

MINUTES OF THE METRO COUNCIL MEETING

October 12, 1995

Council Chamber

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

Councilors Absent: None

Presiding Officer McFarland called the meeting to order at 2:00 p.m.

1. INTRODUCTIONS

none

2. CITIZEN COMMUNICATIONS

none

3. EXECUTIVE OFFICER COMMUNICATIONS

none

4. CONSENT AGENDA

4.1 Consideration of Minutes for the October 5, 1995 Metro Council Meeting.

Motion: Councilor Monroe moved for adoption of the consent agenda

Vote: All those present voted aye, with Councilor McCaig absent. The vote was 6-0 and the motion passed unanimously.

5. APPROVAL OF A METRO POSITION ON GOAL FIVE RULE REVISION

Councilor McLain stated the draft Metro testimony for the October 19 LCDC Committee hearing on Goal Five Rule Revisions passed out of the Growth Management Committee on Tuesday, October 10. For this testimony to be presented October 19, it needs approval from the Council and the Executive Officer.

Larry Shaw, Senior Assistant Counsel, explained the purpose for the draft testimony, which is included in the permanent meeting record along with a related October 11 and October 6 memo from Shaw to the Council. This testimony will be presented at a hearing that is part of a year-long LCDC Committee working on amendments to make major revisions to Goal 5. The committee has released a first draft of its proposed changes, and this testimony goes to that first draft. This is Metro's major opportunity to make a proposal for incorporation into the second draft.

The LCDC Committee's proposal is a major proposal from the state's point of view, since the state has not been able to agree on anything like this to put into their Rule in the past. This proposal is fairly conservative in terms of implementing 2040, and Metro views it as a way to get clear compliance with Goal 5 for a proposal that is coming soon to the Council from MPAC on early implementation of 2040. Staff is trying to get a similar proposal written into the Goal 5 rule, so that when Metro has to make findings on Goal 5 – when we take action next March or April – hopefully Metro can say that what we are taking action on is something very similar to what's in the Goal 5 rule. Thus, the strategy is to seek pre-approval for some actions that the Council is anticipating taking as early implementation of 2040.

Mr. Shaw said the first draft hearing is October 19 and another hearing will be held December 8 on the second draft in front of the full LCDC Commission. They won't take action then, but they anticipate being down to the fine tuning. The commission then anticipates having follow-up hearings and taking action in the spring of 1996. They have to take action in time that the Rule revisions are in place and understood before the Legislature convenes and wants to look over their shoulder.

Mr. Shaw said the intent is Metro's position will be presented as written testimony. Executive Officer Mike Burton has already given his support for the draft testimony. Mr. Burton has stated he will present the testimony orally if accompanied by a Council representative.

Mr. Shaw read portions of the draft testimony and explained it in-depth to the Council.

Mr. Shaw responded to a question from Presiding Officer McFarland that until some of these goals area adopted, local government jurisdictions can go ahead and develop lands that ultimately would be protected. He added, however, that a lot of the larger jurisdictions have completed a lot of goal work and so there are some protections in place. A lot of those protections are conditional and a lot of them are incomplete. Advocates for stream protection would say most of the protections are inadequate. Portland is one major jurisdiction that has tried to do protections and their ordinance is now in the court of appeals. They have had trouble because the existing Goal 5 is so vague and unclear, it's hard for a jurisdiction like Portland to demonstrate their compliance. This is why LCDC is reviewing the goal, because there have been many problems in interpreting and applying it.

Councilor McLain stated even though the definite conversation of how this might be used was not completed, the Metro advisory groups who have heard Mr. Shaw's presentation felt very comfortable with this place-holder position. These revisions will help not just regional government and the regional 2040 Plan or Greenspaces, but also some of the local Goal 5 goals. Metro got support from WPAC to go forward with the understanding that WPAC sees this as a place holder for discussions to bring about the clarity we need for the Metro approach. In the MPAC meeting the previous evening, one of the county commission chairs sounded very excited about the conversation and very interested in going forward together. She feels the Council is making it very clear that Metro is not willing to live with a fuzzy Goal 5 and we want to help bring about the clarity that will help the jurisdictions that have to deal with it in their land use planning.

Councilor Morissette stated he wants to support this testimony, but he has the same concern as in the committee meeting. He read the last sentence on the bottom of page 2 and suggested adding after the last period phrasing such as: "to see that the property continued to be buildable or a reasonable balance between building a typical home and protecting the stream

corridor. If the balance cannot be found that the property would be purchased at market rate." His reason for this request is to be more specific about the language Metro wants to see in a variance proceeding that could potentially be used.

Mr. Shaw stated the basis for the variance would include if taking a buildable lot and making it unbuildable, then take off the protection rather than purchase the property. That was the intent of his language. He doesn't want to distract the Goal 5 people with our purchase program. He suggested adding instead a sentence about what the basis for the variance would be.

Councilor Morissette asked if he votes yes on this proposal today, will he and Mr. Shaw draft better language before the testimony is presented to LCDC.

