

NOT ADOPTED

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ESTABLISHING METRO)
COUNCIL GUIDELINES AND STANDARDS FOR)
SUBMISSION OF WRITTEN AND ORAL)
TESTIMONY, AND INTERNALLY GENERATED)
DOCUMENTATION FOR INCLUSION IN THE)
COUNCIL'S RECORDS)
)

RESOLUTION NO. 97-2554 A

Introduced by Jon Kvistad,
Presiding Officer

WHEREAS, as a governing body, the Metro Council wishes to provide the public complete information about its decision-making processes and conclusions; and

WHEREAS, the information contained in the Council's records is a primary vehicle to promote public awareness; and

WHEREAS, the Metro Council wishes to facilitate public and staff access to its decision record, to promote accurate and complete record keeping, and to prevent the loss of valuable documentation; and

WHEREAS, the Metro Council wishes to establish standards for documents submitted to the Council; and

WHEREAS, the Metro Council wishes to institute guidelines to inform members of the public, members of its staff, and other government entities regarding basic format and content standards for acceptance of documents by the Council; and

WHEREAS, the Metro Council wishes to set forth procedures by which documents submitted to the Council are received and recorded in an organized and comprehensive manner; now therefore,

BE IT RESOLVED, that the Metro Council hereby adopts Metro Council guidelines for the submission of written and oral public testimony and internally generated documentation for inclusion in the public record, as follows:

Oral testimony that is to be included in the public record of a Council decision must be presented at a Metro Council meeting or Committee meeting and must address an agenda item.

Individuals or groups receiving or submitting documents to be included in the Council's record for a decision must follow these procedures:

1. Submit all documents to the Clerk of the Council prior to or during a Metro Council or Council Committee meeting. If documents are received prior to a meeting, the Clerk of the Council will enter them into the record at the next meeting at which the agenda item is considered.
2. Documents longer than one page must be consecutively paginated in the lower right-hand corner of each page. A table of contents is recommended for documents that address a variety of issues. Documents over __ pages in length that do not have page numbers will be returned for pagination to the person submitting the item.
3. Documents will be reviewed by the Clerk of the Council or designee to ensure they include the following information:
 - ◆ Date
 - ◆ Name
 - ◆ Name of the organization (if applicable)
 - ◆ Street address, city, state, zip code
 - ◆ Agenda item(s) or subject matter being addressed.
 - ◆ Addressee or cc: Clerk of the Council
 - ◆ A phone number is optional.
4. Documents that have not been submitted to the Council as provided for herein shall not be considered part of the Council's record on a particular decision.

5. Documents that are received by Councilors or other Metro elected officials or staff may be submitted to the Council as provided for herein. However, failure on the part of Metro officials or staff to submit an item shall not be grounds for including an item in the record if the document was not formally submitted to the Council by the originator of the document as provided for in this resolution.

BE IT FURTHER RESOLVED, that the provisions of this resolution also apply to internal Metro documents submitted by the Council by the Executive Officer, Auditor and any Metro Commission or Metro staff employed by these Metro officials.

BE IT FURTHER RESOLVED, that the Presiding Officer may from time to time publish and enforce additional guidelines consistent with this resolution defining terms and clarifying the requirements for submitting documents to the Council.

ADOPTED by the Metro Council this _____ day of _____, 1997.

Jon Kvistad, Presiding Officer

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ESTABLISHING METRO) RESOLUTION NO. 97-2554
COUNCIL GUIDELINES AND STANDARDS FOR)
SUBMISSION OF WRITTEN AND ORAL PUBLIC) Introduced by Jon Kvistad,
TESTIMONY, CONSTITUENT CORRESPONDENCE,) Presiding Officer
OTHER EXTERNALLY GENERATED DOCUMENTATION,)
AND INTERNALLY GENERATED DOCUMENTATION)
FOR INCLUSION IN THE DECISION RECORD)

WHEREAS, as a governing body, the Metro Council wishes to provide the public complete information about its decision-making processes and conclusions; and

WHEREAS, the decision record is a primary vehicle to promote public awareness; and

WHEREAS, the Metro Council wishes to facilitate public and staff access to its decision record, to promote accurate and complete record keeping, and to prevent the loss of valuable documentation; and

WHEREAS, the Metro Council wishes to establish definitions and standards for use in determining types of documentation for inclusion in any given decision record; and

WHEREAS, the Metro Council wishes to institute guidelines to inform members of the public, members of its staff, and other government entities regarding basic format and content standards for acceptance of documents in the decision record; and

WHEREAS, the Metro Council wishes to set forth procedures by which documents submitted for inclusion in the decision record are received and recorded in an organized and comprehensive manner; now therefore,

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BE IT RESOLVED, that the Metro Council hereby adopts Metro Council guidelines for the submission of written and oral public testimony, constituent correspondence, other externally generated documentation, and internally generated documentation for inclusion in the public record, as set forth in Exhibit "A" attached and incorporated into this resolution.

