

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE)
NO. 89-294A REVISING THE FY)
1989-90 BUDGET AND APPROPRIATIONS)
SCHEDULE FOR COUNCIL PER DIEM)

ORDINANCE NO. 89-307

Introduced by Mike Ragsdale,
Presiding Officer


WHEREAS, The Council of the Metropolitan Service District has reviewed and considered the need to modify the FY 1989-90 Budget; and

WHEREAS, Adequate funds exist for identified needs; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

That Ordinance No. 89-294A, Exhibit B, FY 1989-90 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in Exhibits A and B to this Ordinance for the purpose of increasing the Council per diem requirements.

ADOPTED by the Council of the Metropolitan Service District this 14th day of September, 1989.



Mike Ragsdale, Presiding Officer

ATTEST:



Clerk of the Council

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EXHIBIT A
ORDINANCE NO. 89-307

FISCAL YEAR 1989-90		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
GENERAL FUND: Council							
Personal Services							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Council Administrator	1.00	62,182			1.00	62,182
	Sr. Management Analyst	2.00	81,663			2.00	81,663
	Clerk of the Council	1.00	29,980			1.00	29,980
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Secretary	3.00	66,882			3.00	66,882
511235	WAGES-TEMPORARY EMPLOYEES (part time)						
	Temporary Administrative Support	0.30	5,264			0.30	5,264
512000	FRINGE		73,791				73,791
	Total Personal Services	7.30	319,762	0.00	0	7.30	319,762
Materials & Services							
521100	Office Supplies		2,500				2,500
521320	Dues		300				300
524110	Accounting & Auditing Services		40,000				40,000
524190	Misc. Professional Services		9,000				9,000
526200	Ads & Legal Notices		500				500
526310	Printing Services		1,100				1,100
526500	Travel		10,000				10,000
526800	Training, Tuition, Conferences		2,600				2,600
529110	Council Per Diem		34,560		23,040		57,600
529120	Councilor Expenses		20,400				20,400
529500	Meetings		5,500				5,500
	Total Materials & Services		126,460		23,040		149,500
Capital Outlay							
571500	Purchases-Office Furniture & Equipment		4,700				4,700
	Total Capital Outlay		4,700		0		4,700
TOTAL EXPENDITURES		7.30	450,922	0.00	23,040	7.30	473,962

EXHIBIT A
ORDINANCE NO. 89-307

FISCAL YEAR 1989-90		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
GENERAL FUND:General Expenses							
Interfund Transfers							
581513	Trans. Indirect Costs to Bldg. Fund		210,760				210,760
581615	Trans. Indirect Costs to Insurance Fund		33,733				33,733
582140	Trans. Resources to Plan. Fund		37,612				37,612
Total Interfund Transfers			282,105		0		282,105
Contingency and Unappropriated Balance							
599999	Contingency		147,458		(23,040)		124,418
Total Contingency and Unappropriated Balance			147,458		(23,040)		124,418
TOTAL EXPENDITURES		59.80	4,313,357	0.00	0	59.80	4,313,357

EXHIBIT B
ORDINANCE NO. 89-307
SCHEDULE OF APPROPRIATIONS FY 1989-90

	CURRENT APPROPRIATION	REVISION	REVISED APPROPRIATION
GENERAL FUND			

Council			
Personal Services	319,762		319,762
Materials & Services:	126,460	23,040	149,500
Capital Outlay:	4,700		4,700
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Subtotal	450,922	23,040	473,962
General Counsel			
Personal Services	253,022		253,022
Materials & Services	23,039		23,039
Capital Outlay:	2,412		2,412
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Subtotal	278,473	0	278,473
Executive Management			
Personal Services	424,620		424,620
Materials & Services:	55,925		55,925
Capital Outlay:	3,974		3,974
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Subtotal	484,519	0	484,519
Finance & Administration			
Personal Services	1,279,954		1,279,954
Materials & Services:	836,327		836,327
Capital Outlay:	62,575		62,575
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Subtotal	2,178,856	0	2,178,856
Public Affairs			
Personal Services	422,207		422,207
Materials & Services:	68,167		68,167
Capital Outlay:	650		650
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Subtotal	491,024	0	491,024
General Expense			
Contingency	147,458	(23,040)	124,418
Transfers	282,105		282,105
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Subtotal	429,563	(23,040)	406,523
Unappropriated Balance	0	0	0
Total General Fund Requirements	4,313,357	0	4,313,357