Presiding Officer McFarland stated that if we change the language, it should be checked with all councilors.

Mr. Shaw suggested language stating: "The basis for the variance must include relief for any property that has been converted from a buildable lot to an unbuildable lot."

Councilor Morissette requested he add "of typical housing nature."

Presiding Officer McFarland said she's not comfortable with adding more to Mr. Shaw's language because it cuts too fine a point.

Mr. Shaw stated we will be able to define buildable and unbuildable lots in our model ordinance, which is an appropriate place to get to that detail.

In response to a question from Councilor Monroe, Mr. Shaw stated that on page 2, the fourth paragraph should read "streams wider than 50 feet" instead of 50 inches.

Councilor Morissette requested that a written copy of Mr. Shaw's suggested additional language be given to him before he votes on it today.

Mr. Shaw stated the one last issue in the testimony is a repeat from Metro's December 1994 testimony. The issue was, of the 12 Goal 5 resources that are in the current Goal 5, open space the way they define open space got a lower priority. Wetlands is separate from open space in their criteria. It is still in LCDC's proposed rule to make open space work voluntary on the part of local governments statewide. Metro opposed that in 1994 and offered as an alternative the easing of requirements on open space work be done for the rest of the state, but inside the Metro region the requirement remain.

Councilor Washington expressed concern that reviewing the specific wording of this testimony is committee work. He asked if the Council is dealing with this today just because of the October 19 deadline.

Mr. Shaw responded that a Metro position is needed by then and so Council needs to vote on a Metro position.

Councilor Washington stated that when Council gets involved in these short time frames, they end up doing what is truly committee work. He asked why the Council is getting this at this 11th hour.

Mr. Shaw responded that this proposed testimony has been before the Land Use Committee twice. Comments from those committee members are the amendments and revisions before the Council now.

Council members received a copy of Mr. Shaw's suggested language to meet Councilor Morissette's request.

Councilor Morissette asked for the meaning of "relief."

Mr. Shaw responded it means to him that Metro is going to write an ordinance that says the protection and the regulation comes off to the extent necessary to make that lot buildable again.

Motion: *Councilor McCaig moved, seconded by Councilor McLain, to adopt the proposed position as Metro's testimony.*

Councilor Washington asked what this action holds the Council to, since it is not an ordinance. Mr. Shaw responded that it takes a position in front of the agency, in this case LCDC, that has the authority to basically write the ordinance or rule. Metro doesn't have the authority to write the ordinance to bind them.

Daniel Cooper, General Counsel, explained that staff wants Council approval so when they present testimony staff is speaking on behalf of the entire Metro agency. This vote does not legally bind the Council to anything.

Vote: *All those present voted aye. The vote was 7-0 and the motion passed unanimously.*

6. ORDINANCES -- FIRST READINGS

6.1 Ordinance No. 95-617, An Ordinance Amending the FY 1995-96 Budget and Appropriations Schedule Transferring \$20,000 from the General Fund to the Building Management Fund for the Purpose of Building Improvements Necessary to Accommodate the Open Spaces Program Office Needs, and Declaring an Emergency.

The clerk read the ordinance by title only.

Presiding Officer McFarland stated this ordinance will be moved directly to a second reading at the next Council meeting October 19 due to a feeling of urgency.

Councilor McCaig stated that expedited movement of decisions is not something the Council should make a pattern out of doing. The message needs to be sent throughout the agency that Council meets every Thursday – it is not a surprise. Council expects a pattern that gives them more time to work an issue through a legitimate process. It is much better to have a process which allows input from the committee structure, rather than continuing to do business this way. She then explained the ordinance, which requests \$20,000 be transferred from one fund to another in order to accommodate the growth that is going to occur in the staffing of the Open Spaces program as a result of the successful passage of the bond measure. Staff knew

since May this growth was going to happen, so the ordinance could have come to Council earlier.

Councilor Kvistad stated there are changes and moves happening in the building and Council is not being informed. He requested the Regional Facilities Committee look into the agency's facility management.

The Presiding Officer opened a public hearing. No one came forward to testify so the public hearing was declared closed.

7. ORDINANCES -- SECOND READINGS

7.1 Ordinance No. 95-616 A, An Ordinance Amending the FY 1995-96 Budget and Appropriations Schedule for the Purpose of Reorganizing the Staff of the Council Office, Creating New Positions, Reducing Staffing Levels for the Office of Citizen Involvement, and Declaring an Emergency.

The clerk read the ordinance by title only.

Motion: Councilor McLain moved to amend Ordinance No. 95-616-A.

Councilor McLain explained the amended -A ordinance results from an incorrect title in Exhibit A. The title needs to say "Temporary Help Service" rather than temporary professional service.

In response to a question from Presiding Officer McFarland, Senior Analyst John Houser explained that the ordinance was originally drafted with a line item under personal services that was titled "Temporary Professional Support." This line item was included to create a line item to pay for the temporary employee the Council currently has working in the office. He was subsequently advised by Finance staff that because this support is basically clerical in nature, for budgeting purposes it should show as "Temporary Help Services" under "Materials and Services." There was no overall monetary effect by making this change. It simply places it in a more correct accounting code for budgeting purposes.

