

APPROVED
Date 11-18-93

MINUTES OF THE METRO COUNCIL GOVERNMENTAL AFFAIRS COMMITTEE

November 4, 1993

Council Chamber

Committee Members Present Mike Gates (Chair), Jim Gardner (Vice Chair), Sandi Hansen, Terry Moore, Judy Wyers

Councilors Also Present Susan McLain

Chair Gates called the regular meeting of the Governmental Affairs Committee to order at 4 04 p m

1. Consideration of October 21, 1993 Governmental Affairs Committee Meeting Minutes

Motion Councilor Hansen moved to approve the October 21, 1993 Governmental Affairs Committee meeting minutes as submitted

Vote: Councilors Hansen, Gardner and Moore voted aye.

The vote was unanimous and the motion passed.

2. Communications from Local Governments

Chair Gates said FOCUS would hold discussion on the topic of housing at its next meeting to be held November 18, 1993. He said FOCUS had sent a survey out on housing issues to local jurisdictions in order to obtain input for the purpose of the discussion. Councilor Moore and Chair Gates requested that FOCUS agendas and other communications from FOCUS be distributed to all Metro Councilors on an ongoing basis. Casey Short, Council Analyst, said he would handle the request.

3. Ordinance No. 93-516, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule for the Purpose of Appropriating Funds to Consult with Business and Civic Leaders and Develop Recommendations Regarding Greenspaces Acquisition Capital Improvement and Operations Funding Options

Chair Gates noted a memorandum had been received from Councilor Wyers indicating she intended to table the proposed ordinance at this meeting. Mr. Short indicated Councilor Wyers had asked him, in her absence, to comment in her behalf on the item as she was planning to attend the meeting but was slightly delayed. Mr. Short said a selection panel had recently met to conduct interviews, and had selected on a preliminary basis the firm of Conkling Fiskum and McCormick. Mr. Short said the selection panel felt the budget of \$45,000 would be sufficient to accomplish the goals outlined in the RFP, but had proposed the scope of work in the contract contain two additional items: 1) to expand the scope of the proposed poll from 400 voters to 800 voters, and, 2) place funds in reserve for a panel of FOCUS members to be selected to test responses to the Greenspaces program. Mr. Short said it was suggested in recent meetings that the additional funding of approximately \$8,500, could be made available from the Council Department budget rather than from General Fund Contingency. He said Don E. Carlson, Council Administrator, had responded affirmatively to a memorandum from Councilor Wyers requesting such action. Mr. Short said Councilor Wyers suggested tabling as the actions would have the effect of making the proposed ordinance unnecessary.

In response to Councilor Moore, Pat Lee, Environmental Planning Manager, addressed the Committee, and said the RFP requested proposers suggest additional items that might benefit the proposal. He noted both additional polling and FOCUS groups had been suggested to give a better level of information and would improve the process. Mr. Lee said the range for additional polling of about 400 was from \$4,000 to \$6,000, with FOCUS groups in a range of between \$2,000 to \$4,000. Mr. Lee said Conkling Fiskum and McCormick had agreed at a meeting held the morning

(Continued)

of November 4 to the terms as outlined, and said an amended proposal incorporating the total changes of \$8,500 (\$5,000 for the polling and \$3,500 for the FOCUS groups) would be submitted Monday, November 8, 1993

Motion Councilor Moore moved to table Ordinance No 93-516

Vote Councilors Gardner, Hansen, Moore and Gates voted aye.

The vote was unanimous and the motion passed

4. Ordinance No. 93-517, Ordinance No. 93-517. An Ordinance for the Purpose of Adopting a New Chapter to the Metro Code Pertaining to Elections

Chair Gates opened a public hearing

Mr Short noted for the record that no action was anticipated for the draft ordinance and that it was expected it would come before the Committee again in two weeks.