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 89-307 AMENDING ORDINANCE NO. 89-294A REVISING THE FY 1989-90 BUDGET AND APPROPRIATIONS SCHEDULE FOR COUNCIL PER DIEM REQUIREMENTS

Date: August 2, 1989

Presented by: Don Carlson

FACTUAL BACKGROUND AND ANALYSIS

On July 27, 1989 the Council adopted Resolution No. 89-1065A which revised the Council Expenditure Guidelines for Councilor Per Diem, Councilor Expense and General Council Materials and Services Accounts. As a result of that action, the Per Diem rate was increased from \$30 to \$50 per day for authorized meetings and the individual Council per diem annual cap was raised from \$2,880 to \$4,800. The net effect is to increase potential total Council per diem expenditures from \$34,560 to \$57,600. To fund this potential increase of \$23,040, this Ordinance proposes to transfer \$23,040 from the General Fund Contingency category to the Per Diem line item in the Council Department Budget. The needed budget and appropriation schedule changes are shown on Exhibits A and B to the attached Ordinance No. 89-307. This action would reduce the General Fund Contingency by approximately 15% from \$150,000 to \$126,960.

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FINANCE COMMITTEE REPORT

ORDINANCE NO. 89-307, REVISING THE FY 89-90 BUDGET AND APPROPRIATIONS SCHEDULE FOR COUNCIL PER DIEM REQUIREMENTS

Date: August 29, 1989

Presented by: Councilor Van Bergen

COMMITTEE RECOMMENDATION: At the August 17, 1989 Committee meeting, members present -- Councilors Devlin, Gardner, Wyers and myself -- voted unanimously to recommend Council adoption of Ordinance No. 89-307.

COMMITTEE DISCUSSION/ISSUES: Council Administrator Don Carlson indicated that this Budget and Appropriations Schedule adjustment is necessary to fund the increase in Council Per Diem expenditures approved by the Council in Resolution No. 89-1065A. As a result of that action, the per diem rate was increased from \$30 to \$50 per day for authorized meetings and the individual Councilor annual cap was revised from \$2,880 to \$4,800. The net effect is to increase the potential total Council per diem expenditures by \$23,040 from \$34,560 to \$57,600.

Ordinance No. 89-307 would transfer \$23,040 from the General Fund Contingency Category to the Per Diem line item in the Council Department budget and the Materials and Services Category in the Appropriations Schedule.

It was pointed out by Councilor Van Bergen that at the 1989 Session the Legislature enacted H.B. 2351 which increased the Per Diem amount for other special district board members from \$20 to \$50. He indicated information regarding this change would have been useful to the Council as it deliberated on this issue during the last six months.

DEC:aeb
A:/FINRPT.829



METRO

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

Memorandum

Date: August 21, 1989

To: Metro Councilors

From: Gwen Ware-Barrett, ^{gwb} Clerk of the Council

Regarding: ORDINANCE NO. 89-307, AMENDING ORDINANCE NO. 89-294A
REVISING THE FY 1989-90 BUDGET AND APPROPRIATIONS
SCHEDULE FOR COUNCIL PER DIEM REQUIREMENTS

The Finance Committee considered Ordinance No. 89-307 on August 17, 1989. At that time, Councilor Van Bergen requested the Council receive a copy of General Counsel Cooper's August 15 letter regarding Councilor per diem and a copy of three of the statutes referenced in Mr. Cooper's letter. Attached is that material.

gpwb
min.mem



METRO

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

August 15, 1989

Ms. Jessica Marlitt
Metropolitan Service District
2000 S. W. First Avenue
Portland, OR 97201-5398

Dear Ms. Marlitt:

Re: Councilor Per Diem

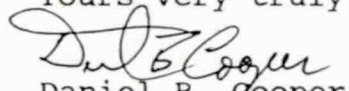
Councilor Van Bergen is correct. There are statutory provisions contained in ORS 198.180 and 198.190 which set a limit on expenses and other compensation that may be received by members of a governing body of a "district." Prior to this session of the Legislature, that limit was a maximum of \$20 a day. HB 2351 (chapter 517, Or Laws 1989) raises the \$20 limitation to \$50 effective October 3, 1989.

The \$20 limitation is contained in ORS 198.190. ORS 198.180 defines the term "district" as used in ORS 198.190 to having the meaning given that term by "ORS 198.101(2) to (5), and (7) to (23)." ORS 198.010 defines "district" to mean any one of 24 "districts" created by specific provisions of state law. A metropolitan service district organized under ORS chapter 268 is included in the definition of a "district" pursuant to subsection 6 of ORS 198.010. Therefore, pursuant to the terms of ORS 198.180 the \$20 (\$50) limitation contained in ORS 198.190 does not apply to a metropolitan service district.

