

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

Tuesday, November 19, 2002
Metro Council Chamber

Members Present: Chair Bragdon and Councilor Rod Monroe

Member Absent: Councilor Rex Burkholder

Chair Bragdon called the meeting to order at 9:15 a.m.

1. Consideration of the Minutes

Vote:

Chair Bragdon and Councilor Monroe voted to adopt the minutes of the October 24, 2002, Governmental Affairs Committee as presented. The vote was 2/0, and the motion passed.
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2. Oregon Convention Center Expansion Update

Karl Schulz, Project Manager, Oregon Convention Center (OCC) Expansion Office, updated the committee on the OCC expansion, which is about 75% completed. To date they have been able to meet all milestones. The outside work will be completed by the end of the year. Meeting room finishes are nearly complete, the exhibit halls are 80-90% complete, and the ballroom will be completed by the end of the year. The project team has also been remodeling the interior of the existing building to achieve a seamless appearance between the new and existing parts of the building.

Mr. Schulz reviewed three change orders, summarized on handouts included in the meeting record, and talked about projects that would be put on hold until funding was available. In response to a question from Councilor Monroe, he said these projects would be paid for by project funds left at the end of the construction or through the CIP process. He identified the most critical item as the operations office remodel. He went on to discuss change Order #3, which was a combination of a number of items, including art, exhaust fans, and commissioning. He said there were a number of construction issues included in Change Order #3 related to design specifications with a cost impact of about \$600,000. They have settled with Hoffman Construction and are negotiating with the Design Team on these costs. Scott Moss, Assistant Administrative Services Director, added that the funds for Change Order #3 would be temporarily taken from the furnishings budget.

Mr. Schulz and the committee talked at length about the garage exhaust system, which was constructed based on contract documents and, due to a design flaw, did not meet the established criteria. He said that they had an allowance of \$350,000 for the total cost of the additional renovation that would be necessary and that they hoped to accomplish it for \$100,000 to \$200,000. They would negotiate with the architectural firm on how much of that additional cost the firm would bear. He said the goal was to keep the team together and to finish on time. He explained that the garage is open and safety requirements are being met, but it is necessary to run the exhaust system at full speed all the time, instead of ramping up and down as it was designed to do. Mr. Schulz said that there is no more room in the budget for major expenditures.

Jeff Blosser, OCC Executive Director, said that they have been marketing the new convention center for 18 months and that, to date, 40 conventions are projected for 2003, compared to 30 in past years; 35 are projected for 2000; and 40 for 2005. He said that sustainability is starting to be a marketing issue and added that other marketing aids were the building itself, the light rail system, the livability of downtown Portland, and the scenic areas in close proximity to Portland.

Scott Moss reported that they exceeded their objective of having 20% apprentices on the job by 7%, 4% of which were minorities and women. The objective for subcontractors was 10%, which they exceeded by 7%. He said that insurance claims were as expected. The advisory committee is continuing to do evaluations on a six-month basis.

Jeff Blosser updated the committee on the art projects and talked about the expansion dedication events scheduled for April 17, 18 and 19, 2003. The facility will be dedicated on Thursday, April 17, followed by the Portland Oregon Visitors Association (POVA) awards luncheon, POVA trade show, and the art dedication that night. The following two days will be open to the public and will include the POVA trade show, the "Best of Oregon" trade show, and a beer and wine festival. Copies of the dedication brochures are included in the meeting record.

3. Resolution 02-3247, For the Purpose of Allowing a One-Time Exception to the Personnel Rule Limiting Retroactivity on Merit Pay Increases to One Year

Motion: Councilor Monroe moved to recommend Council adoption of Resolution 02-3247.

Lilly Aguilar, Director of Human Resources, explained the resolution (included as part of the meeting record), which requested a one-time waiver of Metro code to allow merit pay increases for eight employees to be granted retroactively more than one year. The reason for the request was that these employees' performance evaluations had not been completed in a timely manner, primarily due to workload issues. She said that this would be a one-time event and then Metro policy would be continued disallowing retroactivity of more than one year. The funds for the merit increases would be paid from the departments' current budgets. Chair Bragdon stressed the importance of employees receiving performance feedback on a regular basis. Ms. Aguilar agreed and said that her department planned to send a letter to staff reminding them that, in the future, they would be held accountable to the one-year retroactivity rule.

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

Councilor Monroe will carry the resolution to the full Council.

Transition Ordinances

Prior to discussion of Draft Ordinance 02-965, Chair Bragdon explained that the committee was completing consideration of the code changes resulting from the Metro Charter amendment approved by the voters on November 7, 2000. He said that the more time-consuming changes relating to the creation of the Council President and Chief Operating Officer (COO) positions had already been accomplished, and he asked Dan Cooper to review the remaining ordinances.

Dan Cooper, General Counsel, said that of the ten transition ordinances on the agenda, nine had already been considered by the committee in draft form and sent to the full Council for first reading. He said that there were policy issues to be discussed on three of the nine and that the other six had no major changes since the last time the committee considered them. Of the ten ordinances, only Ordinance 02-695 had not yet been seen by the committee.

