

MINUTES OF THE METRO COUNCIL REGULAR MEETING

Tuesday, April 29, 2003
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Brian Newman, Carl Hosticka, Rod Park, Rod Monroe, Rex Burkholder

Councilors Absent:

Council President Bragdon convened the Metro Council Regular Meeting at 2:03 p.m.

1. Ordinance No. 03-1001, For the Purpose of Adopting the Annual Budget for Fiscal Year 2003-04, Making Appropriations, and Levying Ad Valorem Taxes, and Declaring an Emergency.

Council President Bragdon said this was a continuation of Ordinance No. 03-1001. Council would be considering possible amendments at this meeting. A public hearing was scheduled for May 1st at 6:00 p.m. with final adoption planned for the June 12th meeting.

Motion to Amend:	Councilor Newman moved to amend Ordinance No. 03-1001 with Planning 1, providing additional \$100,000 for one case study for the Centers program.
Seconded:	Councilor Monroe seconded the motion

Councilor Newman spoke to this amendment, which would complete a development strategy for one center. He handed out a 2040 Centers Request (a copy of which is included in the meeting record) and further explained the details for this pilot project. It implemented what Council had already directed as one of their number one priorities. Councilor Burkholder supported the implementation of the Centers strategy. He asked about timing. What he had seen in the discussions was having the first step take place. Councilor Hosticka said he thought it was a very innovative way to do business, he supported it. He asked about funding, would this be through a budget note? Mark Williams, Chief Operating Officer (COO), urged a budget note if this was the Council's intent. Councilor Monroe reviewed the parliamentary procedure. Councilor Hosticka asked for a friendly amendment to include a budget note, which described the funding process and would say that this project was only funded if the money appeared. There was no objection from the maker or the seconder. The budget note would be included. Councilor Park asked about the rate stabilization fund and end of the year reserves. Kathy Rutkowski, Budget Coordinator, responded to his question. Councilor Park asked about the ending fund balance. Ms. Rutkowski talked about the fund balance at the end of the fiscal year. Councilor McLain said she supported the amendment and explained why. Council President Bragdon said this was a promising area that needed to be nurtured. He expressed concern about the method of allocating money. Councilor Newman spoke to some of the concerns that had been brought up at the meeting. He supported the pilot project and explained how this would guide future planning.

Vote to Amend:

Councilors Hosticka, McLain, Monroe, and Newman voted in support of the motion. Council President Bragdon, Councilors Park and Burkholder voted no. The vote was 4 aye/ 3 nay, the motion passed.

Motion to Amend:	Councilor McLain moved to amend Ordinance No. 03-1001 with Council Office 1, adding 1.0 FTE in the Council Office.
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Seconded:	Councilor Newman seconded the motion
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Councilor McLain explained the amendment, speaking to standards in the Council Office. This would add 1.0 Full Time Equivalent (FTE) to the Council Office. She spoke to the funding issues. She noted the split in funding. She noted a friendly amendment from Councilor Burkholder, which she supported. She spoke to the archiving portion of the position and the necessary standards. She urged support. Councilor Burkholder spoke to his friendly amendment. Councilor Burkholder added a friendly amendment which said “expenditure of these funds is authorized only following the Chief Operating Officer giving the Council a staffing plan for how the archiving and support functions are to be managed, and the Council’s acceptance of that plan by resolution”. Councilor Newman agreed to the friendly amendment. Councilor Burkholder summarized his friendly amendment. This clarified the COO’s role in the amendment. Council President Bragdon said he would be supporting this amendment. It was clear that the functions needed to be in place as well as having the COO’s plan. He thought Councilor McLain had done a good job of finding funds for this amendment. Councilor McLain urged support.

