

APPROVED
Date 6-17-93

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

December 3, 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, Ruth McFarland, George Van Bergen, Ed Washington

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

1. Consideration of the Minutes of the July 2, July 16, July 21, and August 6, 1992 Governmental Affairs Committee

Motion: Councilor Gronke moved to approve the minutes

Vote: Councilors Collier, Gronke, and Moore voted aye. Councilors Devlin and Wyers were absent. The vote was unanimous and the minutes were adopted.

2. Work Session to Consider Draft Resolution Establishing the Appointing Authorities for the Metro Apportionment Commission

Casey Short, Council Analyst, presented the staff report. He explained the Committee directed staff to prepare the resolution to approve the appointment authorities for the Metro Apportionment Commission. He stated the intent at the last Committee was to pair the two Clackamas County Districts (5 & 6) and Washington County Districts (1 & 13 and 2 & 4). He said the pairing of the Multnomah County Districts were made similar to the last reapportionment configurations with the following districts paired: 11 and 12; 10 and 7; and 3, 8 and 9.

Councilor Buchanan asked if the Councilors in Districts 3, 8 and 9 were consulted. Mr. Short said Councilors in Districts 3 and 8 agreed. Councilor-Elect Monroe, District 9, said he did not object.

Councilor-Elect Monroe questioned when the Resolution would be heard at Council. Chair Collier stated the Resolution would be heard at the first meeting of the new Council in January. Dan Cooper, Legal Counsel, stated the current Council could adopt the Resolution but, the new Council would need to ratify it. The Committee agreed to distribute the draft resolution prior to January and adopt the resolution in January after the new Councilors were sworn in.

Councilor Wyers said Councilor-Elect Kvistad told her he approved of the proposed plan.

Mr. Short noted people in SW Portland, Dunthorpe area would not have a representative on the apportionment committee due to the configuration for appointees. Mr. Cooper said any other configurations would create greater chance of not being able to meet the distribution requirements.

Councilor Buchanan asked what criteria would be used to appoint an individual. Mr. Short stated filing the selected person's name with the Clerk of the Council with a statement from the person as to their address. The appointee can not run for a Metro Council seat in the 1994 elections.

Councilor Buchanan asked what would happen if the Councilors could not decide on an appointment. Mr. Short said that if the people were not selected by February 1, 1993, the Executive Officer could make all appointments.

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Chair Collier noted the importance of Councilors making selections. She asked Councilor Wyers to carry the item to the full Council.

Mr. Cooper noted the procedure for filing an appointee should be identified in the resolution. Mr. Short said he would draft language to identify the filing procedure. The Committee will take action on the resolution at the December 17, 1992 meeting.

3. Work Session to Consider Draft Ordinance Establishing Criteria for the Metro Apportionment Commission

Mr. Short presented the staff report, a copy of which is included in the record of this meeting.

Councilor-Elect Gates asked if county configurations would be considered to ensure a Councilor would be available for each county. Mr. Short said he did not receive direction on this matter. He said the Council could direct the apportionment committee to ensure representation of each county.

Chair Collier favored ensuring representation from each county. Councilor-Elect Monroe noted one Councilor could be from each county, but two would be difficult. Councilor Gardner suggested at least one District be entirely within each County. Councilor Wyers concurred with Councilor Gardner.

Councilor Gronke expressed concern about maintaining the separateness of counties since Metro was a regional government. Chair Collier said she had favored the argument in the past, but local officials did not. Councilor Gronke noted MPAC would ensure the interest of the counties. Councilor-Elect Monroe did not agree with Councilor Gronke. Councilor Gronke re-stated his opinion. He said he agreed with one person representing a county. The Committee discussed the issue and agreed to have at least one district be entirely in each of the counties. Chair Collier requested Mr. Short to draft language to include the Committee's intent regarding county representation.

Councilor Gardner spoke to the population deviation factor. He said two and one-half percent deviation should be the maximum allowable deviation. He did not favor predicting growth over the next eight years. He suggested instructing the Commission to not predict growth. He said growth that had already occurred would be acceptable if it were accurate.

Councilor-Elect Monroe concurred with using the most current data. He questioned if the federal criteria would recognize data outside of the census data. He felt a problem might occur if the data used created a variance greater than the federal deviation of two and one-half percent based on census figures. Mr. Cooper said Councilor-Elect Monroe's opinion was correct.

Councilor Devlin favored a one percent deviation.

Councilor Van Bergen said the census information may not be accurate. He noted the census information would be recognized by federal standards.

Mr. Cooper discussed the criteria mandated by the federal courts. He said a deviation of five percent was allowable. He said if a need to deviate was significant it may be acceptable. He said the state requirement was creation of Districts as equal in size as practicable. He said the Charter Committee discussed the issue. He said an intent might be interpreted due to language of a deviation as close to zero percent as possible. He said the commission will have to consider the census data and stay within the five percent variance. He said other criteria may be included.

Councilor Moore noted it would be difficult to project growth. She said current population information should be used.

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Councilor-Elect Monroe said districts should be created on current population data as close to zero deviation as possible. He said the commission should then figure those districts based on census data and make changes to any areas that varied more than two and one-half percent based on the census information. The Committee concurred with this approach.

Councilor Devlin spoke to item four on draft Ordinance No. 92-477. He wanted the language to be clarified. He requested that county populations not be split into several different districts. Councilor Elect Monroe noted like communities would be more appropriate. He noted similar communities might not be in the same county.

The Committee agreed to leaving precincts in section four. Mr. Cooper noted statutory provisions did not control the apportionment. He said the Charter allows the Council to adopt additional criteria.

The Committee discussed the use of cities as boundaries.

Councilor Devlin said the commission should define communities of interest and not divide communities of interest where possible. The intent of the Committee was to eliminate the other items in number four with the exception of precincts.

Councilor Buchanan asked if an effort would be made to reduce the number of incumbents in any one district. Councilor Gronke did not favor Councilor Buchanan's proposal. Councilor Gardner said that language might be unethical. Mr. Cooper did not know the specific answer to Councilor Gardner's comments. He said maintaining district boundaries as close to existing boundaries was allowable. He said he would research if any reapportionment allowed addresses to be used. Councilor-Elect Monroe noted accomplishing a reapportionment considering addresses was often done. He said most reapportionments didn't reduce the number of districts. He favored attempting to limit the incumbents to two. Councilor Devlin noted maintaining communities of interest was in opposition of limiting the number of incumbents. He noted several Councilors lived in communities of interest that differed from their District configurations. Chair Collier strongly opposed placing a limit on the number of incumbents.

The Committee scheduled consideration of a revised Ordinance at the December 17, 1992 meeting.

Mr. Short summarized the changes. He said number one would have clarifying language from Mr. Cooper; number two would be zero percent variance; number three was removed; number four will address precincts and define special communities; and a new item would address one district contained entirely in a county.

Mr. Short noted the cost for population data may be \$15,000-\$20,000 in Data Resource costs. He said a budget amendment should be made. Councilor Devlin asked if the new population data could be collected in-house.

He noted an emergency clause would be included. The Committee supported adoption of the Ordinance at the first meeting in January. Councilor Wyers will present the Ordinance at Council.

With no further business before the Committee, Chair Collier adjourned the meeting at 5:30 p.m.

Respectfully Submitted,



Susan Lee
Committee Clerk