



# METRO

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

# Agenda

Meeting: Council Meeting

Date: January 22, 1987

Day: Thursday

Time: 5:30 p.m.

Place: Council Chamber

Approx.  
Time\*

Presented By

- |                   |  |       |
|-------------------|--|-------|
| 5:30              | CALL TO ORDER<br>ROLL CALL   |       |
|                   | 1. INTRODUCTIONS   |       |
|                   | 2. COUNCILOR COMMUNICATIONS  |       |
|                   | 2.1 Council Committee Appointments   | Waker |
|                   | 3. EXECUTIVE OFFICER COMMUNICATIONS  |       |
|                   | 3.1 Consideration of Updated Zoo Master Plan<br>Concept Statement and Goals and Objectives<br>(No Action Requested)  | Leo   |
|                   | 4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS   |       |
|                   | 5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS   |       |
| 6:00<br>(5 min.)  | 6. CONSIDERATION OF MINUTES of December 11 and 18, 1986<br>(Action Requested: Approval of Minutes)   |       |
|                   | 7. ORDINANCES  |       |
| 6:05<br>(10 min.) | 7.1 <u>Consideration of Ordinance No. 87-217, for the</u><br>Purpose of Amending Metro Code Section 5.01.030<br>(Regarding the Transfer of Solid Waste)<br>(Second Reading)<br>(Action Requested: Adoption of Ordinance) | Waker |

\* All times listed on this agenda are approximate. Items may not be considered in the exact order listed.

(continued)

Approx.  
Time\*

Presented By

7. ORDINANCES (continued)

- |                   |     |   |       |
|-------------------|-----|---|-------|
| 6:15<br>(10 min.) | 7.2 | <u>Consideration of Ordinance No. 87-218, for the</u> ✓<br>Purpose of Amending Metro Code Section 2.02.040<br>Regarding Personnel Rules for Appointments<br>(Second Reading)<br>(Action Requested: Adoption of Ordinance)   | Boose |
| 6:25<br>(5 min.)  | 7.3 | <u>Consideration of Ordinance No. 87-215, for the</u> ✓<br>Purpose of Establishing a One Percent for Art<br>Program for the New Construction or Major<br>Alteration of Major District Facilities<br>(Continued Second Reading)<br>(Action Requested: Motion to refer the Ordinance<br>to a Subcommittee for a Recommendation to the<br>Council at a Later Date) | Fell  |

8. RESOLUTIONS

- |                   |     |  |         |
|-------------------|-----|--|---------|
| 6:30<br>(5 min.)  | 8.1 | <u>Consideration of Resolution No. 87-717, for the</u> ✓<br>Purpose of Establishing Guidelines for Metro's<br>One Percent for Art Program<br>(Action Requested: Same as Action for Item 7.3)   | Fell    |
| 6:35<br>(10 min.) | 8.2 | <u>Consideration of Resolution No. 87-731, for the</u> ✓<br>Purpose of Establishing Metro Council Support<br>for the Legislative Technical Committee of the<br>Committee on Regional Convention, Trade and<br>Spectator Facilities<br>(Action Requested: Adoption of Resolution) | Wilson  |
| 6:45<br>(10 min.) | 9.  | CONSIDERATION OF AN INTERGOVERNMENTAL AGREEMENT<br>with Tri-Met for the Receipt of Section 9 Planning<br>Funds (Action Requested: Approval of Agreement)   | Cotugno |

6:55 11. COMMITTEE REPORTS

7:00 ADJOURN

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in the exact order listed.



STAFF REPORT

Agenda Item No 3.1

Meeting Date Jan. 22, 1987

CONSIDERATION OF UPDATED  
WASHINGTON PARK ZOO MASTER PLAN  
CONCEPT STATEMENT AND GOALS AND OBJECTIVES

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January 9, 1987

Presented by: Gene Leo

FACTUAL BACKGROUND AND ANALYSIS

As part of the process for updating the Washington Park Zoo Master Plan the entire Zoo staff was invited to participate in a series of small group sessions to discuss the various aspects of the plan. Summaries of those discussions provided the data for an all-day session attended by the Zoo Management Team, Don Carlson and the consultants, Guthrie, Slusarenko Associates. A draft of a revised concept statement and revised goals and objectives was prepared by this group.

The draft was discussed and further modified by the members of the Master Plan Task Force established by the Council. Members of the Task Force are: Gene Leo; Don Carlson, Rick Steinfeld, Tom DeJardin, John Frewing, Corky Kirkpatrick, Tracey Clark, and Roger Jennings. The draft approved by the Task Force is attached for Council consideration. Those parts in brackets are included in the current Master Plan and are proposed deletions in the updated Master Plan, while those underlined are proposed additions.

Major changes are:

1. A greater emphasis on participation in conservation efforts;
2. More emphasis on the Zoo as an economic development asset to the community;
3. Recognition that Metro should consider that off-site

facilities may be desirable for some uses;

4. Recognition that Metro should serve as coordinator for development of all major facilities for the exhibition of exotic animals within the metropolitan area;
5. Recognition that Metro should constructively participate in determining the use of the present OMSI location when OMSI moves; and
6. Inclusion of a set of fundraising objectives.

The Task Force will hold regular meetings at 3:30 p.m. on the first Monday of each month at the Zoo Meeting Center until completion of the updated plan. Any interested Council members are invited to attend.

The Task Force recommends that the Council consider the attached concept statement and goals and objectives for inclusion in the updated Master Plan for the Washington Park Zoo

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends consideration of these concepts and objectives and requests your input. Staff will be requesting adoption of the document as revised as a part of the entire Master Plan at a later date.

Items underlined - new  
Items bracketed - deleted from old

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## **WASHINGTON PARK ZOO - CONCEPT STATEMENT**

We believe that knowledge of animals and our relationship to them will benefit and enhance the quality of life for people and animals. To this end the Washington Park Zoo shall be developed and operated so as to serve all of the citizens of the Metropolitan Service District in the highest professional manner as a cultural institution which safely and humanely keeps and exhibits living land and aquatic animals for the purposes of:

1. Providing the public with a recreational opportunity to view a variety of exotic, native and domestic animals exhibits alive in conditions that enable them to display their natural traits.
2. Encouraging the public to acquire accurate information about animals and to come to a true understanding of the complex relationships animals have with their environments, with each other, and with humans. [men]
3. Encouraging the conservation, protection and propagation of rare and endangered animal species in an increasingly industrial and urban world.
4. Providing an attraction for tourists and visitors [by means of a diverse collection of animal life exhibited in ways that especially highlight the characteristic environmental features the citizens of this region prize so highly.]
5. Engaging in a limited amount of research humane to animals when the primary purpose is of benefit to animals, especially those in the Washington Park Zoo.

[The Metropolitan Service District adopted the above Concept Statement in 1977 as recommended by the consultants of ZooPlan as a philosophical basis on which the Washington Park Zoo should be developed and maintained.]



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## WASHINGTON PARK ZOO - GOALS AND POLICIES

### GOALS

1. Provide a unique educational and recreational opportunity through which the public can see and experience wildlife in a naturalistic setting.
2. Contribute to the conservation [perpetuation] of animals in the wild and the Zoo by:
  - a. Cooperating as a participating institution in appropriate AAZPA Species Survival Plans and other organized conservation efforts. [Learning more about captive and wild animals.]
  - b. Continuing to research and improve husbandry techniques, exhibit environments, animal management concepts, and captive propagation. [Educating the public regarding conservation.]
  - c. Educating the public regarding conservation.
3. Serve as a cultural [metropolitan] institution to meet the needs of the public and to enhance the quality of life in the metropolitan community.
4. Assist in economic development as a destination tourist attraction and as a valuable community asset.
5. Maintain a close relationship and coordinate activities with other organizations involved with wildlife.

### POLICIES

1. Exhibit a representative collection of animals and plants.
2. Place emphasis upon renovating and upgrading animal exhibits in order to display animals within naturalistic [more natural] habitats.
3. Continue to emphasize programs and facilities for the Asian

elephant, Humboldt penguin, and chimpanzee as priority species.

4. Encourage visitor interest in the Zoo by increasing the educational and recreational offerings of the Zoo as funding permits.
5. Place emphasis upon encouraging repeat visitation and increasing length of stay.
6. Continue to generate at least 50% of revenue necessary to operate the Zoo from non-tax sources. [or more of revenue necessary to operate the Zoo.]
7. Review admission fees every year.
8. Continue to offer special free admission times at the Zoo.
9. Expend [Continue] capital improvement funds in a proportion that will maintain an equitable balance among: animal exhibits, educational facilities, visitor services facilities, and operational/maintenance facilities. Enterprise facilities should demonstrate an ability to contribute to the funding of other Zoo activities. [capital improvement expenditure distribution: Animal Exhibits - 75-80%; Visitor Services - 12-20%; Operation-Maintenance Facilities - 5-10%.]
10. Utilize additional facilities or sites when consistent with overall Zoo goals and objectives.
11. Serve as the coordinator for the development of all major facilities for the exhibition of exotic animals within the metropolitan area.

#### **GENERAL PLANNING OBJECTIVES**

1. Provide safe, pleasant and efficient vehicular access to the WPZ-OMSI- WFC complex from the metropolitan region.
2. Improve the existing parking lot capacity [and efficiency].
3. Coordinate the siting and design of animal exhibit areas, visitor services areas, public open space, circulation and support facilities to maintain a cohesive visitor experience [establish a park setting] within the Zoo.



