

MINUTES OF THE METRO COUNCIL

January 4, 1993

Council Chamber

Councilors Present: Presiding Officer Jim Gardner, Deputy Presiding Officer Judy Wyers, Roger Buchanan, Richard Devlin, Mike Gates, Sandi Hansen, Jon Kvistad, Ruth McFarland, Susan McLain, Rod Monroe, Terry Moore, George Van Bergen and Ed Washington

Councilors Absent: None

Presiding Officer Gardner called the special meeting to order at 6:15 p.m.

Councilor Moore asked to consider Agenda Item Nos. 1 and 2 in reverse order. She said if the resolutions were reversed, committee assignments would not be a factor in selecting the Presiding Officer for calendar year 1993.

Councilor Van Bergen saw no reason to depart from the agenda as written. He said the primary reason for this meeting was to elect the Presiding Officer.

Dan Cooper, General Counsel, noted the Metro Code stated standing committee appointments would be made by the Presiding Officer and the Presiding Officer election should come first.

Councilor Moore said since the resolutions were referred from the Governmental Affairs Committee, she had believed they could be reversed.

1. Resolution No. 93-1740, For the Purpose of Electing the Presiding Officer for 1993

Presiding Officer Gardner said this was the first occasion the Council had used a resolution to elect a Presiding Officer. He said previously there had been a nomination process, speeches by nominees, and ballots cast by the Council to elect. He said even though General Counsel had advised using a resolution to elect, he believed ballots could still be used in any case. He said the Governmental Affairs Committee discussed these issues earlier, but decided to forward Resolution No. 93-1740 to the full Council for consideration.

Main Motion: Councilor McFarland moved, seconded by Councilor Buchanan, for adoption of Resolution No. 93-1740.

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Councilor McFarland gave the Governmental Affairs Committee's report and recommendations. She noted most of the Council was in attendance at that meeting and discussed the issues extensively then, and said the Committee received public testimony on committee meeting times as proposed. She said the Committee voted 3 to 2 to forward the resolution to the full Council for consideration.

Motion to Amend: Councilor McLain moved, seconded by Councilor Devlin, to amend Resolution No. 93-1740 as follows (additions underlined, deletions bracketed):
"The Council [~~elects~~] nominates Councilor Judy Wyers and Councilor Jim Gardner as its candidates for Presiding Officer for calendar year 1993."

Councilor McLain said her amendment would reinstate the process used by the Council in the past and ensure a fair process was used.

Vote on Motion to Amend: Councilors Devlin, Hansen, McLain, Moore, Van Bergen, Washington and Gardner voted aye. Councilors Buchanan, Gates, Kvistad, McFarland, Monroe and Wyers voted nay. The vote was 7 to 6 in favor of the amendment and the motion to amend passed.

Presiding Officer Gardner noted Resolution No. 93-1740 was now before the Council as amended. He said the Council should vote on the amended resolution and then cast ballots.

Vote on Main Motion as Amended: Councilors Buchanan, Devlin, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Resolution No. 93-1740 was adopted as amended.

The Council then voted via ballot for the two nominees.

The Clerk announced the results of the ballots cast: Councilor Wyers received votes from Councilors Buchanan, Gates, Kvistad, McFarland, Monroe, Van Bergen and Wyers; Presiding Officer Gardner received votes from Councilors Devlin, Gardner, Hansen, McLain, Moore and Washington. Councilor Wyers received seven votes and Presiding Officer Gardner received six votes for Presiding Officer for calendar year 1993. Councilor Gardner turned the gavel over to Presiding Officer Wyers.

2. Resolution No. 93-1741, For the Purpose of Reorganizing Council Standing Appointments and Setting Meeting Schedules

Main Motion: Councilor McFarland moved, seconded by Councilor Gates, for adoption of Resolution No. 93-1741.

