

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

Tuesday, May 28, 2002
Council Chamber

Members Present: Councilor David Bragdon (Chair) and Councilors Rex Burkholder and Rod Monroe (Vice Chair)

Chair Bragdon called the meeting to order at 10:02 a.m.

1. Consideration of the Minutes

Vote:

Chair Bragdon and Councilors Burkholder and Monroe voted to adopt the minutes of the Governmental Affairs Committee meeting of May 9, 2002, as presented. The vote was 3/0, and the motion passed.
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Transition Ordinances

Chair Bragdon prefaced discussion of Ordinance 02-942 by asking Dan Cooper, Chief Legal Counsel, to give an overview of Ordinance 02-942 and the draft ordinances related to the transition. Mr. Cooper explained that the ordinances dealt with the creation of the office of Chief Operating Officer (COO), the office of Metro Attorney, the office of Metro Council President, and Metro advisory committees. He explained that agenda item #5 dealing with advisory committees, although not yet a draft ordinance, was presented to the committee at its last meeting with recommended changes that would provide for committee appointments being made by the Council President rather than the Executive Officer. In addition, it reflected the recommendation of the Transition Task Force that the Metro Committee for Citizen Involvement (MCCI) and the Metro Policy Advisory Committee (MPAC) be advisory to the Council rather than to the Chief Operating Officer.

2. 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

Mr. Cooper reviewed Ordinance 02-942 and the recent changes in Exhibit A, as redlined in the present version.

The committee discussed whether the Chief Operating Officer (COO) or the Council President would present Metro's annual budget. Committee members agreed that the COO would prepare the budget but that the Council President would be designated the budget officer and would submit the budget to the Council. John Houser, Council Analyst, suggested the following wording change to Section 2.20.030(b): "Prepare the budget annually under the direction of the Council President for presentation to the Council together with a message describing the important features and be responsible for its administration after adoption."

Next the committee discussed Section 2.20.030 (a) which dealt with personnel matters. Councilor Monroe suggested that the hiring and removal of top cabinet officials by the COO should require approval of the Council President and the Council. Mr. Cooper said that there is an increased risk of litigation when termination of a public official is carried out in a public process. He said that it was preferable for the COO to negotiate and enter into contracts with department directors, which would allow the COO to hire and terminate within the confines of the contract. He added that it was very unlikely that the COO would make a decision about a department director without Council input or that was contrary to the Council's wishes. Chair Bragdon said that Mr. Cooper's comments reflected the recommendations of the Transition Task Force, and that this matter would be resolved in the Personnel Code at a later date.

Councilor Burkholder suggested adding the words “by resolution” after “subject to confirmation by the Council” in sections 2.20.20 (a) and 2.20.070.

Chair Bragdon said that this ordinance, with new revisions, would come back to the committee for action at its next meeting.

Councilor Monroe asked about the timeline for the COO search. Chair Bragdon said that an RFP to hire a search firm would soon be released. The intention was to have a COO hired by the beginning of 2003.

3. Draft Ordinance No. 02-___, For the Purpose of Amending Chapter 2.08 of the Metro Code to Create the Office of Metro Attorney.

The redlined version of the draft ordinance having to do with the office of Metro Attorney was distributed and is made a part of this record. Mr. Cooper said that this ordinance originates from the current code section related to the Office of General Counsel.

The Committee agreed to add the words “by resolution” to the first sentence in Section 2.08.020 (a), which provides for the appointment and removal of the Metro Attorney.

Councilor Burkholder asked whether Section 2.08.040(a) regarding legal advice and opinions from the Metro Attorney pertained to individual members of a Metro commission or the Council, or the body as a whole. Mr. Cooper responded that the intention was to reflect that it was the body as a whole, although any elected official or commission member who has consulted the Office of General Counsel has been given legal advice.

Chair Burkholder pointed out that Section 2.08.080, Opinions, was inconsistent with 2.08.040(a), which already set up the procedure for opinions. Councilor Monroe suggested retaining the first two sentences of Section 2.08.080(a) and deleting the rest of the paragraph, so the section would read “The Metro Attorney shall prepare formal written opinions regarding interpretations of federal and Oregon law, the Metro Charter, and Metro ordinances. These opinions shall be official guidance to the district except as superseded by courts of law, legislative action administrative rules, or actions of other superior tribunals or bodies.” The committee and Mr. Cooper agreed to this change.

The committee agreed to move Section 2.08.080(c) having to do with the appointment or removal of Metro Attorney employees to Section 2.08.010, Creation of Office

Finally, the committee agreed to add “by resolution” to the last sentence in 2.080.100, Vacancy.

Motion: Councilor Monroe moved to have an ordinance number assigned to the Metro Attorney draft ordinance and to send it to the full Council for a first reading, as amended.

Vote: Chair Bragdon and Councilors Burkholder and Monroe voted aye. The vote was 3/0, and the motion passed.