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4. Maximize the efficient operation of the Zoo through timely and appropriate development of the site.
5. Complement the adjacent institutional complexes and surrounding park land {public open space} during future development of the Zoo.
6. Develop safe, convenient and pleasant pedestrian circulation from the parking area directly to WPZ [-OMSI-WFC] entrance(s), among the three institutions, and within the Zoo itself.
7. Enhance the appearance and the amenities of public circulation spaces through the main Zoo grounds. [Reinforce the existing pattern and enhance the image and the amenities of primary pedestrian circulation through the main Zoo grounds.]
8. Provide convenient, safe and appropriate circulation and access for service vehicles throughout the Zoo.
9. Provide adequate utility systems throughout the Zoo to support all facilities, programs, and operations. [Develop the Railway to its maximum potential as a recreation-education activity as well as revenue generator.]
10. Implement use of energy saving methods or installation of more efficient equipment wherever possible. [Upgrade and improve all existing utility systems throughout the Zoo in order to reduce maintenance and operation costs.]
11. Include opportunities for both the visual, decorative arts and the performing arts within the park setting of the Zoo. [Implement use of energy saving methods or installation of more efficient equipment wherever possible.]
12. Provide guests with a Zoo that is distinctively representative of the Pacific Northwest by capitalizing on or reflecting our forested surroundings in landscaping, building materials and general ambiance. [Include opportunities for both the visual, decorative arts and the performing arts to be integrated within the park setting of the Zoo.]
13. Actively and constructively participate in determining the use of the present OMSI space consistent with overall Zoo goals and



objectives.**ZOOLOGICAL (EXHIBITION) OBJECTIVES**

1. Provide overall exhibit organization and distribution that complements the Zoo's animal collection, enhances the qualities of the Zoo setting, and enriches the visitor's experience.
2. Display animals in a setting that simulates their native habitat, and provides features that encourage and demonstrate unique natural behavior and maximizes viewing opportunities. [thereby promote a keener appreciation of the natural world.]
3. Develop exhibit enclosures that provide for ease of maintenance, longevity of materials, and up-to-date facilities for animal handling and health care.
4. Provide exhibit facilities that complement and enhance Zoo goals for conservation research and education in cooperation with other institutions.
5. Develop [new] exhibits in the zoogeographic concept displaying several animal classes from a particular region together and in the taxonomic concept, displaying several different species from a single class or order. [as space allows].
- [6. Renovate existing taxonomically organized exhibit complexes to incorporate simulated natural settings, improved viewing opportunities, updated holding and care facilities, and expanded interpretive displays.]

**INTERPRETIVE OBJECTIVES**

1. Increase the public's [awareness] appreciation and general knowledge of the animal world and conservation issues.
2. [Support, enhance and expand] Enrich the experience of the live exhibits for the visitor.
3. Provide the visitor with clearer insights into animal characteristics and habitats.

4. Develop a hierarchy of interpretive materials that impart a broader understanding of the world of animals to all visitors regardless of their [entry level knowledge] age and level of knowledge.
5. Utilize the latest technologies (e.g. computer graphics) and methodologies when they appear to be the best means by which to communicate to visitors. [ Explore opportunities for the application of computer graphics technology in future interpretive installations as a means of delivering information. (Refer to Computer Graphics Master Plan in Appendix.)
6. Develop natural history-type interpretive displays in conjunction with live animal exhibits where appropriate

#### VISITOR SERVICES OBJECTIVES

1. Maintain a system [structure] of support services so the visitor can experience the Zoo with comfort and convenience. [within which the visitor can experience the park setting and live animal exhibits with comfort and convenience.]
2. Contribute to making the visitor's total recreational experience one of quality and enjoyment, thereby increasing the average visitor length of stay and [the quantity and] frequency of return visits.
3. Provide [the means for] efficient, courteous and friendly service to visitors through their stay at the Zoo.
4. Provide the means [ Enhance the ability] to efficiently staff and operate the admissions, retail sales, rentals, security, first aid, food and catering services, and railway functions.
15. Provide a wide offering of rental facilities and catering services as an expanded service to the community.]

#### ARCHITECTURAL OBJECTIVES

1. Integrate new structures into the overall [setting of the] Zoo.
2. Subordinate animal exhibit structures to individual animal habitat [exhibit] contexts through the use of appropriate forms, materials, textures, and colors.



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3. Conceal [all] or subordinate exhibit support facilities from public view where possible.
4. Develop design harmony and continuity [unity among new and renovation construction] for visitor services facilities and amenities.
5. Design facilities that are accessible to handicapped visitors, young children and other visitors with special needs.
6. Design facilities that are operationally efficient.
7. Design exhibits which are behaviorally interesting to animals and conducive to animal propagation.
8. Design facilities that will encourage use of the Zoo in all seasons.

#### **LANDSCAPE OBJECTIVES**

1. Provide appropriate vegetation as a substantial design element in replicated [simulated] natural habitats and in doing so, expand the potential interpretive message about animal-environment relationships. [at all new and renovated projects.]
2. Soften the contrast between exhibits and non-exhibit public spaces through transition plantings of appropriate character. [Promote the creation of a botanical garden setting complementing the live exhibits and visitor service areas by the appropriate use of plant materials from other regions.]
3. Enhance the character of non-exhibit/public spaces throughout the Zoo by significant use of landscape materials and continuity of pedestrian furnishings.
  - a. Provide seasonal color through annuals and perennials as a supplement to the general landscape framework at high visibility areas such as the Main Entrance, rest areas, and food service.
  - b. Provide botanical information where appropriate as indicated in the Landscape Plan.

[Use vegetation in a selective manner, to enhance the simulation of



native habitats for animals and in doing so, expand the potential interpretive message about animal-environment relationships.]

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### **PROGRAMMING [EDUCATION] OBJECTIVES**

1. Use on-grounds programming to complement and enhance the Zoo's exhibits through personal interaction, large and small audience programming and printed materials. [Enhance the ability of the Zoo to develop and implement both on-grounds and off-grounds education programs as a means of imparting a sense of value and appreciation for both animals and their environment.
  - a. The objective of the on-grounds programs is to provide more in-depth information to groups on a personal basis than is possible and desirable with interpretive exhibit materials.
  - b. The objective of the off-grounds program is to provide information about, and contact with, animals to the community.]
2. Use off-grounds programs to provide information about the Washington Park Zoo and its animals to persons who cannot attend, to promote Zoo visitation, and to enhance the Zoo's educational value for schools
3. Develop the potential of the Zoo as an educational resource to its fullest potential and promote this aspect of the Zoo to the academic and general communities.
4. Develop the railway to its maximum potential as a recreation-education activity.

### **ECONOMIC OBJECTIVES**

1. Maximize the appeal of the Zoo to both resident and tourist markets. [Evaluate the size and distribution of resident and tourist markets and propose ways to improve the Zoo's appeal within these markets.]
2. Establish and maintain for ten years design-day physical planning parameters. [a range of projected attendance for a minimum 10 year period based upon market area and improved means of marketing.]

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3. Establish and maintain a range of attendance figures for a ten year period. [Recommend design-day physical planning parameters.]
4. Establish and project five year operating and capital improvement plans for implementing the Master Plan. [Recommend projected revenues and expenses with regard to a projected range of attendance.]
5. Develop the variety, quality, and convenience of visitor services and concessions to enhance visitor's enjoyment of the Zoo and maximize their in-park expenditures. [Increase public awareness and appreciation of the Washington Park Zoo and thereby encourage attendance.]
6. Implement the Master Plan with the maximum operational efficiency. [Develop the variety, quality, and convenience of visitor services and concessions to enhance visitors' enjoyment of the Zoo and maximize their in-park expenditures.]
7. Provide through non-tax revenues at least fifty percent of the operating costs of the Zoo. [Implement the Master Plan with the maximum operational efficiency.]
8. Provide a means for monitoring, evaluating and forecasting relevant aspects of Zoo operations. [Make the best use of the Zoo's physical and human resources by providing a means for monitoring evaluation and forecasting relevant aspects of the Zoo's operation.]
9. Provide through tax and non-tax sources the funds to implement the capital improvements in the Master Plan. [Improve the Zoo enterprise fund self-sufficiency and rely to the least extent possible on property tax revenues for operational support.]

### **FUNDRAISING OBJECTIVES**

1. The Development Office will coordinate all fundraising efforts on behalf of the Zoo.
2. The Development Office fundraising efforts will focus on special projects rather than on annual giving campaigns, except efforts



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in support of Friends of the Zoo campaigns.

3. Development efforts will be utilized by the Zoo to supplement other Zoo revenue sources in providing enhanced programming and physical facilities.
4. The Zoo will accept gifts when they are consistent with the needs, goals and objectives of the Zoo.
5. Acknowledgement of gifts to the Zoo will be consistent with Council policy and the Zoo Graphics Plan. Accurate accounting records will be kept to ensure compliance with donor stipulations.
6. The Master Plan improvements that lend themselves to fundraising efforts will have flexible implementation schedules to allow donor participation as donors with specific interests are identified.



MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

Regular Meeting  
December 11, 1986

Councilors Present: Tanya Collier, Tom DeJardin, John Frewing,  
Jim Gardner, Gary Hansen, Sharron Kelley,  
Corky Kirkpatrick, Jim Knowles, Mike  
Ragsdale, George Van Bergen and Richard  
Waker

Councilors Absent: Larry Cooper

Staff Present: Donald Carlson, Eleanore Baxendale, Gene  
Leo, Doug Drennen, Pat Lent, Keith Lawton,  
Phillip Fell, Dan Durig, Norm Wietting,  
Vickie Rocker, Jan Schaeffer, Dennis  
Mulvihill, Steve Rapp, Rich McConaghy, Jim  
Shoemake, Wayne Rifer, Kay Rich, Jennifer  
Sims, Jill Hinckley, Tuck Wilson, Sandy  
Bradley, Neil McFarlane and Ray Barker

Presiding Officer Waker called the regular meeting to order at  
5:30 p.m.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

The Presiding Officer noted Metro was in a transition period before Executive Officer-elect Rena Cusma assumed office in January. He had received informal correspondence from the Executive-elect suggesting personnel changes within the agency. Presiding Officer Waker said he had been authorized by the Executive Officer-elect to read the following statement:

"In lieu of the procedure suggested by the Executive Officer-elect (immediate resignation of designated employees), she has agreed to work with the Council Transition Committee (Waker, Gardner, Kirkpatrick and Ragsdale) on a different approach. The initial meeting of the Executive Officer-elect and Committee is scheduled for Monday, December 15, 1986, at 10:00 a.m.

"The Executive Officer-elect has requested the ability to start meetings with the affected employees now rather than after she assumes office. I concur and the existing Executive Officer concurs.

"The Executive Officer-elect has requested that the Council support her suggestion for placement services for potentially departed employees."

Presiding Officer Waker noted that affected Metro employees were therefore not required to make any declarations regarding resignation by Friday, December 12, 1986, as previously requested by the Executive Officer-elect.

Councilor Van Bergen said he agreed in principle with most of the actions requested by the Executive Officer-elect but suggested deferring action on placement services for affected employees until after the Executive Officer-elect was sworn into office.

Councilor DeJardin concurred with Councilor Van Bergen because he understood a transition period would occur to resolve those issues. He did not think it proper to take action until the Executive Officer-elect officiall assumed office.

Presiding Officer Waker explained the Executive Officer-elect had suggested the schedule in order to keep transition time at a minimum.

Councilor Frewing questioned whether the Council would consider changing its current personnel policies in light of the Executive Officer-elect's request. Presiding Officer Waker responded the personnel policies were not being discussed at this time although the Council could consider changes to the policies in the future.

Councilor Ragsdale requested the Council Transition Committee contemplate issues related to personnel and the transition of Executive Officers. Councilors Hansen and Collier concurred. Councilor Collier added that the personnel policies were in place for times such as this and it was not appropriate to consider changing the policies at this time.

Presiding Officer Waker said he had contacted attorney Garry Bullard to advise the Council on personnel transition issues. Outside legal counsel had been secured because Metro's General Counsel, Eleanore Baxendale, had been named by the Executive Officer-elect as an employee subject to resignation. For Ms. Baxendale to advise the Council on such matters would constitute a conflict of interest, he explained.

Councilor Van Bergen did not want to take any action until Mr. Bullard offered his legal advice.

Councilor Kirkpatrick agreed with others that no immediate action should be taken regarding placement services. She said she also



agreed with Councilor Collier about Metro's personnel rules. She hoped to resolve the transition issues quickly and positively.

Councilor Collier stated she would help to resolve the personnel issue as quickly as possible for all affected employees and would keep employees notified of Council actions. She preferred employees not initially hear about decisions from the news media.

Presiding Officer Waker explained the Executive Officer-elect had been reticent to use regular, informational channels since she had not officially assumed office.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

Donald Carlson, Deputy Executive Officer, presented the Executive Officer's Report in the absence of Rick Gustafson.

One Percent for Art Ordinance. Mr. Carlson reported the first reading and public hearing of a proposed ordinance to set aside one percent for art for major Metro capital construction and renovation projects was scheduled for the December 18 Council agenda. Phillip Fell, Government Relations Manager, said the Council had received a draft version of the Ordinance and accompanying guidelines. He asked Councilors to contact him with questions and suggestions before the December 18 meeting.

West Transfer and Recycling Center. David Luneke, Solid Waste Engineer, said Washington County had accepted Metro's conditional use permit application and had 120 days in which to review the application.

### 4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

### 5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

### 6. CONSIDERATION OF MINUTES

Motion: Councilor Gardner moved to approve the minutes of November 13, 1986, and Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:



Ayes: Councilors Collier, DeJardin, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Van Bergen and Waker

Absent: Councilors Cooper and Ragsdale

The motion carried and the minutes were approved.

## 7. ORDINANCES

### 7.1 Consideration of Ordinance No. 86-213, for the Purpose of Amending Metro Code Section 2.04.030 to Require Council Approval of Contracts with Another Government Agency (First Reading and Public Hearing)

The Clerk read the Ordinance a first time by title only. Ray Barker, Council Assistant, briefly presented staff's report.

Presiding Officer Waker asked why the agreement with Marion County for the transfer of solid waste had not been listed in staff's report as an intergovernmental agreement entered into during 1986. The Deputy Executive Officer responded that agreement had not been executed at the time the staff report had been prepared.

Motion: Councilor Ragsdale moved the Ordinance be adopted and Councilor DeJardin seconded the motion.

Presiding Officer Waker opened the public hearing on the Ordinance. There being no testimony, he closed the hearing and announced the second reading of the Ordinance was scheduled for December 18, 1986.

### 7.2 Consideration of Ordinance No. 86-214, for the Purpose of Establishing Solid Waste Disposal Charges, Regional Transfer Charges and User Fees; Amending Metro Code Sections 5.01.150, 5.02.020, 5.02.025, 5.02.045, 5.02.050, 5.02.060 and 5.02.070; and Establishing Metro Code Section 5.02.075 for Collection of a Certification Non-Compliance Fee (First Reading and Public Hearing)

The Clerk read the Ordinance by title only a first time.

Steve Rapp, Solid Waste Analyst, reviewed the "1987 Rate Study Executive Summary" which was included in the printed agenda materials. He explained the 1987 Rate Study was the first study to incorporate the implementation of the Waste Reduction Program, included a significant amount of diversion as well as reduction of waste to save landfill space, and projected future rates to provide guidance for long-range financial decision-making. He further

explained the rate study considered financial management policies as well as stabilization of rate increases to avoid rate volatility in future years. Mr. Rapp then reviewed more specific provisions of the study.

Rich McConaghy, Solid Waste Analyst, discussed policy options available to the Council including recycling incentives, waste diversion and the solid waste fund balance. Other issues reported included the April 1, 1987, proposed effective date of new rates, special waste fees, tire rates and a public minimum charge for waste disposal.

In response to Councilor Kelley's question, Mr. McConaghy estimated a cost of about \$4.50 per ton if a geographic area did not comply with waste reduction program certification standards.

George Hubel, member of the Solid Waste Rate Review Committee (RRC) explained the \$4.50 per ton figure had been presented to the Committee but the RRC did not think there was enough support to impose the fee. Because the RRC considered the matter a political rather than fiscal issue, it had made no recommendation, he explained.

Mr. McConaghy said he hoped Metro would not have to impose the non-compliance fee but thought the existence of the fee would send a signal to any jurisdiction not in compliance with waste reduction policies.

Councilor Kelley questioned whether Metro had the authority to penalize a jurisdiction for non-compliance with waste reduction policies. She recommended deleting reference to the fee from the Ordinance until authority issues were settled.

Responding to Councilor Kelley's question regarding the commercial rate of \$16.90 per ton for disposal at St. Johns Landfill, Mr. McConaghy said a lower rate could effect Metro's bonding capability. Mr. Hubel added the RRC debated the rate and most members thought the \$16.90 figure too high given Metro's problem of explaining a high solid waste operating fund balance. Mr. Hubel said he could not personally recommend a rate higher than \$16.70 per ton.

Motion: Councilor DeJardin moved the Ordinance be adopted and Councilor Kirkpatrick seconded the motion.

Presiding Officer Waker opened the public hearing on the Ordinance.

Dale Harlan, appearing before the Council for Estle Harlan, a representative of the Tri-County Council of the solid waste industry, read a statement prepared by Ms. Harlan. He also referred



the Council to a letter from Ms. Harlan to Metro's Solid Waste Rate Review Committee. Ms. Harlan expressed the following concerns with the Ordinance: 1) the time frame was too short for adequate review of the proposed rates; 2) it was not the cost effective to establish programs costing millions of dollars to extend the life of St. Johns Landfill only a few days; 3) Metro had no statutory authority to manage or regular collection programs such as imposing a \$4.50 per ton differential tip fee; and 4) the Council needed to identify and justify long-term needs when allocating the fund balance.

Referring to Ms. Harlan's letter to the RRC, Councilor Hansen asked staff to respond to Ms. Harlan's statement that \$1.3 million would be spent to add two days to the life span of St. Johns Landfill.

