

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING THE)
PERSONNEL RULES FOR)
APPOINTMENTS, CODE SECTION)
2.02.040)
ORDINANCE NO. 84-183

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Section 2.02.040 is amended to read:

2.02.040 Appointment:

(a) All promotions and appointments to vacancies shall be made solely on the basis of merit, efficiency and fitness. These qualities shall be job-related and shall be determined through careful and impartial evaluation of the following:

- (1) The duties and responsibilities to be performed;
 - (2) The applicant's level of training relative to the requirements of the position;
 - (3) The applicant's level of education relative to the requirements of the position;
 - (4) The applicant's level and amount of experience relative to the requirements of the position;
 - (5) The results of an oral interview and examination;
- and
- (6) The results of reference checks.

(b) Except for purposes of Affirmative Action, no question in any examination, in any application form, or by any Metro employee, official or department head shall be so framed as to attempt to elicit information concerning race, color, ancestry, national origin, sex, sexual orientation or political or religious affiliation.

(c) All statements submitted on the employment application or attached resume shall be subject to investigation and verification prior to appointment.

(d) Regular and temporary full-time employees are encouraged to apply for any vacant position for which they are qualified. Temporary full-time employees must have completed a competitive selection process and have been employed at least three (3) months to be considered for in-house promotional hiring preference. All applications will be considered without prejudice to their present positions. Regular, regular part-time and temporary full-time employees will be given first consideration in filling a vacant position. If the position is not filled as a result of promotional recruitment, recruitment outside the agency will commence. Notice of promotional recruitment shall be posted not less than five (5) working days to allow for receipt of applications. Promotional applicants will be provided with a written response on the status of their application by the division or department head in whose division the vacancy exists before outside recruitment is commenced.

(e) Pursuant to the terms and intent of ORS 668.180 and ORS 268.210, all appointments of employees shall be the sole responsibility of the Executive Officer subject to this chapter. However, because the duties associated with certain positions include an independent and concurrent policy impact on both the Council and the Executive Officer, the appointment or promotion of persons to fill the following positions must be confirmed by a

majority of the Council prior to the effective date of each such appointment or promotion:

- (1) General Counsel
- (2) Legislative Liaison (Lobbyist)
- (3) Director of the Public Affairs Department
- (4) Deputy Executive Officer
- (5) Solid Waste Director
- (6) Zoo Director

(f) "Provisional Appointment" means an appointment, pursuant to this chapter, to a position in the absence of a list of eligibles. Provisional appointments cannot exceed ninety (90) days. A person appointed provisionally is eligible to compete for the position when recruitment is opened during the aforementioned ninety-day (90) period. (Ordinance No. 81-116, Sec. 8)

ADOPTED by the Council of the Metropolitan Service District
this 13th day of December, 1984.



Presiding Officer

ATTEST:



Clerk of the Council

ESB/amn
2111C/392-5
12/17/84

STAFF REPORT

Agenda Item No. 7.1

Meeting Date Dec. 13, 1984

CONSIDERATION OF ORDINANCE NO. 84-183 AMENDING
THE PERSONNEL RULES FOR APPOINTMENTS AND
EMPLOYMENT CONTRACTS, CODE SECTIONS 2.02.040 AND
2.02.270

Date: October 4, 1984

Presented by: Eleanore S. Baxendale

FACTUAL BACKGROUND AND ANALYSIS

Two sections of the Personnel Rules are amended by this Ordinance.

The amendment to Section 2.02.040, Appointment, adds the directors for the Zoo and Solid Waste Department to the list of those appointments which must be confirmed by Council. Previously, the Code only required Council action on these appointments if an employment contract was used.

The amendment to Section 2.02.270, Employment Contracts, clarifies what the Council must approve before a contract can be used. In the original provision the Council had to approve using a contract for the particular position and for hiring the particular person. This has not been changed. In addition, in the original provision the rate of compensation could not be changed without Council consent, but other provisions arguably could be set or amended without Council approval. This is changed to clarify that the Council must approve the contract itself and any amendment to it. Finally, the original provision required the Council's approval or consent to any termination, although the Council did not have the power on its own to terminate the employee. This provision is removed in the amendment.

In summary, the amendment gives the Council the authority to approve hiring the Zoo and Solid Waste directors, whether or not a contract is used, it continues the Council's authority to approve hiring a person under contract; and, it deletes the Council's approval of termination of contract employees.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 84-183.

