUTION NO. 07-3872
RESOLUTION AND COUNCIL PROJECT)
RESOLUTION NOS. 06-3666 AND 07-3815.) Introduced by Council President
) David Bragdon

WHEREAS, the Metro Charter directs the Council to adopt an annual organizing resolution for the orderly conduct of Council business, Resolution No. 07-3749, For the Purpose of Reorganizing the Metro Council for 2007 adopted on January 4, 2007; and

WHEREAS, the Metro Charter provides that the Council President nominates and the Metro Council confirms the Deputy President and all members of committees, commissions and boards; and

WHEREAS, the Metro Council, has designated by resolution specific councilors to play lead and/or liaison roles on council policymaking projects; and

WHEREAS, the resignation of Metro Councilor Brian Newman requires that the organizing resolution be amended and new lead councilors be appointed to certain policymaking projects; now therefore

BE IT RESOLVED:

1. Councilor Hosticka will replace Councilor Newman as a delegate to the Metro Policy Advisory Committee.
2. Councilor Liberty will replace Councilor Newman as a member of the Joint Policy Advisory Committee on Transportation.
3. Councilor Burkholder will serve as chair of the Transit Alternatives Analysis Steering Committee and Councilor Newman is removed as co-chair.
4. Councilor Liberty will replace Councilor Newman as chair of the South Corridor Project Phase II Steering Committee.
5. Councilor Hosticka will replace Councilor Newman as Lead Councilor to the Nature Friendly Practices Program Council Project designated in resolution 06-3666 adopted February 9, 2006 titled "Designating Council Projects and Confirming Lead Councilors and Council Liaisons for Nature in Neighborhoods and New Look Communications."
6. Council President Bragdon will replace Councilor Newman as Lead Councilor on the Transportation Ballot Measure Council Project designated in resolution 07-3815 adopted May 10, 2007 "For the Purpose of Designating Council Projects and Confirming Lead Councilor and Council Liaisons For The Regional Transportation Funding Project."

ADOPTED by the Metro Council this 4th day of October, 2007.

David Lincoln Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney