

MINUTES OF THE METRO COUNCIL MEETING

Thursday, October 14, 2004
Metro Council Chamber

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

Councilors Absent:

Council President Bragdon convened the Regular Council Meeting at 2:02 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. MANAGEMENT OF RELATIONSHIP WITH OREGON ZOO FOUNDATION NEEDS IMPROVEMENT

Alexis Dow, Metro Auditor, introduced Debbie DeShais, her new Senior Auditor. She then provided a power point presentation on the Oregon Zoo and its relationship with the Oregon Zoo Foundation (a copy of the power point presentation is included in the meeting record). She said in November 2003 the Metro Council suggested that the Metro Auditor's Office examine the relationship between the Oregon Zoo and the Foundation. She spoke to the contractual agreement with the Foundation. She noted risks with this contractual agreement. She then detailed some of the problems they found including visibility and collection of revenue, contracting practices and information flow. She spoke to the impact and effects on Metro including loss of revenue to the Oregon Zoo and loss of excise tax to Metro. She then talked about the Zoo Director's conduct and Metro's Ethic's Code. She felt that the Metro Council and the Chief Operating Officer should hold the Zoo Director accountable. She summarized her findings on why there was a need to address a change in the current agreement. She talked about the need for public accountability provisions in the agreement. She also suggested that independent monitoring was needed. They believed that due to the findings found in this report, there was a need for the Council accepted the recommendations.

Council President Bragdon called for comments from the two Councilor liaisons, Councilors McLain and Monroe.

Councilor Monroe said volunteers were absolutely critical to operate our Zoo. The Foundation was at the zenith of that volunteer list. They were professionals who volunteered hundreds of hours to support the Zoo. Every single penny that the Foundation managed, handled and raised went to make the Oregon Zoo the best it could be. He noted Tony Vecchio, Oregon Zoo Director, qualifications and noted his one purpose, which was to make the Oregon Zoo the best it could be. He noted the improvements and changes that had taken place since Mr. Vecchio had become Director. He talked about the excise tax issue. This Council and the Chief Operating Officer (COO) had complete faith in the integrity of the Foundation and the Zoo Director.

Council President Bragdon thanked the Auditor, the Chief Operating Officer (COO) and the Zoo Director for their efforts in implementing reforms at the Zoo. He had never heard any questions from Council about any unethical intent. He had complete confidence in Mr. Vecchio. He also thanked the Oregon Zoo Foundation for their work.

Councilor McLain thanked the Auditor for her presentation today. She felt the Oregon Zoo was an example of a good Zoo and one that they could all be proud of. She talked about the Friends of the Zoo, who had been the backbone of the Zoo. She talked about the Zoo Foundation's work. She said the accounting changes had been implemented. She said she couldn't agree with the comments about the ethical issue of the Zoo Director. As a representative of the public, she felt comfortable that the Council and the Director would do everything to make things right.

Councilor Park said one of his least concerns was the staff being ethical. The Metro staff cared too much. He didn't buy into the issues of ethics presented by the Auditor.

Councilor Newman said he had strong confidence in the Zoo Director. He appreciated the audit. He felt the agency and the Zoo was better for the audit. None-the-less the changes that had already been implemented would go along way in correcting some of the errors.

Jim Mark, Oregon Zoo Foundation Board of Directors, 4001 SW Canyon Road, Portland Oregon 97221 said he was here as Vice Chair of the Oregon Zoo Foundation. He presented the Foundation's response to the audit. He talked about the mission of the Foundation. Every dollar that they raised was devoted to the Zoo. He spoke to fulfilling the Conservation and Education programs of the Oregon Zoo. He was proud of their new exhibits and their work on the condor project. They were lucky to have tremendous Zoo staff led by the Zoo Director. He spoke to the Foundation's governance. The Foundation Board cooperated thoroughly with the Metro Auditor. The audit uncovered some practices that needed to be updated. They were shocked and disappointed at the press release about the audit because they had worked so closely with the Metro Auditor. He spoke to the contract currently in place and the annual financial audit. They were careful stewards. He gave accolades to the Oregon Zoo Director.

Paul Schlesinger, 610 SW Alder #1221, Portland OR 97205 said he was a past treasurer of the Oregon Zoo Foundation. He talked about the outside audit, which was done annually. They had a partnership that was public and private in nature. There were times when things go outside the box. This was done solely on the point of making the Oregon Zoo what it was today. He noted time and cost constraints. He talked about the condor program and its success. He was honored to have worked with Tony Vecchio. They picked the right person for the job. He felt that Mr. Vecchio was the utmost ethical person. Audits were always welcome. There was always need for change and improvement. He hoped the public looked at this audit in a positive light.

Councilor Hosticka suggested Ms. Dow address comments.

Ms. Dow said this had been the presentation of the report. She talked about a letter that had been sent to the Oregon Zoo employees. She summarized the first part of that letter recognizing the Zoo and the Foundation importance. However, she felt that their comments undermined the integrity of the Metro Auditor. She talked about management's responsibilities. She urged Metro Council to fulfill its responsibilities.

Michael Jordan, COO, said he had the opportunity to work with the Auditor many times in this report. The latest half of this presentation was indicative of dealing with the Metro Auditor. He

felt the report was a good report. He spoke to her recommendations and which ones he agreed with. He felt the latest presentation impugned the COO and the agency.

Councilor McLain appreciated the COO's comments. They knew their contract management could always improve.

4. GREEN TRAILS: GUIDELINES FOR ENVIRONMENTALLY FRIENDLY TRAILS

Jim Desmond, Regional Parks and Greenspaces Director, introduced the topic. Local parks providers had taken a look at building trails near places in nature without harming nature. This was a classic case of where Metro had an opportunity to support this concept. He thanked Heather Nelson Kent's for her leadership and Jennifer Budhabhatti's for her efforts in creating this book.

Jennifer Budhabhatti, Regional Parks and Greenspaces Department, provided a power point presentation on Green Trails. She talked about the history of developing this book. They had worked with the partners to come up with guidelines. She then spoke to how the book was organized, introduction, planning and implementation.

Councilor Newman thanked Ms. Budhabhatti. This was a great resource. The more we can do to help partners, the better. He spoke to a Goal 5 proposal and that this was a good example of an incentive based program. It was this kind of information that helped Metro's implementation of such a program.

Councilor McLain noted the partners who had been involved in creating this book. She talked about the Green Streets book, which was companion to this book. She felt this was an exciting program. She noted Mel Huie's work on trails.

Councilor Hosticka thought this was an important subject. He spoke to our task to preserve our ecological function. He talked about a project in his district.

Council President Bragdon thanked Ms. Budhabhatti for her work. He felt this was tremendous help to the public.

5. COMPLETION OF RESTORATION PROJECT ON THE CLACKAMAS

Jim Desmond, Regional Parks and Greenspaces Director, talked about the project and also what the Park's department was trying to do concerning restoration. He noted that Metro had put no dollars into this. They had only provided the land.

Jim Morgan, Regional Parks and Greenspaces Department, thanked the Metro Council for authorizing this project. The Clackamas River was one of our target areas for acquiring public land and improving habitat. He said there was a need for improvement of habitat along the channel. He noted where the Parson's property was located. He spoke to the partnership between Oregon Wildlife, a non-profit foundation, Metro, PGE, Oregon Fish and Wildlife and Inter-fluve. He talked about the project goals and then gave an overview of the project (a copy of the power point presentation is included in the meeting record). They were careful not to disturb the natural vegetation. He acknowledged the benefits to the fish. He said this was probably the best example in the State of channel improvement and restoration of habitat. This was great project for the

Park's Department. It provided easy access and educational opportunities. He thanked the partners for their contributions.

Councilor Hosticka said he was glad that Mr. Morgan mentioned cost. It showed how costly these types of project were.