Vote to Amend:	Councilors Hosticka, McLain, Park Burkholder, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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Councilor Hosticka spoke to reconsideration of two pieces of legislation, Resolution No. 03-3315 and Ordinance No. 03-994. Council President Bragdon said there would be possible reconsideration at the Council meeting this Thursday. Council Monroe agreed with the reconsideration on Thursday. Dan Cooper, Metro Attorney, said that since Regular Council meetings were normally on Thursday, he would consider this meeting a special Council meeting specifically for budget issues and reconsideration was appropriate at the Thursday meeting. Councilor Hosticka said they could suspend the rules and allow consideration at this meeting.

Motion to Amend:	Councilor Monroe moved to amend Ordinance No. 03-1001 with Solid Waste and Recycling 3 (SW & R #3), increasing funding for the Regional System Fee by \$300,000.
Seconded:	Councilor Newman seconded the motion

Councilor Monroe explained his amendment concerning the Regional System Fee. He spoke to a friendly amendment from Councilors Newman and Park to study this program. He felt it was a prudent step to reduce the cost of funding next year. He urged support. Councilor Park suggested a friendly amendment and explained further his amendment. Councilor Monroe did not accept Councilor Park’s friendly amendment.

Motion to Amend Amendment SW& R #3:	Councilor Park moved to amend Councilor Monroe’s Solid Waste and Recycling 3, increasing funding for the Regional System Fee by \$300,000 and hold those funds in abeyance. The Council President would convene a task force by September 1, 2003 that will review the program and distribution methodology of the credits. The task force will report its findings to the Metro Council by January 1, 2004.
Seconded:	Councilor Newman seconded the motion

Councilor Park explained his amendment (a copy of the amendment and the arguments in favor are included in the meeting record). Councilor Newman said he would support the amendment to Amendment Solid Waste and Recycling 3. He further explained the need to change this program.

They were looking to get buy in from the stakeholders. Councilor Hosticka said he didn't have problems holding the funds in abeyance but he was concerned about the task force recommendations. He sought legal guidance. Mr. Cooper reviewed his options.

Motion to Amend Councilor Park's amendment to Amendment SW&R #3:	Councilor Hosticka moved to amend Councilor Park's amendment to Solid Waste and Recycling 3, increasing funding for the Regional System Fee by \$300,000, the funds would be released if the Council does not act on the Task Force report by January 15, 2004.
Seconded:	Councilor McLain seconded the motion

Councilors Hosticka and McLain explained their rationale for supporting the amendment to Councilor Park's amendment. Councilor Burkholder talked about each Councilor's amendment. He supported Councilor Park's amendment to SW & R #3 Amendment. Councilor Newman spoke to holding the funds in abeyance. Councilor Park did not favor the amendment to the amendment and explained why. Councilor Hosticka explained why he had brought forward the amendment.

Vote to Amend:

Councilors Hosticka, McLain, Monroe voted aye, Councilors Newman, Park, Burkholder and Council President Bragdon voted no on the motion. The vote was 3 aye, 4 aye, the motion failed.

Councilor Monroe asked Councilor Park's about his amendment. Councilor Park responded to his question concerning funding. Councilor Monroe asked Mike Hogle, Director of Solid Waste and Recycling, about his proposal for a new schedule for regional system fee and if this caused problems? Mr. Hogle said they had not come up with a duo curve process. He suggested that the Council select one of the curves. They would develop two curves and detailed what those curves would be. Mr. Williams suggested that this amendment would allow lawful appropriation of fund but direct the staff not to spend the funds. Councilor Newman said there had been no adoption of a curve. Councilor McLain said she agreed with Councilor Newman but wanted a softer landing. She did want the Task Force and spoke to the goals of the Task Force. Councilor Burkholder asked about impact on the debt service coverage. Mr. Hogle noted the lilac sheet, which showed additional expenditures and the effect of the debt service coverage and contingency reserves (a copy of which is included in the meeting record). He explained further the results of the proposed changes. Councilor Monroe said he would oppose Councilor Park's amendment and explained why. Councilor Hosticka said he would support the amendment and explained why. Councilor Monroe asked for further clarification. Councilor McLain said she felt that this Council didn't have to wait until January 2004 to act. The sooner the Task Force was in place the sooner proposals could be considered. Councilor Monroe said accepted Councilor Park's amendment as a friendly amendment.

