

MINUTES OF THE COUNCIL GOVERNMENTAL AFFAIRS COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

October 1, 1992

Council Chamber

Committee Members Present: Tanya Collier (Chair), Richard Devlin (Vice Chair), Edward Gronke, Terry Moore, Judy Wyers

Committee Members Absent: None

Other Councilors Present: Roger Buchanan, Jim Gardner

Chair Collier called the regular meeting to order at 4:05 p.m.

Chair Collier introduced and welcomed Terry Moore, who was sworn in as a new Metro Councilor on September 24, 1992, as a new member of the Metro Council Government Affairs Committee.

1. Resolution No. 92-1688, Establishing the FY 1992-93 Metropolitan Service District Legislative Task Force

Donald E. Carlson, Council Administrator, presented the staff report, and referenced his memorandum dated September 28, 1992 found in the agenda packet. He said the resolution before the Committee was modelled after former Resolution No. 90-1336 which created a similar task force/subcommittee structure FY 1990-93. He noted the Legislative Task Force was a management tool for the Council and the Executive with regard to the legislative process.

Motion: Councilor Devlin moved to recommend Resolution No. 92-1658 to the full Council for adoption.

Vote: Councilors Devlin, Gronke, Moore and Collier voted aye.

The vote was unanimous and the motion passed.

2. Resolution No. 92-1689, Establishing a Position Opposing Oregon State Constitutional Amendment - Ballot Measure 9

Dick Engstom, Deputy Executive Officer, presented the staff report, and referenced a memorandum from Rena Cusma, Executive Officer, dated September 30, 1992 regarding her position with an attachment from the Portland Oregon Visitors Association (POVA) listing organizations planning convention business in the region. This document has been made a part of the permanent meeting record. He said POVA had received communication related to their concern from each organization on the list including statements indicating they would consider canceling holding their conventions in this region should Measure 9 pass. He noted a representative from POVA would be present at the October 8th Metro Council meeting to testify

further should the resolution be recommended to the full Council for adoption.

Councilor Gardner said passage of Measure 9 would affect both Oregonians in general and Metro business as related to visitor facilities, and said he had asked Council Staff to draft a resolution to bring before the Committee to express Metro's position on the measure. He noted the conclusion to draft a resolution was reached simultaneously by himself and the Executive Officer, and said the resolution had been subsequently jointly drafted. He believed passage of Measure 9 would create State of Oregon policy not only legalizing discrimination against a group of citizens but also mandating such policy be required, and said he felt the measure was wrong, un-American and un-Christian. He felt it would be bad for business for Metro, for the state's image, and for the growing visitor industry. He noted an article in the Oregonian recently identifying a group, the Association of State Governments, which he said canceled a 1993 meeting here in Portland because Measure 9 was on the ballot regardless of the outcome.

Councilor Gardner discussed other issues which he considered negative impacts on the State of Oregon should Measure 9 pass in the November elections. He referenced comments in the memorandum from Ms. Cusma, and said he supported the passage of Resolution No. 92-1689.

Councilor Gronke said Measure 9 was abhorrent to him, went against everything he felt America was about and indicated he agreed Measure 9 should be defeated at the polls. He said he questioned however whether Metro had the authority to officially take a position on such a matter as Measure 9. He had concerns whether voters would vote according to Metro's recommendation or whether Metro's recommendation to vote against the measure would persuade some to vote in favor of the measure.

Motion: Councilor Devlin moved to recommend Resolution No. 92-1689 to the full Council for adoption.

Chair Collier opened a public hearing.

Patricia Miller, 11165 N.W. Cornell Rd., Portland, testified before the Committee, and noted she worked at a local radio station. She questioned whether adequate notification was given regarding Metro's taking a position on Measure No. 9. She questioned also the scope of the Council's duties, and referenced the Purpose for Council Standing Committees noting item number 7 which she said stated "to review and make recommendations on the matters referred to the Committee by the Presiding Officer." She questioned whether it was a proper ballot measure for the ballot to be posed to the

voters, and noted it followed that the result of a vote by Metro Councilors on the resolution before the Committee should be questioned. She said a Metro vote on the resolution inferred voters would not research the issue for themselves making their own decisions as to how to vote. She believed it was not a good precedent for Metro to take positions on ballot measures and inferring voters should vote in a similar manner. She recommended Councilors abstain from voting on the issue.

