

**MINUTES OF THE METRO COUNCIL
GOVERNMENTAL AFFAIRS COMMITTEE**

Thursday, April 25, 2002
Council Chamber

Members Present: Councilor David Bragdon (Chair) and Councilor Rex Burkholder

Members Absent: Councilor Rod Monroe (Vice Chair)

Chair Bragdon called the meeting to order at 10:06 a.m.

1. Consideration of the Minutes

Vote:

Chair Bragdon and Councilor Burkholder voted to adopt the minutes of March 28, 2002, as presented. Councilor Monroe was absent. The vote was 2/0.

2. Resolution No. 02-3180, For the Purpose of Confirming Marilyn Matteson and Brian Williams to the Metro 401(k) Employee Salary Savings Plan Advisory Committee

Nancy Meyer recommended the appointment of Marilyn Matteson and Brian Williams to the Metro 401(k) Employee Salary Savings Plan Advisory Committee. Lydia Neill, Chair of the committee, added that they were both excellent candidates and that Ms. Matteson had done a great job over the past year serving as their education coordinator.

Motion:

Councilor Hosticka moved to recommend Council adoption of Resolution No. 02-3180.

Vote:

Chair Bragdon and Councilor Burkholder voted aye. Councilor Monroe was absent. The vote was 2/0, and the motion passed.

Chair Bragdon will carry the resolution to the full Council.

3. Resolution No. 02-3182, For the Purpose of Appointing John Milliken to the Metro Committee for Citizen Involvement (MCCI)

Cary Stacey recommended the appointment of John Milliken to the Metro Committee for Citizen Involvement in the last seat to be filled in District 5. Councilor Burkholder added that Mr. Milliken had been very active in his community and that he would be a good addition to the committee.

Motion:

Councilor Hosticka moved to recommend Council adoption of Resolution No. 02-3182.

Vote:

Chair Bragdon and Councilor Burkholder voted aye. Councilor Monroe was absent. The vote was 2/0, and the motion passed.

Council Burkholder will carry the resolution to the full Council.

4. Ordinance No. 02-942, For the Purpose of Adding a New Chapter 2.20 to the Metro Code Creating the Office of Chief Operating Officer

Dan Cooper, Metro General Counsel, reviewed the proposed ordinance creating the office of Chief Operating Officer (COO), as recommended by the Transition Advisory Task Force, and responded to questions from the committee. He explained that the process of creating the office of COO began in the summer of 2000 when the Council referred Metro Charter amendments to the voters. The proposed amendments called for the elimination of the Office of Executive Officer and the creation of the Office of Council President, and directed the Council to create the office of COO. The voters approved the amendment, and in the fall of 2001 the Presiding Officer and Executive Officer appointed an advisory task force to advise the Council on the structure of the COO position and how it would relate to the Council. The task force recommended a draft ordinance based on the model ordinance used by the National League of Cities for creation of the position of city manager. Mr. Cooper said that Ordinance 02-942 carried out the recommendations of the task force.

Following is a summary of the committee discussion of some of the sections of Ordinance 02-942.

2.20.20 Appointment and Removal

The committee asked whether “concurrence of the Council” under Section (b) meant a majority of the Council. Mr. Cooper said that there was no requirement for consensus; it was simply a majority vote. Chair Bragdon suggested the following wording change: The Chief Operating Officer serves at the pleasure of the Council and is subject to removal by the Council President with the ~~concurrence~~ resolution of the Council.

Councilor Burkholder asked if there should be a provision wherein a majority or super-majority of the Council, without the Council President, could dismiss the COO. Mr. Cooper said that the Metro Charter precluded this. He pointed out that while there was a prohibition of unilateral action either by the Council President or the rest of the Council, there was an expectation that this position would have to maintain the confidence of the full Council, including the Council President.

Chair Bragdon expressed the concern that the phrase “involve the Council in all aspects of the hiring process” in Section (a) could occupy the Council with too much detail. Mike Burton, Executive Officer, recommended the following wording change: The Council President shall ~~involve the Council in~~ keep the Council informed of all aspects of the hiring process. The committee agreed to the change.

2.20.30 Power and Duties of the Chief Operating Officer

The committee reviewed this section of the ordinance, which delineated the duties of the COO, and discussed whether it was necessary to go into that level of detail in describing the COO's duties. After discussion with Mr. Burton and Mr. Cooper, the committee agreed that the first paragraph and sections (a) through (d), (n) and (o) provided the broad overview of the position appropriate for the resolution. Additional details covered in sections (e) through (m) would be better specified in a contract agreement.