Mr. Rapp responded that the \$1.3 million was "seed" money which would derive future dividends: \$310,000 was allocated for resource recovery; \$300,000 for promotion and education; \$175,000 for market assistance; and \$35,000 for a waste composition study. He explained the impact of the curbside recycling collection program would add two days to the life of St. Johns Landfill. When other measures were considered, the landfill's life would be extended longer.

Ron Honstein testified the Washington County Refuse Haulers Association was opposed to increasing disposal fees. Metro's solid waste operating fund balance was ridiculously high, he said, and should be reduced. Mr. Honstein said his hauling firm paid about \$6,500 a year to Metro for dumping fees and he resented being Metro's tax collector. He said Metro could have saved money by siting a new landfill in Newberg in 1982 when Angus McFee offered his landfill site for that purpose. He criticized the performance of Metro's Solid Waste Department staff and in response to Councilor Frewing's question about ways Metro could save money, he suggested the staff person who worked to site the west transfer and recycling center be fired now that the facility was sited.

Merle Irvine, Manager of Oregon Processing & Recycling Center, supported removal of user fees and transfer charges from source separated material. This practice, he said, was consistent with the State mandated waste reduction program. Mr. Irvine encouraged Metro to adopt policies other than rate differentials for a viable waste reduction program.

Presiding Officer Waker read a letter from Michael M. Miller, President of Goodwill Industries of Oregon. Mr. Miller strongly encouraged Metro to keep tipping fees low for his industry. "Without Goodwill's reprocessing and recycling efforts, more than 15 million additional pounds of materials would in all likelihood be shipped to local landfills rather than being recycled."



The Presiding Officer also read a letter from Elizabeth Haglund, President of the Society of St. Vincent de Paul. Ms. Haglund also urged low tipping fees for source separated waste. She explained disposal fees paid by St. Vincent had increased to an average rate of about \$3,000 a month. She believed the proposed rate increased for April 1, 1987 would further jeopardize the Society's Community Service Program. "Based upon our experience, a rate increased will result in an increased flow of unusable materials through illegal dumping."

Councilor Van Bergen, referring to Mr. Irvine's earlier statement that Metro should employ methods other than rate differentials to reduce waste, requested he relate ideas for staff consideration.

Jack Flemming, 6233 N.E. Alameda, Portland, a Metro area recycler, testified the current \$3.5 million solid waste operating fund balance was too high, his disposal charges were too high and as such, he should receive a rebate. He explained it was becoming very difficult to run a profitable recycling business in light of high disposal fees and the fact that the City of Portland planned to subsidize a recycling program. He agreed with Mr. Honstein's earlier testimony that it was unfair to use waste collectors as tax collectors. He did not think true costs had increased enough to warrant another rate increase.

The Presiding Officer explained Metro's high fund balance was a direct result of the fact that the disposal rates at St. Johns Landfill had been the lowest in the region. Far more waste was disposed at that facility than projected because of low disposal rates and thus, a high fund balance had resulted. Metro now needed to find another place to dispose of the region's waste, he said.

Councilor Gardner further explained to those testifying earlier that Metro's rate policies were in direct response to Senate Bill 662 and the State's mandate to reduce the amount of waste landfilled.

Mr. Flemming noted the State had mandated that be done in a cost effective manner. Councilor Gardner said "cost effective" must be defined as "reasonable" rather than "cheapest."

The Presiding Officer asked if Councilors had concerns or specific amendments for staff to consider before the second reading of the Ordinance on December 18.

Councilor DeJardin said he was concerned about the use of the word "manage" when defining Metro's solid waste authority. Per Dale Harlan's testimony, he did not want "manage" to be construed as authority to collect solid waste.



Councilor Ragsdale said he was concerned rates be reasonable but still comply with the State's mandate to reduce waste. Mr. McConaghy referred to a chart in staff's report which projected disposal rates if no alternative technology project were in place and another landfill were needed.

There being no further testimony, Presiding Officer Waker closed the public hearing and announced the second reading of the Ordinance would take place on December 18, 1986.

## 9. OTHER BUSINESS

### 9.1 Discussion and Public Hearing Regarding the Zoo Tax Levy Ballot Measure

The Presiding Officer announced the Council would conduct the public hearing on this matter at this time out of respect to the public expecting the hearing to start promptly at 7:00 p.m.

Donald Carlson, Deputy Executive Officer, and Councilor Kirkpatrick, liaison between the Metro Council and Friends of the Washington Park Zoo, introduced Resolution No. 86-714 which would establish a ballot title for the proposed \$5.5 million, three year Zoo tax levy.

Presiding Officer Waker opened the public hearing.

Carol Bailey, Director of the Friends of the Zoo (FOZ), said she was speaking on behalf of the FOZ Board of Directors in support of the proposed levy. The Board had reviewed the ballot title and explanation and supported its language, she said, and the FOZ Board would allocate \$5,000 to the Zoo tax levy campaign effort.

Councilor Kirkpatrick said the Council's Zoo Planning Committee recommended the language contained in the proposed ballot title and explanation. The levy would allow Metro to complete the Africa Bush Exhibit and other important projects, she said.

Councilor Hansen asked if the \$500,000 increase over the previous levy would result in a change in the Zoo's operations budget. Kay Rich, Assistant Zoo Director, replied the Zoo's operations costs would increase but the operations budget would continue to be comprised of 50 percent non-tax revenue.

Councilor Frewing said that during discussions of the levy at the Council's Zoo Planning Committee meetings, he had expressed his conviction that the new levy should be devoted exclusively to operations. He said there were other needs for tax dollars in the community and a capital levy would compete with other priorities.

Councilor Ragsdale, also a member of the Zoo Planning Committee, supported the proposed levy and urged other Councilors to do likewise. He said it was an important community resource that deserved continued funding.

There being no further testimony, the Presiding Officer closed the public hearing and announced Resolution No. 86-714 would be considered for adoption by the Council at the meeting of December 18, 1986.

8. RESOLUTIONS

8.1 Consideration of Resolution No. 86-680, for the Purpose of Amending Resolution No. 86-659, Revising Appropriations, Creating a Convention Center Project Capital Fund and Convention Center Project Management Fund, and Authorizing an Interfund Loan (Public Hearing)

Jennifer Sims, Management Services Director, reported the Council's Convention Center Committee had reviewed the Resolution at their meeting of November 20. The Tax Supervising & Conservation Commission (TSCC) had conducted a hearing on the proposed budget revision and their suggestions for modifications were included in the Resolution now before the Council.

Councilor Ragsdale, Chairman of the Council's Convention Center Committee, explained the Committee endorsed the budget. He said the Committee was still examining some financial issues but would endorse this package through the end of FY 1986-87. A larger, more complete fiscal program would be introduced as part of the FY 1987-88 program, he said.

Presiding Officer Waker opened the public hearing on the Resolution. There being no testimony, he closed the public hearing.

Motion: Councilor Ragsdale moved Resolution No. 86-680 be adopted as submitted. Councilor Van Bergen seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, DeJardin, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Ragsdale, Van Bergen and Waker

Absent: Councilor Cooper

The Motion carried and the Resolution was adopted.



Tuck Wilson, Convention Center Project Director, reported staff and advisors were currently in the process of selecting a design team to recommend to the Council for approval.

8.2 Consideration of Resolution No. 86-711, for the Purpose of Amending Resolution No. 86-659, Revising the Intergovernmental Resource Center (IRC) Budget and Appropriations, and Authorizing a New Position (Analyst 3) and Contractual Agreements

Ms. Sims explained that Resolution No. 86-700, adopted by the Council on November 20, 1986, had identified the need for more technical assistance to the IRC program. Resolution No. 86-711 would provide that assistance by adding a new analyst position and revising the budget accordingly. Further, two contracts would be approved which would increase the District's computer capabilities.

Presiding Officer Waker said that as Chairman of the Joint Policy Advisory Committee on Transportation (JPACT), he supported the Resolution which would provide remote computer terminals for traffic forecasting.

In response to Councilor Ragsdale's concerns about computer vendors, Keith Lawton, IRC Technical Manager, explained staff had previously undergone an extensive selection process for vendors.

Motion: Councilor Kelley moved the adoption of Resolution No. 86-711 and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, DeJardin, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Ragsdale, Van Bergen and Waker

Absent: Councilor Cooper

The Motion carried and Resolution No. 86-711 was adopted.

8.3 Consideration of Resolution No. 86-708, for the Purpose of Initiating Consideration of a Locational Adjustment Near Sherwood and Waiving Assignment to a Hearings Officer

Councilor Kirkpatrick introduced the Resolution. She explained a constituent had requested a minor adjustment to the Urban Growth Boundary (UGB) be made to correct a surveying error undetected at the time an original UGB adjustment had been made in Sherwood north of Edy Road. The property owner believed that Metro's regular adjustment procedures, which would involve up to \$1,500 in Hearings



Officer costs, was excessively costly and cumbersome for so small and simple a proposed adjustment. The Councilor suggested keeping costs down by allowing the Council to hear the matter directly instead of a paid Hearings Officer.

Jill Hinckley, Land Use Coordinator, agreed the adjustment was very minor and if the Council adopted Resolution No. 86-708, the findings could be brought before the Council in January.

Motion: Councilor Kirkpatrick moved to adopt Resolution No. 86-708 and Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, DeJardin, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Ragsdale, Van Bergen and Waker

Absent: Councilor Cooper

The motion carried and Resolution No. 86-708 was adopted.

