

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

Thursday, October 10, 2002
Metro Council Chamber

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

Chair Bragdon called the meeting to order at 10:00 a.m.

1. Consideration of the Minutes

Vote:

Chair Bragdon and Councilors Burkholder and Monroe voted to adopt the minutes of the September 12, 2002, Governmental Affairs Committee as presented. The vote was 3/0, and the motion passed.
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Chair Bragdon referred to the committee's earlier work on the ordinance dealing with the creation of the Chief Operating Officer position and said that Dan Cooper, Metro General Counsel, would now review other portions of the code related to the Metro transition.

2. DRAFT Ordinance 02-958, For the Purpose of Amending Chapter 1.01 Code Adoption and Application Index and Chapter 2.01 Council Organization and Procedures of the Metro Code to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency.

Dan Cooper reminded the committee that it had already sent Ordinance 02-958 to the Council for a first reading. He highlighted new wording on page 16 of the ordinance regarding councilor salaries, which brought the language into conformity with amended Charter language.

2.01.200 Annual Budget. The committee discussed this section and made the following change: The Council President shall submit to the council the Proposed Budget and Budget Message for the following fiscal year ~~no later than March 15 at the first regularly scheduled council meeting in February of~~ each year."

Mr. Cooper said that the committee would have a chance to make additional amendments when the ordinance came back from Council after having been first read. A copy of Ordinance 02-958, with the changes indicated by Mr. Cooper, is included as part of this meeting record.

3. DRAFT Ordinance No. 02-967, For the Purpose of Amending Title II Administration and Procedures (Chapters 2.03, 2.05, 2.06, 2.07, 2.09, 2.11, 2.12, 2.14, 2.15, 2.16, 2.17 and 2.18) of the Metro Code to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency

Mr. Cooper explained that Ordinance 02-967 dealt with all of the chapters in Title II other than the council provisions, personnel, and contracting. He said that some sections of the code had not been reviewed in 20 years and so contained obsolete language that needed to be changed or repealed. Many of those changes had been made but he noted that there were still areas that needed to be cleaned up or made consistent, e.g. changing Metropolitan Service District to Metro in the "definitions" section. He then reviewed the changes to each chapter, most of which were not substantive. Where there was discussion, a synopsis is included below. A copy of Ordinance 02-967, with the changes indicated by Mr. Cooper, is included as part of this meeting record.

Chapter 2.05.005, Contested Case Defined, Notice of Opportunity for Hearings, Service, and 2.05.040, Proposed Orders in Contested Cases on Personnel discharges. Sections (4) and (5) were

deleted due to obsolete language. Mr. Cooper said that if the committee accepted these changes, then Chapter 2.05.040 should be deleted in its entirety.

Chapter 2.06, Investment Policy. Mr. Cooper noted that Chapter 2.06 had been readopted and he recommended combining the sections on 1) investment policies, 2) excise tax and 3) authority for borrowing money and issuing bonds into one section entitled “finance.”

Chapter 2.12, Office of Citizen Involvement. Mr. Cooper noted that Exhibit G of Chapter 2.12 had been erroneously repealed and that the section had been reinstated.

Chapter 2.15.010, Metro Auditor Independence. Mr. Cooper said that the Metro Auditor was agreeable to issuing audits to both the Council and the Chief Operating Officer.

Chapter 2.16, Naming of Facilities. Under Section 2.16.030, Facility Names, the committee pointed out that the Expo Center should be included. The committee suggested adding wording to the effect “the following are the names and addresses of facilities with the exception of...” to account for Metro parks and greenspaces, which were not included on the list.

Chapter 2.16.020(e), Policy for Naming of Facilities. The committee agreed that naming of facilities and individual parts of facilities should be approved by the Council alone and requested that Mr. Cooper end section (e) after “by adoption of a resolution by the Metro Council.”

4. DRAFT Ordinance No. 02-972, For the Purpose of Amending Title III Planning of the Metro Code (Chapter 3.01 through Chapter 3.09), to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency

Dan Cooper reviewed Ordinance 02-972 relating to land use planning. Where changes were significant or there was discussion, a synopsis is included below. A copy of Ordinance 02-972, with the changes indicated by Mr. Cooper, is included as part of this meeting record.

3.01.025, Major Amendment Procedures. Mr. Cooper explained that the Executive Officer was replaced by the Chief Operating Officer (COO) to administer the Urban Growth Boundary (UGB) amendment application process. He said that these were administrative rather than decision-making processes and that the criteria for major amendments were unchanged.

3.01.033, Minor Adjustment Procedures. Mr. Cooper flagged this section for the committee’s attention because in it the authority to officially move the UGB, although only in small increments, would be delegated to the COO.

3.01.065(g), Council Action on Quasi-Judicial Amendments. The committee asked that Metro Attorney be substituted for Chief Operating Officer in this section.

Chapter 3.03, Housing Goals & Objectives. The committee agreed to Mr. Cooper’s recommendation that this chapter be repealed because it had been supplanted by Metro’s Functional Plan.

3.07.150 A.1.(d), Determination of Calculated Capacity of Housing Units and Jobs. Mr. Cooper asked the committee to consider whether they wanted the COO to assume the Executive Officer’s role in reviewing local compliance and data, which would result in keeping the same legal structure that currently existed. He said it might also result in a discussion with the Metro Policy Advisory Committee (MPAC) and others about the appropriate role of the Metro Council in the local decision-making process. The committee agreed to revisit this area.

