

MINUTES OF THE METRO COUNCIL/EXECUTIVE OFFICER INFORMAL MEETING

Tuesday, June 11, 2002
Council Annex

Councilors Present: Carl Hosticka (Presiding Officer), Rex Burkholder, Bill Atherton, Rod Park, David Bragdon, Susan McLain

Councilors Absent: Rod Monroe

Others Present: Mike Burton

Presiding Officer Hosticka convened the Council/Executive Officer Informal Meeting at 2:09 p.m. He noted that Doug Riggs would be joining them later in the meeting.

1. UPCOMING LEGISLATION

Doug Riggs, PacWest lobbyist, briefed the Council on the special session of the Oregon legislature. He said the Governor announced that the session would be this Wednesday, June 12th. There had been a little progress made, some tax recommendations had been proposed. On the Senate side, he was unsure that they had agreed about tax increases. The Governor indicated he was interested in revisiting the trust fund. Both sides seemed to be willing to consider accounting shifts. Mr. Riggs said most school districts needed to have their budgets in place by the end of June. He talked about the next opportunity to increase tobacco tax, which was 6 months because of the printing issues. He gave an overview of what would happen tomorrow. They would be discussing the 800 million dollar shortfall. His sense was that there was more of a feeling of flexibility. Mr. Burton talked about giving up votes. Mr. Riggs said they would like to wrap up this week but if revenues were down in the future, they might have to come back in November. Councilors asked about other issues that might surface such as PERS, farm/labor, local jurisdiction impacts, and System Development Charges (SDCs). Mr. Riggs said there may be a conversation about Public Employee Retirement System and SDCs but he wasn't sure if anything would pass. Councilor Atherton said there was better information on SDCs. Councilor Burkholder asked about construction defect insurance issues. Mr. Riggs said he would look into this.

Mr. Riggs talked about tire recycling and the bottle bill. The Grocery Association did not like the bottle bill as written. There was discussion about changing bottle recycling from grocers to curbside. Presiding Officer Hosticka said he had rewritten the bottle bill, which got as far as committee. If conversation did get that far, he would be happy to provide his draft. Tire recycling had been discussed. Mr. Riggs said he would provide further information, the task force had agreed to limited number of minor proposals. Lastly, he asked the Council to come up with potential issues and priorities for the next session.

John Donovan, Communications Officer, talked about this week's agenda. Councilor McLain said they had moved the riparian corridor resolution (Resolution No. 02-3176) to the July 11th Council agenda. This would allow time for a public hearing. Mr. Donovan announced the Flag Day event.

2. TRANSITION UPDATE

Councilor Bragdon said the intent of this Informal was to address some of the issues that Governmental Affairs Committee was discussing concerning transition. He distributed a copy of the ordinances that were going forward from the committee (a copy of this document is found in the meeting record). He also passed out a timeline addressing these issues (a copy of this document is found in the meeting record). He

spoke to the Request For Proposal (RFP) for the Chief Operating Officer (COO) firm. He reviewed the four ordinances, which included Ordinance No. 02-942, 02-953, 02-954 and 02-955. They included creating the COO position, the Metro attorney position, updating the code to reflect creation of the Council President (CP) position and an ordinance creating code changes. Dan Cooper, Legal Counsel, spoke specifically to the changes.

Councilor Bragdon said the next step would be a resolution authorizing a search for COO and a RFP. He felt that the committee was on track. Presiding Officer Hosticka asked about timing. Councilor Bragdon said they had two more Governmental Affairs Committee meetings this month and final consideration of the ordinances would be at the June 27, 2002 Metro Council meeting. He said the RFP had been drafted and would be ready by July 2002.

Councilor McLain said she liked the way Mr. Cooper described the COO and CP positions. She asked Mr. Cooper what level of detail did the ordinances take. Mr. Cooper responded that the ordinances were the broad picture. The changes made in the ordinances reflected the changes from Executive Officer and Presiding Officer to COO and CP. He suggested that they might want to simplify some of the code and explained why. He said there were some questions as to whether certain responsibilities were the COO or the CP. He thought that over the next six months decisions about personnel, purchasing, contracts, etc. would have to be made. Mr. Cooper said what the Transition Advisory Task Force (TAF) recommended was to not get into too much detail. Councilor McLain said they needed to look at policy versus management issues and which should remain with the COO and which should go to CP and Council. Councilor Bragdon added that some of the issues weren't code related but would need to be worked out at the Council such as outreach, how does the Council President deal with the press when s/he was only one person out of seven. They were trying to make sure the code would accommodate the change. Councilor McLain talked about the specifics of contracts laid out in the code. Councilor Bragdon agreed that the contract issues needed to be looked at.

Mike Burton, Executive Officer, said in the case of contracts, the amount that would be approved by the manager might be limited so that the Council would review contracts with higher amounts. They hadn't looked at the specifics of contracts yet. Mr. Cooper said he felt the starting point was to have the ordinances before Council, look at the changes, and see if they fit for the council. Councilor Burkholder said one of the major issues they talked about was who should be the Budget Officer. They concluded that the manager should do the work but the Council President should be the Budget Officer. Councilor McLain asked about removal of appointments. Councilor Bragdon responded that it would be the job of the manager to hire staff. Presiding Officer Hosticka asked about the council's involvement in hiring the COO. It said what councilors won't do but didn't say what the councilors would do. Councilor Bragdon said he thought it had been very healthy for councilors to be involved in the interview process. In our case the CP had the authority to make the nomination. The Council's involvement was to confirm. Any good president would want to involve the council. The word informed was more appropriate to our code. Presiding Officer Hosticka asked about hiring involvement. Councilor Bragdon said if they were involved in all aspects rather than keeping the Council informed, it might be too much.

