

# MINUTES OF THE METRO COUNCIL MEETING

December 11, 2001

Metro Council Chamber

Councilors Present: David Bragdon (Presiding Officer), Susan McLain, Rod Park, Bill Atherton, Rod Monroe, Carl Hosticka, Rex Burkholder

Councilors Absent:

Presiding Officer Bragdon convened the Regular Council Meeting at 2:04 p.m.

## 1. INTRODUCTIONS

**Councilor McLain** gave out the Car Free, Care Free awards. Five individuals were given awards: Cary Stacey – doesn't own her own car and hasn't for seven years, she utilizes the bus and Max as well as participating in the car share program, Lydia Neill - encourages other to bike as well as being an avid bicyclist herself, Linda Waltmire - is a Zoo car pooler, Aaron Carlson – utilizes both traditional and creative transportation ideas, the bus, the Max and skate boarding are his modes of transportation, and finally, Suzanne Smith - a single mom, who gave up her car, she bikes, walks, car pools and utilizes the Max. Ms. Smith will receive the restaurant award for her contribution. Councilor McLain thanked those who participated in the contest and alternative modes of transportation.

## 2. CITIZEN COMMUNICATIONS

There were none.

## 3. EXECUTIVE OFFICER COMMUNICATIONS

There were none.

## 4. AUDITOR COMMUNICATIONS

There were none.

## 5. MPAC COMMUNICATIONS

There were none.

## 6. CONSENT AGENDA

6.1 Consideration of minutes of the December 6, 2001 Regular Council Meeting.

**Motion:** **Councilor McLain** moved to adopt the meeting minutes of the December 6, 2001, Regular Council meeting.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed.

## 7. ORDINANCES - SECOND READING

- 7.1 **Ordinance No. 01-932**, An Ordinance Confirming an Amendment to and the Annual Readoption of Metro Code 2.06 (Investment Policy); and Declaring an Emergency.

**Motion:** **Councilor McLain** moved to adopt Ordinance No. 01-932.

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

**Councilor McLain** reviewed the ordinance including the amendment and the re-adoption of the Investment Policy code change.

**Brian Williams**, Investment Analyst, explained further the ordinance.

**Presiding Officer Bragdon** opened a public hearing on Ordinance No. 01-932. No one came forward to testify. Presiding Officer Bragdon closed the public hearing.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed.

## 8. RESOLUTIONS

- 8.1 **Resolution No. 01-3122**, For the Purpose of Approving Metro's entry into the PERS State and Local Government Rate Pool.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 01-3122.

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

**Councilor McLain** reviewed the resolution and staff report explaining why there was need for entry into the PERS State and Local Government Rate Pool. This pool allowed for a better rate. She indicated that this had been considered at the Budget and Finance Committee and passed out unanimously.

**Councilor Burkholder** asked about the staff report.

**Councilor McLain** clarified the final part of the report.

**Councilor Park** said PERS was a great program and asked about the savings to Metro.

**Councilor McLain** indicated that we were receiving a better rate by pooling. She noted that there would be no budget impact in this upcoming year.

**Councilor Park** asked about the savings and how that occurred.

**Jennifer Sims**, Chief Financial Officer, responded that the savings were over the rate that Metro had been paying, effective July 1, 2003. There was an actuarial update every two years. This pool would allow leveling out the ups and downs. We were benefiting from the pool participation. There were expenses and risks.

**Councilor Burkholder** asked if there were currently savings.

**Ms. Sims** responded yes.

**Councilor Burkholder** asked if there was this same type of movement having to do with health and welfare.

**Ms. Sims** said she did not know.

**Councilor Atherton** asked if we could elect to get out of this program?

**Ms. Sims** said no, it was a one time option.

**Councilor Atherton** spoke to the advantages and asked about added future risks.

**Ms. Sims** said she couldn't answer the question about future risks.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed.

**Presiding Officer Bragdon** went back to the Introductions part of the agenda and introduced Suzanne Smith, the Car Pool Care Free award winner. **Councilor McLain** applauded Ms. Smith's efforts.

8.2 **Resolution No, 01-3129**, For the Purpose of Confirming the Appointment of Leland Stapleton and the Reappointment of Jennifer Allen and Ron Hernandez to the Metro Central Station Community Enhancement Committee.

**Motion:** **Councilor Monroe** moved to adopt Resolution No. 01-3129.

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

**Councilor Monroe** introduced the resolution and noted the qualifications of the appointees. He urged an aye vote.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed.

8.3 **Resolution No. 01-3132**, For the Purpose of Confirming the Re-appointment of James C. Aalberg and Eric Johansen to the Investment Advisory Board.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 01-3132.

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

**Councilor McLain** reviewed the staff report and qualifications of these volunteers who had agreed to serve on the Investment Advisory Board.

**Councilor Atherton** reviewed the latest investment report and said that earnings had been above the norm. He felt this was due to the hard work of the Board.

