

Minutes of the Metro Council
April 27, 1995
Council Chamber

Councilors Present: Ruth McFarland (Presiding Officer), Rod Monroe (Deputy Presiding Officer),
Jon Kvistad, Patricia McCaig, Susan McLain, Don Morissette, Ed Washington

Presiding Officer McFarland called the meeting to order at 7:05 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Mike Burton, Executive Officer, noted a memorandum had been distributed related to population forecasts for the Region 2040 Study. He discussed the econocentric modeling process and stated the populations were higher than earlier anticipated. He spoke to factors affecting growth in the region.

EO. Burton distributed and summarized a letter to A.C. Trucking dated April 26, 1995, a copy of which is included in the record of this meeting. The issue was related to rate review of solid waste franchisees. He stated the letter was a temporary agreement until the rate review was completed. He noted the agreement would save approximately \$250,000. Councilor Morissette complimented the Executive Officer and Solid Waste staff for their efforts.

Jennifer Sims, FMI Director, presented the March Excise Tax and Expenditures v. Appropriations Rate report, a copy of which is included in the record of this meeting. She noted no over-expenditures existed at this time.

In response to Councilor Kvistad, Ms. Sims stated some overload problems existed in the computer network. She stated no systemic problems existed and she would report in detail at a later date. Mr. Burton noted funds were provided for in the next fiscal year for maintenance of the computer system.

4. CONSENT AGENDA

4.1 Consideration of Minutes for the April 20, 1995 Council Meeting.

Motion: Councilor Kvistad moved, seconded by Councilor McCaig, to approve the minutes.

Vote: All those present voted aye. The vote was unanimous and the motion passed.

5. ORDINANCES: FIRST READINGS

5.1 Ordinance No. 95-601A, Amending Metro Code Chapter 2.08 Relating to the Office of General Counsel and Declaring an Emergency

The clerk read the Ordinance for the first time by title only.

Councilor McFarland noted the amended version included notation of the Office of the Auditor, a copy of which is included in the record of this meeting. She then discussed the ordinance which changed the authority of the Office of General Counsel.

The Council called an executive session pursuant to ORS192.660(D) (b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, unless such public officer, employee, staff member or individual agent requests an open hearing.

Present: Gregory Nokes, Oregonian; Mike Burton, Executive Officer; Cathy Stimick, PCA; Cathy Ross, Assistant to the Presiding Officer

EO Burton noted the intent of the ordinance was to allow the Office of General Counsel to provide services to both the Executive Officer and the Council. He noted the intent of 2.08.080 was to provide protection from termination for the General Counsel because of opinions rendered.

Councilor McLain asked if one side were to request an opinion, would the General Counsel share the opinion with the other side. Dan Cooper, General Counsel, stated all files were available to the Council with exception to confidential personnel files, and any significant decision was copied to the Council. He stated if the opinion was related to any consideration before the Council would be copied to the entire Council.

Councilor Kvistad stated he would propose an amendment with regard to 2.08.080(b).

In response to Councilor Washington, Mr. Cooper discussed 2.08.080(b).

6. ORDINANCES: SECOND READINGS

6.1 Ordinance No. 95-591, Relating to Government Relations, Amending Chapter 2.11 of the Metro Code

The clerk read the Ordinance for the second time by title only.

Motion: Councilor Morissette moved, seconded by Councilor Washington, for adoption of Ordinance No. 95-595.

Councilor Morissette presented the Ordinance. He discussed the purpose and intent of the Ordinance, a copy of which is included in the record of this meeting. In response to Councilor McLain, Mr. Cooper stated the Legislative Representative could not represent or advocate for individual Councilors or the Executive Officer, but rather the agency as a whole. Mr. Burton noted a lobbyist could be retained under contract if desired by the agency.

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

Vote: All those present voted aye. The vote was unanimous and the motion passed.

6.2 **Ordinance No. 95-600**, Amending the FY 1994-95 Budget and Appropriations Schedule by Transferring \$12,000 From Personal Services to Capital Outlay in the General Fund Executive Office; and Declaring an Emergency.

The clerk read the Ordinance for the second time by title only.

Motion: Councilor McCaig moved, seconded by Councilor Washington, for adoption of Ordinance No. 95-600.