Rather, the provisions of ORS 268.160 are controlling in this circumstance. That section reads in pertinent part: "Notwithstanding the provisions of ORS 198.190 councilors shall receive no other compensation for their office than a per diem for meetings, plus necessary meals, travel and other expenses as determined by the council." (emphasis supplied)

Please let me know if you or Councilor Van Bergen have any further questions in this regard.

Yours very truly,


Daniel B. Cooper
General Counsel

gl
cc: Councilor Van Bergen

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 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

(2) The new date of forfeiture shall not be sooner than the date of forfeiture as set forth in the seller's notice of default which was subject to the stay.

(3) Prior to the date of forfeiture, the seller shall cause to be recorded in the real property records of each county in which any part of the property is located, a copy of the amended notice of default, together with an affidavit of service or mailing of the amended notice of default, reciting the date the amended notice of default was served or mailed and the name and address of each person to whom it was given. From the date of its recording, the amended notice of default shall be subject to the provisions of ORS 93.915 (4) and (5).

Approved by the Governor June 29, 1989
Filed in the office of Secretary of State June 30, 1989

CHAPTER 517

AN ACT HB 2351

Relating to governing bodies of districts; amending ORS 198.190.
Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 198.190 is amended to read:

198.190. A member of the governing body of a district may receive not to exceed [§20] \$50 for each day or portion thereof as compensation for services performed as a member of the governing body. Such compensation shall not be deemed lucrative. The governing body may provide for reimbursement of a member for actual and reasonable traveling and other expenses necessarily incurred by a member in performing official duties.

Approved by the Governor June 29, 1989
Filed in the office of Secretary of State June 30, 1989

CHAPTER 518

AN ACT HB 2427

Relating to domestic relations; amending ORS 107.108.
Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 107.108 is amended to read:

107.108. (1) In addition to any other authority of the court, the court may **enter an order against either parent, or both of them, to provide for the support or maintenance of a child attending school:**

(a) After the commencement of a suit for annulment or dissolution of a marriage or for separation from bed and board and before the decree therein;

(b) In a decree of annulment or dissolution of a marriage or of separation from bed and board; and

(c) During the pendency of an appeal taken from all or part of a decree rendered in pursuance of ORS

107.005 to 107.085, 107.095 to 107.174, 107.405, 107.425, 107.445 to 107.520, 107.540, 107.610 or this section.

(2) An order providing for temporary support pursuant to paragraph (c) of subsection (1) of this section may be modified at any time by the court making the decree appealed from, shall provide that the support money be paid in monthly instalments, and shall further provide that it is to be in effect only during the pendency of the appeal. No appeal lies from any such temporary order.

(3) If the court provides for the support and maintenance of a child attending school pursuant to this section, the child is a party for purposes of matters related to that provision.

(4) As used in this section, "child attending school" means a child of the parties who is unmarried, is 18 years of age or older and under 21 years of age and is a student regularly attending school, community college, college or university, or regularly attending a course of vocational or technical training designed to fit the child for gainful employment. A child enrolled in an educational course load of less than one-half that determined by the educational facility to constitute "full-time" enrollment is not a "child attending school."

Approved by the Governor June 29, 1989
Filed in the office of Secretary of State June 30, 1989

CHAPTER 519

AN ACT HB 2457

Relating to support; amending ORS 25.220, 25.610, 293.250, 416.400, 416.417, 419.513 and 657.665.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 25.220 is amended to read:

25.220. In any proceeding to establish, enforce or modify a support obligation, extrinsic evidence of authenticity is not required as a condition precedent to the admission of a Department of Human Resources computer printout which may reflect the **employment records of a parent, the support payment record of an obligor, the payment of public assistance, the amounts paid, the period during which public assistance was paid, the persons receiving or having received assistance and any other pertinent information, if the printout bears a seal purporting to be that of the department and is certified as a true copy by original or facsimile signature of a person purporting to be an officer or employe of the department. Printouts certified in accordance with this section constitute prima facie evidence of the existence of the facts stated therein.**

SECTION 2. ORS 657.665 is amended to read:

657.665. (1) Information secured from employing units, employes or other individuals pursuant to this chapter:

