

## MINUTES OF THE METRO COUNCIL MEETING

March 4, 1999

Council Chamber

Councilors Present: Rod Monroe (Presiding Officer), Susan McLain, Ed Washington (by phone), Rod Park, Bill Atherton, David Bragdon, Jon Kvistad

Councilors Absent:

Presiding Officer Monroe convened the Regular Council Meeting at 2:07 p.m.

### 1. INTRODUCTIONS

None.

### 2. CITIZEN COMMUNICATION

**Art Lewellan**, of SE Portland, OR, L.O.T.I., stated he would continue to voice his opposition to the latest segment of the light rail through north and northeast Portland. He did not believe it would produce results and would be very expensive. He believed the effort and money needed to go into the Ross Island Bridge which was in need of major repairs. He said he was not against the south/north lightrail itself, but as it was proposed. He said he still believed the light rail should remain on the east side of the river.

### 3. VOLUNTEER UPDATE

**Lupine Jones**, Manager of Volunteer Services for Regional Parks and Greenspaces, said there was an opportunity to use volunteers of all types in their work. She noted with regional parks, pioneer cemeteries, marine facilities, and over 4,000 acres of greenspaces there was a big need for them. She said it was not only a desire but a necessity for Metro to involve citizens in a meaningful way to keep up with the work. She was excited that a lot of people were interested in volunteering. She told of some volunteer opportunities available in her department and gave a short history of how volunteers were used in Parks and Greenspaces. She noted that hundreds of volunteers put in thousands of hours every year, such as the volunteer naturalist program or the Salmon Festival at Oxbow Park. She said she had been working on the structure of the program and doing a needs assessment since she came to work in September. She told of the positive experiences of some of the volunteers who had made worthwhile contributions and helped themselves as well. She said there were exciting prospects for engaging local people in local issues but realizing it was part of their regional government. She said the new strategies for outreach into those greenspaces started with Cooper Mountain in Beaverton and Canemah Bluff in Oregon City where they were doing localized open houses, tours and work parties. Thousands of invitations had been sent with great response. She quoted her old favorite saying, he who is helping to row the boat has neither the time nor desire to rock it" which she felt was a good way to encourage investing in and supporting volunteerism.

**Paula McCall**, Education Manager/Volunteer Services with the Oregon Zoo, said the Oregon Zoo had the largest volunteer program in the world for zoos. She said the Oregon Zoo had an adult program of approximately 500 volunteers and they did outreach programs to nursing homes, day care centers and schools. She noted they also had a youth volunteer program. She reported

that there were over 1000 volunteers doing short term volunteer programs at the Zoo. She said starting this summer there would be about approximately 300 youth at the Zoo doing everything from helping with the shows to doing contact animal presentations. She reported that they had a community services program which involved corporate or other organized groups coming to the Zoo to do short term projects on the Zoo grounds, like planting and gardening or helping with events. She reported on some new youth programs involving disadvantaged youth. She said they would be going out to the schools to recruit student participants for that and other programs. She announced that the volunteer appreciation banquet would be held on April 19th.

**Councilor McLain** asked for clarification of the dates for the Cooper Mountain and Oregon City events.

**Ms. Jones** responded that April 8 was the evening open house for the Oregon City event with April 10th as the date for the tour and work party, and April 1 for the open house and 3rd for the Canemah Bluffs tour and work party.

**Councilor McLain** appreciated the work Ms. Jones and Ms. McCall had done as volunteer coordinators and invited them to be guest speakers at her class at Glencoe in their pursuit of volunteers.

**Councilor Bragdon** said he had been very impressed with the number of volunteers and the work that was going on. He felt it was important work. He added that there was a trail tour on March 13th at 9 am from the Goose Hollow Inn all the way to Lake Oswego, and April 26th at noon would be a tour of the westernmost part of the Fanno Creek Trail.

## 5. EXECUTIVE OFFICER COMMUNICATIONS

**Mike Burton, Executive Officer**, commented that one of the reasons Ms. Jones' position was created was because there were so many people trying to volunteer in the parks area that they could not handle the load. He said the Zoo would not work without the volunteers. He said the volunteers were part of the Metro outreach program. He introduced the Council to David Moskowitz, the Salmon Recovery Coordinator. He reviewed Mr. Moskowitz's background and qualifications for the position. He felt Metro was fortunate to have him.

**Mr. Moskowitz** said it was good to be at Metro and he believed they would be back before council soon with information.

## 6. AUDITOR COMMUNICATIONS

**Alexis Dow, Auditor**, indicated a copy of the Financial Statement Audit had been passed out to Councilors. She reviewed the management recommendations from Deloitte & Touche. Those recommendations were that purchase orders be prepared on-line more frequently than they were now, that in the budgetary process when there were considerations of combining funds or changing the purpose of the funds that it be discussed with financial services because it would affect the way it was reported in the financial statements. As to accounts receivable, they noted that several of the operating departments had not received an analysis showing the age of their receivables. The new PeopleSoft system would generate the aging analysis. They pointed out that there had not been a complete physical inventory of Metro's fixed assets in over 8 years and they recommended it should happen biannually. They recommended that retainage should be accounted for for all contracts and not just for construction contracts.

## 7. METRO CENTRAL ENHANCEMENT COMMITTEE BRIEFING

**Councilor Washington** said the Metro Central Enhancement Committee was a committee that, along with the North Portland Enhancement Committee, set aside 50¢ from every ton of garbage collected at those locations to be used for future projects within the enhancement area. He reported that they had recently awarded \$217,500 in grants to organizations such as the Linnton Neighborhood Association, Neighbors Northwest, Northwest District Association, Saturday Academy, Cathedral Park Jazz Festival, Friends of Forest Park, and James John School, to mention a few. He named the committee members and asked Joe Beeler to report on their decision process.

**Joe Beeler**, representing the Cathedral Park Neighborhood Association, thanked Councilor Washington for his involvement in the committee. He said they awarded 21 grants out of the 30 applications they had received. He noted all of the awards had a matching fund aspect to them and in fact they had directly challenged the Northwest District Association and NINA that they must go to the business sector for matching amounts in order to access their awards. He said the funds would be used for a planting project at the foot of the Fremont Bridge in the I-405 corridor. They also awarded a whole summer of free music at Cathedral Park as well as some safety and environmental awards. He told of one major \$25,000 grant they had awarded to Linnton and north Portland to do a feasibility study to light the St. John's bridge. The highway department was doing a plan to renovate the bridge and he felt lighting the bridge as a symbol for Portland at large was a magnificent idea. He noted that the bridge was the first major piece of architecture for people arriving in Portland by water.

**Presiding Officer Monroe** added that the same person who designed the Golden Gate bridge had designed the St. John's bridge.

**Mr. Beeler** said yes, and it was designed a couple of years before the Golden Gate bridge, and was more attractive. He wanted to mention the \$38,500 grant to finish a \$75,000 feasibility study to purchase and restore the historic St. John's theater as a cultural and educational center. He said it was the only remaining movie theater in north Portland and had been the community living room for 25 years. He said there was a particular affection for the building in that area. He thanked Metro for the funds and the committee for their wise and thoughtful participation. He thanked Katie Dowdall for facilitating the process.

**Councilor Washington** thanked the committee again for their work and special thanks for Ms. Dowdall for her hard work.

## 8. MPAC COMMUNICATION

**Councilor McLain** said the March 10th MPAC meeting would include work from the Boundary Commission subcommittee, goal setting refinement, public outreach and notice, performance measures, and urban growth boundary code amendments.

## 9. METRO LEGISLATIVE UPDATE

**Jeff Stone, Council Chief of Staff**, said there was a house and senate companion bill that would delete the counties and Metro from the state voters' pamphlet. He noted two things in Legislative Council dealing with the pool chlorine bill and the conservation easement bill. They did not have numbers yet. He said there were senate bill numbers assigned for lot line adjustments for parks

and openspaces, which was currently at the Water and Land Use Committee in Salem. Lastly, he mentioned that the boundary change legislation was currently in Legislative Council.

**Dan Cooper, Legal Counsel**, said this was the bill they had requested to allow the Metro Council to make decisions about the Metro boundary rather than the Multnomah County Commission.

He continued by briefing the council on SB 87. He said he and staff had met with some of the industry representatives interested in the bill to discuss it and what Metro currently did for calculating the land need for employment, industrial and commercial, etc., type uses and described the steps the DRC was currently going through and the survey work they were doing. He said the proponents of the bill were willing to seek amendments to their own bill that would conform the bill to current Metro practice. He understood there had been a public hearing on the bill where the proponents had requested the amendments that day. He said they took no position on the bill but explained what Metro did.

**Presiding Officer Monroe** asked Mr. Cooper about the prison siting and was told there had not been a vote yet.

**Councilor Atherton** asked if there was any discussion about SB 87 and the unfunded mandate it would prescribe.

**Mr. Cooper** responded that they did not support SB 87 and that the position they took was Goal 9, the economic development goal on the books since 1972 was there, and Metro complied with it in all of their work. He said Metro expected to continue to comply with Goal 9. He said if Metro or another local government found themselves in the position of having to spend a lot of money because of this, perhaps the case could be made at that time. He said the way it was now being written, it was still the discretion of the council as to how much money was allocated to planning because the language they seemed to be going with now talked about "reasonable estimates" and "best available methods" rather than hard and fast 5 years of historical data. The planning staff thought it meant they could accomplish it with the same resources they were currently allocated here. He thought that took it out of the unfunded mandate as far as the work Metro was required to do.

**Councilor Bragdon** asked about the gas tax.

**Mr. Stone** did not have the answer to that nor did Mr. Cooper.

## 10. CONSENT AGENDA

10.1 Consideration meeting minutes of the February 25, 1999 Regular Council Meeting.

**Motion:** **Councilor McLain** moved to adopt the meeting minutes of February 25, 1999 Regular Council Meeting.

**Seconded:** **Councilor Park** seconded the motion.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

## 11. ORDINANCES - SECOND READING

11.1 **Ordinance No. 99-795A**, For the Purpose of Adopting a Code of Ethics for Metro Officials and Requiring Registration of Lobbyists.

**Councilor Washington** asked Councilor McLain to move the ordinance. He said even though it had been to his committee and they had done the work, it was her ordinance. He asked for a few minutes afterward to apprise the council of some of the things that went on at the meetings.

**Presiding Officer Monroe** explained procedure. There would be an opening statement by Councilor McLain, a statement from Councilor Washington and statements from any other councilors. Then there would be a public hearing. After that council would have a work session for any amendments that might be brought forward. Then the final vote on the measure would be taken after debate and a close by Councilor McLain.

**Motion:** **Councilor McLain** moved to adopt Ordinance No. 99-795A.

**Seconded:** **Councilor Washington** seconded the motion.

**Councilor McLain** pointed out that the entire council had written this code even though it had her and Councilor Monroe's names on it. She acknowledged that everyone had done a lot of work and Councilor Park had done an extreme amount of work reviewing past work and the simplified version she and Councilor Monroe had brought, and adding additional work. She noted that Councilor Atherton had brought a lot to the conversation relating to this ordinance. She noted the others had done a lot to make sure nothing was forgotten in the transition from the last few years.

She said one of the goals for the ethics code almost 3½-4 years ago was to make sure this council had some of the highest ethical standards in the state. They had tried to make sure the purpose and policy section showed demonstrated their intent for all Metro officials to operate under the highest ethical standards and treat their office as a public trust. They also felt it was important for key staff members to be involved in this policy. She gave examples of where Metro had higher standards than the state: Metro officials may not solicit or receive gifts from registered lobbyists or their employers and those lobbyists and their employers were not allowed to offer such gifts. Metro officials may not solicit or receive entertainment from the lobbyists or their employers. She noted an exception for events sponsored by non-profits. She noted others, all exceeded state law. She said an element not presently in the code deserved some discussion and that dealt with campaign contributions. She felt it was important to remember that the campaign contribution discussion had been defined over 3 years. Freedom of speech and other constitutional issues were brought up and they had asked for a decision from legal staff who came back with the suggestions that perhaps the basic ethics code was not the place to deal with campaign contributions. She hoped legal staff would be allowed to talk about that memo if there were any questions.

**Councilor Washington** thanked Councilors Kvistad and Atherton for their work and support. He thanked the Presiding Officer and Councilor McLain for their confidence in sending it to his committee and letting them work. He thanked the new councilors for helping put out a good piece of work. He thanked Senior Analyst Michael Morrissey, Jeff Stone and Pat Emmerson, and Dan Cooper of the legal staff for being there for this major piece of legislation. He said he was proud of the way they all worked as well as the end result.

**Councilor Kvistad** noted his amendment concerning the ethics code.

**Presiding Officer Monroe** said they would address those amendments after the public hearing.

**Councilor Atherton** said he appreciated Councilor McLain's discussion concerning recusal and campaign contributions and how those could effect the perception of ethical decision making. He said he had received substantial mail and phone calls, unfortunately much of it was not received before the committee hearing. People were clearly very concerned about this issue. In Oregon officials were required to recuse themselves and not vote if they had a conflict of interest. That meant not only disclose but recuse. He said what had been proposed by Mr. Liberty and Ms. Callison was the thought they could extend the concept to people who had or expected to have business or decisions in their favor at a local jurisdiction and that large money contributions tainted in the public's view the perception that this was an ethical problem. He urged council to think about how important it was for perceptions and how different it was from current requirements for disclosure and recusal. He noted letters from Mr. Tiernan supporting the concept and from Gussie McRobert not supporting it and bringing up other points for consideration. What started out as a straight forward and relatively simple matter had proven to be not so. He said if all of them respected and honored their public affairs they all needed to behave in an ethical fashion.

**Presiding Officer Monroe** reviewed the history of this ordinance. He said to meet the genuine concern he had heard from the public, they had a very comprehensive and yet very workable ethics code before them today that was truly a community effort. He appreciated the hard work that Councilor Washington had done and valued the communication from citizens regarding the matter.

He opened a public hearing on Ordinance No. 99-795A.

**Bill Spidal** 2831 SE Colt Dr., #222, Portland OR 97202, supported Councilor Atherton's amendment to the ethics code. He appreciated that it was a group effort but now the easy part had been done and the division was starting. He felt they should take a vote on Councilor Atherton's amendment it would give the voters in the audience an idea of where they were on the issue. He believed that large contributions affected anyone who was elected to office and it would be naive for anyone to not believe that. He believed the \$100 level of Councilor Atherton's amendment was too low and he would prefer a \$500 limit. He believed the majority of people dealing with Metro, city, county, state, etc., had lost confidence in government because of the amount of money the candidates had to spend to get elected. Because Metro had been involved with the UGB for the last several years, he believed that councilors had to acknowledge that LUBA had raised serious questions about the boundaries. He hoped council would resolve the issue and not appeal it. He believed that under the Atherton amendment there would be some trust that the second growth boundary decision would not be impacted by big dollars.

**Presiding Officer Monroe** commented that he had several conversations with Councilor Atherton concerning this issue and shared his interest in campaign finance reform. He said he supported most of the campaign finance reform legislature that came along during his 12 years in Salem. He had committed to Councilor Atherton that they would look at campaign finance reform but he thought it was separate from the ethics code. He would support Councilor Atherton's efforts to review what to do in this area.

**Mr. Spidal** said as a tax payer he believed that the vote was significant and asked them to have a separate resolution, vote it up or down, and decide whether it was legal then. He believed that they kind of skirted the issue otherwise.

**Liz Callison**, 6039 SW Knightsbridge Drive, Portland, OR, read her letter in support of the Atherton amendment into the record as well as several amendments of her own (a copy of which

may be found in the permanent record of this meeting). She felt someone should at least second Councilor Atherton's amendment and show the public the courtesy and respect owed to another councilor and to the more than 30 individuals from all over the region who had faxed and/or e-mailed or telephoned their support of the disclosure/recusal amendment.

**Cynthia Eardley**, 11825 SW Evans, Portland OR 97219, supported disclosure/recusal generally and felt the public did also based on conversations she had with various people. She felt it would be a cleansing, legitimizing effect on local government. She did not feel it would stop growth or the local economy. She read a short letter to the editor from the Southwest Community Connection newspaper and the Multnomah Village Post newspaper regarding support of Atherton's and Liz Callison's amendments to the ethics code. She urged adoption of some version of disclosure/recusal for the ethics code.