In response to a question from Councilor Morissette, Mr. Houser replied that the Council's changes under this ordinance will be at less cost than what is currently budgeted for.

The Presiding Officer called for a second to amend the ordinance.

Second: Councilor Monroe seconded the motion to amend the ordinance.

Vote: All those present voted aye. The vote was 7-0 and the motion passed unanimously.

Councilor McLain spoke to Ordinance No. 95-616-A. She stated this ordinance is before the Council for a number of reasons. When the Council make-up was changed from 13 members to 7 through the Charter, the Council reviewed the structure of the office in December of 1994. The Council agreed that after six or seven months in 1995, they would again review the staffing structure and functions that each councilor felt were important. It was then decided

the Council had a window of opportunity to review staffing because quite a few staff members were leaving due to job advancements in other areas and taking other positions. It seemed important to conduct the review before new hires were made.

She continued that the Councilors began brainstorming and at the end of August, councilors began to put together different ideas and staffing scenarios they had. A formal work session was called for September 29, 1995, following the Presiding Officer's return from vacation. However, because the Presiding Officer returned from vacation one week early, it was requested the formal work session be held on September 22, 1995. It was hoped the work session would produce a product that would better service the public, the Council and the councilors, while at the same time using the same budget level resource.

Councilor McLain stated that after last week's Council meeting on October 5, it was offered that a work session could be held sometime during this week. The councilor who had asked for the work session chose not to use it. The product now before the Council in the form of an ordinance includes the following: an office manager, who would be responsible for the general office administration; a receptionist; one general analyst; and seven council assistants (hired by a committee of three councilors) to the function of supporting the Council, the six standing committees, the Council outreach, citizen contact, scheduling and policy-related work.

Councilor McLain explained that in the ordinance, there are ranges in the salaries. The salary range of council assistants has been taken to range 8. Also, the salary for the office manager is listed at \$38,000 - \$42,000. The other item dealing with a budgetary change, takes a portion of the support service for MCCI and moves it into a temporary line item. The rest of the funds are then put back into the support service contingency fund, on Page 2 of the Staff Report.

She stated that all councilors have been invited by the MCCI to attend their regular October 18 meeting to work through their needs, concerns and issues with the budget. One of the reasons MCCI support staffing was moved to the temporary help services fund was so MCCI could have more opportunity for specific focus projects and have more opportunity to approach the Council when they feel they have a need that is not being met. Also, MCCI is very frustrated that they never have the same clerk recording their meetings. They want some solidarity and some strong functional work done.

Councilor McLain stated there is a very deep need on this Council to make sure councilors can handle the workload that has been given to them for a district that reaches 182,000 people. Much of the time they get comments that a person didn't get a call back or didn't receive something, like an agenda, in the mail. Councilors want to make sure their hard-working staff has all the ability possible to make sure they can do their job and do it smoothly and well. Shee think this ordinance will help the Council to begin dealing with this particular issue.

Councilor McCaig stated she thinks that had the process been a little bit better the Council might have had a better proposal in front of them. Speaking specifically to the proposed ordinance, Councilor McCaig said she doesn't want her opposition to be construed as not appreciating or understanding the hard work that every member of the Council does. There's not a night she leaves that Councilor Washington's car isn't here or Councilor McLain isn't here first thing in the morning. It's remarkable the work load councilors have.

She said she genuinely believes the Council is taking the wrong direction with this proposal. It comes from her personal belief that this Council's strength rests in its collective strength.

Individually, councilors don't make very much difference. Councilors' authority and respect throughout this region, results from a collective agenda. That's what the Council means. The ability to oversee the policies and establish the policies only come about because they are strong as a Council. The structure they are putting in place makes it more difficult to enhance the collective. In fact, it moves the Council in the direction of enhancing the strength of the individual. They are looking at requiring more respect and loyalty to the individual councilor than to the institution, to the government, to the Council as a whole.

By moving forward with this proposal, councilors have ignored the piece which she thought they were setting out to deal with originally – what were the things the Council as a collective needed in order to pursue the broader goals of this government. Instead of addressing those issues, the Council has moved in the other direction. As a result of the process, councilors didn't talk to other governments who have had this same struggle. Moving in this direction over time will see an increase in the number of staffing for the elected official. Every history and trend in elected government proves moving away from the collective towards the individual brings about an increase in staffing over time.

Councilor McCaig commended Councilor Morissette for keeping changes within the current budget, but ultimately, more people means more time which means more work. There are councilors on this body that with more people, more time and more work, will need more people four years from now. Four years from that they'll have a case for more people.

She urged the councilors to reconsider the proposal. She thinks the Council was on the verge of doing very good things for this government, such as the successful Open Spaces measure. They had an agreement that the Council was going to move to rebuild the public trust in this government. Whether one agrees with the public perception or not, this proposal damages the Council and everything they want to do for the next year. It will be used against them. There are councilors who advocate going to the ballot for a gas tax. The population will not separate these actions for their request for more money. There will be confusion about what the Council is using that money for and it will damage the Council's abilities every single time they want to go to the ballot with one of these issues that are important for this region.