Councilor Atherton asked about policy makers getting involved in administration. Mr. Cooper responded that the council would not direct a request of removal of any particular employee. The code allowed for the COO to hire and fire agency staff. Councilor Atherton said access to information was an issue that needed to be clarified. He talked about his experiences in Lake Oswego. Mr. Cooper quoted Mayor Drake who said "the COO should be the gatekeeper and the gate should always be open". The COO was not a barrier to Council but at the same time should be aware of requests for information. Changing a departmental work plan was something that the Council should go through the COO to do.

Councilor Park asked about the Council taking a department directly under the Council. Mr. Cooper responded that you would create a new ordinance to address that issue. Councilor Park asked why that

language shouldn't be in place right now. Mr. Cooper said you don't need to do that now because the charter language was always there. Councilor McLain asked about appointment and removal of the COO. She noted language on page 4 that was problematic. She asked about having conversations with staff. Staff resources assigned to council would report to the COO so there was only one office. Councilor McLain asked about Council staff and did they go through the COO. Mr. Cooper said yes. This was tailored to reflect TAFT's recommendations. Councilor McLain said she had watched some jurisdictions become very weak partly because they had given up their staff and had no resources. Mr. Cooper said there was nothing in the code or in the ordinance that would allow for that. Presiding Officer Hosticka asked if the committee supported this idea. Councilor Bragdon said, in terms of council staffing, that was a conversation the council needed to have. Councilor Park asked for clarification on council staffing. Councilor Bragdon said the way the ordinance was written allowed for councilors to have council staff, be involved in performance evaluations and expectations. Mr. Cooper said the COO would be held accountable for staffing, work plans, etc. Councilor Bragdon said it created accountability for the COO. Councilor McLain said this followed the advice of TAFT, the staff would report to the COO.

Presiding Officer Hosticka asked about Council President powers in Ordinance No. 02-954. Would they have committees of the council? He asked for clarity on Exhibit A of 02-954. Mr. Cooper said the language supported the idea of committees if the council chose. Presiding Officer Hosticka asked about jurisdictional issues. Mr. Cooper said these would be covered in the annual organizing resolution. Councilor McLain said what was nice about that was the opportunity for changing issues. She thought that the opportunity to have Informals, Task Forces, etc was good and was reflected in the ordinance. Council also discussed the title of Deputy.

3. EXECUTIVE OFFICER COMMUNICATIONS

Mr. Burton talked about the Bull Run Task Force. It will meet here at Metro on July 27th. There would be recommendations coming out of the task force that Council would need to pay attention to. Mr. Cooper gave more specifics about the task force and their proposed model of governance. He talked about the alternatives; a PUD, a MERC agency, and a water consortium model. Councilor McLain said the Regional Water Consortium had also talked about this issue. She talked about the fracturing. Michael Morrissey, Council Analyst, said the five options proposed included a regional entity. Presiding Officer Hosticka said a lot of people were trying to get into the water game. There was bound to be cost increases. He didn't think the formation of another regional entity was a good idea. Mr. Burton reminded that this issue had been raised by City of Portland. Were we solving the city's problem or were we solving a regional issue. Councilor McLain said the Water Consortium group was discussing issues such as emergency water. The biggest issue was ownership. Councilor Burkholder reminded that Metro was a coordinating tool. Councilor Atherton added that cost was always an underlying issue.

4. COUNCILOR COMMUNICATIONS

Councilor Park announced individual councilor briefings for periodic review were being planned. Washington County was still pushing for a partial, two-step process. He asked about mediation in King City. Presiding Officer Hosticka said he would brief Councilor Park about King City. Councilor Atherton talked about the Bridgeport issue. Presiding Officer Hosticka suggested that we have staff research this. Mr. Burton talked about the issue more in detail, which dealt with commercial property. Presiding Officer Hosticka suggested investigating the issue further. Mr. Cooper explained the procedures. Mr. Burton indicated that he would direct the staff to find out more details.

Councilor Burkholder said the July 9th Informal would be a MTIP discussion. Ted Leybold, Planning Department, would be talking with each councilor about their ideas before that meeting.

Metro Council/Executive Officer Informal Meeting

06/11/02

Page 4

There being no further business to come before the Metro Council, Presiding Officer Hosticka adjourned the meeting at 3:49 p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JUNE 11, 2002

ITEM #	TOPIC	DOCUMENT DATE	DOCUMENT DESCRIPTION.	DOCUMENT NUMBER
II	TRANSITION	APR-JUN 2002	TAFT RECOMMENDATION SUMMARY AND POSSIBLE TIMELINE	061102CE-01
II	TRANSITION	5/30/02	RFP FOR COO RECRUITMENT AND FOUR ORGANIZING ORDINANCES	061102CE-02