

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

Thursday, October 24, 2002
Metro Council Chamber

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

Member Absent: Councilor David Bragdon (Chair)

Vice Chair Monroe called the meeting to order at 10:12 a.m.

1. Consideration of the Minutes

Vote: Vice Chair Monroe and Councilor Burkholder voted to adopt the minutes of the October 10, 2002, Governmental Affairs Committee as presented. The vote was 2/0, and the motion passed.

2. Ordinance 02-958A, 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, Metro General Counsel, reminded the committee that it had already reviewed Ordinance 02-958 and referred it to the Council for first reading. He noted that the current "A" version was a result of the committee's decision at its last meeting to change the date for submission of the budget by the Council President from February 15 to March 15.

Motion: Councilor Burkholder moved to substitute Ordinance 02-958A for Ordinance 02-958 and recommend Council adoption.

The committee discussed a change made previously on page 13 of the ordinance, which required a majority of the Council to adopt a resolution. Under the current provisions of the Metro code, a minority of three can pass a resolution. Mr. Cooper explained that most resolutions fit into three categories: 1) confirmation of appointments; 2) authorizations for the Executive Officer to enter into contracts and contract amendments; and 3) preliminary policy statements and directions to staff on policy making. The committee pointed out that requiring a majority vote could make it more difficult to conduct the business of the agency by slowing down decisions, but after discussion they decided that it was important to avoid the potential situation of a minority of councilors passing legislation. Since ordinances currently require a majority vote to pass, they also felt it made sense to have the same requirement for resolutions.

Vote: Vice Chair Monroe and Councilor Burkholder voted aye. The vote was 2/0, and the motion passed.

Councilor Burkholder agreed to carry the resolution to the Council.

3. DRAFT Ordinance 02-966, For the Purpose of Amending Chapter 2.04 Metro Contract Policies of the Metro Code to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency

Mr. Cooper reviewed a copy of the ordinance with his changes and said that most of the changes were straightforward. He said he had attempted to assign all of the administrative authority that the Executive Officer had over contracts to the Chief Operating Officer (COO). He said that in the case

of outstanding contracts, the ordinance states that, effective January 6, 2003, any reference to the Executive officer would be deemed a reference to the Chief Operating Officer. He then went on to review changes pertaining to policy issues.

Councilor Burkholder asked if there were a review of contracting by the Auditor or any other body. Mr. Cooper replied that for contracting purposes, the Auditor had the same authority for her budget as the Executive Officer had for the rest of the agency budget. He added that the Council would have the opportunity to review proposed contracts during the budget process.

Mr. Cooper flagged a future issue that might require action: under the new language of the Charter, the Metro Attorney's position is parallel to, not subordinate to, the COO. Mr. Cooper said he had chosen not to insert language that gave the Metro Attorney the authority to enter into contracts independently of the COO because he rarely entered into contracts on behalf of the agency, but the Council might want to do so in the future.

Mr. Cooper pointed out a policy point on page 7 regarding the appropriate level of Council oversight of contracts. The current wording is parallel to the current code, with the only change being the substitution of the COO for the Executive Officer. The committee agreed to look at this section more closely at a later time.

Regarding the policy note on page 16, Mr. Cooper said he had clarified that a MERC contract or an Auditor's contract would be subject to the same appeal process to the Contract Review Board as a contract signed by the COO. He recommended the change to avoid a situation where the COO made the initial review of an appeal for a contract s/he didn't have any authority over. The Committee agreed to the change.

Motion: Councilor Burkholder moved to introduce Ordinance No. 02-966, as amended, to the full Council for first reading.

Vote: Vice Chair Monroe and Councilor Burkholder voted aye. The vote was 2/0, and the motion passed.

4. DRAFT Ordinance 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

Mr. Cooper reviewed a copy of the ordinance with his changes and said that most changes were routine, substituting the COO for the Executive Officer and changing references to "District" to "Metro." New wording made it clear that any reference to the Executive Officer was now a reference to the COO on all existing franchises, contracts, licenses, permits, etc. formerly authorized under the solid waste code. He added that there were places where the Council might want to give the COO more or less authority but said that those were decisions that could be made in the future.

He pointed out two substantive changes. He said that after deleting section (g) on page 67, he learned that the department was working on ordinances to amend this chapter, and so he added the section back temporarily. Also, Section 5.06.040, Composter Community Enhancement Committee, would be repealed.

Motion: Councilor Burkholder moved to introduce Ordinance No. 02-974, as amended, to the full Council for first reading.

Vote: Vice Chair Monroe and Councilor Burkholder voted aye. The vote was 2/0, and the motion

passed.

5. DRAFT Ordinance 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

Mr. Cooper reviewed a copy of the ordinance with his changes and explained that this ordinance combined three separate pieces of the code into a new section entitled "Finance." The purpose was to make it easier to find everything related to finance in one place.

Councilor Burkholder pointed out that Section 7.01.170, Council Review of Ordinance Effect, was time sensitive. Mr. Cooper said he would check into the accuracy of the dates in that section.

Motion: Councilor Burkholder moved to introduce Ordinance No. 02-976, as amended, to the full Council for first reading.

Vote: Vice Chair Monroe and Councilor Burkholder voted aye. The vote was 2/0, and the motion passed.

6. Councilor Communications

None.

There being no further business before the committee, Vice Chair Monroe adjourned the meeting at 10:51 a.m.

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
2	Ordinance	10/16/02	Ordinance 02-958A	102402ga-01
3	Ordinance	10/21/02	Draft Ordinance 02-966	102402ga-02
4	Ordinance	10/21/02	Draft Ordinance 02-974	102402ga-03
5	Ordinance	10/22/02	Draft Ordinance 02-976	102402ga-04