Vote to Amend Amendment SW & R #3:

Councilors Hosticka, McLain, Park Burkholder, Newman, Monroe and Council President Bragdon voted in support of the motion. The vote was 7 aye the motion passed.

Councilor Burkholder spoke to the main motion. Council President Bragdon said he would be supporting this amendment as amended. We support recycling but at what cost. This program needed evaluation. He felt that with Park's amendment he could be supportive of this amendment.

Vote to Amend:

Councilors Hosticka, McLain, Park Burkholder, Monroe, Newman and

Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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Motion to Amend:	Councilor Monroe moved to amend Ordinance No. 03-1001 with Solid Waste and Recycling 4, increasing by \$75,000 the funds available for disposal fee relief for neighborhood clean-ups.
Seconded:	Councilor McLain seconded the motion

Councilor Monroe spoke to this amendment, which supported the neighborhood clean-up program. He talked about the additional funding and the concerns about balancing the program in the region. He had requested restoring funding. Council President Bragdon said he would not be supporting this amendment and explained why.

Councilor Burkholder asked to add a note “Metro funds to support neighborhood cleanups shall be provided in such as way as to guarantee regional equity”. Councilor Monroe did not accept this as a friendly amendment.

Motion to Amend:	Councilor Burkholder moved to amend Solid Waste and Recycling 4 with the above-mentioned citation.
Seconded:	Councilor Newman seconded the motion

Councilors spoke to the amendment. Councilor Monroe endorsed the intent of Councilor Burkholder’s amendment but explained why he couldn’t support the amendment. Council President Bragdon explained why he would not be supporting this amendment.

Vote to Amend, SW & R #4:	Councilors McLain, Burkholder, Newman voted aye, Hosticka, Monroe and Council President Bragdon voted no on the motion, Councilor Park abstained from the vote. The vote was 3 aye/3 nay/ 1 abstain, the motion failed.
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Vote to Amend:	Councilors Hosticka, McLain, Park Burkholder, Newman and Council President Bragdon voted against the motion, Councilor Monroe voted in support of the amendment. The vote was 1 aye/6 nay, the motion failed.
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Motion to Amend:	Councilor Park moved to amend Ordinance No. 03-1001 with Solid Waste and Recycling 5, increasing by \$32,500 the funds available for disposal fee relief for neighborhood clean-ups.
Seconded:	Councilor Newman seconded the motion

Council President Bragdon spoke the amendment. Councilor Hosticka proposed a friendly amendment, “Metro funds to support neighborhood cleanups shall be provided in such a way as to promote regional equity”. The maker and seconder accepted the friendly amendment. Councilor Park spoke to the program.

Vote to Amend:	Councilors Hosticka, McLain, Park Burkholder, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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Motion to Amend:	Councilor McLain moved to amend Ordinance No. 03-1001 with Solid Waste and Recycling 6, adding \$30,000 back to the Solid Waste and Recycling budget for the Environmental Action Team (ENACT).
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Seconded:	Councilor Hosticka seconded the motion
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Councilor McLain spoke to the work of ENACT. The Council had supported the ENACT goals. She suggested that we not cut this program any more than we had cut other programs. She noted that Roy Soards, Business Manager, was looking into contractual issues at Metro. She felt this amendment was a good second step. She was willing to take \$30,000 from other funding mechanisms. Councilor Burkholder said the Council supported the goals of ENACT, the question was how did we achieve these goals. He felt deciding how to do this was a management function. He would not support this amendment because he felt it was management who should come up with a proposal to reach the goals. Council President Bragdon said he would not support this amendment. Councilor McLain closed by urging support and explained why.