Councilor McFarland gave the Governmental Affairs Committee's report and recommendations. She explained amendments made at committee to the draft resolution: 1) On page 1 - "1992" was corrected to read "1993"; 2) On page 3 - "Planning Committee (3)...The Regional Citizens Involvement Coordinating Committee (RCICC)" was corrected to read "Metro Committee for Citizen Involvement;" and 3) on page 7 - a Councilor appointment was removed from a committee which technically had no Council members. She said the Committee amended page 7, Exhibit C, further to appoint Councilor Moore to the Bi-State Policy Advisory Committee rather than the Water Resources Policy Advisory Committee; to appoint Councilor Washington to the Water Resources Policy Advisory Committee rather than the Bi-State Policy Advisory Committee; to appoint Councilor Devlin chair of the Metropolitan Greenspaces Policy Advisory Committee and Councilor Gardner as a member; and to appoint Councilor Gardner as chair of the Regional Policy Advisory Committee and Councilor Devlin as a member.

Presiding Officer Wyers opened a public hearing.

Sidney Bass, Metro Committee for Citizen Involvement (CCI) member, said the CCI was concerned that the decision to change Council and Council committee meeting times from 5:30 p.m. to 2:00 p.m. did not receive adequate public notice or due process. He said the biggest problem facing citizens with regard to government was the lack of time to respond to government proposals. He was bothered that the CCI had not been contacted for its input about the proposed meeting time change. He advised the Council not to make any changes in existing meeting times until the Council received further input from the public.

Robert Liberty, attorney, 2433 NW Quimby, Portland, said he concurred with Mr. Bass' testimony on meeting times. He said he disagreed with some Councilors who had stated it was not an issue of policy differences with respect to Council committee appointments. He said policy differences were an appropriate basis to use to make committee appointments. He stated for the record that voting for the committee appointments as written was a pro-Western Bypass vote and represented an anti-strong regional growth management policy. He noted Councilor Kvistad had an established, public position on the Western Bypass and said it

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was silly to say Councilors were value-neutral. He said when he ran for the position of Metro Councilor, he was not value-neutral. He said those Councilors who did not like the Western Bypass option should vote nay on the committee appointments as written.

Peggy Lynch, CCI bylaws author, said it was important to the Council that the CCI be involved in the process and not become an adversarial body to the Council on issues. She said the purpose of the CCI was to offer their expert advice regarding citizen involvement, and said the question of meeting times represented the Council's first opportunity to receive CCI input. She asked the Council to remove Exhibit D from the resolution and refer the issue to the Metro CCI for discussion. She noted previous discussion on which committee the CCI would report to. She said she understood the CCI, per the Metro Charter, would be an advisory body to the Council as a whole, and not to any one subcommittee.

Councilor McFarland said Council standing committees were not considered or called subcommittees.

Councilor Van Bergen agreed the CCI should report to the Council as a whole because he had always disagreed with the committee/legislative structure and believed the Council should act as a committee of the whole.

Molly O'Reilly, citizen, 1414 SW 53rd Drive, Portland, said she felt a sense of dismay over 2:00 meeting times as proposed. She said 1993 was an important year for Metro because of the mandate contained in the Charter and because of the formation of the new CCI. She said the Council would make important decisions this year and was sorry to see the Council was divided on critical issues. She asked the Council to take more time before it decided permanently on an earlier meeting time.

Teresa DeLorenzo, citizen, 10907 NW Copeland St., Portland, concurred with previous testimony and asked the Council to regroup and think again about 2:00 meeting times. She said no process was improved by using undue speed.

Received and filed with the record of this meeting was a letter from Jenny Martin, citizen, 2765 NW Raleigh, Portland, stating it would be difficult to attend Metro meetings at 2:00 p.m. in light of her work schedule and community commitments. Also, Dan Small, CCI member, telephoned the Council Department earlier the date of this meeting to state that most CCI members worked during the day and would not be able to attend meetings at 2:00 p.m. and it was crucial for them to be able to do so.

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Presiding Officer Wyers asked if anyone else present wished to testify. No other persons appeared to testify and the public hearing was closed.

The Council asked Mr. Cooper about the Council's rules with regard to the rules of debate. Mr. Cooper said Resolution No. 91-1467A did not state Councilors could speak a second time on the same issue. Councilor Devlin noted a Councilor could speak further if others yielded their time.