Councilor Ragsdale was pleased the system for adjusting the Urban Growth Boundary worked well and was flexible enough not to be cumbersome.

8.4 Consideration of Resolution No. 86-709, for the Purpose of Extending the Date Set in Resolution No. 86-650 by which the Council Will Amend the Urban Growth Boundary for Contested Case No. 85-7 (Kaiser)

Ms. Hinckley reported the Council had adopted Resolution No. 86-650 on June 26, 1986, which approved the petition by Kaiser Development Company for an amendment to add about 450 acres the Urban Growth Boundary (UGB) in the Sunset Corridor. Because the property was outside Metro's boundaries, the Council lacked jurisdiction to amend the UGB at that time. Therefore, pursuant to its rules for such situations (Ordinance No. 85-189, Section 2, paragraph 3.01.070(c)(1)), Resolution No. 86-650 expressed the Council's intent to amend the UGB as petitioned once the property was annexed to Metro, provided the annexation occurred within six months. The deadline was intended to ensure the findings of fact adopted by the Resolution were current enough to be relied upon when the Council adopted the Ordinance that would actually amend the UGB. Due to the length of the process in seeking Metro annexation, the petitioners were unable to meet the Council's six-month deadline. Because the delay was unforeseen and unavoidable, staff recommended the deadline be extended to March 30, 1987. No person's rights were adversely affected by this waiver of the Code deadline, Ms. Hinckley noted.



Councilor Ragsdale questioned whether the March 30 deadline would allow adequate time for annexation proceedings. Ms. Hinckley said she wanted to keep the timeline firm but thought one month's additional time might be needed. Councilor Ragsdale suggested extending the deadline to April 30 to avoid the expense of appealing the deadline before the Council another time.

Motion to Amend: Councilor Ragsdale moved to amend the deadline stated in Resolution No. 86-709 to April 30, 1987. Councilor Frewing seconded the motion.

In response to Councilor Gardner's question, Ms. Hinckley said if the facts of the case were stale when the Council considered an Ordinance to amend the UGB, the Council would be briefed an additional time.

Vote on Motion to Amend: The vote resulted in:

Ayes: Councilors Collier, DeJardin, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Ragsdale, Van Bergen and Waker

Absent: Councilor Cooper

The motion carried and Resolution No. 86-709 was amended.

Main Motion: Councilor Ragsdale moved to adopt Resolution No. 86-709 as amended and Councilor DeJardin seconded the motion.

Vote on Main Motion: The vote resulted in:

Ayes: Councilors Collier, DeJardin, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Ragsdale, Van Bergen and Waker

Absent: Councilor Cooper

The motion carried and Resolution No. 86-709 was adopted as amended.

#### 10. COMMITTEE REPORTS

None.

Councilor Kirkpatrick asked staff to provide Councilors with current Zoo Master Plans.

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There being no further business, Presiding Officer Waker adjourned the meeting at 8:10 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "A. Marie Nelson".

A. Marie Nelson  
Clerk of the Council

amn  
6806C/313-2  
01/12/87



MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

Regular Meeting  
December 18, 1986

Councilors Present: Councilors Tanya Collier, Larry Cooper, Tom DeJardin, John Frewing, Jim Gardner, Gary Hansen, Sharron Kelley, Corky Kirkpatrick, David Knowles, Mike Ragsdale, George Van Bergen and Richard Waker

Also Present: Rick Gustafson, Executive Officer

Staff Present: Donald Carlson, Eleanore Baxendale, Jan Schaeffer, Dan Durig, Vickie Rocker, Sonnie Russill, Randi Wexler, Norm Wietting, Tuck Wilson, Richard Brandman, Steve Siegel, Andy Cotugno, Neil McFarlane, Becky Crockett, Katie Dowdall, Ray Barker, Dennis O'Neil, Dennis Mulvihill, Wayne Rifer, Debbie Allmeyer, Phillip Fell, Steve Rapp, Jennifer Sims, Ed Stuhr, Gene Leo, Kay Rich and Doug Drennen

Presiding Officer Waker called the regular meeting to order at 5:30 p.m.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

Council Comment on Draft IRC Work Program. Councilor DeJardin distributed a draft work program for the Intergovernment Resource Center (IRC) and he requested Councilors provide comments which would be incorporated into the draft that would be circulated to local governments the following week.

Councilor DeJardin reported the proposed work program was very similar to the current year's program, the major differences being periodic review work for the Urban Growth Boundary and a new emphasis on a number of regional park issues. He explained an IRC Advisory Committee would meet January 12 to discuss the program. In the meantime, staff would also meet with groups of local government officials to seek their comments. A second Advisory Committee meeting was scheduled for early February at which time a recommendation to the Council would be formulated.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Gustafson addressed the Council on the state of Metro. It was the last Council meeting during his eight-year term

as Metro Executive. The speech is included at the end of the minutes of this meeting (see Attachment "A").

Consideration of Resolution No. 86-726, for the Purpose of  
Expressing Appreciation to Rick Gustafson for Services Rendered to  
the Metropolitan Area

Councilor Hansen read the resolution which listed the many contributions Rick Gustafson had made to regional government efforts.

Motion: Councilor Hansen moved the Council adopt the Resolution and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and the Resolution was adopted. Councilor Hansen announced a photo of the Executive Officer would be hung in the Council chambers in commemoration of his achievements as Metro's first Executive. The Councilor then presented the photograph and all present stood and applauded the outgoing Executive.

Report on Metro's Self-Insurance Program. Ed Stuhr, Grants and Contracts Officer, distributed a document entitled "Self-Insurance and Risk Management Program," dated December 18, 1986. He explained the major contents of the report and requested Councilors contact him if they had questions about the program.

3.1 Discussion of the Department of Environmental Quality's (DEQ's)  
State Landfill Siting Process

Dennis O'Neil, Solid Waste Analyst, introduced Steve Greenwood of DEQ and explained Mr. Greenwood would discuss the Department's landfill siting process and the three sites under current consideration.

Mr. Greenwood explained Senate Bill 662 had given three messages to the DEQ: 1) DEQ was given authority to study sites and the Environmental Quality Commission had authority to select a site by July 1, 1987; 2) the new landfill must be sited within the context of an aggressive waste reduction plan; and 3) potential negative impacts of the landfill such as noise, odor, visual and traffic impacts, had to be addressed.

Mr. Greenwood then reviewed DEQ's process for selecting a regional landfill site. The Department initially identified 142 sites after a comprehensive search of the area. By July 1, 1986, 19 of the 142 sites were identified for further study and public hearings. Three final sites were ultimately identified: Ramsay Lake, Bacona Road



and the Wildwood site. He explained the Wildwood site had slightly different boundaries than the site of the same name originally identified by Metro. Mr. Greenwood reviewed characteristics, technical and other issues associated with each of the three sites as discussed in a report distributed to the Council. Finally, he reported a draft feasibility study on the three sites would be published in March with public hearings on the site occurring in April.

Mr. Greenwood noted citizens had expressed keen interest in resource recovery projects during landfill siting hearings and DEQ staff had distributed literature on Metro's solid waste alternative technology selection process.

Councilor Knowles thanked Mr. Greenwood for addressing the Council. He explained that because DEQ was choosing a landfill for which Metro would ultimately assume responsibility, he was most concerned that project costs be regulated. Presiding Officer Waker explained the Council's Solid Waste Committee would work with DEQ to review costs. Mr. Greenwood said the approximate landfill siting budget was \$2.5 million.

Councilor Frewing questioned why DEQ's and Metro's two studies on the cost of landfilling had reported different costs. Mr. Greenwood explained DEQ's figures reflected a purely economic model. Metro's report, however, had factored in system costs. He said the EQC would examine all related costs when making with final decision on a landfill site.

In answer to Councilor Frewing's question, Mr. Greenwood reported a permit process would be included in acquiring the landfill site.

Finally, Councilor Frewing asked if politics would play any role in the EQC selecting a final landfill site. Mr. Greenwood said the EQC would consider policy issues and many factors when making its decision but it would not make a political decision because it would not be in the Department's best interests to do so.

### 3.2 Consideration of Resolution No. 86-719, for the Purpose of Appointing Three Citizens to the North Portland Rehabilitation and Enhancement Committee

Vickie Rocker, Public Affairs Director, discussed the selection process for the three recommended committee members. Pamela Arden, Dick Denicola and Steve Roso were recommended for appointment.

Motion: Councilor Hansen moved the Resolution be adopted and Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and Resolution No. 86-719 was adopted.

Councilor Hansen thanked Ms. Rocker for staff's assistance and the Executive Officer for his recommendation. He was looking forward to working with the committee in achieving its goals.