Vote to Amend:	Councilors Hosticka, McLain, Monroe, Newman voted in support, Councilors Park, Burkholder and Council President Bragdon voted in against the motion. The vote was 4 aye/ 3 nay, the motion passed.
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Councilor McLain requested removal to amend Ordinance No. 03-1001 with Business Support 1, restoring 1.0 FTE Archivist position and place the position in the Business Support Department.

Councilor Hosticka asked about separating the issues. Councilor Monroe spoke to the parliamentary procedures for separating an amendment.

Motion to Amend:	Councilor Hosticka moved to amend Ordinance No. 03-1001 with Public Affairs 1, restoring 1.0 FTE Assistant Public Affairs Specialist in the Creative Services division of the Public Affairs department.
Seconded:	Councilor Monroe seconded the motion

Councilor Hosticka explained his motion. Councilor McLain supported the motion and explained why. Councilor Burkholder addressed the issue of cutting positions. The Council had voted twice to eliminate this position. He asked Councilor Hosticka why he was bringing the amendment forward. Council President Bragdon said he would not be supporting this amendment and explained why. Councilor Hosticka explained the need for the communications function for the upcoming year. He said he felt that funding for the position could be found.

Vote to Amend:	Councilors Hosticka, McLain, Monroe voted in support of the motion Councilors Newman, Park, Burkholder and Council President Bragdon voted against the motion. The vote was 3 aye/ 4 nay, the motion failed.
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Motion to Amend:	Councilor Hosticka moved to amend Ordinance No. 03-1001 with Auditor Amendment #1.
Seconded:	Councilor McLain seconded the motion

Councilor Hosticka asked Alexis Dow, Metro Auditor, to explain her amendment. Ms. Dow said the budget amendment would bring the auditor's budget in line with the guidelines given to the departments. The Council President Bragdon's proposed budget did not allow appropriate funding for the Auditor's office. She spoke to some of the testimony and questions Councilors had raised about her budget. The budget as proposed by the Council President made an enormous cut in the auditor's budget. She explained the effects. She felt it was prudent to tightening our belts. However, we needed to look at Metro's revenue funds. The funds were up and in the black. She asked the Council to approve this amendment. Councilor Monroe urged support.

Motion to Amend Auditor Amendment #1:	Councilor Monroe moved to amend Auditor Amendment #1 to restore \$40,000 of her budget.
Seconded:	Councilor McLain seconded the motion

Councilor Monroe spoke to his amendment. He felt that possibly the cuts that were proposed were too deep. Councilor McLain said there were questions about the assumptions about the budget process. She noted other auditor's budgets in the area and how each auditor office functioned differently.

Vote to Amend Auditor Amendment #1:	Councilors McLain and Monroe voted aye, Councilors Newman, Hosticka and Park voted nay, Council President Bragdon and Burkholder abstained from the vote voted in support of the motion. The vote was 2 aye/3 nay/ 2 abstained, the motion failed.
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Councilor Burkholder spoke to auditing as a percent of total budget (a copy of which is included in the meeting record). What he saw was that we were spending a good amount more than our sister agencies. He felt that the Auditor's budget was more than adequate to meet the auditing functions of the agency. He talked about performance audits. Councilor Park said he felt the auditor's funding was sufficient. How the funds were being spent was Ms. Dow's choice but felt that we should be budgeting for audits not auditors. He would not be supporting this amendment. Councilor McLain asked Ms. Dow about the bar graph handed out by Councilor Burkholder. Ms. Dow responded to her question and made some observations about the bar graph. She talked about comparing the other agencies with her office. She explained further some of the functions of her office and why her office was different than some of the other agencies. She stated that no agency should conduct its auditing function the way Washington County conducts it. She addressed Councilor Park's comments and the appropriateness of budgeting auditors rather than audits. Council President Bragdon said he would be voting no on this amendment and explained why he was not supporting the amendment. He validated the need for an audit function. He spoke to the auditor's independence. It was the Council's responsibility to determine what was an appropriate budget for the auditor. Councilor Hosticka said they had had a thorough discussion about the amendment. This amendment was not about money. He spoke to the relationships between the Council and the Auditor, the importance of an information exchange. He said he was trying to restore a respectful relationship between the Council and the Auditor's Office.