**Councilor McLain** wanted to be sure Ms. Eardley and the other testifiers were aware that the amendment as worded did not cover all candidates, only people who were already seated on the council and employees of Metro. She said she could not accept the amendment as worded because she felt it was important to work on it in the right framework, which was elections code so it would cover all candidates. She said there would not be equity or higher standards if all candidates were not covered.

**Councilor Atherton** said to Ms. Eardley that Ms. Callison had brought up advisory committees and the members of those committees had a conflict of interest. He said council had talked about that at committee and decided they would rather not address that issue in the ethics code but it was definitely something they wanted to talk about. He said he planned to bring a letter to council asking MCCI to review the issue.

**Ms. Eardley** felt public conversation on these issues was a good thing. She urged more public participation to improve public relations.

**Councilor Park** recalled Ms. Callison to ask about the intent of the \$100 level. He explained that his was in a somewhat different situation because his campaign had received money from people both inside and outside the UGB. He wondered what she would say he should do because he had contributions and endorsements from people with opposite views.

**Ms. Callison** asked if his contributors had land use issues pending.

**Councilor Park** said given that he currently owned a farm inside the UGB, according to what she was proposing he would have to recuse himself from the people who would not want the boundary moved to be taken in. He said it put him in an awkward situation that he was endorsed by both the Clackamas and Multnomah County Farm Bureaus as well as the Nursery PAC.

**Ms. Callison** said he was referring to political activities and not land use applications and this would only apply to actual land use applicants or contractors who wanted a financial arrangement with Metro through a contract award. The \$100 contribution was the fair tax credit level for the average person to contribute throughout the state.

**Councilor Park** clarified that under her amendment, if a farmer outside the UGB who did not want to come into the boundary contributed to the campaign, a councilor could not vote to keep that farm outside the boundary but would have to recuse himself from voting on the matter.

**Ms. Callison** said yes if the farmer came to Metro for an extension that involved their land.

**Councilor Park** said for their own reasons they did not want to come inside the boundary.

**Ms. Callison** said then they would not be coming in for a land use application.

**Councilor Park** said her amendment would block him from being able to vote to not move the boundary.

**Ms. Callison** thought the person who wanted to stay out would not be making an application for a land use change to bring them into the boundary.

**Councilor Park** said the effect would be the same.

**Ms. Callison** did not see that because the person he was talking about did not have anything financially to gain except indirectly. She was concerned about the actual land use applicant. Public interest groups or farmers who wanted to stay outside the boundary were not affected. She did not think she would have had a problem with the amendment because she did not take money from developers or contractors for her campaign.

**Councilor Atherton** asked Mr. Cooper about someone outside the UGB who was not an applicant but had financial interest in not having a decision to come in.

**Presiding Officer Monroe** said Mr. Cooper could answer but it was out of order because they were debating something that was not before council at this time.

**Mr. Cooper** responded that was true, the motion that had not been made for the amendment he had seen said "applicant for a land use decision". In his view, it would be narrowly held to be quasi-judicial, major amendments to the UGB or locational adjustments. He said under the current process GenStar and Halton were not applicants to land use decisions by Metro. He said the amendment that had not been proposed did not hit them.

**Councilor Bragdon** read a letter from Bob Tiernan into the record regarding the voters' need to know what happens after the campaign (a copy of which may be found in the permanent record of this meeting). He said he moved toward the disclosure approach. He felt the best thing for democracy would be for people to come to candidate forums and make their decisions based on 30 minutes of listening rather than a piece of junk mail they got or some superficial TV commercial. He said he was willing to be judged on the basis of his work and he was proud of the people who supported him although he did not necessarily agree with them. He felt the more disclosure the better and noted that all of the contributions he had received were public knowledge.

**Councilor Park** read a letter from Gussie McRobert regarding the ethics ordinance into the record. She did not support limiting council actions on land use decisions because of campaign contributions. She felt it was a well intentioned but simplistic idea that failed the test of logic. (A copy of the letter can be found in the permanent record of this meeting).