6. CONSENT AGENDA

6.1 Consideration of minutes of the October 7, 2004 Regular Council Meetings.

Motion:

Councilor Newman moved to adopt the meeting minutes of the October 7, 2004 Regular Metro Council.

Vote:

Councilors Burkholder, McLain, Monroe, Newman, Hosticka and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed with Councilors Monroe and Park absent from the vote.

7. CHIEF OPERATING OFFICER COMMUNICATION

Mr. Jordan introduced Mary Weber who would summarize the Division of Land Conservation and Development's staff report.

Mary Weber, Planning Department, briefed the Council on the Division of Land Conservation and Development staff report concerning the Urban Growth Boundary Industrial Lands decision (a copy of her talking points is included in the meeting record).

Councilor Burkholder wondered if there were different ways of calculating roads. Ms. Weber said they did do it differently. That was why they were thinking that a range was appropriate. She continued summarizing the decision, which failed to bring all of the needed land in. She noted that Dick Benner, Senior Attorney would present more detail and options this coming Tuesday at Work Session. Councilor Newman asked about Goal 9 issues. Ms. Weber responded to his question.

Councilor Hosticka asked for clarification on the Port of Portland serviceability issue. Ms. Weber suggested that this was a good question for their attorney and the Commission. She noted the recommendations by the staff to the Commission concerning amendments and reconsiderations.

She then spoke to process. The Metro Council had 10 days to respond to the report. Metro did not have to respond. There was also the Commission's hearing November 3rd where Metro could argue its position. The Commission may or may not make a decision that day. The next step was for the Commission to issue a remand order. She spoke to the history of the 2002 Urban Growth Boundary (UGB) decision. The Metro Council could appeal the Commission's decision.

Councilor Hosticka asked when the ten-day clock started. Ms. Weber said by October 22nd. Councilor Hosticka asked if there could be an extension. Ms. Weber said they had an opportunity at the Commission's hearing. Councilor Hosticka explained his reason for the question on timing. If they could have another week to work through the issues he felt it was desirable. Ms. Weber said they could address this to Mr. Benner next Tuesday. Mr. Jordan explained what they could do and that the Council could make a formal statement next Tuesday. Council President Bragdon agreed with that suggestion. Councilor McLain agreed and said this was Council work. She spoke

to opportunities at the Commission. She wanted the very best defense at the Commission. She suggested listening to Mr. Benner. She spoke to technical issues that they would want to weigh in on. She felt they would have an opportunity to respond both through a letter and orally at the Commission on November 3rd.

Councilor Park talked about Goal 9. He wanted to know what “some” responsibility was in reference to Goal 9. They needed to understand what that meant for Metro as a regional body.

8. COUNCILOR COMMUNICATION

Councilor McLain pointed out a new person on staff, Eileen Moss, Environmental Education and Grant Coordinator. They noted a brochure on the grant program and the number of entities that had received grants for restoration.

9. BUDGET WORK SESSION

Councilor Burkholder began presiding over the work session. Councilor Park said they would need to leave soon. Councilor Burkholder suggested taking a few minutes to set the context, because he knew there had been some confusion last week when they reviewed the Zoo’s budget work. He met with Michael Jordan, Bill Stringer and Mike Wetter earlier today to talk about how to make sure they laid this out appropriately. The Council was providing feedback for the management in order to take the strategic planning work that the Council did (establishing goals and objectives) and try to translate this into what it meant in terms of management and budget. He asked Mr. Jordan to explain what he was trying to get out of the feedback session with the Council. He suggested that they might be able to reschedule the planning and parks strategic budget session for next Tuesday, Oct. 19 as part of the Work Session and possibly another time.