Solid Waste Reduction Plan. Executive Officer Gustafson reported he had drafted a letter of understanding to Fred Hansen, Director of DEQ, regarding the progress of the waste reduction plan. He requested Councilors review the letter and provide comments to him as soon as possible.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. CONSENT AGENDA

Motion: Councilor Van Bergen moved the Consent Agenda be adopted and Councilor Ragsdale seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, Cooper, DeJardin, Frewing, Gardner, Hansen, Kirkpatrick, Ragsdale, Van Bergen and Waker

Absent: Councilors Kelley and Knowles

The motion carried and the following resolutions were adopted and minutes and contract approved:

- 6.1 Resolution No. 86-712, for the Purpose of Amending the Transportation Improvement Program to Reflect the Adopted Six-Year Highway Improvement Program
- 6.2 Resolution No. 86-716, for the Purpose of Designating the Executive Officer as Signer of the District's Checks, Drafts or Other Orders for Payment
- 6.3 Minutes of November 20, 25 and 28, 1986



- 6.4 Contract Extension with Skyline Building Maintenance for Janitorial and Maintenance services (at the 2000 S.W. First Avenue Building)

7. ORDINANCES

- 7.1 Consideration of Ordinance No. 86-214, for the Purpose of Establishing Solid Waste Disposal Charges, Regional Transfer Charges and User Fees; Amending Metro Code Section 5.01.150, 5.02.020, 5.02.025, 5.02.045, 5.02.050, 5.02.060 and 5.02.070; and Establishing Metro Code Section 5.02.075 for Collection of a Certification Non-Compliance Fee (Second Reading)

The Clerk read the Ordinance a second time by title only.

Motion: A motion to adopt the Ordinance was made by Councilors DeJardin and Kirkpatrick on December 11, 1986, at the first reading of the Ordinance.

Presiding Officer Waker explained because Estle Harlan, a representative of the Tri-County Council of the solid waste hauling industry, could not attend the meeting, he would read a statement to the Council expressing her concerns about the proposed Ordinance. Ms. Harlan was concerned about the impact of the proposed rate increase on the cost of operations for the solid waste industry. The Tri-County Council recommended the additional solid waste operating fund balance be used to off-set the increase in disposal fees for 1987 as her previous testimony had more fully detailed. Ms. Harlan also recommended not including a specific fee for non-compliance with the waste reduction program in the Ordinance until actual costs were known.

Councilor Gardner reported the Solid Waste Committee recommended the Council not adopt a specific fee for non-compliance with the waste reduction certification program at this time. He said a fee could be adopted after the certification program was developed and language could be left in the Ordinance which would provide for the fee concept.

First Motion to Amend: Councilor Gardner moved, seconded by Councilor Kelley, Section 5.02.075 of the Ordinance be amended to read:

"[(a)] There is hereby established a Certification Non-Compliance Fee. The purpose of this fee is to pay for the cost of implementing remedial programs to bring non-certified areas or jurisdictions in compliance with current certification standards, and to support other programs which are directed at accomplishing the recycling

goals of the waste reduction program. This fee shall be collected on all Metro facilities by specifically identified commercial disposers and shall be in addition to other fees collected. The amount of the Certification Non-Compliance Fee shall [not be implemented and applied until after] be set by the Metro Council when the following conditions have been met:

"[i.] (a) The Metro Council has adopted a Waste Reduction Certification Program which provides criteria and a process for designating local areas or jurisdictions and/or commercial waste disposers as either certified or non-certified for the purpose of collecting this fee; and

"[ii.] (b) The Metro Council has made the determination that [a local jurisdiction is not in compliance and that] implementation of the fee is needed to achieve the purposes stated above[; and].

"[iii. Thirty (30) days have elapsed since the preceding two conditions have been made.]

"[(b) The amount of the Certification Non-Compliance Fee shall be \$4.50 per ton of waste received from a non-certified area.]"

Councilor DeJardin requested staff's response to the proposed amendment. Mr. McConaghy said he supported the Solid Waste Committee's recommendation because it introduced the concept of the non-compliance fee.

George Hubel, Chair of the Solid Waste Rate Review Committee (RRC), supported the amendment because the RRC had been reluctant to make a specific recommendation on the non-compliance fee.

Vote on First Motion to Amend: A vote resulted in all twelve Councilors voting aye.

The motion carried and the Ordinance was amended.

Presiding Officer Waker read a letter from the City of Tigard Mayor in which he expressed concern about the proposed rate increases and the effect of those increases on citizen's disposal rates.

Second Motion to Amend: Councilor Gardner moved the Ordinance be amended to decrease the St. Johns base disposal rate to \$16.70 per ton rather than the \$16.90 recommended rate. Councilor Kelley seconded the motion.



Councilor Gardner explained the Solid Waste Committee recommended the amendment because the \$16.70 figure was more in line with leveling future rate increases and it recognized the historical pattern of revenue projection linked with projected tonnages.

After discussion, it was acknowledged if the amendment were adopted, staff would revise all related figures and totals throughout the ordinance to reflect the lower rate.

Councilor Knowles asked if the recommended amended rate were based on actual calculations and whether the lower rate would endanger the present solid waste operating fund balance for its intended contingencies. Mr. McConaghy said a lower rate would not endanger the solid waste programs and staff would provide new rate and revenue projections as part of the FY 1987-88 budget process.

Vote on Second Motion to Amend: A vote resulted in all twelve Councilors voting aye.

The motion carried and Ordinance No. 86-214 was amended.

Vote on the Main Motion as Amended: A vote resulted in all twelve Councilors voting aye.

The motion carried and Ordinance No. 86-214 was adopted as amended.

7.2 Consideration of Ordinance No. 86-213, for the Purpose of Amending Metro Code Section 2.04.030 to Require Council Approval of Contracts with Another Government Agency (Second Reading)

The Clerk read the Ordinance a second time by title only. There was no discussion on the Ordinance.

Motion: The motion to adopt the Ordinance was made by Councilors Ragsdale and DeJardin at the meeting of December 11, 1986.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and Ordinance No. 86-213 was adopted.

7.3 Consideration of Ordinance No. 87-216, for the Purpose of Adopting Contract Procedures and Repealing Chapter 2.04.001 to 2.04.270 (First Reading and Public Hearing)

The Clerk read the Ordinance a first time by title only.

Eleanore Baxendale, General Counsel, explained the Ordinance would present Metro's contract procedures in a logical format and avoid confusion for those who used the procedures. She noted substantive changes in the Ordinance from previous procedures as listed in the written staff report.

Ms. Baxendale referred to an errata sheet distributed to Councilors. Several references in the Ordinance to contracts "under \$2,500" should be changed to read "\$2,500 and under", she said. Also, several references to contracts should also include amendments of the same amounts, she explained.

There was no discussion on the proposed Ordinance.

Motion: Councilor DeJardin moved the Ordinance be adopted and Councilor Van Bergen seconded the motion.

Presiding Officer Waker opened the public hearing on the Ordinance. There being no testimony, he closed the hearing and announced the second reading was scheduled for January 8, 1987.

7.4 Consideration of Ordinance No. 87-215, for the Purpose of Establishing a One Percent for Art Program for the New Construction or Major Alteration of Major District Facilities (First Reading and Public Hearing)

The Clerk read the Ordinance by title only a first time.

Phillip Fell, Government Relations Manager, reviewed staff's written report and the following undetermined policy issues regarding the art program: whether the Ordinance should apply to all Metro projects or whether it should exclude certain solid waste projects such as landfills and resource recovery facilities; whether the program should be limited to participation by Oregon artists; and whether the program should be restricted to the visual arts.

Councilor Knowles asked what role the Metropolitan Arts Commission would play in Metro's program. Mr. Fell said the proposed Ordinance should provide for one member of the Commission to advise Metro on each major project.

In response to Councilor Frewing's question about which construction projects would apply, Eleanore Baxendale, General Counsel, explained that any new construction or renovation project included as an item in Metro's budget would be included under the proposed Ordinance.

Presiding Officer Waker proposed budgeting up to one percent rather than one percent for any particular project, explaining good art could not be measured by the amount of money expended.



Councilor Gardner did not want to restrict projects to Oregon artists but suggested weighting local artists more heavily in the selection process.

Ms. Baxendale said under Metro's current contract procedures, non-Oregon artists could not be excluded for low bid type contracts. Restrictions could be imposed, however, for personal services type contracts.

Motion for Adoption: Councilor DeJardin moved the Ordinance be adopted and Councilor Knowles seconded the motion.

Presiding Officer Waker opened the public hearing on the Ordinance.

Dorothy Pacientini, former Director of the Metropolitan Arts Commission, encouraged Metro to adopt a one percent for art program. She said Metro could enjoy a positive public response and could make a significant aesthetic contribution to the area if art were part of the convention center project.

In response to Councilor Frewing's question, Ms. Pacientini encouraged a balance of Oregon and out of state artists, especially for visual arts.

Bob Frasca, Portland architect, said he supported Ms. Pacientini's testimony and urged the Council to include solid waste facilities in its art program. He said the Justice Center did not seem an appropriate project at first but had become a very successful vehicle for art. An earth sculpture could be installed at the landfill site, he suggested. Mr. Frasca proposed that if a project were deemed inappropriate for art, funds could be pooled and set aside for other projects. Regarding local artists, he urged Metro to make no restrictions since other state's often commissioned Oregon artists. Finally, he said it would be in Metro's best interest to have the Metropolitan Arts Commission administer the program.

Presiding Officer Waker asked Mr. Frasca if he have any reading on the general public's response to one percent for art programs. Mr. Frasca responded that art touched all people. He expected good response if Metro adopted a properly administered, broad-based program.

In answer to Councilor Frewing's request for an example of pooling and leveraging funds on a project, Mr. Frasca cited the Justice Center ceiling tiles. He said for a little more money, the ceiling had been tiled with specially designed, hand made tiles. Landscape architecture was another example.



