

Minutes of the Metro Council
September 22, 1994
Council Chamber

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

Councilors Absent None

Others Present Rena Cusma, Executive Officer

Presiding Officer Wyers called the meeting to order at 4:00 p.m. and the clerk called the roll.

ANNOUNCEMENTS

Presiding Officer Wyers announced that Metro's first cable program, called "Metro Matters" will be broadcast on Portland Cable Access at 7:30 p.m., Monday, September 26. She stated the program will give an overview of Metro's many services and subsequent programs will focus on specific regional issues. She explained the Office of Public and Government Relations has been working with Portland Cable Access to produce the new cable program, which will be aired nine times per year. She encouraged people to watch the programs to learn more about Metro.

1. INTRODUCTIONS

Executive Officer Cusma introduced Jack and Mary Cain, owners of Bend Rockies Baseball team. Mr. and Mrs. Cain thanked the Metro Council for support. They distributed baseballs and offered season ticket sales.

2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS

No citizens appeared to testify.

3. EXECUTIVE OFFICER COMMUNICATIONS

3.1 Presentation of Region 2040 Recommended Alternative

Executive Officer Cusma transmitted the recommended alternative on the Region 2040 Study. She spoke to the importance of the study. Councilor Moore thanked Executive Officer Cusma for the efforts of staff in preparing the report.

John Fregonese, Growth Management Manager, stated the report was a recommendation and he fully expected the document would be amended as a result of the public hearings process. He noted the decision package was distributed, copies of which are included in the record of this meeting. He asked for comments on the draft form for proposed amendments to the Study. He extended kudos to Sherry Oeser, Senior Public Involvement Coordinator.

The Council discussed the process for amendments to the plan. Councilor Kvistad, Chair of the Planning Committee, encouraged Councilors to attend the public hearings.

4. CONSENT AGENDA

4.1 Minutes of August 25, 1994

REFERRED FROM THE FINANCE COMMITTEE

4.2 Resolution No. 94-2027, For the Purpose of Confirming the Reappointment of William F. Peressini to the Investment Advisory Board

4.3 Resolution No. 94-2030, Authorizing the Finance and Management Information Department to Undertake an Escrow Restructuring of the 1993 General Revenue Refunding Bonds

Motion: Councilor Gardner moved, seconded by Councilor Devlin to approve the minutes.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington, and Wyers voted aye. Councilor Hansen was absent. The vote was 12/0 and the motion passed.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 94-571, An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule by Transferring \$110,000 from the Spectator Facilities Fund Contingency to Fund Restroom Remodel at the Civic Auditorium; and Declaring an Emergency

The Clerk read the Ordinance for the first time by title only. Presiding Officer Wyers announced that Ordinance No. 94-571 has been referred to the Regional Facilities and Finance Committee for consideration.

5.2 Ordinance No. 94-572, An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule by Transferring \$45,850 from the General Fund Contingency to Materials and Services in the Regional Parks and Greenspaces Department For the Purpose of Updating and Reprinting Public Information Materials for the Metropolitan Greenspaces Program; and Declaring an Emergency

The Clerk read the Ordinance for the first time by title only. Presiding Officer Wyers announced that Ordinance No. 94-572 has been referred to the Finance Committee for consideration.

5.3 Ordinance No. 94-573, An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule by Transferring \$12,900 from the General Fund Contingency to Materials and Services in the Regional Parks and Greenspaces Department for the Purpose of Producing Public Information Materials for the 1995 Greenspaces Acquisition Bond Measure; and Declaring an Emergency

The Clerk read the Ordinance for the first time by title only. Presiding Officer Wyers announced Ordinance No. 94-573 has been referred to the Finance Committee for consideration.

5.4 Ordinance No. 94-576, An Ordinance Relating to the Naming of Facilities Owned or Operated by Metro

The Clerk read the Ordinance for the first time by title only. Presiding Officer Wyers announced that Ordinance No. 94-576 has been referred to the Regional Facilities Committee for consideration.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 94-562A, For the Purpose of Amending the Metro Code Section 2.04.045 Relating to Approval of Contract Amendments, and Declaring an Emergency

The Clerk read the Ordinance for the second time by title only. Presiding Officer Wyers announced that Ordinance No. 94-562 was first read on July 14 and referred to the Finance Committee for consideration. The Finance Committee considered it on August 10 and 24 and recommended Ordinance No. 94-562A to the full Council for consideration. The ordinance was scheduled for second reading and consideration at the September 8 Council meeting, but required nine aye votes for adoption and only eight Councilors were present for the vote.