Daniel B Cooper, General Counsel, referenced Draft Ordinance No 93-517A (11/04/93 2 55 p m), and highlighted revisions to the document since the last discussion took place. This document has been made a part of the permanent meeting record He referenced Section 9.01 Voters' Pamphlet, and reported that Multnomah/Washington/Clackamas counties had come to an agreement to jointly publish a regional Voter's Pamphlet by those three counties for the 1994 May and November elections He said the pamphlet would append the state voter's pamphlet and that each county would carry a portion of the cost incurred He said the only caveat perceived was the possibility that the voter's pamphlet could be too large in size for mailing purposes, in which case he understood the three counties would jointly distribute separately by mailing to each household the regional voters' pamphlet. He noted Metro would have a share of the materials in the pamphlet and a share of the costs

Councilor Moore requested Staff write a letter of thanks to the Elections Officers of the three counties from the Governmental Affairs Committee for their work and accomplishment

Mr Cooper referenced revisions to the language in Chapter 9 01 related to the deadline for submitting information to the Executive Officer, and noted 9.01 040 Preparation and Judicial Review of Ballot Titles had been removed as an entire chapter on the preparation of ballot titles had been prepared. He noted the change in 9 01 070 to provide for county or state publishing of voters' pamphlets

Mr Cooper referenced Chapter 9 02, Vacancies in Office, to reflect the concerns of the Committee while remaining consistent with the charter He said language in 9 02.020 referred to attendance at regularly scheduled Council meetings as separated from Council Committee meetings or other meetings The Committee and Staff agreed another device than the proposed ordinance should be utilized regarding the effect of missing Council Committee meetings

Mr Cooper referenced Section 9 02.030 concerned with declaring a vacancy, and noted that before a vacancy was declared, the incumbent was to be notified and given time to show cause why the Council should not declare the existence of a vacancy In response to Chair Gates, Mr. Cooper noted receipt of a resignation letter by the Presiding Officer, the Clerk of the Council, or the Council Administrator, could occur, after which a resolution could be introduced. He said the language used in the proposed ordinance was the same used in the Multnomah County Code Chair Gates suggested language be drafted that was clear concerning grounds for declaring such a vacancy, and provision be included that a vote of the Council be taken to declare such a vacancy Mr. Cooper said although the language was implicit in that regard, he would frame explicit language to clarify the matter.

In response to Councilor Hansen, Mr Cooper said nothing was contained in the charter that prohibited a Councilor for running for another office while serving on the Metro Council.

Mr. Cooper said he would also insert language previously requested by Councilor Hansen stating that a "school district" was not a "special districts."

The Committee and Staff discussed language revisions in Section 9 02 040 Filling of Vacancy: Election to Fill a Vacancy. Discussion followed regarding for Section 9 02 060 and 9 02 070 concerned with Appointments and Method of Making Appointments. They discussed possible instances of election or appointment, and the timing involved should a vacancy occur. Chair Gates expressed concern regarding the timing of notification concerning a vacancy and the application process. It was noted that appointment usually took place at a meeting of the full Council. The Committee and Staff discussed possible time frames for notification, the application, the interview process and the appointment. Councilor Wyers suggested notification time should be four weeks, and felt distribution of applications should be immediate. Mr. Short read from his file concerning the most recent Council vacancy, which occurred in September 1, 1992. He said a memorandum and application packet was sent to potential applicants September 2, 1992 with a cut-off date for applications of September 21, 1992. Mr. Short said the hearing was held the evening of September 21, 1992, and said the Council meeting at which the selection was made was three days later on September 24, 1992. Chair Gates said he concurred with Councilor Wyers' suggestion. Mr. Cooper indicated he would draft language to reflect the Committee's concerns, and suggested language stating notice be given in advance of the actual declaration of the vacancy might be appropriate.

The Committee and Staff discussed Section 9 02 080, Emergency Succession. Mr. Cooper noted the Deputy Executive Officer served at the pleasure of the Executive Officer, and should there be a change in the Executive Officer, it was understood that it was likely that the position of Deputy Executive Officer would undergo a change in personnel.

Mr. Cooper indicated he would bring forward additional revisions to language for review and consideration.