In response to Chair Collier, Casey Short, Council Analyst, said public meeting notices law requirements had been met.

Ms. Miller agreed the meeting had been noticed but said the notice was not specific to agenda.

Mr. Short noted public notice was required for ordinances, but was not required for a resolution. Cathy Thomas, Associate Public Affairs Specialist, indicated the resolution title for Resolution No. 92-1689 had not been included in the public meeting notice ad. In response to Chair Collier, Ms. Thomas confirmed that was normal and standard procedure.

Chair Collier said Metro had taken positions in the past pertinent to measures on the ballot, and noted she had questioned Legal Counsel regarding the resolution before the Committee. Chair Collier said Legal Counsel indicated they had never been asked to give a formal opinion previously regarding such an issue, but would be prepared to do so at the Council meeting to be held October 8, 1992.

Chuck Geyer, President, AFSCME Local 3580, testified before the Committee and said the union represented the majority of employees at Metro Center, the scale houses at the solid waste facilities, and a portion of employees at the Zoo. He spoke in favor of the resolution before the Committee, and said Local 3580 felt strongly that Ballot Measure 9 should not be passed. He said Local 3580 union applauded Presiding Officer Gardner's and Executive Officer Cusma's support of the resolution, and urged the Committee to recommend the resolution to the full Council for adoption. He said Local 3580 had taken measures to oppose Measure 9 with time and funds and had notified both Local 3580 members and other AFSCME Local members. He encouraged the Committee to notify their constituents regarding Measure 9, which he termed "a morally disgusting measure."

Sandra Snavelly, 595 N.E. Scott, Gresham, agreed with Ms. Miller's questions regarding the function and purpose of the Metro Council in taking a position on any measure on the ballot, and questioned whether it was a legitimate role for Metro. She questioned the use

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of tax dollars to form collective endorsements of any ballot measure and felt once a ballot measure was placed on the ballot it was no longer a committee issue. Ms. Snavely believed it was then up to the voters as a republic of the people, by the people, and for the people to pass or defeat the measure. She said the basis of this country was the voters themselves, and said she felt voters needed to be trusted to vote their consciences. She said it was important for the Committee to question whether they should single out one particular measure for review. Ms. Snavely noted Ballot Measure No. 4 pertaining to triple trailer trucks could be perceived as interfering in regional traffic, and said she did not expect Metro to formulate a collective vote on such an issue. She felt it was time to put the trust in the people of the State of Oregon to vote according to their own principles. She said the Metro Council was an elected body and a representative form of government. Ms. Snavely said she did not recall a polling in her district, District #7, to discover the will of the people in that district, either related to where the people stood on the issue or whether the people of the district desired Metro or the Governmental Affairs Committee to perform in the function of collectively voting an endorsement either way on any measure on the ballot. Ms. Snavely said she believed it was out of order for Metro to do so, and asked the Committee to vote no on the resolution.

Chair Collier closed the public hearing.

Councilor Devlin said in his experience in public office it was a common action for a public body to take a position on ballot measures, state and/or federal legislation. He felt it would be inappropriate for the Metro Council not to comment on what they believed the impact of the passage of Measure No. 9 would be on both the state and the region. He felt Measure No. 9 had negative impacts that must be addressed, and felt it was close to being inherently evil. He said in the event the measure passed he would not want to be in the position of being a public official who had not spoken out in opposition to the measure.

Councilor Moore asked the question be answered before she cast her vote whether it was within the scope of Metro Councilors duties to take a position on such matters. She noted Metro employees would be affected, and said she believed it was not Metro business to delve into the personal business of applicants before hire or employees subsequent to hire. She said on that basis she would support the resolution. Councilor Moore said she appreciated the comments of Ms. Snavely and Ms. Miller, and said she trusted the voters to make an informed decision. She believed Metro as leaders in the community and as elected officials had a responsibility to provide information to their constituents as they viewed it. She

said the information in the resolution was pertinent and should be taken to the citizenry if it was in the scope of the duties of the Metro Council.