Motion: Councilor McLain moved, seconded by Councilor Devlin for adoption of Ordinance No. 94-562B.

Councilor McLain presented the Finance Committee's report and recommendations, a copy of which is included in the record of this meeting. She spoke to the changes of the B version.

In response to Councilor Moore, Councilor McLain discussed the emergency clause. Councilor McLain used the example of installing pipes at the landfill. She noted the department would be required to report those change orders to the Committee. Dan Cooper, General Council, noted the term emergency is defined by the code.

Presiding Officer Wyers opened the public hearing, with no citizens appearing to testify the public hearing was closed.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McLain, Monroe, Moore, Van Bergen, Washington, and Wyers voted aye. Councilor McFarland voted nay. The vote was 12/1 and the motion passed.

6.2 Ordinance No. 94-564, An Ordinance Amending the FY 1994-95 Budget by Transferring \$10,500 from the Support Services Fund Contingency to Materials & Services, Temporary Help Services, in the General Services Department for the Purpose of Providing Clerical Relief for the General Metro Switchboard Receptionist, and Declaring an Emergency

The Clerk read the ordinance for a second time by title only. Presiding Officer Wyers announced Ordinance No. 94-564 was first read on August 11 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on August 24 and it to the full Council for consideration. The ordinance was scheduled for second reading and consideration at the September 8 Council meeting, but required nine aye votes for adoption and only eight Councilors were present for the vote. Therefore, the ordinance was scheduled again for consideration at this Council meeting.

Motion: Councilor Kvistad moved, seconded by Councilor Hansen to adopt Ordinance No. 94-564

Councilor Kvistad presented the Finance Committee's report and recommendations, a copy of which are included in the record of this meeting.

Presiding Officer Wyers opened the public hearing. No citizens appeared to testify. Presiding Officer Wyers closed the public hearing.

Vote: Councilors Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington, and Wyers voted aye. Councilor Buchanan was absent. The vote was 12/0 and the motion passed.

6.4 Ordinance No. 94-570A, An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule to Implement the Construction Excise Tax, Adding 1.0 FTE in the Financial Planning Division and Funding Local Government One-Time Start Up Costs, and Declaring an Emergency

The Clerk read the ordinance for a second time by title only. Presiding Officer Wyers announced that Ordinance No. 94-570 was first read on September 8, 1994 and referred to the Finance Committee for consideration. The Finance Committee considered it on August 24 and recommended Ordinance No. 94-570A to the full Council for consideration.

Councilor Washington presented the Finance Committee's report and recommendations.

Motion: Councilor Monroe moved, seconded by Councilor Hansen to Consider Ordinance No. 94-570A following Councilor Communications.

Vote: Councilors Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington, and Wyers voted aye. Councilor Buchanan was absent. The vote was 12/0 and the motion passed.

REFERRED FROM THE SOLID WASTE COMMITTEE

6.5 Ordinance No. 94-567, For the Purpose of Granting a Franchise to Willamette Resources, Inc. For the Purpose of Operating a Solid Waste Processing Facility

The Clerk read the ordinance for a second time by title only. Presiding Officer Wyers announced that Ordinance No. 94-567 was first read on September 8, 1994 and referred to the Solid Waste Committee for consideration. The Solid Waste Committee considered the ordinance on September 13 and recommended Ordinance No. 94-567 to the full Council for consideration.

Motion: Councilor McLain moved, seconded by Councilor Devlin, for adoption of Ordinance No. 94-567.

Councilor McLain presented the Solid Waste Committee's report and recommendations.

Presiding Officer Wyers opened the public hearing.

Merle Irvine, Vice President of Willamette Resource, appeared to testify. He discussed the variance requests related to rate control. He noted processing and recycling centers have historically been given rate exemptions and are needed for the facility to operate quickly and competitively. He noted the second variance was related to solid waste collectors operating recycling facilities. He discussed the history of the requirement and stated the issue did not apply to the operation of the facility. He noted the facility would provide processing opportunities in a new geographic area. He noted the budget impact is approximately \$275,000. He stated the figure represented a reduction in the increase of garbage disposal. He noted his company was awarded the recycle of the month by the National Solid Waste Managers Association publication, Wastech.

