

MINUTES OF THE METRO COUNCIL GOVERNMENTAL AFFAIRS COMMITTEE

September 16, 1993

Council Chamber

Committee Members Present      Mike Gates (Chair), Sandi Hansen, Judy Wyers

Committee Members Excused      Jim Gardner (Vice Chair), Terry Moore

Councilors Also Present:          Susan McLain, Richard Devlin

1. Consideration of September 2, 1993 Governmental Affairs Committee Meeting Minutes

Motion:            Councilor Hansen moved to approve the September 2, 1993 Governmental Affairs Committee meeting minutes as submitted

Vote:              Councilors Hansen, Wyers and Gates voted aye

The vote was unanimous and the motion passed

2. Communications from Local Governments

Chair Gates noted receipt of a memorandum from Chair Gussie McRobert and Vice Chair Judie Hammerstad of the Metro Policy Advisory Committee (MPAC) dated September 9, 1993 based on a May 7, 1993 memorandum to Councilor George Van Bergen from Daniel B. Cooper, General Counsel, Metro. He said the memo contained a sample format pertinent to the Memorandum of Understanding (MOU) and intended to serve as an example for developing criteria for the Metro Council as to whether or not items might be considered of "metropolitan concern." This document has been made a part of the permanent meeting record.

Presiding Officer Wyers reported that Casey Short, Council Analyst, had gathered the Charter Commission minutes in which deliberations had occurred regarding "metropolitan concern." She indicated she would request Legal Counsel make a determination on the matter with a follow up report to the Committee and an offer to share the findings with MPAC.

3. Resolution No. 93-1844, For the Purpose of Stating Intent to Submit to the Voters the Question of a General Obligation Bond Indebtedness for a Regional System of Greenspaces

Pat Lee, Environmental Planning Manager, presented the staff report, and noted the purpose of the resolution was to begin a formal deliberation process for development of an approach to pursuing an acquisition funding strategy for Greenspaces. He said the proposed resolution had been reviewed by the Greenspaces Policy and Technical Advisory (GPAC and GTAC) Committees and referenced documentation in the agenda packet for this meeting. He noted the resolution provided for notice to other jurisdictions concerning Metro's intent. He said the proposed resolution provided for a report back to the Committee by October 15 with a firmer recommendation regarding an adequate bond measure amount and a possible time frame for election.

In response to Councilor Hansen, Mr. Lee said the language in the Master Plan was the guide that was to be used for the allocation formula. Councilor Devlin noted a goal of March 22, 1994 for an election had been determined by the GPAC and the GTAC. He said the resolution was intended to give focus to the timing and the amount of bond to be determined.

Presiding Officer Wyers felt meeting the deadline of October 15 would be difficult, and suggested the possibility of coming back by October 15 for review might be more feasible. Councilor Devlin concurred, noting more time could be required.

Presiding Officer Wyers requested Staff come back with a proposal for outreach concerning Greenspaces to the communities, and in particular the business community, which would include a scope of work for further review

Presiding Officer Wyers clarified she preferred that the matter come before the Governmental Affairs Committee for substantive discussion. The Committee as a whole and Staff agreed.

Chair Gates opened a public hearing

Michael Carlson, representing the Audobon Society, addressed the Committee. He indicated strong support by the Audobon Society for the Greenspace program, and supported forwarding the matter to the voters as a ballot measure. He felt support from the business community was necessary to the program's success. He advocated that Metro contract with a qualified "open spaces advisor," and he felt it was important the program get underway in 1994. Mr. Carlson suggested several possibilities for such an advisor to the Committee.

In response to Chair Gates, Mr. Short said there were limitations concerning advocacy of a ballot measure by Metro, and said Metro employees could provide factual information but not advocate a position. He added elected officials could advocate on their own as deemed personally appropriate. He noted a blue ribbon panel might well be established by individual Councilors rather than by Council action. Presiding Officer Wyers said she would be willing to assist in setting up such a group, noting staff assistance could be necessary. She maintained if the thrust were education and information to the public, the Council was well within its authority to do so.

