BEFORE THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT

| FOR THE PURPOSE OF AMENDING) METRO CODE CHAPTER 2.02 BY) ADDING SECTION 2.02.285) ESTABLISHING A SMOKING POLICY) FOR METRO FACILITIES) | ORDINANCE NO. 89-285A Introduced by Councilor David Knowles |
|--|---|
| WHEREAS, The State of Oregon, fi | nding the smoking of tobacco |
| creates a health hazard to those prese | ent in confined places, adopted |
| the Oregon Indoor Clean Air Act, ORS 4 | 33.835 to 433.875, in 1981; and |
| WHEREAS, Metro Executive Order N | o. 6 of August 9, 1981 (Exhibit |
| A hereto) established an employee smok | ing policy; and |
| WHEREAS, The Council of the Metr | opolitan Service District finds |
| the need to update and expand Metro's | smoking policy to reduce the |
| exposure to tobacco smoke in Metro off | ices; now, therefore, |
| THE COUNCIL OF THE METROPOLITAN | SERVICE DISTRICT HEREBY ORDAINS: |
| Section 1. Section 2.02.285, Sm Code of the Metropolitan Service Distr to read as follows: | |
| 2.02.285 Smoking Policy: Smoking (ci prohibited in all Metro facilities, wi | |
| (a) employee lounges and lunchr (b) individuals' enclosed offic (c) Solid Waste facility gateho (d) the Council lounge except w | es; puses as posted[.]; |
| Notwithstanding the provisions of this in any public meeting as defined in OR | |
| ADOPTED by the Council of the Me | tropolitan Service District |
| thisllth day ofMay | , 1989. |
| ATTEST: | Mike Ragsdale, Presiding Officer |
| <u>Dwen Ware-Barrett</u> Clerk of the Council | ordinance was not vetoed by the Executive Officer. By: Swen Ware Barrett Clerk of the Council Date: 6/9/89 |

EXHIBIT A

EXECUTIVE ORDER NO. 6

Effective Date: August 10, 1981

Subject: Employee Smoking Policy

Cigarette, pipe and cigar smoking will be permitted only in the employee lounge, the lobby, closed door offices and study carrels during normal working hours (8:00 a.m. to 5:00 p.m.)

In addition, smoking areas may be designated within a department with unanimous approval of the departmental staff. Smoking will be permitted in meetings only by mutual consent of those in attendance.

| | ORDERED, | y the Exect | utive Office | this | 9th |
|--------|----------|-------------|--------------|------|-----|
| dav of | August | , 19 | 81 | | 1. |

Executive Officer

| INTERNAL | AFFAIRS |
|-----------|----------------|
| COMMITTEE | |

| Agenda 1 | Item N | · | 6.2 | |
|----------|--------|-----|-----|------|
| Meeting | Date | May | 11, | 1989 |

ORDINANCE NO. 89-285A, AMENDING METRO CODE CHAPTER 2.02 ESTABLISHING A SMOKING POLICY FOR METRO FACILITIES

Date: May 3, 1989

Presented by: Councilor Knowles

<u>COMMITTEE RECOMMENDATIONS</u>: At the April 27, 1989 Committee Meeting three members were present - Councilor's Hansen, Ragsdale and myself. The Committee voted unanimously to recommend Council adoption of Ordinance No. 89-285A.

COMMITTEE DISCUSSION AND ISSUES: The purpose of Ordinance No. 89-285A is to update Metro's smoking policy established through Executive Order No. 6 on August 10, 1981. This Ordinance is consistent with the Oregon Indoor Clean Air Act and prohibits smoking in all Metro facilities except

- employee lounges and lunch rooms as posted;
- individuals enclosed offices;
- Solid Waste facility gatehouses as posted; and
- the Council lounge except when food is served. The Ordinance also prohibits smoking in any public meeting as defined in ORS 192.710 (see attachment 1) regardless of where the meeting is held.