In response to Councilor McFarland, Roosevelt Carter, Budget and Finance Manager, discussed the types of waste that might not be acceptable at the facility. Mr. Irvine noted any unacceptable waste would be disposed at a Metro facility. He noted there were serious economic consequences of failure to recycle at certain levels.

In response to Councilor Gardner, Mr. Irvine stated the recovered material would be returned to the appropriate market. He stated waste paper markets have increased and wood products would be separated and graded (no. 1 to particle board, No. 2 to Smurfit for fuel, with approximately 500 tons total to fuel).

In response to Councilor Moore, Mr. Irvine stated WR contracts with haulers would specify what waste was acceptable and unacceptable. In response to Councilor Washington, Mr. Carter stated a negative revenue impact was anticipated. In response to Councilor Devlin, Mr. Irvine explained the negative impacts of accepting waste that would otherwise be unacceptable.

With no further citizens appearing to testify, Presiding Officer Wyers closed the public hearing.

Councilor McFarland stated she voted against the Ordinance at the Solid Waste Committee. She noted all facilities with the exception of one, complies with the Metro Code. She stated the practice of granting variances revised the Code by practice. She stated the Code may need to be revised. She said the intent of the facility, recycling, was desirable. She expressed concerns about the transfer facilities falling below adequate operating levels. She desired an aware and knowledgeable revision of policy. She informed the members of the Council that their vote would establish policy for the Council.

Councilor Moore favored the project. She stated the facility would accomplish the goals of Metro policy, to reduce waste going into a landfill. She noted all franchises have an expiration date.

Councilor Gardner stated he concurred with Councilor Moore. He stated both Metro policy and State law mandated waste reduction. He stated he looked forward to similar facilities coming on-line. He explained the facilities were responding to the current markets. He favored attending to the potential for future Code revisions.

Councilor Van Bergen asked what cumulative affect was related to the facility and the 90/10 provision in the Columbia Ridge contract. Mr. Cooper stated the position of Metro was that the waste from these recycling facilities did not apply to the 90/10 provision. He noted the Waste Management amendments in dispute included formal recognition of this position by Waste Management. Presiding Officer Wyers requested the Solid Waste Department report on the amount of waste being transferred to the Columbia Ridge Landfill.

Councilor Hansen stated she understood the concerns of Councilor McFarland. She noted however that WR had met all of the requirements to be granted the franchise. She stated the location of the facility was desirable.

Councilor Devlin stated he supported the Ordinance. He noted in the rejection of the transfer station included an encouragement to build facilities similar to WR. He noted a review of the Regional Solid Waste Management Plan might call for a need for Code revisions.

Councilor McLain closed by noting the Code issues needed to be addresses and that Solid Waste continued to evolve.

Councilor Kvistad asked if a Code variance could later be amended by Ordinance. Mr. Cooper stated Metro reserved the right to set rate structure. He suggested any change should not be done facility by facility.

Vote Councilors Devlin, Gardner, Gates, Hansen, Kvistad, McLain, Monroe, Moore, Van Bergen, Washington, and Wyers voted aye. Councilor McFarland voted nay. Councilor Buchanan was absent. The vote was 12-1 and the motion passed.

6.3 Ordinance No. 94-565B, An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule by Transferring \$34,935 from Th. Solid Waste Revenue Fund Contingency to the Administration Division Materials & Services Legal Fees Line Item For the Purpose of Providing Legal Services Regarding Metro Executive Officer Contracting Authority; and Declaring an Emergency

The Clerk read the ordinance for a second time by title only. Presiding Officer Wyers announced that Ordinance No 94-565 was first read on August 11 and referred to the Finance Committee for consideration. The Finance Committee considered it on August 24 and recommended Ordinance No. 94-565B to the full Council for consideration. The ordinance was scheduled for second reading and consideration at the September 8 Council meeting, but required nine aye votes for adoption and only eight Councilors were present for the vote. Therefore, the ordinance was scheduled again for consideration at this Council meeting.

Motion. Councilor Van Bergen moved, seconded by Councilor Washington, for adoption of Ordinance No. 94-565B.

Presiding Officer Wyers opened the public hearing and no citizens appeared to testify. Presiding Officer Wyers closed the public hearing.

Councilor Van Bergen explained the purpose of the Ordinance, to place a maximum amount that the Executive Officer could spend for Legal Counsel. He noted the Council was well informed on the discussions related to adoption of the Ordinance. He stated he would not repeat previous remarks related to the Ordinance.