Carol Pinegar, Portland resident and Portland middle school teacher, urged the Council vote in favor of the resolution. Mrs. Pinegar read her testimony into the record. This document has been made part of the permanent meeting record. She advocated for Council approval of the transfer of Multnomah County Parks as well. Presiding Officer Wyers indicated a forthcoming report on September 28 from the Portland Chamber would prove helpful in the overall review, and agreed with Ms. Pinegar regarding the involvement of the business community.

Chair Gates noted written testimony in support of both the Greenspaces resolution and the MOU had been received from Mike Houck, the Wetlands Conservancy. This document has been made a part of the permanent meeting record.

Richard Meyer, Audobon Society, addressed the Committee in support of Greenspaces. He emphasized the importance of saving Greenspaces and the utilization of the State's Goal 5 in order to maintain Portland's green lifestyle.

Chris Beck, Trust for Public Land, addressed the Committee, and spoke in support of the Greenspaces program and bond measure. He advocated, however, for the process to include organizing a blue ribbon task force to discuss the best approaches toward funding the land acquisition component of the program. He said the end product should be a written report and recommendations to the Metro Council as to whether and when a bond measure should be referred. Mr. Beck provided the Committee with a handout outlining his suggestions in brief, entitled "Public Private Task Force on Open Space Finance.". This document has been made part of the permanent meeting record.

The Committee discussed Mr. Beck's proposal for a Greenspaces Task Force further

Chair Gates closed the public hearing, and noted receipt of a memorandum from Councilor Moore in support of the resolution.

Motion Councilor Hansen moved to recommend Resolution No. 93-1844 to the full Council for adoption.

Councilors Hansen and Wyers commented in favor the resolution.

Vote. Councilors Hansen, Wyers and Gates votes aye.

The vote was unanimous and the motion passed.

4. Resolution No. 93-1849. For the Purpose of Approving a Memorandum of Understanding between Multnomah County and Metro Regarding the Transfer of Regional Parks, Natural Areas, Golf Courses, Cemeteries and Trade/Spectator Facilities

Dick Engstrom, Deputy Executive Officer, addressed the Committee, and indicated Mark Williams, Senior Assistant Counsel, would share with the Committee matters which had been undertaken in the document pursuant to previous discussions. Mr. Williams said the neighborhood parks had been removed from the MOU, and said the Fair had been clarified as the responsibility of Multnomah County. He said continuing discussions with the County Attorney were currently underway with regard to the indemnification clause. Mr. Williams outlined details of the changes for the Committee.

Councilor McLain commented concerning previous testimony before the Committee by Charles Hales, City of Portland Commissioner, in which he indicated cemeteries were an issue for ongoing discussion in the future.

Presiding Officer Wyers asked Mr. Engstrom whether the Executive Officer had drafted a letter to the Multnomah County Commissioners requesting a revisiting of the hotel/motel tax. She noted it was understood that the proposed Parks transfer would not be coming to Metro revenue neutral, because of the potential for up to \$20 million in capital improvements that could be necessary in large to Expo Center. She noted the Executive Officer had indicated she would draft such a letter. Mr. Engstrom said he did not believe such a letter had been drafted, but that he thought it was the intent of the Executive Officer to enter into such a discussion.

Chair Gates opened a public hearing.

Michael Carlson testified before the Committee representing the Audobon Society, and indicated the Audobon Society's support of the resolution. He noted the matter was one of regional significance.

Beverly Stein, Chairwoman, Multnomah County, addressed the Committee in support of the Multnomah County Parks and Expo transfer. Presiding Officer Wyers committed to Chairwoman Stein her dedication to the employees as they transition was made to Metro. In response to Councilor McLain, Ms. Stein indicated she would meet on a continuing basis with both Clackamas and Washington counties, as suggested by Councilor McLain. Ms. Stein supported the Fair as well, and expressed a desire to work with the community toward that end.

Councilor Devlin asked whether Multnomah County would continue support for the Greenspaces program following a transfer of the Multnomah County Parks. Ms. Stein gave her personal commitment to that end, although, she said, she could not speak for others.