**Councilor McLain** urged support of the resolution.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed.

8.4 Removed from the agenda

8.5 **Resolution No. 01-3137**, For the Purpose of Authorizing the Release of a Request for Proposals for a Property and Liability Agent of Record.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 01-3137.

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

**Councilor McLain** noted the reason for the RFP and reviewed the staff report.

**Bill Jemison**, Risk Manager, said this was an insurance release for a request for proposal. He talked about the costs and the process.

**Councilor McLain** said we were looking for a good agent.

**Councilor Burkholder** pointed out that it was about \$15,000 per year over a period of 5 years. The risk was low.

**Mr. Jemison** said the agent of record received the commission and provided all services.

**Councilor Park** asked about the physical impact piece and whether there was a law change?

**Mr. Jemison** said no, the broker would be receiving more money. He was still expecting to be covered by the commissions. There had been no change in the law.

**Councilor Atherton** noted increase insurance costs because of September 11, 2001 event. Were we still competitive? Were we getting the best deal?

**Mr. Jemison** said yes he thought so, we were saving by going through an insurance broker that was part of reason for an agent of record.

**Councilor Atherton** asked if this program was audited.

**Mr. Jemison** said yes, it was reviewed by Risk Management Department.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed.

8.6 **Resolution No. 01-3138**, For the Purpose of Approving New Classification Specifications Resulting from the Classification/Compensation Study of Metro Positions Represented by AFSCME 3850.

**Motion:** **Councilor Burkholder** moved to adopt Resolution No. 01-3138.

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

**Councilor Burkholder** explained Resolution No. 01-3138 and spoke to the study.

**Lilly Aguilar**, Human Resources Director, spoke to the process that they had gone through in conducting a classification study. They were recommending the new salary range. The salary range was based on market. She spoke to the future steps.

**Councilor McLain** asked about the appeal process and her assumption as to why an appeal would occur.

**Ms. Aguilar** said it provided the employee an opportunity to appeal their classification and explained why an appeal might occur. Management then had an opportunity to reply.

**Councilor McLain** asked where the appeal process occurred if the employee felt that the classification didn't fit them at all.

**Ms. Aguilar** responded to her question.

**Councilor McLain** asked for further clarification.

**Ms. Aguilar** said there was always opportunity at a later date to add a classification. Ultimately it was up to Council to determine what classifications supported the agency.

**Ed Ruttledge**, Labor Relations Manager, added that the study represented about 35% to 40% of Metro employees.

**Councilor Burkholder** asked if there wasn't a next step for updating all of our employees.

**Ms. Aguilar** said a non-represented classification/compensation study was planned in next year's budget. It had been quite a few years since the last study.

**Councilor Burkholder** asked about what happens if someone was above the maximum of the salary range.

**Ms. Aguilar** said this was called red lining. There was no further increase until the salary caught up with the cost of living.

**Councilor Park** asked about the stance of the union concerning this classification.

**Ms. Aguilar** responded that they had been working closely with the union and explained the future processes for the negotiations of the contract.

**Councilor Park** asked if the union had agreed with the classification results not necessarily the salary results.

**Ms. Aguilar** said the union had had opportunity to review the results.

**Councilor Park** asked for clarification that the union was in agreement with the classification study results. He was making sure that there had been some signal that the union had supported the results.

**Ms. Aguilar** said they were not in a position to ask for approval from the union, what the union could do was to request to bargain wages and changes in the body of work. They had heard from the union and worked closely with the union.

**Councilor McLain** asked for further clarification of Councilor Park's questions.

**Presiding Officer Bragdon** opened a public hearing.

**Amy Wilson**, Associate Public Affairs Specialist for REM, expressed concern about the process. She wasn't sure it had been a collaborative effort. She spoke to the history of the process. She and Freda Sherburne, Associate Public Affairs Specialist, were concerned about condensing three positions into two positions (a copy of her written testimony is included in the meeting record).

**Freda Sherburne** said she was in favor of having a classification study and clarified the need for the three tiers in the public affairs position. She read her letter into the record (a copy of which may be found in the meeting record). She felt the results of the study devalued the importance of education at Metro. She suggested waiting to vote on this resolution.

**Councilor McLain** asked about the process and if Ms. Sherburne and Ms. Wilson had had opportunity to review the results.

**Ms. Sherburne** said only when they were asked to write their job descriptions last year.

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

**Councilor McLain** said she wanted to know if there was a time limitation and needed to hear from management about this. She said she did not understand the full process.

**Ms. Aguilar** said they did not provide the full process to council.

**Councilor McLain** said she felt that she needed this information to make an informed decision since this had not been reviewed at committee.

**Ms. Aguilar** explained the consultant's recommendations on this position as well as the market issue.

**Councilor McLain** asked if there was any reason why she couldn't wait to review this further and act on this in January.