Councilor Devlin noted the motion to forward the Ordinance to Council was without recommendation by the Committee. He noted the funds were coming from Solid Waste.

In response to Councilor Moore, Councilor Van Bergen explained the issue was currently at the Court of Appeals.

Presiding Officer Wyers opened the public hearing. No citizens appeared to testify and Presiding Officer closed the public hearing.

Councilor McFarland objected to the funds coming from Solid Waste. She stated the issue was no longer related to Solid Waste.

Councilor Gardner concurred with Councilor McFarland and stated the suit was not appropriate from the beginning. He objected to spending any additional funds.

Councilor Hansen stated the separation of powers issue should be examined further, but that the funds should not come from the Solid Waste Department.

Motion to Amend Councilor Hansen moved, seconded by Councilor McFarland, to amend Ordinance No. 94-565B by having the funds allocated from the Support Service or General fund.

Councilor McLain noted the funds were all Metro funds and stated the Finance Department should provide input as to the appropriate source of funds. She stated she would not support the amendment.

Mr. Prosser stated the Support Service fund balance would be approximately \$90,000 and the General Fund would be approximately \$233,000 following a transfer.

The Council discussed other potential contingency fund concerns.

In response to Councilor Moore, Casey Short, Senior Council Analyst, explained the Council Department budget and indicated he did not believe there were enough funds to absorb the litigation costs.

Vote on Amendment Councilors Hansen, McFarland and Moore voted aye. Councilors Devlin, Gardner, Gates, Kvistad, McLain, Monroe, Van Bergen, Washington, and Wyers voted nay. Councilor Buchanan was absent. The vote was 3-9 and the motion failed.

Councilor Moore stated she would support the motion with reservations about the source of funds.

Councilor McLain supported the Ordinance, stating the appeal needed to go forward. She noted the issue was not personal and the issue should proceed so that the issue of separation of powers is clear to the operation of the government body.

Councilor Monroe noted Judge Johnson had a majority of his cases overturned on appeal. He expressed his opinion of Judge Johnson's qualifications and training.

Councilor Gates indicated the issue needed to be resolved to improve the efficient operation of the government.

Presiding Officer Wyers stated she supported the resolve of the issue.

Councilor Van Bergen noted Judge Johnson was assigned tough cases. He did not agree with the decision of this case. He recommended adoption.

Vote on Main Motion Councilors Gates, Kvistad, McLain, Monroe, Moore, Van Bergen, Washington, and Wyers vote aye. Councilors Devlin, Gardner, Hansen, and McFarland voted nay. Councilor Buchanan was absent. The vote was 8-4 and the motion failed.

Motion Councilor Van Bergen moved, seconded by Councilor Washington, moved to approve Ordinance No. 94-565C, in the form of Ordinance No. 94-565B without the emergency clause.

Vote Councilors Gates, Kvistad, McLain, Monroe, Moore, Van Bergen, Washington, and Wyers voted aye. Councilors Gardner, Hansen, and McFarland voted nay. Councilors Buchanan and Devlin were absent. The vote was 8-3 and the motion passed.

7. RESOLUTIONS

REFERRED FROM THE FINANCE COMMITTEE

7.1 Resolution No. 94-2014, For the Purpose of Amending a Contract with Jacob Tanzer for Legal Services Regarding Metro Executive Officer Contracting Authority

Motion: Councilor Van Bergen moved, seconded by Councilor Washington, to adopt Resolution No. 94-2014.

Councilor Van Bergen presented the Finance Committee's report and recommendations.

Vote: Councilors Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Van Bergen, Washington, and Wyers voted aye. Councilor Gardner voted nay. Councilors Buchanan and Devlin were absent. The vote was 10-1 and the motion passed.

Presiding Officer Wyers recessed the Metro Council and convened the Metro Contract Review Board to consider Agenda Item Nos. 7.2 and 7.3.

7.2 Resolution No. 94-2003, For the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding Pursuant to Metro Code 2.04.041 and Authorizing the Executive Officer to Extend the Current Operations Contract for Metro South Station to No Later than October 1, 1996

Motion: Councilor Hansen moved, seconded by Councilor McFarland to adopt Resolution No. 94-2003.

Councilor Hansen presented the Solid Waste Committee's report and recommendations.

Vote: Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington, and Wyers voted aye. Councilor Van Bergen voted nay. Councilors Buchanan and Devlin were absent. The vote was 10-1 and the motion passed.