Selina Ottum, responding to the Presiding Officer's question about the nature of the Metropolitan Arts Commission (MAC), she explained MAC was an agency funded 60 percent by the City of Portland and 40 percent by Multnomah County to administer art projects and grants. She said although MAC was very interested in Oregon artists, it did not limit its projects to locals. She also explained her prejudice was that Metro's program should be limited to the visual arts.

Responding to Councilor Hansen's question, Ms. Ottum said she had been and would continue to work with Mr. Fell to ensure female and minorities, including native American artists, were given every opportunity to participate in Metro's art program.

Councilor Knowles asked Ms. Ottum about her experience in administering projects where funds had been pooled or leveraged. She said that could be achieved by matching funds with federal arts programs, using funds from other Metro projects, and participation from local foundations and corporations.

Councilor Knowles asked what experienced Ms. Ottum had in working with communities for major art projects. Ms. Ottum said projects had been successful when citizens served on selection committees. She said Metro's ordinance provided for additional community based advisors at the Council's discretion.

Bill Naito, local developer, testified the public sector should take the lead in presenting art to the community. He agreed with Councilor Frewing's preference for local artists, stating Oregon had many talented artists and architects. He encouraged incorporating art into landfill and transfer station projects because art could help mitigate negative attitudes about garbage. In summary, he said visitors would view the Oregon Convention Center as representing the city and state and incorporating art into that facility would enhance the already existing view of a high life quality in Oregon.

Carry Jackson, Co-chair of Oregonians for Art in Public Places, strongly urged the Council to adopt a full one percent for art program. To allocate up to one percent would seriously erode the program, he said, as had happened with other programs. Mr. Jackson said he worked in the field of resource recovery and thought it include art as part of planning such facilities.

Mike Russo, artist, a sponsor of the one percent for art program, member of the Portland Arts Commission and Design Review Committee, said he would speak to the Council from an artists viewpoint. He was encouraged the Council was discussing the issue of public expenditures for art because it was an issue vital to the area's economic growth. He explained that Europe enjoyed a brisk tourist trade due to the Continent's long-term investment in art. He said



the world was curious and envious about Oregon's unique sense of identity and its pride in the surrounding environment. Artists enhanced that image by humanizing the environment in a time dominated by mechanization. They personalized important places, he said. Regarding restricting projects to local artists, Mr. Russo explained he was not an exclusionist but thought it important the art give local identity to Oregon buildings and places.

Ed Carpenter, artist and member of the Metropolitan Arts Commission, testified against restricting projects to Oregon artists. He explained that other, out of state art programs were not restrictive and Oregon artists had made valuable contributions to those programs. He encouraged fostering a spirit of reciprocity.

Manual Esquierdo, sculptor, art professor and member of the Metropolitan Arts Commission, addressed the issue of design and art. He noted that art and design were closely linked in many WPA projects, resulting in significant and beautiful facilities were built. He encouraged Metro to conduct its projects in this tradition, especially solid waste facilities.

There was no further testimony and the Presiding Officer closed the public hearing.

Councilor Ragsdale said he supported including solid waste facilities in the Ordinance but wanted to know the impact of that provision on solid waste disposal rates.

Councilor Kelley proposed the Ordinance be worded to include both visual and functional art. She said she had worked with Mr. Fell and General Counsel to draft specific language.

Councilor Van Bergen thought it the Council's responsibility to administer its own art program until circumstances dictated another solution. He also recommended adopting a full one percent program with the Council having the option to reject art for specific capital projects.

Councilor Frewing said after hearing public testimony, he supported Mr. Russo's statement the program not be restricted to Oregon artists but that projects enhance a local or regional identity.

In response to Councilor Ragsdale earlier request for the economic impact on disposal costs, Executive Officer Gustafson reported capital costs for the new regional landfill would be about \$22 million. Assuming a one percent for art program was adopted, \$220,000 would be spent for art which would result in an approximate increase of 3 cents per ton for disposal costs over a twenty-year period. He added that rather than place the art at the landfill,

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the Ordinance could be amended to allow art to be installed in the surrounding community.

Presiding Officer Waker announced the second reading of the Ordinance would take place January 8, 1987.

8.1 Consideration of Resolution No. 86-717, for the Purpose of Establishing Guidelines for Metro's One Percent for Art Program

Motion: Councilor Kirkpatrick moved consideration of the Resolution be continued to January 8, 1987, and Councilor Kelley seconded the motion.

Presiding Officer Waker called a break at 7:35 p.m. The Council reconvened at 7:50 p.m.

9.5 Consideration of Resolution No. 86-723, for the Purpose of Supporting State of Oregon Financial Participation in the Construction Costs of the Oregon Convention Center

Tuck Wilson, Convention Center Project Manager, briefly explained the financing plan for the Convention Center project, adopted by the Council in May 1986, identified the State as providing \$15 million for the project. Resolution No. 86-723 would request the Governor-elect include a general fund appropriation of \$15 million in his recommended budget for the 1987-89 biennium and would ask the Speaker of the Oregon House and the President of the Oregon Senate to introduce legislation appropriating \$15 million from the general fund.

Norm Smith, member of the Convention, Trade and Spectator Facility Committee, reported the Committee recommended adoption of the Resolution.

Motion: Councilor Ragsdale moved the Resolution be adopted and Councilor Van Bergen seconded the motion.

Councilor Collier said she supported the Resolution but wanted to make sure this action was coordinated with the rest of Metro's Legislative Program. Councilor Ragsdale, Chair of the Council Convention Center Committee, agreed coordination would occur.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and Resolution No. 86-723 was adopted.



8.2 Consideration of Resolution No. 86-718, for the Purpose of  
Appointing an Agent of Record for Casualty and Liability  
Insurance

Ed Stuhr, Grants and Contracts Officer, discussed the role of the agent of record, staff's selection process and recommended the firm of J.B.L. & K. Insurance be designated as agent. Responding to Councilor Frewing's question, he explained the agent would be paid via commissions for insurance coverage.

Motion: Councilor DeJardin moved to adopt the Resolution and Councilor Gardner seconded the motion.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and Resolution No. 86-718 was adopted.

8.3 Consideration of Resolution No. 86-714, for the Purpose of  
Submitting Metropolitan Service District Zoo Serial Levy

Donald Carlson, Deputy Executive Officer, noted a public hearing on the proposed ballot title had been conducted at the December 11, 1986, Council meeting and that staff had presented a full report on the Resolution at that meeting. He then distributed an amended ballot explanation as suggested by the Tax Supervising & and Conservation Commission (TSCC). He explained the revision would clarify allocation of funds between capital projects and operating needs. General Counsel had reviewed the change.

Motion: Councilor Kelley moved to adopt the Resolution and Councilor Collier seconded the motion.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried. A discussion followed about whether the motion had clearly included adoption of the revised ballot explanation. Councilors Kirkpatrick and Collier made a second motion to clarify what was specifically being adopted.

Motion: Councilor Kirkpatrick moved to adopt Resolution No. 86-714 to include the revised language of the ballot explanation as submitted to the Council on the documents marked 6713C/467 and 6645C/485. Councilor Collier seconded the motion.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and Resolution No. 86-714 was adopted.

8.4 Consideration of Resolution No. 86-715, for the Purpose of Entering Into an Intergovernmental Agreement and Expending Funds to Preserve the Southern Pacific Right-of-Way (Jefferson Street Branch) Between Portland and Lake Oswego

Councilor Gardner presented staff's report and reviewed the history of events leading up to the recommendation of the Resolution. He reported land owners in the Johns Landing area did not support this action because of the potential for noise.

Councilor Cooper asked if Metro's charter allowed for purchase of railroad right-of-ways. Eleanore Baxendale, General Counsel, replied such an action would be allowed.

Motion: Councilor DeJardin moved the Resolution be adopted and Councilor Hansen seconded the motion.

Councilor Gardner explained the Resolution would not obligate Metro to purchase the right-of-way but would create a situation where the property could not be sold to another party for one year. This would allow time to explore all options further, he said.

Councilor Frewing asked if adoption of the Resolution would prevent future use of the land as a bike path. Councilor Gardner replied it would not.

Councilor Ragsdale said he would support the Resolution given its interim nature. He cautioned linear land parcels traditionally had low market value and that land prices should be examined very closely before any purchase was made.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and Resolution No. 86-715 was adopted.

8.5 Consideration of Resolution No. 86-720, for the Purpose of Amending Resolution No. 86-696, Regarding Responses to Requests for Proposals for Compost Facility Services

Debbie Allmeyer, Solid Waste Analyst, reported Resolution No. 86-696 unintentionally omitted reference to sewage sludge compost markets and markets targeted for sewage sludges in the sixth resolve paragraph. Because both yard debris compost and sewage sludge compost were being marketed, both should be considered when evaluating marketing plans proposed by mixed waste compost producers, she explained.



Motion: Councilor Kelley moved the Resolution be adopted and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in all twelve Councilors present voting aye.

The motion carried and Resolution No. 86-720 was adopted.