The Presiding Officer opened the public hearing.

1.) Geoff Hyde, MCCI Steering Committee member. He distributed a packet of information put together by the MCCI's analyst, which is included in the permanent meeting record. Mr. Hyde stated he was asked to come to the hearing on behalf of MCCI, but his comments are his own. He came today not to argue the councilors' need for "personal assistants," but rather to suggest this emergency ordinance is not the way this problem should be handled. Last spring a budget for the Council was presented, made available for inspection, and discussed over several months. This ordinance being heard today was only brought to the light of public scrutiny two weeks ago, and this is to be the only public hearing.

When the budget was passed last spring, it was based on certain jobs with definite descriptions. This is what the public expected to see in the Council's department for the following year. To totally change the composition of the department now is to break a trust with the public. There seems to be a belief among the councilors that since this restructuring is revenue neutral, it doesn't matter how positions and job descriptions are changed around. He strongly disagrees. If he gives someone a bid on a job for \$10,000 based on materials and two helpers, and then later on he decides he doesn't want to work quite as hard and he wishes to

bring on two more workers, to get the same profit he'd have to reduce the quality of his supplies to make up for the extra labor costs. He said if this happened to the Council and they had contracted him with him to do the job, they would not be happy.

Mr. Hyde stated he feels the public expects the Council to spend its budget the way it presented it last spring. If there are problems with the way the department is currently structured, that should be presented this January with a new structure and budget request. Until last week, he did not know the current structure had failed to work, or if the changes made at the beginning of the year are the reason the established structure in the years before is now failing. Whatever the reason, it deserves more research and scrutiny by the public and others than an emergency ordinance allows. He finds it very dangerous to use the term "emergency" legislation when there is nothing involved here that threatens the public health, safety or welfare of the Metro area.

He believes the reduction of analyst level staffing will weaken the Council by reducing the amount of processed and neutralized information that is available to the Council. In a structure such as Metro's, with an elected Executive in charge of the working departments, he believes it is necessary to have policies analyzed by professionals that are separated from the working department. The department analysts are only human, and will tend to supply information to the Council that supports the tack the administrative side has chosen. An analyst for the Council, on the other hand, will be pushed to look at facts from all sides or risk the wrath of individual councilors for not giving a balanced report. This helps the Council steer a department that may be getting off course back onto the right path. This will help Metro make better decisions and be more responsive to the public. And, in the end, any restructuring should serve the public.

In respect to the staffing of the MCCI, Mr. Hyde stated he thought that commitment was made to the MCCI last spring when the budget was worked out. The Council also signed on to a pilot program with the Electronic Bulletin Board. MCCI got it up and running with the help of an ad hoc committee of citizens. It seemed to be working while the consultant was still on board, but when he left, the staff support left. The MCCI was perfectly willing to use their .45 staff support to keep it updated, but that wasn't allowed. That bulletin board has half of a note from an August meeting on it. Anybody who deals with computers and bulletin boards knows that when you dial in and the information is two or three months old, you say "these people aren't into it, they're flaky, they're not getting their information out." This old message should at least be eliminated.

MCCI also was willing to use some of their professional funds to help set up Web Pages, which are now being looked at by the rest of Metro. Now it appears with the restructuring, they will need that money to pay for a temp to help with minutes, mailings and other staffing needs. Many of the volunteer members of the MCCI have spent hours helping out in staffing, testifying at hearings and doing things which could and should be done by staff if available. It is not fair to the MCCI to be expected to put in the number of hours the last two chairs have, just to fill in for the staff support the charter says the committee should get. Both the last chair and present chair have put in numerous extra hours. It is a volunteer position and committee members do volunteer, but there is a limit to how many hours the Council should expect the Metro volunteers to put in to take care of a lack of staffing.

Mr. Hyde continued that even though he said he was not present to argue about the councilors' need for personal assistants, he must speak to some misgivings that people in the

community have shared with him. He knows being a councilor is not a full-time job, but the fact is some councilors spend many more hours in Metro work than others. The pay for councilors is not full-time so the public can't expect councilors to put in 50 to 60 hours a week. However, if the job has evolved to the point where it demands a full-time, fairly paid Council, so be it. Present a charter amendment to the public and let them evaluate it. One of the duties of the assistants as proposed, is to attend meetings for the councilors. From the people he has talked to, they don't want to see councilors' assistants at meetings. They want to see their elected councilor. He certainly hopes the assistants are not going to be attending policy meetings such as MPAC and JPACT, because the public really doesn't want to see assistants at policy meetings.

Mr. Hyde concluded that Metro has had a hard time with its public image. From the comments he has heard, this move will not enhance the image of either Metro or the Council. It is not too late to reconsider a decision people have been told has already been made before this public hearing. If changes are needed, present them with the next budget in a fair and a public forum.