**Presiding Officer Monroe** closed the public hearing.

**Councilor Atherton** said he had wanted to listen to what people were talking about and hear from Mr. Cooper and the rest of the council before he decided if he would bring his amendment forward. He said he was persuaded at this moment that there could be unintended consequences



and thought it was a more complicated subject than Mr. Liberty and he first thought. He committed to craft and bring forward specific proposals on elections reforms and the use of self financing and third party functions to the table by late this year or early next year.

**Motion to**

**Amend:** **Councilor Kvistad** moved to delete subsection 2.17.030(b), “ceremonial gifts received by Metro officials on behalf of Metro from foreign delegations or similar visitors to the region are Metro property”.

**Second the**

**Amendment:** **Councilor Park** seconded the amendment.

**Councilor Kvistad** said this amendment had passed the nod test in committee. He said foreign delegations traditionally brought small token gifts to the person who greeted and met with them. He said there had never been gift items of major value but small courtesy items. He had spoken with Mr. Cooper who said this change was technical and did not change the document. It would allow the delegations to give small token items.

**Presiding Officer Monroe** asked Mr. Cooper if his advice was that this was a technical amendment and would not require a delay in action today.

**Mr. Cooper** said that was correct. He said the ordinance as originally submitted had a much broader prohibition against receiving gifts from anybody. When the amendment was adopted to make the gift restriction only apply to lobbyists and employers of lobbyists this section was no longer necessary. His recommendation to Councilor Kvistad was to delete the section.

**Councilor Park** asked Mr. Cooper whether Section J defined the situation as described.

**Mr. Cooper** said the prohibition against gifts from lobbyists with this exclusion allowed them to take the baseball hat with the company logo or the T-shirt from SOLV. The ceremonial gifts part was written when that exclusion was different. He said it really had the intention of allowing something otherwise prohibited by the ordinance. The ceremonial gift was an entirely different category.

**Councilor Kvistad** urged an aye vote on the amendment.

**Vote to**

**Amend:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

**Councilor Kvistad** said he had spent a great deal of time trying to make this a better document. He wanted to be clear about where he was on the issue. He felt it was very similar to Metro’s version of the independent council law. It seemed like a good idea at the time but law should be simple and clear and easily followed. This ordinance was none of that and did not enhance the legislative process. He said he had a great deal of respect for the council and knew that their votes were not for sale. He felt this ordinance was an insult to their integrity and basically said given a choice between ethical and unethical behavior without the ordinance they would choose the unethical. He rejected that and found it offensive. He said good public relations did not necessarily make good law. He said he had been told he should not vote against this law because of the way it might be perceived and the political ramifications of it and he should just accept it and move forward. He said he could not do that. He said it was never wrong to do the right thing which was to vote no on this item. He said setting a higher standard was a good, healthy and

important thing but writing a law on the false perceptions and from the perspective of punishment or public relations was wrong. He felt they would regret it if they voted this forward. He urged a no vote.

**Councilor Park** respected Councilor Kvistad's opinion but said he would be voting for this ordinance as amended. He was pleased to be part of developing this ethics code which he felt would give the citizens the reassurance and respect they needed, expected and deserved. He also said he would ask the Presiding Officer and Executive Officer to review the current employee ethics code against this particular proposed document and present back to the council a revised administrative ethics code to apply to both Metro staff and council staff. He said when he left office he wanted the public to evaluate his decisions without any cloud of suspicion on his motivations, therefore he supported the ordinance and urged an aye vote.

**Councilor McLain** closed by responding to comments made during the public testimony and discussion. She said they had a thorough conversation regarding non-profit activities and the events at Metro. They felt there was a difference with the non-profit activities and the events that went on at Metro because they were acting in an official capacity. She said they did not give up the responsibility of making that public. She wanted the public to do their own evaluation by having the information in front of them to be able to make about the elected officials. She said to remember the limit of this ethics code was for elected officials and councilors in the Metro building. The original code brought to the committee did cover more of the employees but they believed Councilor Park had a good solution and that issue would be cleaner in a separate document. She reiterated that what they had was higher than state law. She urged an aye vote.