No citizens appeared before the Committee to testify. Chair Gates closed the public hearing.

5. Status Report on Negotiations on an Intergovernmental Agreement with Multnomah County Regarding Transfer of Regional Parks and Expo

Dick Engstrom, Deputy Executive Officer, presented the staff report, and said meetings had taken place on an ongoing basis. He said Mark Williams, Senior Assistant Counsel, had prepared a draft Intergovernmental Agreement, which Mr. Engstrom had been reviewed by the Metro Council negotiating team consisting of Councilors Devlin, McFarland and Washington. He said modifications were made according to suggestions, and noted the document has been transmitted to Multnomah County for review. Mr. Engstrom said to date no formal response had occurred, and noted a meeting was scheduled for November 9, 1993. He said it was his hope agreement could be reached at that upcoming meeting on outstanding items, which he noted were few. Mr. Engstrom said the goal was to have the agreement and ordinance approved by both Multnomah County and Metro prior to January 1, 1994.

Chair Gates recessed the Committee for five minutes.

Chair Gates reconvened the Committee at 5 10 p m.

6. Ordinance No. 93-520. For the Purpose of Determining Which Facilities Contemplated for Transfer from Multnomah County to Metro Are Public Cultural, Trade, Convention, Exhibition, Sports, Entertainments, or Spectator Facilities, or a System of Parks, Open Spaces or Recreational Facilities of Metropolitan Concern

Mr. Engstrom and Mr. Williams addressed the Committee. Mr. Williams said the proposed ordinance would determine which Multnomah County facilities fit into the categories delineated. He said the Executive Officer recommended approval of Ordinance No. 93-520, and noted the ordinance was intended to be considered simultaneously with the Intergovernmental Agreement. He said that although it was not mandatory to enact the proposed ordinance, it was felt to be desirable to do so as early as possible.

Mr Engstrom referenced Exhibit I to the proposed ordinance and also entered into the record a letter from Esther Lev, wildlife biologist, dated November 4, 1993, in support of the Greenspaces Program and the Parks merger. These documents have been made part of the permanent meeting record.

Chair Gates opened a public hearing

Jean Ridings, representing the Multnomah County Parks Advisory Committee, addressed the Committee, and expressed her support of the proposed ordinance

Dale Archibald, Curator of the Oregon Historical Society, testified before the Committee and emphasized the historical importance of Pioneer Cemeteries, as well as their importance in the area of genealogical research to both Native Americans and Veterans as well as to current affairs. He spoke in support of the proposed ordinance

Councilor Hansen noted she was working with Mr Short to bring forward a proposal in January, 1994 to establish a Task Force group to study the Pioneer Cemeteries and possible means of study; e g by a citizens' group or possible creation of a 501(c)3 organization.

Councilor Moore pointed out a recent article appeared in the This Week magazine which discussed the relative importance of the cemeteries which emphasized their cultural, regional, and recreational importance

Motion: Councilor Moore moved to recommend Ordinance No 93-520 to the full Council for adoption

Vote: Councilors Hansen, Moore, Wyers and Gates voted aye

The vote was unanimous and the motion passed

7. Status Report Personnel Code Revision

Mr. Short said Paula Paris, Personnel Manager, had completed work on the Personnel Code Revision, and said it would come before the Council for first reading at its next meeting to be held November 10, 1993. Mr Short believed the matter would be referred to the Governmental Affairs Committee for consideration at the first meeting in December as Ms. Paris was currently on vacation

8. Other

Chair Gates requested the Presiding Officer assign a Councilor to work with the FOCUS housing survey. The Committee discussed the matter further, and Councilor Wyers indicated she planned to issue a memorandum concerning recommendations from the Tax Study Committee, and suggested the possibility further discussion take place with the City of Portland concerning the issue of affordable housing and future funding options. Councilor Hansen requested Councilor Moore make available copies of any materials pertinent to results of the FOCUS housing survey

There being no further business, the meeting adjourned at 5.28 p m

Respectfully yours,

Marilyn E Geary-Symons
Committee Recorder