Councilor Gardner said Metro had certain delineated responsibilities for managing facilities and programs related to conventions and visitors which operate in accordance with the environment by which they were affected. He said he believed the Council had a right to express an opinion on the issue before the Committee as well as an obligation to do so. He felt Metro was not directing voters how to vote but instead was providing information and an opinion regarding the effects of passing Measure 9 in order that voters could make an informed decision.

Chair Collier asked that a formal request be made of Daniel Cooper, Legal Counsel, to specifically answer the question concerning the scope of the duties of the Metro Council and standing committees to take a position on such matters. She recommended the Committee vote on the resolution because positions had been taken previously without question as to Metro's authority. Chair Collier asked for a formal opinion from Public Affairs or from Legal Counsel as to whether appropriate and adequate notice was given regarding the resolution before the Committee.

Councilor Wyers said she felt it was appropriate for Metro Council to make a statement in the form of the resolution before the Committee, and said she supported the resolution.

Vote: Councilors Devlin, Moore, Wyers and Collier voted aye.
Councilor Gronke voted no.

The motion passed.

Chair Collier asked the written responses to her questions be available by the Metro Council meeting to be held Thursday, October 8, 1992.

3. Review of Departmental Five Year Financial Plans, Phase I

Donald E. Carlson, Council Administrator, presented the staff report and referenced his memorandum dated September 14, 1992 found in the agenda packet. He indicated the assumptions should be considered in order that agreement be reached for the Council Department's Five Year Financial Plan. He said each of the assumptions would be attributed a cost in the next phase, and noted projections with other divisions in the General Fund revenues and expenditures would occur. He said should the Charter pass further work could be done on assumptions precipitated. Mr. Carlson asked

the Committee to provide him with information regarding changes desired after review.

Councilor Devlin noted a half time position had been authorized for the Council Department for an Associate Management Analyst, and noted the amount of time for the Metro Citizen Involvement Committee and Councilor Outreach had been underestimated. He believed the matter would have to be revisited in the next budget cycle. Mr. Carlson agreed it was possible the position would need to be increased from a half time position.

Councilor Wyers and Council Staff discussed needs Councilors might have and how to address those needs given the resources.

Mr. Engstrom said staffing needs would be addressed in the Executive Management Five Year Plan, and said those needs would be brought before the Council. He noted passage of the Charter would impact the Executive Management Department.

In response to Councilor Wyers, Mr. Engstrom said staffing needs were seen in the area of basic policy and analysis to review policy initiatives coming before the Council. He said no staffing needs were being addressed in the area of citizen liaison.

4. Discussion on Draft Document of Questions and Answers About Measure 26-3, Charter for Metro

Ken Gervais, Senior Management Analyst, presented the staff report, and referenced a draft document entitled "Questions and Answers about Measure 26-3". This document has been made a part of the permanent meeting record.

In response to Councilor Gronke, Mr. Gervais said the document before the Committee was the only document of its kind in draft stage at this time.

Councilor Gardner questioned inclusion of language from the ballot in the document, and noted space would be gained should the language be deleted. He noted information regarding the fact that Councilors did not receive a salary was not readily apparent.

Councilor Devlin said although "home rule" was difficult to describe, he felt it was necessary to include such language in the document. He indicated he was not thoroughly satisfied with the document as a fact sheet, but noted it was beneficial information and should go forward with some modification.

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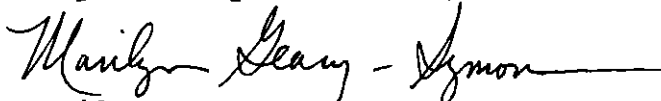
The Committee and Staff discussed a variety of possible modifications pertaining to Councilors' salaries, "home rule", and Greenspaces programs language on the fact sheet.

Councilor Moore noted a reordering of the paragraphs would be beneficial, and felt citizens would be interested to know first whether or not a "no" vote would mean an end to Metro, and, secondarily, would it cost more or less money.

Chair Collier summarized the changes for Staff, and said the Metro fact sheet should be neutral.

There being no further business, the meeting adjourned at 5:05 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Marilyn Geary-Symons", followed by a horizontal line.

Marilyn Geary-Symons
Committee Clerk