ADOPTED by the Metro Council this _____ day of _____, 1997.

Jon Kvistad, Presiding Officer

Resolution No. 97-2554
Exhibit "A"

**GUIDELINES AND STANDARDS FOR THE SUBMISSION OF DOCUMENTS
FOR INCLUSION IN THE PUBLIC RECORD**

INTRODUCTION/BACKGROUND

This resolution provides guidelines and standards for receipt of and access to all testimony and documents applicable to decision making. In the event of litigation concerning decisions made or policies adopted by the Metro Council, this resolution aims to ensure an accurate and documented decision record.

In an effort to streamline the process for submission of documentation, particularly in matters with the potential for litigation, these guidelines and standards have been developed to identify the central location for submission of documents and to ensure supporting documentation and testimony are formally received into, recorded, and accessed as part of the official Council decision record.

**PROCEDURES FOR SUBMITTING DOCUMENTATION FOR INCLUSION IN METRO'S
DECISION RECORD**

The following procedures set forth guidelines for receiving and recording documents that are submitted for inclusion in the decision record.

Documents submitted for inclusion in the decision record are generated from a number of different sources:

- ◆ Constituents
- ◆ Metro Councilors
- ◆ Metro Executive Officer
- ◆ Metro Auditor
- ◆ Metro staff
- ◆ Elected officials (local, state, federal)
- ◆ Local jurisdictions
- ◆ Other government entities
- ◆ Neighborhood associations
- ◆ Businesses and organizations (profit and non-profit)
- ◆ Contractors, vendors, franchisees
- ◆ Any other entities doing business with Metro.

The decision record is composed of the following:

- ◆ Constituent correspondence
- ◆ Written and oral testimony from constituents or organizations
- ◆ Agenda and minutes of Council meetings

- ◆ Resolutions and ordinances, including staff reports, exhibits and attachments
- ◆ Memoranda
- ◆ Reports and supporting documentation
- ◆ Maps
- ◆ Photographs
- ◆ Audio and video tapes
- ◆ Slides and transparencies.

Because the decision record is composed of a wide assortment of documents created and submitted from a variety of sources, it is necessary to establish measures to ensure documents are received and recorded in an organized and comprehensive manner. These measures will prevent the loss of documentation, promote accurate and complete record keeping, and facilitate access to the Metro Council's decision record by the public and staff members.

The following groups or individuals may receive documents to be included in the decision record:

- ◆ Clerk of the Council
- ◆ Metro Council
- ◆ Metro Council committees
- ◆ Metro Councilors
- ◆ Executive Officer
- ◆ Metro Auditor
- ◆ Metro staff
- ◆ Metro advisory committees.

Oral testimony that is to be included in the decision record must be presented at a Metro Council meeting and must address a published agenda item.

Individuals or groups receiving or submitting information to be included in the decision record must follow these procedures:

1. Submit all documents to the Clerk of the Council prior to or during a Metro Council meeting. If documents are received prior to a meeting, the Clerk of the Council must enter them into the decision record at that Council meeting.
2. Documents longer than one page must be consecutively paginated in the lower right-hand corner of each page. A table of contents is recommended for documents that address a variety of issues.
3. Documents will be reviewed by the Clerk of the Council or designee to ensure they include the following information:
 - ◆ Date
 - ◆ Name
 - ◆ Name of the organization (if applicable)
 - ◆ Street address, city, state, zip code
 - ◆ Item(s) being addressed.

- ◆ Addressee or cc: Clerk of the Council

A phone number is optional.

Please Note

- ◆ A list of the documentation received by the Clerk of the Council for inclusion in the decision record will be published as an attachment to the minutes for the meeting at which the documentation is received.
- ◆ Metro Councilors may obtain copies of documentation, upon request, before or after a policy decision is made.
- ◆ Interested parties may receive a copy of the decision record by submitting their request in writing to the Clerk of the Council or Council staff. A 48-hour notice is required. The cost for duplication will be assessed in accordance with Metro's guidelines.