Gregory Flakus, member of Multnomah County Friends of the Fair, addressed the Committee in support of the concept of consolidation for the purposes of governmental efficiency in general. He placed a document into the record entitled, "Summary of the History of the Multnomah County Fair, Fairgrounds, Fairfunds and Assets," compiled by the Friends of the Fair, and felt the document would be edifying to the Metro Council and Staff. He said the Friends of the Fair wanted to bring the Fair back to the prominence it had enjoyed in the past as a good event and one that was fun that the community would want to attend. This document has been made part of the permanent meeting record.

Tom O'Loughlin, representing O'Loughlin Trade Shows, addressed the Committee and discussed the position and concerns of the renters at the Expo. He noted he had rented space at the Center for over 20 years, doing approximately 6 shows per year, paying approximately \$200,000 rent. He said 4 other entities shared the position of

what he termed "anchor tenants" of the Expo, taking the majority of the dates at the complex. Mr. O'Loughlin noted his participation on a County Task Force regarding Expo, from which he said a report had been produced prior to the current County Master Plan. He noted the report was not utilized. Mr. O'Loughlin said the anchor tenants had concerns about language in the MOU concerning "excise taxes" and "rent increases." He said if the monies were dedicated to fixing up the Center, that was a consideration; but, he said, if not, that was not acceptable. He noted there was a time in the past when only three events a year occurred at Expo, the Fair, the International Livestock Show, and a dog show. He asked the Committee to consider what Metro intended to do to keep renters there

Chair Gates indicated the intent was to make the transfer revenue neutral, and that Metro's position regarding enterprise funds were that they be allocated to go back into the facility. Councilor McLain noted the facility would serve as a complement to other facilities in the region. Councilor Devlin expressed concern about the amount of money put into the facility Mr. O'Loughlin felt improvements need not be unreasonable

Presiding Officer Wyers urged Mr. O'Loughlin to meet with the management staff of the MERC regarding his concerns, and indicated the Council would be responsive as well.

In response to Chair Gates, Mr. O'Loughlin said the original Task Force of over 30 members from jurisdictions and labor unions had devised an improvements plan that he recalled would need to be funded at approximately \$3.5 to \$4 million at 6%, which was all inclusive; e.g. door handles, locks, light switches. He said the goal was not to make the plan a burden on tax-payers, but rather to generate the funding from within. He said the Task Force felt the goals could be met

Chair Gates entered written testimony into the record submitted by Bonnie L. Hays, Washington County Commissioner. He noted she requested the item be continued until after October action on criteria for regional concern/significance, or, otherwise, to pass the item forward without recommendation, noting a request for input from the Metro Policy Advisory Committee prior to Council action.

Presiding Officer Wyers noted she had read the letter from Commissioner Hays, and apologized that Commissioner Hays was not present to be able to respond to her comments. Presiding Officer Wyers commented to the Committee that she disagreed that the Committee should wait or send the item forward with no recommendation. Presiding Officer Wyers said Chair McRobert indicated her concerns with the definition of "metropolitan significance" but did not think it was directly tied to the MOU or whether or not the MOU should move forward. Presiding Officer Wyers asked Council Staff to draft a memorandum to Metro Legal Counsel requesting a definition for "metropolitan concern", Metro's responsibility and MPAC's responsibility, and suggested that MPAC might wish to hear from Mr. Cooper regarding those matters. She suggested the possibility that the full Council have further discussion on the issue at Council retreat. Presiding Officer Wyers clarified she did not believe the Committee should wait for an MPAC recommendation

Councilor Devlin indicated his understanding of the role of MPAC was not that of approval, but rather that of comment

Councilor Hansen referenced the September 9, 1993 memorandum from Chair McRobert containing an analysis of Mr. Cooper's remarks concerning the legality regarding Metro authority to operate/own current Multnomah County Programs/Facilities, and felt Commissioner Hays might find the information helpful

Mr. Cooper addressed the Committee, noting he understood Presiding Officer Wyer's request for a response from Legal Counsel was forthcoming, and indicated discussions with Council Staff were underway. Mr. Cooper noted the MOU was not a legal binding document, but rather a recommendation. He said an ordinance was in draft stages that would be brought forward for consideration at the same time as an intergovernmental agreement should the MOU be approved. He said the ordinance would clarify why all of these matters were of "metropolitan concern" and within the jurisdiction of Metro pursuant to the Charter.