Councilor McLain asked to clarify incorrect factual statements made by Mr. Hyde. She has met with both the MCCI analyst, Judy Shiochi, and the Chairman Ric Buhler, and has indicated during this transition time of allowing MCCI more support and not less. She has stated previously that any staff time they need for the clerking of the minutes will be provided, even if it comes out of her personal staff time. Secondly, regarding the EBB, she has met both with the MCCI members and the Steering Committee, and was told the MCCI as a general membership believes the Web Page is a better answer than continuing the EBB. A question asked of her at the last MCCI meeting was why hasn't the EBB been updated. The answer she gave is that both the staff people in the Council office who were trained to do it, no longer work for the Council. Also, the MCCI has indicated they would like to see the money that might be left for that pilot project go toward a Web Page. We will make sure that anything left from August will be taken off right after this meeting.

Councilor McLain also addressed Mr. Hyde's remarks regarding the analysts. She's been on the Council since 1991. In 1991 and 1992, she had a four-fifths teaching job and was here as a night-time councilor. She needed three or four analysts to be able to do the legwork during the day and get the information for her as the policy maker to actually do the analysis and make the decisions. When the charter took effect in 1992 and she came on as a half-time worker of about 45-50 hours a week, she no longer needed that type of analysis. That "outside of the department" analysis is something she can get with fact-finding, using staff who do not need to receive that high level salary. Plus, it's more helpful to her. This proposed structure is set up to not fragment what the workers in the office are doing and what the councilors are trying to do. There may be a time when this Council goes back to 13 members or goes to full-time councilor status. At the present time, councilors indicated they want to work within present budget resources and make sure they are simply used better.

She said if the Council had stuck with the budget as presented in January and hired under a structure they knew had not been working for the Council or for the public, it would not have been good public policy. What councilors tried to do with this proposal is use the same resources as was presented in the budget of January and make sure they were utilized better for the last three months of the year. Councilors are dedicated to making sure the Council and the Council staff are working to the betterment, first of all, of the public and the public dollar, and then of the Council, the committees and the councilors.

Councilor Monroe asked Mr. Hyde if the current staffing for MCCI is adequate, effective and efficient.

Mr. Hyde responded that he doesn't think MCCI ever got the full use of their .45 staff person. It has been rumored that MCCI's jobs are the least important, so when staff members have a list of jobs to do, MCCI's job is put at the bottom. Whether that was their choice or they were instructed to do this, he doesn't know.

Councilor Monroe stated he is personally committed to dealing with these staffing problems. He said Mr. Hyde's earlier statement that any budget changes should be made within the regular budget cycle is a logical statement. However, the problem is that right now the Council is without full personnel. It's easier to make staff changes when you have vacancies. All councilors he has talked with are committed to solving MCCI's staffing problems.

Presiding Officer McFarland addressed Mr. Hyde's testimony that this is the first public hearing for the ordinance. She did allow public testimony last week during the first reading and MCCI Chair Ric Buhler testified.

Mr. Hyde stated he appreciates the offer of help, but there is a change every year. Every year there is a new presiding officer and new councilors. MCCI feels uncomfortable that the commitment is not codified or written down. The public perception is still that the councilors wanted personal assistants and so they decided how to take this situation and use it. It may not be correct, but that is the public perception.

Councilor McCaig stated that although a public hearing was opened at the last meeting, she didn't know there was going to be one since it was the first reading. In deference to Mr. Hyde, others who got the agenda and saw it listed as a first reading may not have known there would be an opportunity to testify because it is unusual to have one at a first reading.

The Presiding Officer declared the public hearing closed.

Councilor Morissette stated he has two comments based on what he has heard today, and he is willing to look at a way to make the system work better. In reference to Councilor McCaig's comment about staffing levels will keep growing, language can be put into the ordinance stating it is the Council's goal and commitment to see that staffing levels don't continue to grow. The other could be that the Council will review the collective as opposed to the individual support they get from individual councilors, so the Council can have that collective process.

He suggested when the replacement office manager is in place, the Council could make this an open opportunity for that manager to look at the process and make sure the Council doesn't create division. He suggested adding language such as: "The manager will have an opportunity to review the staffing to make sure there isn't divisions and individual agendas sacrificed at the collective benefit of the whole." Likewise, the 25 percent staff time commitment to committee work may have to be reviewed and the percentage may have to be adjusted if 25 percent isn't enough to keep the collective process working. Also, he wants to be fair to MCCI. His support for this ordinance wasn't designed around hurting the potential for MCCI to perform their duties.

Councilor McLain asked Councilor Morissette to look at Page 15 of the packet, which is a copy of Ordinance No. 95-616. She stated the ordinance doesn't say anything about how the transition will take place. The transition work Councilor Morissette spoke of, such as the amount of time council assistants would spend on individual committee work or on MCCI work, is not spelled out. All this ordinance does is set up the structure so the appropriate funds are in the appropriate columns. It would not be appropriate to add his language to the ordinance itself. Instead, it would be appropriate to set a work session on the transition of this ordinance for all of the councilors to participate in. The MCCI testimony indicated they want their fair share and they don't think they have gotten it to date, and they want to make sure they are being supported for any function the Council gives them. The staff report is not the ordinance.