:pk 89285A.cr 5-3-89 it deems appropriate in the circumstances. A decision shall not be voided if other equitable relief is available. The court may order payment to a successful plaintiff in a suit brought under this section of reasonable attorney fees at trial and on appeal, by the governing body, or public body of which it is a part or to which it reports.

- (2) If the court makes a finding that a violation of ORS 192.610 to 192.690 has occurred under subsection (1) of this section and that the violation is the result of wilful misconduct by any member or members of the governing body, that member or members shall be jointly and severally liable to the governing body or the public body of which it is a part for the amount paid by the body under subsection (1) of this section.
- (3) The provisions of this section shall be the exclusive remedy for an alleged violation of ORS 192.610 to 192.690. [1973 c.172 §8: 1975 c.664 §3: 1979 c.644 §6: 1981 c.897 §42: 1983 c.453 §2]
- 192.690 Exceptions to ORS 192.610 to 192.690. (1) ORS 192.610 to 192.690 shall not apply to the deliberations of the State Board of Parole, the State Banking Board, the Psychiatric Security Review Board, of state agencies conducting hearings on contested cases in accordance with the provisions of ORS 183.310 to 183.550, the review by the Workers' Compensation Board of similar hearings on contested cases, meetings of the state lawyers assistance committees, the local lawyers assistance committees, the local lawyers assistance with the provisions of ORS 9.545 and the peer review committees in accordance with the provisions of ORS 441.055 or to any judicial proceeding.
- (2) Because of the grave risk to public health and safety that would be posed by misappropriation or misapplication of information considered during such review and approval, ORS 192.610 to 192.690 shall not apply to review and approval of security programs by the Energy Facility Siting Council pursuant to ORS 469.530 (3): [1973 c.172 §9; 1975 c.606 §41b; 1977 c.380 §19; 1981 c.354 §3; 1983 c.617 §4; 1987 c.850 §3]
- 192.695 Prima facie evidence of violation required of plaintiff. In any suit commenced under ORS 192.680 (1), the plaintiff shall be required to present prima facie evidence of a violation of ORS 192.610 to 192.690 before the governing body shall be required to prove that its acts in deliberating toward a decision complied with the law. When a plaintiff presents prima facie evidence of a violation of the open meetings law, the burden to prove that the provisions of ORS 192.610 to 192.690 were complied with shall be on the governing body. [1981 c.892 §97d]

Note: 192.695 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS 192.610 to 192.990 by legislative action. See Preface to Oregon Revised Statutes for further explanation.

192.710 Smoking in public meetings prohibited. (1) No person shall smoke or carry any lighted smoking instrument in a room where a public meeting is being held or is to continue after a recess. For purposes of this subsection, a public meeting is being held from the time the agenda or meeting notice indicates the meeting is to commence regardless of the time it actually commences.

- (2) As used in this section:
- (a) "Public meeting" means any regular or special public meeting or hearing of a public body to exercise or advise in the exercise of any power of government in buildings or rooms rented, leased or owned by the State of Oregon or by any county, city or other political subdivision in the state regardless of whether a quorum is present or is required.
- (b) "Public body" means the state or any department, agency, board or commission of the state or any county, city or other political subdivision in the state.
- (c) "Smoking instrument" means any cigar, cigarette, pipe or other smoking equipment. [1973 c.168 §1; 1979 c.262 §1]

FINANCIAL INSTITUTION RECORD DISCLOSURES

- 192.800 Definitions. (1) "Customer" means any person who or which is transacting or has transacted business with a financial institution, or who or which is using or has used the services of such an institution, or for whom or which a financial institution has acted or is acting as a fiduciary.
- (2) "Financial institution" means any state or national bank, state or federal savings and loan association, federal savings bank, state or federal credit union, trust company or mutual savings bank.
- (3) "Financial records" means any original written document, any copy thereof, or any information contained therein, held by or in the custody of a financial institution, when the document, copy or information is identifiable as pertaining to one or more customers of the financial institution.
- (4) "Subpena" means a judicial subpena or subpena duces tecum. [1985 c.797 §1]

192.805 Reimbursement required prior to disclosure; charges. Before producing

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(3) Tr other actuated to low required of or requeste [1985 c.797 §

Agenda Item No.