Title 5: Neighbor Cities and Rural Reserves. Mr. Cooper suggested leaving in place this section regarding rural reserves in case it was relevant in the future.

Title 8, Compliance Procedures. Mr. Cooper reviewed the sections where the COO was substituted for the Executive Officer. The committee agreed that as long as the Council had the ultimate right of review, the COO's involvement was appropriate. Councilor Monroe added that it was critical, when dealing with decisions that affected local government partners, that they have the right to appeal any decision of the COO to the Council.

It was agreed that Peggy Coats, Council Operations Officer, would provide a second review of Ordinance 02-972 independent of the Office of General Counsel.

5. DRAFT Ordinance No. 02-973, For the Purpose of Amending Title IV Oregon Zoo of the Metro Code (Chapter 4.01), to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency

Mr. Cooper said that this ordinance defined the term "Director" or "Zoo Director" and substituted the COO for the administrative functions the Executive Officer previously exercised. A copy of Ordinance 02-973, with the changes indicated by Mr. Cooper, is included as part of this meeting record.

6. DRAFT Ordinance No. 02-974, For the Purpose of Amending Title V Solid Waste of the Metro Code (Chapter 5.01 through Chapter 5.09), to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency

Discussion of Ordinance 02-974 was deferred to the October 24 committee meeting.

7. DRAFT Ordinance No. 02-975, For The Purpose Of Amending Title VI Commissions of the Metro Code (Chapter 6.01), to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency

Mr. Cooper explained that amendments were made to this ordinance at the end of 2001 replacing references to the Executive Officer with the Council President, with a note saying that these changes would not go into effect until January 6, 2003. The only new revision was to substitute Metro Attorney for Office of General Counsel. A copy of Ordinance 02-975, with the changes indicated by Mr. Cooper, is included as part of this meeting record.

8. DRAFT Ordinance No. 02-976, For the Purpose of Amending Title VII Excise Taxes and Title VIII Financing Powers of the Metro Code, to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency

Discussion of Ordinance 02-976 was deferred to the October 24 committee meeting.

9. DRAFT Ordinance No. 02-977, For the Purpose of Amending Title IX Elections of the Metro Code (Chapter 9.01 and Chapter 9.02), to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring An Emergency

Mr. Cooper said that most of the changes to this section were to substitute Council President for Executive Officer. The committee discussed Metro's policy for filling vacancies and Mr. Cooper provided some background. He explained that in 1993 the Council chose a fairly complex method for filling vacancies by setting up a process where, if there were more than one year before the opportunity for an election, a special election would be called to fill the vacancy. The committee discussed various scenarios that would require appointing a temporary Council President and decided that the position of Council President was so critical that it was important to minimize the length of time it would be an appointed position. Mr. Cooper said that the code, as written, accomplished that goal.

Mr. Cooper added that Section 9.01.070 dealing with emergency succession had been changed to read that the deputy served as the temporary Council President until such time as the vacancy was filled either by an appointment or an election, whichever occurred first.

The committee agreed that it did not need to revisit this ordinance. A copy of Ordinance 02-977, with the changes indicated by Mr. Cooper, is included as part of this meeting record.

10. DRAFT Ordinance No. 02-978, For the Purpose of Amending Title X Metro Regional Parks and Greenspaces of the Metro Code (Chapter 10.01 through Chapter 10.03), to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency

Mr. Cooper said the changes to Ordinance 02-978 were routine. Councilor Burkholder pointed out that most of the park regulations were adopted wholesale from the Multnomah County code without much review and suggested that, at some time in the future, the committee examine the section to ensure that it was up-to-date and belonged in the code.

Motion: Councilor --- moved to direct Dan Cooper to make the changes agreed to in the 10/10/02 Governmental Affairs Committee meeting and submit them to the Council for a first reading.

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

Dan Cooper thanked Sharon Martin for doing a tremendous amount of work on the revision of these ordinances.

11. Councilor Communications

Chair Bragdon said that interviews and reference checks of six search firms had been completed and that Bob Murray and Associates was selected to conduct the search for Metro's Chief Operating Officer. The firm not only fared very well in the interview process but was highly recommended by three other local governments that had used the firm (Clackamas County for its county administrator search and the cities of Tualatin and Milwaukie for their city manager searches). Chair Bragdon said that one of the reasons the firm was selected was its emphasis on involving the governing body of the client as a first step, and he anticipated that the firm would be scheduling meetings with the five councilors it had not yet met.

There being no further business before the committee, Chair Bragdon adjourned the meeting at 11:09 am.

Prepared by,

Claudia Wilton
Council Assistant

ATTACHMENT TO THE PUBLIC RECORD FOR THE MEETING OF OCTOBER 10, 2002

Agenda Item No.	Topic	Doc. Date	Document Description	Doc. Number
3	Ordinance	10/9/02	Draft Ordinance 02-967	101002ga-01
4	Ordinance	10/9/02	Draft Ordinance 02-972	101002ga-02
5	Ordinance	10/9/02	Draft Ordinance 02-973	101002ga-03
7	Ordinance	10/9/02	Draft Ordinance 02-975	101002ga-04
9	Ordinance	10/9/02	Draft Ordinance 02-977	101002ga-05
10	Ordinance	10/9/02	Draft Ordinance 02-978	101002ga-06

TESTIMONY CARDS:

None.