ESB/gl
2111C/392-2
10/30/84

7.2 Consideration of Ordinance No. 84-182, for the Purpose of Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 84-1: Ray Property (Second Reading)

Motion: The motion to adopt the Ordinance was made at the Council meeting of November 8, 1984, by Councilors Kafoury and Waker.

Jill Hinckley reported the document being considered for adoption had been amended per the Council's instructions of November 8, 1984.

Councilor Deines asked if any citizens had objected to this proposed action. Ms. Hinckley said eight residents living on Meadowlark Lane had opposed the action but as a result of the hearing, decided not to file acceptations and would address the matter before the Lake Oswego City Council during that approval process.

Vote: A vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Kelley, Waker, Williamson and Kirkpatrick

Absent: Councilors Cooper, Hansen, Kafoury, Oleson and Van Bergen

The motion carried and Ordinance No. 84-182 was adopted.

7.3 Consideration of Ordinance No. 84-183, for the Purpose of Amending the Personnel Rules for Appointments and Employment Contracts, Code Sections 2.02.040 and 2.02.270 (First Reading)

The Clerk read the Ordinance by title only.

Ms. Baxendale presented the staff report information explaining the Council had previously approved a resolution that placed the Solid Waste and Zoo Director positions in the Classification Plan. This Resolution had been adopted with the understanding the Personnel Rules would be revised to provide for Council confirmation of the two positions, she said, regardless of whether supplemental employment contracts were in force. She explained that in the past, the Council had powers of confirmation only if the positions were covered under an individual employment contract of \$50,000 or more.

Ms. Baxendale said two amendments to the Personnel Rules were being proposed: 1) to add the Zoo and Solid Waste Director positions to the list of positions confirmed by the Council; and 2) to change the procedures to allow the Council to approve all employment contracts,

regardless of the contract sum and to eliminate the provision to allow the Council to approve or consent to the termination of employees covered under personnel contracts.

Ms. Baxendale explained this proposed ordinance had been reviewed by the Council Management Committee on November 15 and the Committee had requested she provide the Council with additional information about the appointment and termination processes used by other local governments. She said this information was now before the Council in memo form for their consideration. In summary, she said of the six jurisdictions contacted, in no case did local councils terminate or confirm the termination of positions unless they had been directly responsible for the hiring of these employees.

Motion: Councilor Bonner moved for adoption of Ordinance No. 84-183. Councilor Williamson seconded the motion.

Councilor Bonner reported that at the November 15 Management Committee meeting, the three Councilors in attendance were divided in opinion about the proposed Ordinance. He interpreted the issue of concern at that meeting as should the Council have the authority to review terminations proposed by the Executive Officer. Because the Committee could not agree, no recommendation was made to the Council, he said.

Councilor Oleson said he wanted to amend Councilor Bonner's statement by saying the main issue considered by the Management Committee was whether the Council should give up its authority to confirm the terminations of key positions. He said that if language were added to the Ordinance to allow for the Executive Officer to consult with the Council or the Presiding Officer before terminations of key positions were made, he could then support the Ordinance. Councilor Kelley agreed with this position.

Presiding Officer Kirkpatrick suggested Councilors Kelley and Oleson work with Ms. Baxendale and present language for an amendment and that the proposed amendment be included in the December 13 agenda packet so that Councilors would have ample time to review the material.

Councilor Bonner urged the Council not to adopt language that would allow for Council involvement in terminations of key personnel but to support Council confirmation of hiring for these positions.

Councilor Waker said he would support the Ordinance as originally proposed because he thought it the job of the Executive Officer to administer staff.

Presiding Officer Kirkpatrick said she would not vote for the Ordinance because she did not think the Council should have powers of hiring, termination or confirmation of these functions.

7.4 Consideration of Ordinance No. 84-184, for the Purpose of Amending the Regional Waste Treatment Management Plan ("208" Plan) to Incorporate Amendments No. 12, 13, 14 and 15, and Request Plan Recertification (First Reading)

The Clerk read the Ordinance by title only.

Motion: Councilor Williamson moved for adoption of the Ordinance, and Councilor Deines seconded the motion.