Meeting Date Apr. 27,

ORDINANCE NO. 89-285, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.02 BY ADDING SECTION 2.02.285 ESTABLISHING A SMOKING POLICY FOR METRO FACILITIES

April 4, 1989 Date:

Jessica Marlitt Presented By:

BACKGROUND & SUMMARY: Ordinance No. 89-285 updates Metro's smoking policy established August 10, 1981 by Executive Order No. 6. At the time of the order, Metro's central offices were located at 527 S.W. Hall Street. While Executive Order No. 6 was implemented to fulfill the Oregon Indoor Clean Air Act requirements; an updated, comprehensive policy is needed to cover all Metro facilities, including current central offices at 2000 S.W. Front Avenue.

The Oregon Indoor Clean Air Act prohibits smoking in public places (defined as "any inclosed indoor area open to and frequented by the public ") except in designated areas. "No public place may be designated in its entirety as a smoking area except. . . inclosed offices or rooms occupied exclusively by smokers." (ORS 433.850 (2)(b)) The proposed ordinance would clarify Metro's compliance with the Clean Air Act by limiting smoking to the following:

- employee lounges and lunchrooms as posted
- individuals' enclosed offices
- Solid Waste-facility gatehouses as posted

Adoption of Ordinance No. 89-285 would eliminate smoking in common Metro meeting rooms, including the Councilors' lounge. Zoo and Solid Waste Department management noted their facilities currently comply with the spirit of the proposed ordinance, therefore no changes are anticipated.

JPM A:\ORD285.SR 4/4/89



Memorandum

2000 S.W. First Avenue Portland, OR 97201-5398 503/221-1646

Date:

May 12, 1989

To:

Rena Cusma, Executive Officer

From:

Gwen Ware-Barrett, Acting Clerk of the Council

Regarding:

TRANSMITTAL OF ORDINANCE NOS. 89-285A,

89-288 AND 89-291A FOR CONSIDERATION OF VETO

Attached for your consideration is a true copy of Ordinance Nos. 89-285A, 89-288 and 89-291A adopted by the Council on May 11, 1989.

If you wish to veto this ordinance, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Thursday, May 18, 1989. The veto message, if submitted, will become part of the permanent record. If no veto message is received by the time stated above, this ordinance will be considered finally adopted.

| I, <u>Unitte Horley</u> , received Ordinance No. 89-285A, 89-288 and 89-291A May 12, 1989. | this memo and a true copy of from the Council Clerk on |
|--|--|
| Dated: May 12, 1989 | |

amn:gpwb mem.ord



2000 SW First Avenue Portland, OR 97201-5398 (503) 221-1646 Fax 241-7417

June 19, 1989

Charles D. Cameron, County Administrator Washington County Courthouse 150 N. First Ave. Hillsboro, OR 97124

Dear Mr. Cameron:

Enclosed are true copies of the following ordinances adopted by the Metro Council. Please file these ordinances in the Metro file maintained by your county.