**Councilor Washington** also urged an aye vote from the council.

**Vote:** The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilor Kvistad voting no.

## **12. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(h), TO CONSULT WITH :LEGAL COUNSEL CONCERNING THE LEGAL RIGHTS AND DUTIES OF A PUBLIC BODY WITH REGARD TO CURRENT LITIGATION.**

**Motion:** **Councilor McLain** moved to give direction to staff to continue their intervener status with LUBA on the Washington County issue brought to council 2-3 weeks ago.

**Second:** **Councilor Park** seconded the motion

**Councilor Kvistad** said he was still not clear with the specifics of the appeal. He said he would not vote no but would abstain from voting for that reason.

**Councilor Park** disclosed that he knew Wes Hills in other forums but not in this particular matter.

**Vote:** The vote was 5 aye/ 0 nay/ 1 abstain. Motion passed with Councilor Washington absent from the vote and Councilor Kvistad abstaining from the vote.

## **11. COUNCILOR COMMUNICATION**

**Presiding Officer Monroe** announced that the vote on the appeal of the LUBA decision would be March 11, 1999. That resolution had come forward at the request of Councilor McLain's committee.

**Councilor Bragdon** asked if the motion was to file intent to appeal or was the actual appeal.

**Mr. Cooper** said it was the appeal.

**Councilor Kvistad** noted the National Association of Regional Councils meeting was coming up the end of the month and he and Councilor Washington would be attending. He suggested if other councilors wanted to go they should look over the packet and check with their staff person to register right away.

**Councilor Atherton** asked about the LUBA appeal vote next week and whether they would have an opportunity to review the legal issues before then.

**Mr. Cooper** said they certainly could make that opportunity available.

**Presiding Officer Monroe** asked if he could also give individual briefings to council if they wanted additional information.

**Mr. Cooper** said yes he could.

**Councilor Bragdon** strongly echoed Councilor Atherton's suggestion and said it was not just a question of legal tactics because it was shot with policy issues all through it. He supported the idea of getting together in Executive Session and really talking about it.

**Mr. Cooper** welcomed it. He knew they all had concerns about it.

**Councilor McLain** pointed out that there had already been an Executive Session on the issue and all the councilors had attended the Growth Committee that week where Mr. Shaw had walked them through the particulars. She welcomed another weekend to go through the 152 page document again. She felt another Executive Session on the issue was a very proactive and positive thing to do.

**Councilor Park** wondered if they would be given an opportunity to learn the scope of the appeal.

**Mr. Cooper** said they would be on a very fast track and within 2 weeks of the deadline for filing the notice, March 18, 1999, they had to have the brief fully completed, printed, published and delivered to Salem. He strongly preferred to have a thorough discussion in Executive Session as soon as possible to get council input. There would not be a lot of time for the amount of work to be done after that.

**Councilor McLain** responded that Councilors Bragdon and Park's issue was very cogent and important. She noted that the issue was very complicated and took in two approaches which was why they had asked for a little more time.

## 12. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at 4:28 p.m.

Prepared by,

Chris Billington  
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
030499c-01	March 1999	Financial Statement Audit Management Recommendations	TO: Metro Council FROM: Alexis Dow, Auditor	
030499c-02	2/27/99	Email concerning Ethics Code	TO: Metro Councilors FROM: Walt Amacher 743 SW Cheltenham St. Portland OR 97201	Ord No. 99-795
030499c-03	2/23/99	Email concerning Ethics Code	TO: Metro Council FROM: Walt Amacher 743 SW Cheltenham St. Portland OR 97201	Ord No 99-795
030499c-04	2/24/99	Voice message concerning Atherton amendment to the Ethics Code	TO: Metro Council FROM: Walt Anicker (no address give)	Ord No. 99-795
030499c-05	2/2/99	Email concerning Atherton amendment to Ethics Code	TO: Metro Council FROM: Liz Callison (email: callison@mail, teleport.com)	Ord No 99-795
030499c-06	21/19/99	Email concerning Ethics Code	TO: Metro Operations Committee FROM: Liz Callison	Ord No 99-795
030499c-07	2/3/99	Fax concerning amendments to the Ethics Code	TO: Metro Council FROM: Myles Cunneen 5229 E Burnside St. #123	Ord No 99-795