4. DRAFT Ordinance 02-965, For the Purpose of Amending Chapter 2.02 Personnel Rules of the Metro Code to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency

Mr. Cooper noted that this ordinance was fairly straightforward, converting references to the Executive Officer to the COO. He pointed out three areas that needed further discussion. Paragraph (f) on page 5 would require Council approval of all service contracts, which the committee agreed to. On page 10, the authority to approve cost of living adjustments (COLA) had been transferred from the Executive Officer to the COO. The committee agreed that the COO's decisions on COLA would be subject to Council approval. Finally, on page 16, paragraph (i), the reference to the Council President should have been to the Council Presiding Officer. Mr. Cooper said this paragraph was not intended to eliminate positions but rather to ensure that the reporting relationships conformed to the new structure. The Committee agreed that it did not need to consider Ordinance 02-965 again and that it would be sent directly to Council for first reading.

5. 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 noted one change, which clarified the appeals process for appeals of contract awards from MERC and the Auditor's Office. On page 16, paragraph (b) (2) through (4), references to the Chief Operating Officer would be following by the phrase "Commission or Auditor." The wording change would ensure that appeals of contracts awarded by MERC or the Auditor would be reviewed by them first before coming to the Contract Review Board.

6. 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 pointed out that on page 47, under "Naming of Facilities," he had deleted the reference to the Commission naming internal rooms and features within their facilities, as directed by the committee.

7. 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

In response to a concern expressed earlier by Councilor McLain, Mr. Cooper suggested adding a provision to language on page 23 that would allow the COO to make minor adjustments to the Urban Growth Boundary (UGB) but those decisions would be subject to appeal. In addition, any member of the Council could bring a matter to the full Council for a decision, just as if it had been appealed. Notice of the COO's decision would go to all Council members and the Council would have 14 days to request a referral. The committee agreed to the change.

Additional Discussion

Mr. Cooper said that he had not identified any further changes on the remaining ordinances, other than the ones discussed at previous Governmental Affairs Committee meetings.

Peggy Coats commented that at the last meeting, the committee had asked her to see if there were any particular issues with local governments in relationship to the urban growth boundary (UGB) and whether or not they had a voice. She checked and found that there were revisions to the

ordinance made in 2001 that involved the local governments and incorporated their requests. She said that aside from that, she felt most of the minor code changes had been identified and changed.

Dan Cooper recommended that a resolution be presented to the Council so that the Council is on record as continuing the status of all of the existing Executive Orders as the Chief Operating Officer's Orders until such time as the COO chooses to amend, repeal or adopt new orders. The committee agreed to direct Mr. Cooper to prepare such a resolution.

Motion: Councilor Monroe directed Mr. Cooper to prepare a resolution to continue the status of existing Executive Orders as the Chief Operating Officer's Orders and that the motion go straight to the Council.

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

8. 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

There was no discussion on this ordinance. See copy of ordinance included as part of the meeting record.

9. 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

There was no discussion on this ordinance. See copy of ordinance included as part of the meeting record.

10. 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

There was no discussion on this ordinance. See copy of ordinance included as part of the meeting record.

11. 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

There was no discussion on this ordinance. See copy of ordinance included as part of the meeting record.

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

There was no discussion on this ordinance. See copy of ordinance included as part of the meeting record.

12. 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

There was no discussion on this ordinance. See copy of ordinance included as part of the meeting record.

Motion: Councilor Monroe moved to recommend Ordinances 02-967, 02-973, 02-974, 02-975, 02-976, 02-977 and 02-978 to the Council for adoption.

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

Chair Bragdon and Councilor Monroe agreed to jointly carry the ordinances to Council.

Motion: Councilor Monroe moved to recommend Ordinances 02-966, as amended, and 02-972, as amended, to the Council for adoption.

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

Chair Bragdon agreed to carry Ordinance 02-966A to the full Council for adoption. Councilor Monroe agreed to carry Ordinance 02-972A to the full Council for adoption.

13. Councilor Communications

None.

There being no further business before the committee, Chair Bragdon adjourned the meeting at 10:30 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	Construction and schedule update	11/19/02	OCC Expansion Update	111902ga-01
2	Reconciliation	10/17/02	Reconciliation of 2002-03 CIP Projects and Budget	111902ga-02
2	OCC expansion brochure	Undated	OCC Expansion Dedication April 18-19, 2002	111902ga-03
2	OCC expansion brochure	Undated	April 18-19, 2003 Expansion Dedication Event – brochure #2	111902ga-04
3	Resolution	Undated	Resolution 02-3247	111902ga-05
4	Ordinance	11/7/02	Draft Ordinance 02-965	111902ga-06
5	Ordinance	10/25/02	Ordinance 02-966	111902ga-07
6	Ordinance	10/14/02	Ordinance 02-967	111902ga-08
7	Ordinance	10/17/02	Ordinance 02-972	111902ga-09
8	Ordinance	10/15/02	Ordinance 02-973	111902ga-10
9	Ordinance	10/28/02	Ordinance 02-974	111902ga-11
10	Ordinance	10/14/02	Ordinance 02-975	111902ga-12
11	Ordinance	10/25/02	Ordinance 02-976	111902ga-13
12	Ordinance	10/15/02	Ordinance 02-977	111902ga-14
13	Ordinance	10/15/02	Ordinance 02-978	111902ga-15