First Motion to Amend: Councilor Gates moved, seconded by Councilor Monroe, to amend Resolution No. 93-1741, Be It Resolved Section 5, by adding additional language at the end: This meeting schedule will be reviewed by the Council at its first meeting in April, 1993, to consider advice and recommendation from Metro CCI on Metro Council meeting schedules.

Councilor Gates said he was encouraged by the Metro CCI's quick response to the issues and said there had been good intent behind setting earlier meeting times. He said Councilors believed earlier meetings would give them more opportunities to attend meetings in their own districts. He said he had attended all Council and committee meetings since November 4, 1992, and had seen less than five citizens in attendance in that period of time. He said the Council's intent was to get out to the citizenry in the evenings themselves. He said during the three-month period, Councilors could determine how many meetings in their districts they were able to attend.

Councilor Monroe agreed with Councilor Gates' proposal to start meetings at 2:00 p.m. for a three-month trial period and wait for the Metro CCI's input on those times in April.

Councilor McLain asked what would happen after the three-month trial period. Councilor Gates said his proposal was that 2:00 meeting times be tried for three months and if that did not work, the Council could go back to 5:30 p.m meeting times.

Councilor Devlin said he could agree to a 2:00 three-month trial period, but said once a government took something away, it was unlikely to give it back and therefore could not support the amendment.

Councilor Hansen said this meeting's audience was comprised of people who had worked with citizens over the years more extensively than most of the Councilors. She said testimony given categorically opposed 2:00 meeting times. She said Councilors visiting their districts on an individual basis was

not the same thing as being accessible to the citizens. She asked if she did so herself, if that would mean she would was representing Metro as a whole, or herself alone. She said the motion to amend made an assumption that the Council had not had the opportunity to discuss. She expressed concern about the inconsistency of meeting times. She said if committee chairs exercised their prerogative to change meeting times, those changing meeting times would confuse the public.

Councilor McLain thanked Councilor Gates for his motion to amend, but said she could not vote for it because if the Council asked the CCI to review whether meeting times were workable or not, CCI members had to be able to get to the meeting. She said the CCI had already stated what meeting times were best for them. She said she also could not vote for the amendment because of citizen access. She said when she ran for Metro Council, she made sure she could attend the meetings she would need to attend. She said 2:00 meeting times meant three or four Councilors could not attend meetings covering how to implement the Metro Charter and that those Councilors would not be able to effectively represent their districts.

Councilor Moore noted the testimony given at this meeting and said the Council was wrong not to ask the CCI first about changing meeting times. She said an acceptable alternative should have been found before meeting times were changed. She concurred with Councilor McLain on accountability to citizens. She concurred with Councilor Hansen on consistency of meeting times and said she had to book her schedule for months in advance to meet the rest of her district obligations.

Councilor Gardner said he also had difficulties with the amendment because of consistency of meeting times. He said it would be confusing to citizens to change the times for three months and then change them again. He said he and several other Councilors would have extreme difficulty in attending 2:00 meetings. He said it was not impossible for individual Councilors to visit their districts on a regular basis given Council and committee commitments. He said approximately 6 meetings per month left approximately 16 week nights that the Council could visit their districts if they wished to do so. He said the motion to amend would likely pass, but found it disturbing because it would pass without regard to testimony given at this meeting representing citizen concerns.

Councilor Washington said he could not support the motion to amend either. He said if the Council was going to change meeting times, it should so when the Council went to seven members in 1995.

Presiding Officer Wyers said proposing change was always difficult and that the new meeting times had been proposed for very good reasons. She said Metro now had to follow the Charter's mandate and Councilors had to justify receipt of their new salaries. She said the Council could be moving too quickly, but that the Metro CCI should review the issues. She supported the motion to amend and said the Council would revisit the issues at its first meeting in April.

Councilor McLain said she could not support three Councilors including herself not being able to attend Council and committee meetings.

Presiding Officer Wyers said all five committee chairs had indicated willingness to adjust meeting times to accommodate individual Council schedules.

Vote on First Motion to Amend: Councilors Buchanan, Gates, Kvistad, McFarland, Monroe, Van Bergen and Wyers voted aye. Councilors Devlin, Hansen, McLain, Moore, Washington and Gardner voted nay. The vote was 7 to 6 in favor and the motion to amend passed.