ALSO REFERRED FROM THE SOLID WASTE COMMITTEE

7.3 Resolution No. 94-2019, For the Purpose of Authorizing an Exemption to the Requirement of a Competitive Process for the Sale of Equipment at Metro Central Station and Authorizing the Executive Officer to Execute Change Order No. 15 to the Current Operations Contract for Metro Central Station

Motion: Councilor Hansen moved, seconded by Councilor Washington, to adopt Resolution No. 94-2019.

Councilor Hansen presented the Solid Waste Committee's report and recommendations.

Councilor McFarland spoke in favor of the resolution. She stated the item represented a win-win situation and would be beneficial to both Metro and BFI.

In response to Councilor Moore, Chuck Geyer, Solid Waste Planner, stated the equipment sale should be taken out of the final payment at the sale price, not salvage value. He discussed the history of the repair responsibility at the facility. Councilor Moore noted the staff report was in error in the delegation of the repair responsibility.

Vote: Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington, and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11-0 and the motion passed.

Presiding Officer Wyers adjourned the Contract Review Board and reconvened the Metro Council.

REFERRED FROM THE REGIONAL FACILITIES COMMITTEE

7.4 Resolution No. 94-2029A, For the Purpose of Updating and Reprinting Public Information Materials for the Metropolitan Greenspaces Program and Producing Public Information Materials for the 1995 Greenspaces Acquisition Bond Measure

Motion: Councilor McFarland moved, seconded by Councilor Moore, to adopt Resolution No. 94-2029 including an amendment prepared by Casey Short, Senior Council Analyst, a copy of which is included in the record of this meeting.

Councilor McFarland presented the Regional Facilities Committee's report and recommendations.

Councilor Van Bergen expressed his discomfort with using public funds to provide information related to a ballot measure. He asked Mr. Cooper if the Secretary of State could review the language. Mr. Cooper stated the issue was sensitive and stated the intent was to continue the ongoing public information campaign. He noted acting on the advise of legal counsel provided protection for the elected officials.

Councilor Moore called attention to the exhibits which were examples of the type of public information pieces made available to the public as part of the public information campaign. She noted the elected officials could advocate for the bond measure as an individual, but could not use staff or government expend government funds to promote the ballot. She favored a review of the information prior to dissemination of the materials.

Councilor Hansen noted the materials were necessary for the daily functioning of the government. She stated without a bond measure, the information would still be necessary.

Vote: Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington, and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11-0 and the motion passed.

Presiding Officer Wyers recessed the Council at 7:00 p.m. Deputy Presiding Officer Washington reconvened the meeting at 7:25 p.m.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Gates reported on the bylaws revision activity of the Metro Committee for Citizens Involvement (MCCI). He stated the current revision eliminated alternates, created 34 members, nomination process changes, and term limits for officers and members. He asked for guidance on the membership nomination process. Councilor McLain advocated considering the advise of the members. Councilor Kvistad stated the Councilor representing the District should be involved in the selection. Councilor Gardner stated the use of the CPO's in the application process was beneficial to Metro. Councilor Hansen favored moving towards a regional model and not relying on a County model. She noted the issues and concerns differed from the Counties. She stated the number of outside participants should be further examined. Councilor Moore favored a large number of participants. She said future discussions might want to consider Clark County Washington participation. She favored representation of citizens outside the Metro Boundary.

Councilor Hansen noted the Hazardous Waste staff participated in a successful collection event.

Councilor Moore noted Councilors Wyers and Hansen had accepted a livable cities award in Washington D.C. and miniature duplicates would be presented to Metro partners.

Councilor Kvistad noted Metro candidates would be invited to the Region 2040 listening post meetings.

Councilor McLain noted she had received numerous complaints about the ivy plantings at the Metro Regional Center. She noted the ivy had been eradicated. She stated she received a letter from Vera Katz today, requesting

response to the South I-5 access by September 15. She stated she would like to respond and called for staff participation in preparing a Council response.

Deputy Presiding Officer Washington noted new building signage was being placed on the exterior of the facility.

Mr. Cooper updated the committee that the Ordinance No. 94-556 could be referred in part, a written summary is included in the record of this meeting. He apologized for the previous misinformation provided to the Council with regards to partial referral. He noted Ballot Measure 5, if passed, would require any new tax or fee would need to be voted upon.