DESCRIPTION OF TERMS AND RESPONSIBILITIES OF INVOLVED INDIVIDUALS OR OFFICES

The following terms, when they appear in Resolution No. 97-2554, its exhibit(s), staff report, or attachment(s), shall have the meanings or responsibilities indicated below. The definition of any given term or description of responsibilities is provided only to the extent that it is pertinent to the subject matter of Resolution No. 97-2554, and does not necessarily constitute an exhaustive description of the term.

Agenda. -- means the official listing and schedule of items to be considered before the Metro Council or Metro Council Committee meeting. The agenda may include a packet of those printed materials to be considered by the Metro Council at the meeting. Agenda pertinent to the subject of the decision will be included as part of the decision record.

Clerk of the Council or Clerk. -- means the person who maintains custody of the decision record. The duties of this individual are to receive into the decision record the minutes and agenda of the meeting itself, as well as all materials that are submitted by members of the public; members of the Metro Council; the Metro Executive Officer; the Metro Auditor; members of Metro's Council, Executive, and department staff; and representatives of other government entities that come before the Metro Council.

The Clerk of the Council may receive materials either directly to her/his attention in the Council office or at a regular Council meeting. If materials are submitted directly to the Clerk of the Council in the Council office, the Clerk shall then formally submit those materials into the record at a regular Council meeting. The clerk shall date-stamp all items into the record with the date of the Council meeting at which they were admitted, not the date they were received in the building. The Clerk of the Council or a designee must be present at all meetings of the Metro Council.

Committee Chair. -- means the Metro Councilor appointed by the Presiding Officer to preside over a particular Metro Council standing committee. The committee chair is responsible for forwarding all action items passed by the committee into the decision record during a regular meeting of the full Metro Council. The committee chair may assign this responsibility to another member of the committee.

Constituent Correspondence. -- means a letter, other written communication, or physical documentation submitted to the Metro Council, Metro Councilors, the Clerk of the Council, or department staff. Such correspondence can be submitted by citizens, special interest groups, the Metro Executive Officer, the Metro Auditor, Metro advisory groups, organizations and businesses of the region. To be included in the decision record, the correspondence must be entered into the record through the Clerk of the Council or designee.

Metro Council. --means the full Council or any of the Council standing committees. Likewise, reference to Metro Council meetings also includes meetings of the standing committees. In those instances where a distinction between the full Council and the standing committees is important, the terms "full Council" and "Council standing committees" are used.

Decision Record. -- means information used by the Council to make its decision and the record upon which a higher deliberative body bases its findings and conclusions regarding appeals to decisions made by the Metro Council. The decision record will include both internally and externally generated documents. It will include written and oral testimony by citizens, public bodies, local jurisdictions or agency personnel submitted at a Council meeting, meeting of a Metro advisory committee, or other Metro special meeting on a particular resolution or ordinance under consideration. The decision record will include a copy of all documents that are distributed and collected at official Council meetings as well those included in the full agenda packet. The decision record shall include the following: a final decision, including any findings of fact and conclusions of law; all written testimony and exhibits, maps, documents or other written materials accepted by the decision makers during Council meetings; and minutes and tape recordings of the meetings, as required by law. A verbatim transcript of audio tape or videotape shall not be required, but if a transcript has been prepared, it shall be included. If a verbatim transcript is included in the record, the tape recordings from which that transcript was prepared need not be included in the record.

Documentation to be included as part of the decision record must be received into that record at a regular Council meeting.

A record that does not conform to the preceding requirements may not be accepted by the Council into the decision record. It is at the discretion of the Presiding Officer, upon the advice of Metro's general counsel, as to whether a record not following these guidelines will be included in the decision record.

Designee to the Clerk of the Council. -- means the Council assistant who regularly fulfills the duties of the Clerk of the Council at meetings of the Metro Council standing committees or the duties of the Clerk of the Council at meetings of the full Metro Council in the absence of the Clerk of the Council. At the direction of the Committee chair, the Council assistant may be required to forward items for inclusion in the public record to the Clerk of the Council.

Externally Generated Documentation. -- means documents generated outside Metro. This documentation includes letters, written testimony, facsimiles, and other documents submitted on a particular topic or agenda item and used by the Council or committee in making a decision on that item. For these documents to be considered part of the decision record, they must address a published agenda item and be submitted into the record at the Council meeting where that item is considered.

Internally Generated Documentation. -- means documents generated within Metro's internal organizational structure. This documentation includes Metro records (reports, agendas, Metro legislation, minutes) on a particular topic or agenda item and used by the Council in its decision making process. For these documents to be considered part of the decision record, they must address a published agenda item and be submitted into the record at the Council meeting where that item is considered. These documents may be submitted by a member of Metro's Council, its Executive Officer or staff, its Auditor or staff, or a representative of any of its divisions or departments.