030499c-08	2/11/99	Email concerning amendments to the Ethics Code	Portland OR 97215 TO: Clerk of the Council FROM: William Elliot (email: marsh@agora.rd rop.com)	Ord No 99-795
030499c-09	2/19/99	Email concerning amendments to the Ethics Code	TO: Clerk of the Council FROM: Cynthia Eardley 1825 SW Evans St. Portland OR 97219	Ord No 99-795
030499c-10	3/3/99	Email concerning proposed amendment to Ethics Code	TO: Clerk of the Council FROM: William Elliot (email: marsh@agora.rd rop.com)	Ord No 99-795
030499c-11	3/2/99	Email concerning proposed Code of Ethics	TO: Bill Atherton FROM: Richard Jones (email: BULLDOGJONES@prodigy.net )	Ord No 99-795
030499c-12	3/1/99	Email concerning amendments to the Ethics Code	TO: Clerk of the council FROM: M. Scott Jones (email: msjns@hevanet.com)	Ord No 99-795
030499c-13	3/3/99	Email concerning amendments to Ethics Code	TO: William Elliott FROM: M. Jones Scott	Ord No 99-795
030499c-14	2/9/99	Email concerning Ethics Code	TO: Clerk of the council FROM: Renee Daphne Kimball 2224 SE Umatilla St Portland OR 97202	Ord No 99-795
030499c-15	2/22/9	Email concerning Code of Ethics	TO: Clerk of the Council FROM: Susan King (email: smking@tteleport.com)	Ord No 99-795
030499c-16	2/2/99	Voice message concenring Code of	TO: Clerk of the council FROM:	Ord No 99-795

		Ethics	Jim Marsh 2104 SW Spring Portland OR 97201	
030499c-17	3/3/99	Fax concerning concerning proposed amendment to Code of Ethics	TO: Presiding Officer Monroe FROM: Gussie McRobert PO Box 310 Gresham OR 97030:	Ord No 99-795
030499c-18	2/23/99	Email concerning Code of Ethics	TO: Clerk of the Council FROM: Dianne Roberts (email: rosewoodinc@j uno.com)	Ord No 99-795
030499c-19	3/1/99	Voice mail concerning amendment to Code of Ethics	TO: Councilor Washington FROM: Courtney Scott 2639 NE Clackamas Portland OR 97232	Ord No 99-795
030299c-20	3/2/99	Memo concerning amendment to Code of Ethics	TO: Metro Council FROM: Bill Spidal 2831 SE Colt Dr #222 Portland OR 97202	Ord No 99-795
030499c-21	2/22/99	Email concerning amendment to Code of Ethics	TO: Clerk of the Council FROM: Bob Tiernan 2700 W Powell Blvd #C-117 Gresham OR 97030	Ord No 99-795
030499c-22	2/2/99	Email concerning amendment to Code of Ethics	TO: Clerk of the Council FROM: Bob Tiernan (email: zulu@teleport.c om)	Ord No 99-795
030499c-23	2/22/99	Email concerning amendment to Code of Ethics	TO: Clerk of the Council FROM: Patty Wisner Lake Road Neighborhood Assoc. Milwaukie OR	Ord No 99-795

030499c-24	3/4/99	Letter concerning amendments to Code of Ethics	(email: chick@integrityonline.com) TO: Metro Council FROM: Elizabeth Callison 6039 SW Knightsbridge Rd Portland OR 97219	Ord No 99-795
030499c-25	3/3/99	Letter concerning Code of Ethics	TO: Metro Council FROM: Bob Tiernan (email: zulu@teleport.com)	Ord No 99-795
030499c-26	March 1999	Letter to the Editor "Proposed Metro Ethics Code is not Tough Enough of Southwest Community Connection	TO: Metro Council FROM: Bob Robinson 235-5498	Ord No 99-795
030499c-27	3/4/99	Fax concerning amendment to Code of Ethics	TO: Metro Council FROM: Dorothy Gage 8000 SW 54th Ave Portland OR 97219	Ord No 99-795