Councilor Morissette stated his earlier comments were an attempt to address concerns he has heard today. He does not want to see an individualization of this process for his support, nor does he want to see a situation where the Council grows this government into a much larger government to do the functions they are trying to do. He wants to put in enabling legislation stating the Council is not building a larger government and they intend to stick with this staffing level, and that the office manager will work to see they don't become individualized and the collective suffer. He believes the councilors can build some compromise with this process, because he thinks their objections can be handled with some small adjustments. He wants these two amendments added to the ordinance, not the staff report.

Councilor Monroe suggested adding another "whereas" to the ordinance: "Whereas the Council is dedicated to maintaining staffing at current budget levels ... " He said he sees the staff reorganization as an attempt to get "more bang out of our buck." The Council is replacing very high-paid individuals with highly experienced people with college degrees who are available at those lower salary levels. This carries out the Council's mandate for fiscal restraint and meeting the public's concerns that the Council not overspend and deliver services most efficiently. He looks forward to having additional staff for no additional money, for a little less money, and being able to do a better job in public outreach.

Councilor McLain stated in reference to Councilor Morissette's idea, she's happy to put the language in a whereas section, but it just doesn't fit into the law. She presented "whereas" clause suggestions for each of Morissette's concerns.

Councilor Washington stated that whenever this Council begins to deal with these kinds of issues, there's tremendous discussion. He suggested the term "personal assistant" casts a whole different aspect to what the Council is trying to do. He has said all along the reference should be "staff assistants." For any member of the public who has spent some time with the councilors or the Council, it's very clear that the Council has a staffing issue. When he can't get back on a phone call or can't respond to a constituent, it is embarrassing and he takes that very seriously. He spends far more than 1/3 of his week here at Metro, not because he's trying to make an impression but because he's trying to get the job done.

He asked that the Council set a time frame when this staffing issue will be resolved, if the councilors decide to give this more public hearings or discussion time outside of today's meeting.

Councilor McCaig stated that "whereas" clauses have no value in law; she checked with legal counsel about it.

Councilor McLain stated the intent of the law often is found in the "whereas" clauses. By law, you cannot by ordinance tie the hands of future Councils. "Whereas" clauses present the intent and describe what the ordinance and the law is to do. She feels comfortable adding those "whereas" clauses to address concerns that have been expressed.

Councilor Morissette asked Councilor Washington if his proposal was in the form of a motion.

Councilor Washington responded he will make it one.

Motion: Councilor Washington moved, seconded by Councilor Morissette, that the Council take a minimum of 30 days to address concerns related to the ordinance and schedule additional public hearings if necessary.

Councilor Monroe spoke to the motion, stating the concern that the Council does not have enough help right now. The Council is holding spots vacant now waiting for a resolution of this issue. He suggested a Council work session be scheduled within one week to address implementing and utilizing staff allowable under these changes and address MCCI. Delaying it a month would restrict the Council's ability to meet public need right now, when there are issues on the table requiring more public need and public input.

Councilor Morissette stated he seconded Councilor Washington's motion not to derail the process, but to address concerns that have been expressed. Drafting better language for the ordinance and building consensus can be done more efficiently outside of this Council meeting.

Councilor McLain spoke in favor of Councilor Monroe's alternative. The MCCI are not happy with the status quo. They cannot wait because they are not getting their needs handled. There is nothing in the ordinance today that does not enable the Council to more fully support the MCCI. Also, the Council office is still not up to full staff levels. A special work session prior to today's meeting was offered to address one councilor's concerns. She chose not to have that meeting and has expressed her opinions before the body today. Six of the councilors have worked together to draft a basic structure and foundation to go forward with making sure the Council does a better job of utilizing the resources of this public dollar.

She stated that the idea of a "personal assistant" is erroneous. The press picked up on this term from whatever conversation they chose to have with a singular councilor. The Council has to clear up that misperception, but there is nothing wrong with the ordinance. There may be something wrong with the way that someone basically has presented the ordinance to others. Councilor McLain said the Council can have another work session, but the councilors have work right now that requires staff. She supports the "whereas" clauses being added to the ordinance and having a work session as soon as possible to work through the transitional issues. It is to the public's better good that the Council go forward and leave the subject of Council structure, which is a minor organizational issue, and get on with good solid work. She doesn't see what else the Council will establish by delaying this issue for a month.

Councilor McCaig spoke to the motion to delay. She suggested the Council can bring in temporary people to help those councilors who need it now, such as Councilor Monroe, and then allow those people to apply for a permanent position. The rest of the councilors are all functioning with current staff. The council analyst who worked for she and Councilor Washington decided to leave Metro's employ when he learned of this proposal. The two have

adapted to not having their own analyst and using the Senior Analyst John Houser to perform those duties.