Marion Hemphill explained the purpose of this Ordinance was: 1) to provide for annual certification which would allow the region to continue receiving federal grants for sewerage management; and 2) to update the plan to reflect current sewer and sewerage treatment needs. Mr. Hemphill then reviewed specific amendments to the current sewer and sewerage treatment plan.

There being no discussion of the proposed Ordinance, the Presiding Officer said a second reading would take place at the Council meeting of December 13.

Executive Officer Gustafson announced Mr. Hemphill would be leaving Metro and had taken a position as lobbyist for the Oregon Public Utility District. He thanked Mr. Hemphill for doing an excellent job on the preparatory work for this ordinance and in helping to develop the Intergovernmental Resource Center. The Executive Officer said Mr. Hemphill would be greatly missed at Metro.

The Presiding Officer and Councilor Bonner also thanked Mr. Hemphill for his fine work and wished him well in his new position.

8. OTHER BUSINESS

8.1 Report on Metropolitan Citizens' League Request for Metro to Conduct an In-depth Study of Regional Parks

Ray Barker reported a draft of the complete Metropolitan Citizen League's study on regional parks had been distributed to Councilors earlier in the month. He said materials in this meeting's agenda packet were the findings and recommendations of that report. He explained the study panel recommended Metro conduct an in-depth study of regional parks and appoint a task force to oversee the study.

6.4 Resolution No. 84-525, Appointing Members to the Intergovernmental Resource Committee (Councilors Kirkpatrick and Bonner and Councilor-Elect DeJardin)

7. ORDINANCES

7.1 Consideration of Ordinance No. 84-183, for the Purpose of Amending the Personnel Rules for Appointments and Employment Contracts, Code Sections 2.02.040 and 2.02.270 (Second Reading)

Motion: The motion to adopt this Ordinance was made at the meeting of November 20, 1984, by Councilors Bonner and Williamson.

There was no public testimony regarding the Ordinance.

Presiding Officer Kirkpatrick suggested the portion of the Ordinance addressing employment contracts be deleted from consideration and staff prepare more detailed information about Code Section 2.02.270 and proposed changes to be considered at a later date.

Motion: Councilor Bonner moved to amend the main motion by deleting Code Section 2.02.270, Section 2, relating to employment contracts, from consideration under this Ordinance. Councilor Kafoury seconded the motion.

Vote: A vote on the amendment to the main motion resulted in:

Ayes: Councilors Bonner, Cooper, Deines, Kafoury, Kelley, Oleson, Van Bergen, Waker, Williamson and Kirkpatrick

Absent: Councilor Hansen

The motion carried and the main motion was amended.

Vote: A vote on the main motion to adopt the Ordinance, as amended, resulted in:

Ayes: Councilors Bonner, Cooper, Deines, Hansen, Kafoury, Kelley, Oleson, Van Bergen, Waker, Williamson and Kirkpatrick

Absent: Councilor Banzer

The motion carried and the Ordinance was adopted, as amended. Code Section 2.02.270 relating to employment contracts would be brought before the Council as a separate ordinance at a later date.



METROPOLITAN SERVICE DISTRICT
Providing Zoo, Solid Waste and Local Government
Services
527 S.W. Hall Street, Portland, Oregon 97201-5287

December 26, 1984

Rick Gustafson
Executive Officer

Metro Council

Corky Kirkpatrick
Presiding Officer
District 4

Ernie Bonner
Deputy Presiding
Officer
District 8

Bob Oleson
District 1

Richard Waker
District 2

Charlie Williamson
District 3

Jack Deines
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

Cindy Banzer
District 9

Larry Cooper
District 10

Marge Kafoury
District 11

Gary Hansen
District 12

2586C/D3-Merge List for 2585C

Dear :

Enclosed are true copies of the following ordinances adopted by the Council of the Metropolitan Service District on December 13, 1984:

Ordinance No. 84-183, Amending the Personnel Rules for Appointments, Code Section 2.02.040

Ordinance No. 84-184, Amending the Regional Waste Treatment Plan ("208" Plan) to Incorporate Amendments No. 12, 13, 14 and 15, and Request Plan Recertification

Ordinance No. 84-181, Amending the Disadvantaged Business Program

Please file these ordinances in the Metro ordinance files maintained by your county.

Sincerely,

Marie Nelson
Clerk of the Council

amn
2585C/D3

Enclosures