Executive Officer Rena Cusma Metro Council

Mike Ragsdale Presiding Officer District 1

Sharron Kelley Deputy Presiding Officer District 7

Lawrence Bauer District 2

Jim Gardner
District 3
Richard Devlin

District 4
Tom Delardin

District 5

George Van Bergen District 6

Judy Wyers District 8

Tanya Collier
District 9

Roger Buchanan District 10

David Knowles District 11

Gary Hansen District 12

- * ORDINANCE NO. 88-249, AN ORDINANCE AMENDING CHAPTER 2.04 METRO CONTRACT PROCEDURES OF THE METRO CODE IN ORDER TO CLARIFY THE DIVISION OF POWERS BETWEEN THE COUNCIL AND THE EXECUTIVE OFFICER AND MAKING OTHER CHANGES
- * ORDINANCE NO. 88-250B, AN ORDINANCE ADDING CHAPTER 5.04
 TO THE METRO CODE TO PROVIDE FOR A ONE PERCENT FOR
 RECYCLING PROGRAM
- * ORDINANCE NO. 88-251, AN ORDINANCE FOR THE PURPOSE OF AMENDING SECTION 4.01.030 OF THE METRO CODE TO PROHIBIT ILLEGAL PARKING IN THE ZOO PARKING LOT AND OTHER AREAS ADJACENT TO THE WASHINGTON PARK ZOO, AND PROVIDING FOR THE ISSUANCE OF CITATIONS BY METRO PERSONNEL
- * ORDINANCE NO. 88-267, FOR THE PURPOSE OF REVISING METRO CODE SECTION 5.04.040 RELATING TO THE MEMBERSHIP ON THE RECYCLING ADVISORY COMMITTEE
- * ORDINANCE NO. 89-269, FOR THE PURPOSE OF AMENDING CHAPTERS 2.02, 4.01 AND 5.02 OF THE METRO CODE RELATING TO THE NAMES OF METRO FACILITIES
- * ORDINANCE NO. 89-271E, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.04 RELATING TO CONTRACTING PROCEDURES
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- * ORDINANCE NO. 89-280, FOR THE PURPOSE OF ADOPTING A POLICY GIVING PREFERENCE TO THE PURCHASE OF RECYCLED PAPER AND PAPER PRODUCTS
- * ORDINANCE NO. 89-282, FOR THE PURPOSE OF UPDATING THE REGIONAL TRANSPORTATION PLAN (RTP)
- * ORDINANCE NO. 89-283A, AN ORDINANCE AMENDING ORDINANCE NO. 88-247 REVISING THE FY 19888-89 BUDGET AND APPROPRIATIONS SCHEDULE TO PROVIDE FUNDING FOR THE PURPOSE OF IMPLEMENTING THE DEPARTMENT OF ENVIRONMENTAL QUALITY SOLID WASTE REQUIREMENTS AND RESTRUCTURING THE SOLID WASTE PROGRAMS
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Sincerely, July Wase Larrett
Gwen Ware-Barrett

Clerk of the Council

GWB:bfg:lc Enclosures



2000 SW First Avenue Portland, OR 97201-5398 (503) 221-1646 Fax 241-7417

June 19, 1989

John Kauffman, County Clerk Clackamas County Courthouse 807 Main St. Oregon City, OR 97045

Dear Mr. Kauffman:

Enclosed are true copies of the following ordinances adopted by the Metro Council. Please file these ordinances in the Metro Executive Officer File maintained by your county.

Metro Council

Mike Ragsdale Presiding Officer District 1

Sharron Kelley Deputy Presiding Officer District 7

Lawrence Bauer District 2

Jim Gardner District 3 Richard Devlin District 4

Tom DeJardin
District 5

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Sincerely,

Swen Ware-Barrett

Clerk of the Council

GWB:bfg:lc
Enclosures



2000 SW First Avenue Portland, OR 97201-5398 (503) 221-1646 Fax 241-7417

June 19, 1989

Jane McGarvin, Clerk of the Board Multnomah County Courthouse 1021 S.W. 4th Avenue Portland, OR 97204

Dear Mrs. McGarvin:

Enclosed are true copies of the following ordinances adopted by the Metro Council. Please file these ordinances in the Metro file maintained by your county.

Executive Officer Rena Cusma Metro Council Mike Ragsdale Presiding Officer District 1 Sharron Kelley Deputy Presiding District 7 Lawrence Bauer District 2 Iim Gardner District 3 Richard Devlin District 4 Tom DeJardin District 5 George Van Bergen District 6 Judy Wyers District 8 Tanya Collier District 9 Roger Buchanan District 10 David Knowles District 11 Gary Hansen District 12

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Sincerely, J Swen Ware Larrett Gwen Ware-Barrett Clerk of the Council

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