Michael Jordan responded and said that they really did need to get through these sessions in October. He said they would make every effort to hold them. He said he should have made more introductory remarks last week when they heard the zoo budget. He explained about why they were doing these sessions. He noted that they have been doing this for six months. They’ve done goals and objectives, and even a grading system that gave them some broad prioritization of what the Council was interested in. This will be the first time to hear the departments actually link those discussions to what they were doing today and talk to the Council about what the management saw from their perspective as issues and opportunities that were on the horizon for them, that influenced what they did. The management needed the Council to give feedback oriented in a certain way. The one thing staff could not do was overlay the community’s values. He would like the Council to listen with that filter, and think of the community’s values. He used an example of the Zoo educational programs, showing the type of value judgments management and staff would like to hear from the Council. It is informative to staff to hear the Council’s values come through in discussions, even if the Council does not come to a conclusion.

Michael Jordan continued and said that after the Council was finished this month, the senior management planned to take a retreat and—in addition to assigning money and people—they would look at the values articulated and see if Metro was organized in the most effective and efficient way to meet the objectives the Council had set and the values articulated. They would then come back in November or December to the whole Council to share what they think could be some changes to make, some proposals, regarding meeting the Council’s objectives. They would probably have a few more iterations during the winter. He was looking for the input from Council that only Council could give.

Council President Bragdon said he needed that feedback too, since he eventually wanted to be able to bless a proposed budget. He said the involvement verbally would be very important. He wanted to make sure these discussions were on the calendar and that as many councilors as possible could be present for the discussions.

Councilor McLain said the Council was hoping for some expert advice back also, not just on reorganizing or meeting the Council's goals, but on responsibilities that Metro had under present law and was legally required to do, that Metro had enough budget to get these done well. Those things Metro did not have a choice about doing or not doing were known to fit into the overall goals, and the Council has to figure out how to do them well. They needed the back and forth with staff. The Council wanted their expert advice on how they achieved responsibilities that were at least at the present time, Metro's. She would like to see options for how to carry out the goals, for requirements and choices that were not required.

Councilor Park said the feedback back and forth would be very important. Councilors will need to know from staff the implications of their requests, and what the "bill" will cost. Mr. Jordan agreed that this was almost exactly what was planned. In the first iteration, they will probably have estimates at this point. He cited an example in the Planning department and affordable housing full-time equivalents (FTEs). He said they would at least be able to articulate the scale of changes being proposed. Councilor Park agreed.

Councilor Burkholder said he saw the spirit of this discussion as setting the general shape. Details such as FTEs would be worked out later in the spring. Another important thing coming out of the departments' work was identifying issues and opportunities. He felt they should have spent more time on that at last week's meeting. He indicated that he and Councilor Park needed to leave for a commitment in Eugene. He hoped the Parks and Planning discussions will be rescheduled for next week.

Councilor Hosticka suggested starting the Work Session on Tuesday, October 19, 2004, earlier than usual, to accommodate the full schedule. Mr. Jordan said they would arrange the schedule with the Council staff.

11. ADJOURN

There being no further business to come before the Metro Council, Councilor Burkholder adjourned the meeting at 4:06 p.m.

Prepared by

Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF OCTOBER 14,
2004**

Item	Topic	Doc Date	Document Description	Doc. Number
6.1	Minutes	10/7/04	Minutes of the Metro Council Meeting of October 7, 2004	101404c-01
3	Power Point Presentation	September 2004	To: Metro Council From: Alexis Dow, Metro Auditor Re: Management of Relationship with Oregon Zoo Foundation Needs Improvement Power Point Presentation	101404c-02
4	Power Point Presentation	September 2004	To: Metro Council From: Jennifer Budhabhatti, Regional Parks and Greenspaces Department Re: Green Trails Power Point Presentation	101404c-03
5	Power Point Presentation	September 2004	To: Metro Council From: Jim Morgan, Regional Parks and Greenspaces Department Re: Clackamas River Parson's Site Off-Channel Fish Rearing Habitat Project Power Point Presentation	101404c-04
7	Talking Points	10/14/04	To: Metro Council From: Mary Weber, Planning Department Re: DLCD's staff report summary	101404c-05