She also reminded the Council that at the first meeting they had – the September 22 work session – there was no one in the audience and someone from another department took the minutes. There was no input from anyone else, as no one was invited to the meeting. There was not an opportunity for the public to talk to the Council about the proposal. The councilors didn't even know what the proposal was until they got to the meeting and were given three options. Then, the next public hearing was listed as a first reading and there were three people in the audience. It's not too great of a request, when the Council is talking about fundamentally shifting the direction of this agency, to move the discussion to some of the bigger, long-term impacts on this agency. She urged support for the motion.

Councilor Morissette stated a reorganization is important. Since the concerns expressed are valid and there appeared to be consensus from the other councilors, this may not be the best forum for re-drafting the ordinance. The Council has additional work on this agenda to do.

Councilor Washington stated that a time frame was asked for in his motion, so he chose 30 days. The Council wouldn't have to adhere to it, but he just chose it to give them an adequate amount of time to resolve these issues. If the work can be done in a week, that's fine. However, he senses a need to be responsive to the public, MCCI and his fellow councilors.

Councilor McLain stated she needs to correct another factual error Councilor McCaig made. The only hiring that has been done since this process was initiated, has been to fill one clerk position. The Council was down two clerks. The Council office is functioning under the status quo and we are still down two analysts and one other clerk position. The office is still understaffed by at least three people.

Councilor Monroe responded to statements by others that there was not enough opportunity for public involvement in this process. There have been several "Oregonian" newspaper articles and editorials and today's public hearing was certainly well noticed. Yet only one person came to testify, a member of MCCI.

Counselor Kvistad stated that when you run for elected office, you make choices to serve the community. He's very frustrated now and embarrassed to be a member of this Council. He can't believe that seven elected officials, intelligent people, can't make a staff decision one way or the other. The Council is sitting here talking about something that they have been talking about for 2 years and eight months. The current process as it exists does not work. The staffing arrangements the Council had did not work. He does not need a personal assistant, someone to wash his car, fix his coat or follow him around with a palm frond. He needs someone who can do his committee work, can respond to constituent needs, and basically take care of the business of this Council. The Council doesn't have that now.

He said these ordinances come up every year in January and the councilors have this same discussion. Councilor McCaig makes a very persuasive and compelling argument and one that he is almost willing to accept. He is not sure that anything this body comes up with at this point is going to make him very happy one way or the other. So, he's going to vote in favor of Councilor Washington's motion. However, if the Council does this again, he will not only not vote for it, he will publicly make comments about the way the Council does business here. That would not be very supportive and very positive, but he finds this absolutely disgusting.

Not because he's not getting his way, but because seven elected officials can't make a decision. He urged the Council to vote now and make a decision.

The Presiding Officer called the question and asked Councilor Washington to restate his motion.

Vote: *The vote was 5-2, with Councilor McLain and Councilor Monroe voting no. The motion passed.*

8. RESOLUTIONS

8.1 Resolution No. 95-2211, For the Purpose of Securing Metro's Federal Match Requirement for Conducting the Federal Highway Administration (FHWA) Pre-Project Study of Congestion Pricing.

The clerk read the resolution by title only.

Motion: *Councilor Kvistad moved, seconded by Councilor McLain, for adoption of Resolution No. 95-2211.*

Councilor Kvistad presented the resolution. The federal Highway Administration in August 1995 approved this study request. The funding is about 80 percent federal, 20 percent local. Of that local match of about \$300,000, 50 percent is expected from ODOT with the rest spread out among other jurisdictions. Metro has applied for a \$100,000 state grant from a petroleum anti-trust settlement from the state Attorney General's Office.

Councilor Morissette asked if any new staff will be hired. Councilor Kvistad referred the question to Councilor Monroe, who responded that this is federal money which has been granted. People will be hired to do the job, but it's not Metro's money.

Councilor Morissette asked that since the grant is for two years, is it specified in the job application that the position is for a two-year period and is not permanent. Councilor Monroe responded yes.

Vote: *All those present voted aye. The vote was 7-0 and the motion passed unanimously.*

The Presiding Officer moved item 8.7 up the agenda because the resolution requires her signature before 5 p.m. if passed.

8.7 Resolution No. 95-2208, For the Purpose of Approving the Lease/Purchase Financing Whereby SAWY Leasing Corporation Leases/Purchases Certain Equipment to Metro Pursuant to a Lease/Purchase Agreement; and Authorizing the CFO or Designee to Execute the Lease/Purchase Agreement and Such Other Documents and Certificates as May be Necessary to Carry Out the Transaction Contemplated by the Aforementioned Agreement.

The clerk read the resolution by title only.

Motion: *Councilor McCaig moved for adoption of Resolution No. 95-2208.*

Jennifer Sims, Chief Financial Officer, presented the resolution. Councilor Kvistad commented that this is a standard lease purchase agreement. The Special Districts Association of Oregon has a special arrangement which gives Metro a lower lease option, since Metro is a member of that organization. He recommended approval because it is a very favorable rate.