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DEFINITIONS

198.010 Definitions. As used in this chapter, except as otherwise specifically provided, "district" means any one of the following:

- (1) A people's utility district organized under ORS chapter 261.
- (2) A domestic water supply district organized under ORS chapter 264.
- (3) A cemetery maintenance district organized under ORS chapter 265.
- (4) A park and recreation district organized under ORS chapter 266.
- (5) A mass transit district organized under ORS 267.010 to 267.390.
- (6) A metropolitan service district organized under ORS chapter 268.
- (7) A special road district organized under ORS 371.305 to 371.360.
- (8) A road assessment district organized under ORS 371.405 to 371.535.
- (9) A highway lighting district organized under ORS chapter 372.
- (10) A health district organized under ORS 440.305 to 440.410.
- (11) A sanitary district organized under ORS 450.005 to 450.245.
- (12) A sanitary authority or water supply authority organized under ORS 450.675 to 450.989.
- (13) A vector control district organized under ORS 452.020 to 452.170.
- (14) A rural fire protection district organized under ORS chapter 478.
- (15) An irrigation district organized under ORS chapter 545.
- (16) A drainage district organized under ORS chapter 547.
- (17) A water improvement district organized under ORS chapter 552.
- (18) A water control district organized under ORS chapter 553.
- (19) A weather modification district organized under ORS 558.200 to 558.540.
- (20) A port organized under ORS 777.005 to 777.725.
- (21) A geothermal heating district organized under ORS chapter 523.
- (22) A transportation district organized under ORS 267.510 to 267.650.

(23) A library district organized under ORS 357.216 to 357.286.

(24) An emergency communications district organized under ORS 401.807 to 401.847. [1971 c.23 §2; 1975 c.782 §48; 1977 c.756 §1; 1981 c.226 §18; 1987 c.671 §10; 1987 c.863 §10]

198.110 Definitions for ORS 198.335. As used in ORS 198.335 in addition to the meaning given the term by ORS 198.010, "district" means any one of the following:

- (1) A diking district organized under ORS chapter 551.
- (2) A corporation for irrigation, drainage, water supply or flood control organized under ORS chapter 554.

(3) A soil and water conservation district organized under ORS 568.210 to 568.805. [1969 c.344 §1; 1971 c.23 §3; 1983 c.740 §52]

198.120 [1969 c.344 §2; repealed by 1975 c.771 §33]

COMPENSATION AND EXPENSES

198.180 "District" defined for ORS 198.190. As used in ORS 198.190, unless the context requires otherwise, "district" has the meaning given that term by ORS 198.010 (2) to (5) and (7) to (23). In addition, "district" means any one of the following:

- (1) A county service district organized under ORS chapter 451.
- (2) A diking district organized under ORS chapter 551.
- (3) A corporation for irrigation, drainage, water supply or flood control organized under ORS chapter 554.

(4) A soil and water conservation district organized under ORS 568.210 to 568.805.

(5) The Port of Portland created by ORS 778.010. [1971 c.403 §1; 1975 c.782 §48a; 1977 c.756 §2; 1981 c.226 §19; 1983 c.740 §53]

198.190 Compensation and expenses of members of certain boards. A member of the governing body of a district may receive not to exceed \$20 for each day or portion thereof as compensation for services performed as a member of the governing body. Such compensation shall not be deemed lucrative. The governing body may provide for reimbursement of a member for actual and reasonable traveling and other expenses necessarily incurred by a member in performing official duties. [1971 c.403 §2; 1983 c.327 §2; 1983 c.740 §53a]

BONDS

198.210 Definitions for ORS 198.220. As used in ORS 198.220, in addition to the



METRO

Memorandum

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

Date: September 15, 1989
To: Rena Cusma, Executive Officer
From: Gwen Ware-Barrett, Clerk of the Council
Regarding: TRANSMITTAL OF ORDINANCE NOS. 89-306, 89-307,
AND 89-308, FOR CONSIDERATION OF VETO

Attached for your consideration are true copies of Ordinance Nos. 89-306, 89-307, and 89-308, adopted by the Council on September 14, 1989.

If you wish to veto any of these ordinances, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Thursday, September 21, 1989. The veto message, if submitted, will become part of the permanent record. If no veto message is received by the time stated above, these ordinances will be considered finally adopted.

I, Unette Harley, received this memo and true copies of Ordinance Nos. 89-306, 89-307, and 89-308 from the Council Clerk on September 15, 1989.

Dated: 9/15/89

gpwb:lr
mem.ord