Councilor McLain noted Larry Shaw, Senior Assistant Counsel, attended the last two MPAC meetings at which he presented the materials referenced, and noted he had commented on "metropolitan concern" and "metropolitan significance." Councilor McLain said she felt confident further discussion on these broader issues would ensue, and felt they were not necessarily tied together.

Chris Palmer, Palmer/Wires and Associates, producers of antique and collectible sales and the Christmas Bazaar, noted she was the Expo Center's second largest tenant. Ms. Palmer said she concurred with Mr. O'Loughlin's statements, and said the tenants wished to be consulted. Ms. Palmer entered testimony dated September 8, 1993 from Richard and Charles Schiessl, Quality Doll and Teddy Bear Shows, Portland, OR. The Messieurs. Schiessl expressed concerns regarding parking price increases.

Gregg Edwards, General Chairperson Coordinator of the Portland Swap Meet, one of the Expo users and Portland International Raceway. He said they had been tenants since 1970, and had expended funding to make improvements at the facility including \$20,000 in gravel and grading in the parking lots. He said this commitment was ongoing.

Chair Gates closed the public hearing.

Motion Councilor Hansen moved to recommend Resolution No. 93-1849 to the full Council for adoption.

Councilor Devlin clarified the motion included the understanding that the remaining items under discussion in the MOU would be resolved, and that the two parties assigned from the Council to deal with the MOU would be informed concerning those matters.

Vote: Councilors Hansen, Wyers and Gates voted aye.

The vote was unanimous and the motion passed.

Chair Gates noted the matter would come before the full Council for consideration on October 14, 1993.

#### 5. Discussion of Possible Charter Amendment Regarding Council Representation

Chair Gates introduced two draft documents for the Committee's consideration: a draft ordinance entitled, "Ordinance No. 93-xxx, An Ordinance for the Purpose of Adopting a New Chapter to the Metro Code Pertaining to Elections;" and, Resolution No. 93-xxxx, For the Purpose of Submitting to the Electors an Amendment to the 1992 Metro Charter Relating to the Office of Metro Councilor." Chair Gates explained the proposed draft legislation dealt with the retention of 13 Councilors rather than changing the Council to a membership of 7, and would provide for the pursuance of a ballot measure.

In response to Chair Gates, Mr. Cooper said adoption of such legislation by the end of January, 1994 or the first Council meeting in February would allow time for a measure to be placed on the ballot.

Presiding Officer Wyers requested minutes concerning discussion of the change from 13 Councilors to 7 from the Charter Commission. Mr. Cooper said he would make those available. Chair Gates agreed, and noted the Commission had not been unanimous in their discussions.

The Committee as a whole discussed the pros and cons of the proposed draft legislation further.

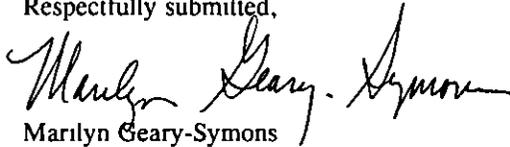
Councilor Hansen indicated she would oppose approval of the proposed draft legislation. Councilor Devlin noted he had attended Charter Commission hearings in which the matter of the number of Metro Councilors was discussed, and he said it was his impression that the Commission had difficulty in agreeing on a number for the Council. Presiding Officer commented regarding the proposal and noted she did not support the concept. Councilor Hansen commented she believed the public view of the Charter amendments proposed by Chair Gates would not be favorable,

and felt priority belonged to the Greenspaces and Parks issues. Councilor Devlin commented there was not Charter review process built into the Charter. He said the only Charter review process available was by the public through the initiative process or the Council could refer Charter amendments that were felt to be in the public interest. Councilor McLain said she personally favored 13 Councilors, but would not favor the proposal.

Chair Gates asked the matter be continued for further discussion, and indicated he would make no efforts at solicitation in behalf of his proposal.

There being no further business, the meeting adjourned at 7:12 p.m.

Respectfully submitted,



Marilyn Geary-Symons  
Committee Recorder