Vote to Amend:	Councilors Hosticka and McLain voted aye, Councilors Park, Burkholder, Newman and Council President Bragdon voted against the motion, Councilor Monroe abstained from the vote. The vote was 2 aye /4 nay/1 abstain, the motion failed.
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2. CITIZEN COMMUNICATION

There were none.

3. COUNCILOR COMMUNICATION

Councilor Hosticka passed out a memo concerning Schedule for Fish and Wildlife Habitat Protection Program (Goal 5) (a copy of which is included in the record).

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Council President Bragdon talked about the Olmstead Conference. He would be speaking at the conference about our open spaces program. He talked about the Green Ribbon proposals and suggested Council begins its discussion again.

Councilor McLain thanked Mark Williams for his service as Interim Chief Operating Officer.

Councilor Monroe talked about the Transportation Task Force and transportation funding issues.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:20 p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF APRIL 29, 2003

Item	Topic	Doc Date	Document Description	Doc. Number
1	Proposed Amendment to the FY 2003-04 Budget	4/18/03	TO: David Bragdon From: Kathy Rutkowski, Acting Financial Planning Manager RE: Proposed amendments to the FY 2003-04 Introduced to the Metro Auditor	042903c-01
1	Proposed Amendment to the FY 2003-04 Budget	4/23/03	TO: David Bragdon FROM: Kathy Rutkowski, Acting Financial Planning Manager RE: Councilor Generated Proposed Amendments to the FY 2003-04 Proposed Budget	042903c-02
1	FY 2003-04 Proposed Budget Summary	4/29/03	TO: Metro Council From: Kathy Rutkowski RE: Summary of Cost Allocation and Excise Tax Impact of Proposed Amendments	042903c-03
1	FY 2003-04 Proposed Budget	4/24/03	TO: Metro Council From: Kathy Rutkowski RE: Fiscal Impact Summary of Budget Amendments for General Fund, Enterprise and Related and Support & Miscellaneous	042903c-04
1	FY 2003-04 Proposed Budget	4/24/03	To: Metro Council From: Kathy Rutkowski RE: Fiscal Impact of Summary of Budget Amendments for Auditor Support Services & Miscellaneous	042903c-05
1	FY 2003-04 Budget Note	4/29/03	TO: Metro Council From: Councilor Burkholder RE: Burkholder Budget Note #1 concerning neighborhood cleanup program	042903c-06
1	FY 2003-04 Budget Amendment	4/29/03	TO: Metro Council From: Councilors Newman and Park RE: Budget Amendment to SW&R #3	042903c-07
1	FY 2003-04 Budget Note	4/29/03	TO: Metro Council From: Councilor Burkholder RE: Budget note to Amendment Council #1	042903c-08
1	Email	4/29/03	TO: Metro Council From: Kelly Caldwell RE: Email supporting restoration of funding for neighborhood cleanup programs.	042903c-09
1	Spreadsheet	4/29/03	TO: Metro Council From: Mike Hoglund, SW & R Director RE: Additional Expenditures Effect on Debt Service and Contingency Reserves	042903c-10
1	Article	4/29/03	TO: Metro Council From: Councilor Burkholder RE: Oregonian article "Schools budget counts on new tax"	042903c-11
1	Bar graph	4/29/03	TO: Metro Council From: Councilor	042903c-12

			Burkholder RE: Auditing as a Percent of Total Budget	
3	Memo	4/24/03	TO: Metro Council From: Andy Cotugno, Planning Director and Chris Deffebach, Long Range Planning Manager RE: Schedule for Fish and Wildlife Habitat Protection Program (Goal 5)	042903c-13
1	Request	4/29/03	TO: Metro Council From: Councilor Newman RE: 2040 Centers Program request for additional funding	042903c-14