Second Motion to Amend: Councilor McLain moved, seconded by Councilor Devlin, to replace all 2:00 p.m. meeting times in Exhibit D with 4:00 p.m.

Councilor McLain said in light of the Metro actions necessary to be implemented due to the Metro Charter, it was even more important for all Councilors to be able to attend meetings not only to fulfill their own committee assignments, but to attend other committees on an as-needed basis to be fully informed. She said if the five committee chairs were willing to accommodate individual Councilor schedules, setting all meeting times at 4:00 p.m. would also assist the public because all meeting times would be consistent.

Councilor Gardner said Councilor McLain's amendment was a workable compromise. He said the committee chairs were not obligated to vary meeting times, and that this compromise would be less confusing to the public. He said agreement on this compromise would assist the Council to work together as a group after a difficult election process.

Councilor Devlin concurred with Councilors McLain and Gardner. He said most committee and many Council meetings took approximately two hours. He said if most meetings adjourned at approximately 6:00 p.m., Councilors would have ample time to

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practice Councilor outreach and participation in individual districts and their activities.

Vote on Second Motion to Amend: Councilors Devlin, Gates, Hansen, McLain, Moore, Washington and Gardner voted aye. Councilors Buchanan, Kvistad, McFarland, Monroe, Van Bergen and Wyers voted nay. The vote was 7 to 6 in favor and the motion to amend passed.

Councilor McLain thanked Councilor Gates for voting aye on her motion to amend and said she could now support the resolution as amended.

Councilor Kvistad expressed concern about some statements made at this meeting, but said he looked forward to a prosperous and productive year working with the Council.

Councilor Hansen expressed concern about the election process for Presiding Officer and felt that all Councilors' feelings had not been taken into account on all of the issues. She said little regard had been paid to the public process or to informing the public.

Vote on Main Motion as Amended: Councilors Buchanan, Gates, Kvistad, McFarland, McLain, Monroe, Van Bergen, Washington and Wyers voted aye. Councilors Devlin, Hansen, Moore and Gardner voted nay. The vote was 9 to 4 in favor and Resolution No. 93-1741 was adopted as amended.

Presiding Officer Wyers announced per Metro Code Section 2.01.010, she had appointed Councilor Buchanan as Deputy Presiding Officer for calendar year 1993.

Councilor Moore said she voted nay on the resolution because she believed when she ran for office she was joining a non-partisan body of 13 Councilors. She said Metro would be handling extremely important regional planning issues. She hoped the Council could work together as a group and pledged to do her best to achieve that. She asked the Council to work on the issues rather than work on getting elected to the seven Council positions effective 1995.

Councilor McFarland said she had no difficulty with 4:00 p.m. meeting times, but noted previously, meeting times had varied or meetings had been canceled. She said it was not necessary for the Council to be in "lock step" to get things accomplished. She expressed surprise at the debate spent on meeting times at this

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meeting and the Governmental Affairs Committee meeting held earlier this date at 3:00 p.m.

Councilor Washington said the Council should work together as a group and said the beginning of 1993 meant the Council could begin again to address the issues in a positive manner.

Councilor Gardner concurred with Councilor Washington. He said the Council would disagree on different policies, but said it would not always be the same Councilors. He urged the Council to work collectively to lay the groundwork for the Council beginning in 1995.

Councilor Devlin concurred with Councilor Gardner and said the Council should re-evaluate the process to select Presiding Officer for calendar year 1994.

Councilor Van Bergen said coalitions were generally formed to address a specific issue, but that coalitions usually dispersed after the issue was resolved.

Presiding Officer Wyers said all of the Council had fully participated in the process, thanked citizens present for their attendance and testimony, and said the 4:00 meeting time was a great compromise. She said she would do everything in her power to help the Council function as a team and said the Council would act in the best interest of the region's citizens.

All business having been attended to, Presiding Officer Wyers adjourned the special meeting at 8:45 p.m.

Respectfully submitted,

Paulette Allen

Paulette Allen
Clerk of the Council