Councilor Burkholder referred to section (b) and said that an important piece of the budget process would be goal setting at the beginning of the process. He suggested changing the wording as follows: Prepare the budget annually under the direction of the Council and submit it to the Metro Council together with a message describing the important features and be responsible for its administration after adoption. Mr. Cooper summarized the discussion by saying that the Council wanted to review and approve overall fiscal policy and the setting of budget assumptions, and that it did not want unilateral action from the COO.

The committee pointed out a correction to section (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 ~~council-~~ Metro for the preceding year.

2.20.40 Council Not to Interfere with Appointments or Removals

Mr. Cooper said that language similar to this section appears in many city charters, and the purpose is to encourage the Council to set directions for the COO and delegate authority to him or her to carry out those directions and be held accountable for results. This section is not required by the Metro Charter but was strongly recommended by the Transition Task Force.

Councilor Burkholder recommend dividing this section into three sub-sections, one dealing with inappropriate interference of Council members in hiring and firing decisions; the second with the management of Council staff; and the third with the Council's authority to direct staff resources.

The committee was concerned that the wording in the first section dealing with hiring and firing decisions was too strong. Although they agreed that the Council should not have the right to require the COO to hire, fire, promote, etc., they felt the wording was too limiting and would preclude such things as providing references and feedback. Mr. Sandrock suggested the following change: Neither the Council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the Chief Operating Officer or any of the Chief Operating Officer's subordinates, ~~or in any manner take part in the appointment or removal of officers and employees in the administrative services of Metro.~~ This deletion would leave in place the prohibition against directing or requesting, but would not prohibit recommending for consideration. The committee agreed to the change.

2.20.60 Bond

Mr. Cooper explained that Metro has an insurance policy that provides protection similar to that afforded by a bond. The one additional function a bond would provide would be a background check of the incoming COO. The committee agreed that a bond was not necessary.

2.20.50 Emergencies

Mr. Cooper explained that this section duplicated Metro's current contract policies for emergency contracts and said that the committee might want to consider in the future whether it wanted more or less authority.

4.1 Discussion of Draft Ordinance Introduced by Dan Cooper

Mr. Cooper indicated that he had prepared a draft ordinance, a copy of which is attached to this meeting record, which amends Chapter 2.08 of the Metro code to create the Office of Metro Attorney and make other amendments related to the adoption of the charter amendments.

There was discussion about Metro representation on committees after the transition, and in particular external committees on which the Executive Officer serves. Mr. Cooper recommended identifying those committees, task forces, etc. where the Executive Officer has traditionally been involved. He also suggested reviewing Metro's Intergovernmental Agreements to determine whether the Metro designee should be the Council President, a member of the Council, or the COO.

Chair Bragdon questioned whether the Metro Committee for Citizen Involvement (MCCI) should report directly to the Council, which implies a greater connection than the Metro charter envisioned. Mr. Cooper said that an ordinance would be brought forward to address this issue.

5. Metro Identification Standards Report

John Donovan, Metro Council Communications Officer, explained that in FY 2001-02 the Metro Council adopted a budget note that called for greater consistency in the identification of Metro and its facilities. Janice Larson, Manager of the Executive Communications team, presented a document entitled "Metro identification standards," a copy of which is attached to this meeting record, and noted that the document served as a policy guide of Metro identification standards. She praised Metro's departments and facilities for their involvement and cooperation in the development of the standards. She noted that a key change was that Metro's service tagline would go beneath every facility logo to avoid confusion. In other instances, such as radio spots and voice mail, a verbal identification would be made. Mr. Donovan added that, although the document provided a lot of detail, it also allowed the flexibility required for unforeseen circumstances.

Chair Bragdon stressed the importance of using every opportunity to advertise the Metro brand, especially in programs that are viewed positively by the public.

The committee recommended setting a timeline for agencies to comply with the new standards. One issue that had to be taken into account was the fact that printed materials exist that would need to be used up before being reprinted. The goal would be to move as quickly as possible without wasting existing material.

Ms. Larson mentioned the need to formalize the new standards and suggested next steps, which might include a letter from the Presiding Officer and Executive Officer and a notice on Metro's intranet. Councilor Burkholder suggested that the standards be brought forward as a resolution. He favored this approach because he felt it would result in better compliance.

6. Councilor Communications

There were no Councilor communications.

There being no further business before the committee, Chair Bragdon adjourned the meeting at 11:25 a.m.

Prepared by,

Claudia Wilton
Council Assistant

ATTACHMENT TO THE PUBLIC RECORD FOR THE MEETING OF APRIL 25, 2002: None

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