4. Draft Ordinance No. 02-____, For the Purpose of Amending Chapter 2.01 of the Metro Code to Reflect the Creation of the Office of Metro Council President.

Mr. Cooper reviewed the draft ordinance for the creation of the office of Metro Council President (a copy of which is attached to the meeting record), which incorporated changes from the last committee meeting.

He reviewed the last two sentences in Section 2.01.010(b) pertaining to committees, which he said reflected Charter language. He noted that the language in this section gave the Council the authority to determine whether or not to establish committees and, if so, which committees. Also, he added the phrase "by resolution" to the last sentence of this section.

Mr. Cooper discussed Section 2.01.010 (b), which described the duties of the Council President. He explained that the duties are parallel to those of the Presiding Officer, with added language about the Council agenda being prepared by the Council President. He said he had carried out a recommendation of the Task Force that the Council President must place an item on the agenda if he has a request from two councilors to do so. Because current rules allow the Council to place items on future agendas by majority vote, this section was determined to be unnecessary and the committee agreed to delete the sentence containing the phrase "but items may be placed on the agenda at the written request of any two councilors."

Mr. Cooper reviewed Section 2.01.010(c), which parallels the duties of the Deputy Presiding Officer under the current structure. Councilor Burkholder raised a concern about the last sentence in subsection (c), "An Acting Council President shall not receive the salary of the Council President," because he thought that in the case of a long vacancy, the Acting Council President should be compensated. The committee distinguished between a temporary absence versus a vacancy and agreed that, in the case of a long-term absence, the Acting Council President should be compensated. The committee directed Mr. Cooper to delete the words "or appointed" in line 7 and the last sentence in that section. Mr. Cooper said that he would ensure that Metro Code Chapter 9.01 was amended to reflect those changes.

The committee agreed to add a new subsection that would designate the Council President as the budget officer and require the Council President to present a proposed annual budget for Council consideration.

Motion: Councilor Burkholder moved to have an ordinance number assigned to the Council President draft ordinance and to send it to the full Council for a first reading, as amended.

Vote: Chair Bragdon and Councilors Burkholder and Monroe voted aye. The vote was 3/0, and the motion passed.

5. Draft Ordinance No. 02-____, Exhibit C Related to Advisory Committees.

Mr. Cooper said that the changes suggested at the last committee meeting would be made and the draft put into the form of an ordinance for the next committee meeting.

6. MCCI Informational Update.

John Donovan, Communications Officer, and Jeff Stone, Legislative and Policy Development Officer, distributed a Metro Committee for Citizen Involvement (MCCI) Workgroup Report, included as part of this record, and reviewed the report for the committee. Mr. Donovan recognized MCCI members Ted Kyle, Norman Andreen, Dennis Ganoë, and Scott Siebert for the work they did on the report, which has not yet been adopted by the full MCCI.

Mr. Donovan said the key elements of the report recommendations were to 1) more clearly identify MCCI's activities and policies; 2) provide clerical support by the Office of Citizen Involvement; and 3) adjust MCCI membership from 27 to 21.

Mr. Stone explained that Ordinance 02-947 translated the work of this task force into ordinance form. In addition to reducing the number of MCCI members, it more clearly defined the Office of Citizen Involvement and MCCI's role in relation to that office.

Councilor Burkholder commended John Donovan, Jeff Stone and Cary Stacey for their work with MCCI. He said there is a strong desire for good citizen involvement by this agency and a recognition that the current system isn't very effective. The goals of increased staffing support by the Office of Citizen Involvement are to facilitate information flow to the Council and to free MCCI members to look at broader policy issues and goals of the agency and citizen involvement in the region.

Councilor Monroe also commended staff for their good work. He said that MCCI has evolved over the years, and that he appreciated the improvements brought about by current staff and Ted Kyle's leadership. He recommended that, beginning next year, MCCI leadership report to the Council once a month with the goal of improving dialog between the two groups.

7. Councilor Communications. None.

There being no further business before the committee, Chair Bragdon adjourned the meeting at 11:21 a.m.

Prepared by,

Claudia Wilton
Council Assistant

ATTACHMENT TO THE PUBLIC RECORD FOR THE MEETING OF May 28, 2002

Agenda Item No.	Topic	Doc. Date	Document Description	Doc. Number
3	To Create the Office of Metro Attorney	5/15/02	Draft Ordinance No. 02-xxxx, for the Purpose of Amending Chapter 2.08 of the Metro Code to Create the Office of Metro Attorney	052802ga-01
4.	To Create of Office of the Metro Council President	5/15/02	Draft Ordinance No. 02-xxxx, For the Purpose of Amending Chapter 2.01 of the Metro Code to Reflect the Creation of the Office of Metro Council President.	052802ga-02
6.	MCCI Informational Update	4/11/02	MCCI Workgroup Report, Revised April 11, 2002	052802ga-03