**Ms. Aguilar** explained why they were proceeding on this timeline.

**Councilor McLain** asked if the union was recommending this go forward at this time.

**Ms. Aguilar** responded that she had not found reason to delay.

**Councilor Park** asked what could change in one to three weeks? Apparently there had not been a vote from the union. He wanted to know if they delayed how this would aid the process.

**Ms. Aguilar** said she could prepare something that provided council with further detail about the recommendations.

**Councilor Park** asked how that helped get them to a closure on this issue. At some point the union had to provide input as to their position on the study. He wanted to know how delay would help.

**Ms. Aguilar** said they needed to get to work on beginning negotiations and delaying this decision delayed those negotiations.

**Motion to Postpone:** **Councilor Hosticka** moved to postpone consideration of the resolution to the December 13, 2001 Council meeting.

**Seconded:** **Councilor Monroe** seconded the motion to postpone.

**Councilor McLain** said she supported that motion. She had not seen the consultant's report. She wanted time to review it.

**Vote to Postpone:** The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed to postpone consideration of the resolution until the December 13, 2001 Council meeting.

**Councilors Monroe and Hosticka** suggested having concerns addressed before the next council meeting.

8.7 **Resolution No. 01-3139A**, For the Purpose of Authorizing an Intergovernmental Agreement with the City of Portland for the Lease of City Property and for Post Closure Care of the Former KFD Landfill.

**Motion:** **Councilor Monroe** moved to adopt Resolution No. 01-3139A.

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

**Councilor Monroe** said this resolution was to authorize an IGA and explained further the body of the resolution and staff report. He noted the amendment.

**Councilor Atherton** explained the benefits to this resolution.

**Presiding Officer Bragdon** said there had been a lot of good staff work and a spirit of cooperation.

**Councilor Park** also thanked the staff for their work.

**Councilor Monroe** spoke to the importance of the agreement and urged support.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed.

8.8 **Resolution No. 01-3143**, For the Purpose of Authorizing the Executive Officer to Issue an RFP and Award the Resulting Contract for a Database Conversion for enterprise financial and human resources system software.

**Motion:** **Councilor Burkholder** moved to adopt Resolution No. 01-3143.

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

**Councilor Burkholder** said this RFP was necessary for the database upgrade and spoke to the details of the resolution. He asked David Biedermann to further explained.

**Mr. Biedermann**, Information Technology Director, said the staff report explained the reason for the RFP and the timeline that was driving this resolution.

**Councilor Burkholder** asked how getting a single database best supported the agency.

**Mr. Biedermann** responded that they were trying to make the best business decision and this RFP allowed for that type of decision.

**Councilor Hosticka** asked about the budget impact.

**Mr. Biedermann** explained the budgeting and the expected savings, the budget would be lower.

**Councilor Hosticka** summarized that this would lower the budget.

**Mr. Biedermann** said yes and gave some history about the competition occurring in the market.

**Councilor Hosticka** asked if there was any budgetary impact, they had to come back to council.

**Mr. Biedermann** said yes.

**Councilor McLain** said they would have to come back also if it was over a two-year period.

**Mr. Biedermann** said yes.

**Councilor Park** said you had to go with the best information you had.

**Mr. Biedermann** concurred with Councilor Park's summary. There was something of a risk but this would allow for the best decision available.

**Councilor Park** said yes there was a risk but there would be a guarantee that the product would work.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed.

## **9. CONTRACT REVIEW BOARD**

9.1 **Resolution No. 01-3140**, For the Purpose of Extending the Personal Services Agreement with Creative Information and Transformation Education.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 01-3140.

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

**Councilor McLain** reviewed the extension of the agreement. She spoke to the history of CITE and the production of the "Sweet buy and buy. They were buying the rights to work with CITE again this year. She noted the cost.

**Councilor Park** asked about the play and the message that was given.

**Councilor McLain** said there were a lot of teenagers and young adults who were in the play about recycling.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed.

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**9. COUNCILOR COMMUNICATION**

**Presiding Officer Bragdon** announced that the next Council meeting would be this Thursday, December 13, 2001 at 2:00 p.m.

**11. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 3:37 pm.

Prepared by

Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF DECEMBER 11, 2001**

TOPIC	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NUMBER
MINUTES OF 12/6/01	12/6/01	METRO COUNCIL MINUTES TO BE CONSIDERED AT THE 12/11/01 COUNCIL MEETING	121101c-01
RESOLUTION No. 01-3139A	12/11/01	RESOLUTION AUTHORIZING IGA WITH CITY OF PORTLAND FOR LEASE OF CITY PROPERTY AND FOR POST CLOSURE CARE OF THE FORMER KDF LANDFILL	121101c-02
LETTER CONCERNING RESOLUTION No. 01-3138	12/11/01	TESTIMONY TO METRO COUNCIL FROM FREDA SHERBURNE	121101c-03
LETTER CONCERNING RESOLUTION No. 01-3138	12/11/01	TESTIMONY TO METRO COUNCIL FROM AMY WILSON	121101c-04