Councilor McCaig noted the item had been reported on at the April 20, 1995 meeting.

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

Vote: All those present voted aye. The vote was unanimous and the motion passed.

6.3 **Ordinance No. 95-598**, Amending the FY 1994-95 Budget and Appropriations Schedule to Reflect Actual Election Costs of the November, 1994 Election Appropriated for the Support Services Fund; and to Reflect Expected Election Costs of the May, 1995 Election Appropriated in the General Fund; and Declaring an Emergency.

The clerk read the Ordinance for the second time by title only.

Motion: Councilor McCaig moved, seconded by Councilor Morissette, for adoption of Ordinance No. 95-598.

Councilor McCaig explained elections costs were higher than anticipated and the Ordinance would amend the budget appropriately.

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

Vote: All those present voted aye. The vote was unanimous and the motion passed.

6.4 Ordinance No. 95-599, Amending the FY 1994-95 Budget and Appropriations Schedule to Reflect Operational Needs at the Metro Washington Park Zoo; and Declaring an Emergency.

The clerk read the Ordinance for the second time by title only.

Motion: Councilor Washington moved, seconded by Councilor McCaig, for adoption of Ordinance No. 95-599.

Councilor Washington noted the ordinance was presented and discussed at the April 20, 1995 meeting.

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

Vote: All those present voted aye. The vote was unanimous and the motion passed.

6.5 Ordinance No. 95-595, Amending The FY 1994-95 Budget and Appropriations Schedule For the Purpose of Reflecting Funding Increases Due to Costs Associated With Household Hazardous Waste Events, Delivered Solid Waste Tonnage in Excess of Budget Expectations, and Transferring Appropriations Within the Solid Waste Revenue Fund and the Rehabilitation and Enhancement Fund; and Declaring an Emergency.

The clerk read the Ordinance for the second time by title only.

Motion: Councilor Kvistad moved, seconded by Councilor Washington, for adoption of Ordinance No. 95-595.

Councilor Kvistad noted the item had been presented at the April 20, 1995 meeting. He stated the Ordinance would correct some errors in accounting of the Household Hazardous Waste Events.

EO Burton noted the accounting error should not have occurred in the past, but that this Ordinance would correct the error. He stated the FY 1995-96 budget was correct as presented.

Councilor Washington noted that the transaction closed out the remainder of the Composter Enhancement Funds.

Councilor McLain thanked the EO for admitting and reporting the error.

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

Vote: All those present voted aye. The vote was unanimous and the motion passed.

7. RESOLUTIONS

7.1 Resolution No. 95-2136, For the Purpose of Confirming A Citizen Member Appointee to the Metro Policy Advisory Committee.

Motion: Councilor McLain moved, seconded by Councilor Washington, to adopt the resolution.

Councilor McLain presented the resolution, a copy of which is included in the record of this meeting. She reported on the qualifications of the appointee. She endorsed his appointment.

EO Burton noted Mr. Ares could not attend the meeting due to illness. He reported on the qualifications of the applicant.

Vote: All those present voted aye. The vote was unanimous and the motion passed.

8. INFORMATIONAL ITEMS

8.1 General Update on Transit Oriented Development (TOD) Activities

Councilor Monroe introduced Andy Cotugno, Planning Director, who distributed and presented an update on the Transit Oriented Development (TOD) activities, a copy of which is included in the record of this meeting.

9. COUNCILOR COMMUNICATIONS

Councilor McCaig thanked Councilors for participation on Ballot Measure 26-26. She distributed and discussed an update of the item, a copy of which is included in the record of this meeting.

Councilor McLain noted handouts were available for the Metro Electronic Bulletin Board project. She noted upcoming Future Vision Commission meetings.

Councilor Monroe noted he attended the VPACT meeting today in Salem. He noted hearings would be held in June including two hearings in the Portland Metropolitan area. He stated the report addressed hi-speed rail, transit and improvements to the I-5 corridor.

Councilor Washington announced Saturday at Smith and Bybee Lakes day at 10 p.m. was an event at that site.

10. LEGISLATIVE ITEMS

None.

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

Prepared by,



Susan Lee, CMC
Council Assistant