Councilor Devlin noted referral of the item may affect the passage of the Greenspaces Ballot Measure. He favored repealing the Ordinance and waiting until Ballot Measure 5 is decided to determine how to proceed.

Councilor Monroe stated he would have referred the issue initially if he had known the issues involved. He explained the Ordinance represented a method to balance the budget. He did not favor repealing the item due to the efforts of a special interest group. He discussed options available to the Council and summarized ongoing discussions with homebuilders and other interested parties. He called for action to start referral of the Ordinance and continue negotiations. He stated the Greenspaces Ballot Measure would match nicely with the Construction Excise Tax.

Councilor Kvistad stated the Greenspaces Ballot Measure would suffer if the Construction Excise Tax was put to vote at the same time. He stated he did not support the tax, but did not support withdrawing because of special interest pressure. He stated he would favor a broad based tax to address the long term funding problems.

Councilor Moore stated she did not doubt the homebuilders could gather the necessary signatures. She favored allowing them to spend the money to do so. Mr. Cooper explained to Councilor Moore that a Metro repeal should encompass the entire ordinance, not portions.

Councilor Gardner asked Mr. Cooper to research the potential effect of Ballot Measure 5, if a repeal of a reduction before it takes effect is an increase under the passage of Measure 5. He stated Metro would know if the homebuilders were gathering signatures. He stated he felt the tax could be sold to the voters by explaining who would pay it (hoards of Californians). He favored waiting to make an informed decision with regards to the issue.

Councilor Van Bergen stated he did not have issue with Mr. Coopers error due to the short time allowed him to consider the issue of partial repeal. He favored repealing the Ordinance.

Councilor McLain called for careful consideration of the response to the issue. She noted the Council recognized a need for funding planning. She stated there was a potential \$1 million shortfall without the tax. She noted Washington County recently passed several new taxes and bonds. She called for continued discussions with interested parties.

Councilor Devlin advocated taking time to make a well thought out decision and continuing negotiations with the interested parties.

Deputy Presiding Officer Washington concurred with taking time to consider the issue. He also stated the measure may pass the vote.

Councilor Monroe thanked Councilor Washington for his involvement in pulling together the meetings. He requested Mr. Cooper prepare a Resolution to refer the Ordinance in the event that it were necessary.

Councilor Van Bergen stated the drafting of a resolution did not indicate consent of the Council as a whole. Councilor McFarland concurred with Councilor Van Bergen's comments.

6.4 Ordinance No. 94-570A, An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule to Implement the Construction Excise Tax, Adding 1.0 FTE in the Financial Planning Division and Funding Local Government One-Time Start Up Costs; and Declaring an Emergency

Motion: Councilor Washington moved, seconded by Councilor McLain to adopt Ordinance No. 94-570A.

Councilor Hansen asked if the item needed to be voted on tonight. Craig Prosser, Financial Planning Manager, stated the passage of the ordinance would allow the hiring of a temporary employee to perform tasks related to implementation of the construction excise tax. He explained adopting the ordinance would allow the department to get the personnel hired when the tax begins. Councilor Monroe encouraged adoption at this time.

Councilor Moore stated she was uncomfortable about taking action on this item without full understanding of the implications related to the potential referral of the construction excise tax

Presiding Officer Wyers opened the public hearing no citizens appeared to testify and the public hearing was closed.

Councilor Moore questioned why any staff is necessary in light of the potential repeal. Councilor McLain stated the work needed to be performed so that if the tax does go forward, Metro is prepared to collect the tax.

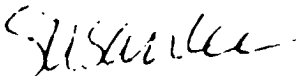
Councilor Devlin noted the earliest a referred measure could be enacted if approved would be April. He stated the decision about staff did not need to be made at this time. Councilor Van Bergen concurred

Councilor Monroe noted several local governments had indicated they would not be cooperative in collecting the tax. He stated the meeting with homebuilders indicated there may be a method to negotiate a resolve to the potential referral by the homebuilders. He stated in either scenario, the work needed to be performed.

Vote: Councilors Gardner, Gates, Hansen, McFarland, McLain, Monroe, and Washington voted aye. Councilors Devlin, Kvistad, Moore and Van Bergen voted nay. Councilors Buchanan and Wyers were absent. The vote was 7-4 and the motion passed.

With no further business before the Council, Deputy Presiding Officer Washington adjourned the meeting at 9:00 p.m.

Prepared by,



Susan Lee
Acting Clerk of the Council