Vote: All those present voted aye, with Councilor Morissette absent. The vote was 6-0 and the motion passed unanimously.

8.2 Resolution No. 95-2214, For the Purpose of Approving Amendment to a Contract With the Washington State Department of Transportation to Provide the Services of an Expert Review Panel for Independent Technical Review of the South/North Capacity Transit Study.

The clerk read the resolution by title only.

Motion: Councilor Washington moved, seconded by Councilor McCaig, for adoption of Resolution No. 95-2214.

Councilor Washington presented the resolution.

Vote: All those present voted aye, with Councilor Morissette absent. The vote was 6-0 and the motion passed unanimously.

Councilor McCaig requested item 8.6 be moved up the agenda to accommodate staff waiting to present the resolution.

8.6 Resolution No. 95-2222, A Resolution Supplementing Resolution No. 95-2169 Pertaining to Issuance of General Obligation Bonds (Open Spaces Program) in the Principal Amount of Not to Exceed \$135,600,000 For the Purpose of Financing the Acquisition and Improvement of Various Parcels of Land as Part of Metro's Open Spaces Program.

The clerk read the resolution by title only.

Motion: Councilor McCaig moved, seconded by Councilor Kvistad, for adoption of Resolution No. 95-2222.

Ms. Sims presented the resolution. The Series B sale has closed. Metro received subscriptions for \$3.5 million of bonds and the underwriters bought the entire \$5.1 million issue. Series C will be the balance of those for the Open Spaces measure.

Vote: All those present voted aye. The vote was 7-0 and the motion passed unanimously.

8.3 Resolution No. 95-2218, For the Purpose of Authorizing a Contract for Technical Assistance, Financial Analysis and Intergovernmental Coordination of the South/North Transit Corridor Study.

The clerk read the resolution by title only.

Motion: Councilor Kvistad moved, seconded by Councilor McCaig, for adoption of Resolution No. 95-2218.

Councilor Kvistad presented the resolution, which allows for drafting environmental impact work on a portion of the South/North transit alignment. This authorizes the hiring of a consultant to perform this work.

Councilor Morissette questioned why staff is being allowed to increase the \$249,000 contract by \$25,000.

Councilor Kvistad responded that sometimes in the scope of the work, unanticipated consequences need to be dealt with. The scope of work has a potential for addition, which is not necessarily part of the contract. The money is not coming from Metro's general fund, rather it is being funded through existing dollars in the South/North project. The additional \$25,000 has been standard in some of the scope of work in projects of this size.

Leon Skiles, Transportation Planning Manager, stated this provision was added into the scope of work because with South/North they expect a fair amount of obstacles. This scope of work isn't a strict environmental analysis, where staff knows the options and design. This includes a financial analysis, cost-effectiveness work, and working strategies with the federal government. They anticipate new obstacles coming up, but don't know what they are.

Councilor Morissette asked if this is fairly typical on a contract to allow a little extra in case the scope of work increases. Councilor Kvistad responded not necessarily. In something that is more flexible and fluid, like this type of contract, its standard to have built in a bit of a cushion just in case.

***Vote:** All those present voted aye. The vote was 7-0 and the motion passed unanimously.*

8.4 Resolution No. 95-2220, For the Purpose of Amending the South/North Intergovernmental Agreement (Contract 903678) With the Tri-County Metropolitan Transit District of Oregon.

The clerk read the resolution by title only.

***Motion:** Councilor Washington moved, seconded by Councilor Monroe, for adoption of Resolution No. 95-2220.*

Councilor Washington presented the resolution. South/North is entering the preliminary engineering phase very shortly. This proposal amends the intergovernmental agreement to authorize the transfer of the \$4 million in Westside bond interest from Tri-Met to Metro to finance continuing work on the South/North project.

Councilor Kvistad asked if this money would be available for other transit development if it was not spent on South/North.

Mr. Skiles responded that his understanding is these funds are designated specifically for South/North.

***Vote:** All those present voted aye. The vote was 7-0 and the motion passed unanimously.*

8.5 Resolution No. 95-2175, For the Purpose of Authorizing Issuance of the Request for Qualifications/Proposals for Property Acquisition Services for the Open Spaces, Parks and Streams Program.

The clerk read the resolution by title only.

Motion: *Councilor McCaig moved, seconded by Councilor Morissette, for adoption of Resolution No. 95-2175.*

Councilor McCaig presented the resolution.

Vote: *All those present voted aye. The vote was 7-0 and the motion passed unanimously.*

8.8 Resolution No. 95-2210, For the Purpose of Confirming the Reappointment of Virginia V. Benware to the Investment Advisory Board.

The clerk read the resolution by title only.

Motion: *Councilor McCaig moved, seconded by Councilor Washington, for adoption of Resolution No. 95-2210.*

Vote: *All those present voted aye. The vote was 7-0 and the motion passed unanimously.*

9. COUNCILOR COMMUNICATIONS

none

There being no further business before the Council, Presiding Officer McFarland adjourned the meeting at 4:21 p.m.

Prepared by,

Jodie Willson
Council Assistant