Oral Testimony. -- means testimony given orally at a Metro Council meeting on specific agenda items, or oral testimony given at a community listening post or public hearing, transcribed and entered into the minutes of that meeting. Oral testimony shall be summarized in the minutes unless the Metro Council standing committee chair, the Metro Council Presiding Officer, or the Metro general counsel specifically requests verbatim transcripts.

Presiding Officer. -- means the Metro Councilor elected by a majority vote of the Metro Council to preside over the Metro Council. A partial list of duties of the Presiding Officer as they pertain to the decision record include 1) establishing the Council agenda, 2) establishing the schedule of Council meeting dates, 3) convening the Council meeting at the appointed time, 4) announcing and conducting the business before the Council, 5) stating and putting to a vote all questions that are regularly moved in the course of proceedings, and 6) announcing the result of all votes. Further, the Presiding Officer shall, by his or her signature, authenticate all legislative actions taken by the Council, in the form of Resolutions or Ordinances, and in general, represent the Council by declaring and carrying out its will. The Presiding Officer shall refer to Robert's Rules of Order to determine correct application of parliamentary procedure in the conduct of the meeting.

(Members of the) Public. -- means all of the citizens any individual or group of individuals who represent community interests (as opposed to private interests).

Public Hearing. -- means that part of a Metro Council meeting set aside for members of the public, business interests, and representatives from other jurisdictions to testify on a specific agenda item. Public hearings are held in conjunction with and as part of either an action or non-action agenda item. Public hearings may be called by the Presiding Officer through notice in the agenda or in response to a request from a member of the public during a Council meeting. The committee chair or the Presiding Officer may call a public hearing for an agenda item, whether a public hearing notice has been published or not. Testimony offered at public hearings may be submitted into the decision record in either oral or written form. A request to submit oral testimony must be accompanied by a testimony card providing the following information: first

and last name, name of organization (if applicable), street or mailing address, city, state, zip code and reference to the agenda item being addressed. If the speaker also submits his or her comments in written form, the recorder shall reference form in the minutes. Testimony submitted that does not relate to a printed agenda will be included in the decision record only if brought forward in a Council meeting where the resolution or ordinance is part of the agenda or where a public hearing has been called concerning that item.

Publicly Noticed Meeting. -- means a meeting that meets the requirements of the Oregon Revised Statutes pertaining to the proper notification of a public meeting. Meetings of the Metro Council are noticed in advance by publication and distribution of a formal meeting agenda and in the legal notices section of local print media.

Testimony. -- means information supporting a position on a particular policy, decision, resolution, ordinance, or issue considered by the Metro Council.

Written Testimony. -- means testimony submitted in writing at a Council meeting. Written testimony includes verbatim transcripts of oral testimony, letters, facsimiles, reports, maps, photographs, films, and testimony cards.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 97-2554, FOR THE PURPOSE OF ESTABLISHING METRO COUNCIL GUIDELINES AND STANDARDS FOR SUBMISSION OF WRITTEN AND ORAL PUBLIC TESTIMONY, CONSTITUENT CORRESPONDENCE, OTHER EXTERNALLY GENERATED DOCUMENTATION, AND INTERNALLY GENERATED DOCUMENTATION FOR INCLUSION IN THE DECISION RECORD.

Date: September 4, 1997

Presented by Jon Kvistad, Presiding Officer
Prepared by Chris Billington,
Clerk of the Council

Background and Analysis: This document was generated to support the recommendation from general counsel, the presiding officer and the clerk of the council, that guidelines and standards be developed for the agency and the public concerning documentation (oral and written) that is to be included in Metro Council decisions. Ideas from the council staff, general counsel and staff, and the archivist as well as guidelines and standards established by Land Use Board of Appeals, Robert's Rules of Order, the Metro Charter and Code and public record law were incorporated into this resolution.

In the past, it has been necessary for the Council Office and Office of General Counsel to catalogue and prepare large decision records for litigants of Metro and for the Land Use Board of Appeals. This has taken place under very severe time constraints (21 days). This document, in part, provides guidance to all individuals and groups clarifying the contents of such a record and the process for formal submission of those documents (both oral and written) into the decision record. This resolution will better ensure that the decision record is complete, so that once it has been prepared for distribution there will be no need for supplemental documents to be entered into the record after the record has been closed. This resolution also provides guidelines and standards to assist the Council and General Council Departments in record keeping so that preparation of such a record may be ongoing instead of time limited.