8.6 Consideration of Resolution No. 86-721, for the Purpose of Stating the Availability of Clackamas Transfer & Recycling Center Property

Debbie Allmeyer, Solid Waste Analyst, distributed a revised version of the Resolution which contained additional language from the version printed in the agenda packet. Councilor Frewing requested the Resolution, if adopted, be made available to all proposers for solid waste alternative technology projects.

Councilor Van Bergen said he was violently opposed to the Resolution. Eleanore Baxendale, General Counsel, explained she had talked to the Oregon City Manager Noel Klein and had added language consistent with Oregon City's charter which excluded garbage burning plant from the site. Mr. Klein had agreed with the revision, she said. The Councilor said the City Manager may have agreed but he did not think the Oregon City community would support the Resolution.

A discussion followed about the meaning of the Resolution. Presiding Officer Waker and Councilor Kelley said the Resolution identified the transfer center location as a potential site for a compost project and therefore, they supported adoption of the Resolution. Councilor Knowles agreed with Councilor Van Bergen that the Resolution would send a signal to Oregon City residents that Metro could build a plant at the transfer center location.

Councilor Van Bergen agreed the use proposed in the Resolution was legal but he thought the location was a unique piece of property which the public had clearly rejected for solid waste use.

In response to the Presiding Officer's question, Ms. Allmeyer said if the Council delayed action on the Resolution until January 8, some proposers would be forced to submit incomplete proposals. Councilor Frewing pointed out that if the Council adopted Resolution No. 86-725 at this meeting, the deadline for submitting proposals for resource recovery projects would be extended to January 30, 1987, and there would be no negative impact of delaying consideration of Resolution No. 86-721.

Councilor Gardner questioned what new information could be learned by delaying consideration of the Resolution. He explained the 1982

issue in Oregon City had been objection to use of the property for a garbage burning plant, not a composting plant as now proposed in a preliminary sense.

Councilor Kelley suggested consideration of the Resolution be delayed until January 8 in order for the Council to become informed about the sites proposed by various vendors for resource recovery projects. The Council would need to spend time in the community explaining the proposed projects after final proposals were made public, she said.

Councilor Hansen said he assumed office shortly after Metro's proposed garbage burning plant had been rejected by Oregon City voters. He recalled extensive public hearings had been conducted to hear about alternatives to burning. Oregon City residents had overwhelmingly suggested composting as an alternative to burning garbage.

Councilor DeJardin said he would move for adoption of the Resolution even though he lived in the Oregon City area. He explained Metro must move on with its plans for alternative technology.

Motion: Councilor DeJardin moved to adopt Resolution No. 86-721 and Councilor Kirkpatrick seconded the motion.

Motion to Amend: Councilor Knowles moved, seconded by Councilor DeJardin, to amend the Resolution to limit the transfer station site for use by a compost facility.

The Executive Officer suggested the Council postpone adoption of the motion and amendment until after consideration of the Resolution extending the deadline for resource recovery project proposals.

Withdrawal of Motion to Amend: Councilors Knowles and DeJardin moved to withdraw their motion to amend.

Further discussion of the Resolution took place after consideration of Agenda Item 8.7.

8.7 Consideration of Resolution No. 86-725, for the Purpose of Extending the Deadline for Responses to Requests for Proposals for Resource Recovery Projects

Ms. Allmeyer explained the Resolution was being introduced because the majority of vendors responding to the solid waste alternative technology project request for proposals had requested an extension be granted. Staff determined the proposals would be more responsive



if the deadline for submitting proposals were extended to January 30, 1987.

Motion: Councilor Ragsdale moved the Resolution be adopted and Councilor DeJardin seconded the motion.

Councilor Gardner, Chairman of the Council's Solid Waste Committee, reported the Committee unanimously supported adoption of the Resolution. He agreed with staff's report that an extension would result in more complete proposals.

Vote: A vote on the motion resulted in all twelve Councilors present voting aye.

The motion carried and Resolution No. 86-725 was adopted.

8.6 Consideration of Resolution No. 86-721, for the Purpose of Stating the Availability of Clackamas Transfer & Recycling Center (CTRC) Property

Note: This is a continuation of discussion which occurred before consideration of Agenda Item 8.7 above.

Councilor Hansen again posed the question of whether Resolution No. 86-721 should be continued to January 8, 1987. The Presiding Officer thought it reasonable to postpone consideration in order to give staff time to develop informational materials on the different sites to be proposed by vendors for resource recovery projects, as requested earlier by Councilor Kelley.

Councilor Ragsdale questioned whether other vendors would cease looking for sites if it were known the CTRC site were available. The Executive Officer explained it would not necessarily be in a vendor's best interest to propose the CTRC site because of the possibility of permit problems. Ms. Allmeyer added that the Oregon City charter prevented certain types of technologies from using the CTRC site.

Motion to Continue Matter: Councilor Frewing moved consideration of Resolution No. 86-721 be continued to the January 8, 1987, Council meeting. Councilor Collier seconded the motion.

Vote on Motion to Continue: The vote on the motion resulted in:

Ayes: Councilors Collier, Cooper, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Ragsdale, Van Bergen and Waker

Nay: Councilor DeJardin

The motion carried and consideration of the matter would be continued to the Council meeting of January 8, 1987.

9.1 Consideration of Evaluation Process and Criteria for Responses to Request for Proposal for Resource Recovery Project

The Presiding Officer suggested this item also be continued to the January 8 Council meeting and considered with Resolution No. 86-721.

Motion: Councilor Ragsdale moved, seconded by Councilor Collier, to continue consideration of the above matter to January 8, 1987.

Vote: A vote on the motion resulted in all twelve Councilors present voting aye.

The motion carried and the matter was continued to January 8, 1987.

9.2 Consideration of Approving the Investment Banking Team for Alternative Technology Project to Include Salomon Brothers, Shearson Lehman Brothers and Alex Brown, with Salomon Brothers Being the Senior Manager and Authorizing the Executive Officer to Negotiate a Contract

Doug Drennen, Solid Waste Engineering & Analysis Manager, introduced Rebecca Marshall, an investment banking expert who had volunteered to assist in the selection process. He then reviewed highlights of the staff report printed in the agenda materials.

A discussion followed about fees for investment banking services. Ms. Marshall explained fees were traditionally high but she was working with staff to develop ways of keeping costs down.

Motion: Councilor DeJardin moved to approve the selection as recommended by staff and to authorize the Executive Officer to sign a contract. Councilor Frewing seconded the motion.

Vote: A vote on the motion resulted in all twelve Councilors present voting aye.

The motion carried and the selection was approved.

9.3 Report on Methane Gas Recovery System

Doug Drennen referred Councilors to the written report contained in the agenda materials. He explained Metro had until January 1, 1987,



to negotiate a contract with the City of Portland and BioGas for methane gas recovery at St. Johns Landfill. If a contract were not negotiated by that date, all rights would revert back to the City. Mr. Drennen said because gas prices had lowered drastically, it no longer made economic sense to continue with negotiations for gas recovery.

Councilor Kirkpatrick requested a recap of all project expenditures to date by Metro.

9.4 Consideration of Resolution No. 86-722, for the Purpose of Amending Resolution No. 86-659, Revising FY 1986-87 Budget and Appropriations and Creating New Positions (Public Hearing)

Executive Officer Gustafson reviewed staff's report. The Resolution would create two new positions: full-time Finance & Administration Department Director and full-time Executive Management Secretary. The current part-time Deputy Executive Officer position would become a full-time position. The Executive Officer reported the Executive Officer-elect supported the Resolution and additional staff were required with the added responsibility of the Convention Center.

Motion: Councilor DeJardin moved the Resolution be adopted and Councilor Van Bergen seconded the motion.

Councilor Kirkpatrick requested staff return on January 8, 1987, with an Ordinance providing for Council confirmation of the new Finance & Administration Director position.

Responding to Councilor Collier's question, the Executive Officer said the Executive Officer would be in charge of preparing General Obligation bonds for the Convention Center Project. Financial control and establishment of finance systems would be the responsibility of the Finance and Administration Department.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, DeJardin, Frewing, Gardner, Hansen, Kirkpatrick, Knowles, Ragsdale, Van Bergen and Waker

Absent: Councilors Cooper and Kelley

The motion carried and Resolution No. 86-722 was adopted.

9.6 Consideration of Resolution No. 86-724, for the Purpose of Approving the Transfer of Franchise Permit No. 5 from Genstar to Waste Transfer, Inc. to Wastech, Inc.

Steve Rapp, Solid Waste Engineer, summarized staff's written

report. The Resolution would transfer operation of the Clackamas Transfer & Recycling Center from Genstar to Wastech. He explained the transfer followed a series of corporate purchases that began in May 1986. In that month Imasco Ltd., a large Canadian firm, bought the entire Genstar corporation. In October 1986 the solid waste divisions of Genstar were sold to Laidlaw Transportation Ltd. In November 1986 the CTRC operations contract was sold, subject to Metro approval, to Wastech, Inc. The firm was owned by Wayne Trewhitt and Merle Irvine, he explained. Mr. Trewhitt had managed CTRC for Genstar since the beginning of the contract in 1982. No change in operating or management personnel was expected because of the transfer.

Motion: Councilor DeJardin moved the transfer be approved and Councilor Gardner seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, DeJardin, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Ragsdale, Van Bergen and Waker

Absent: Councilors Cooper

The motion carried and the transfer from Genstar to Wastech was approved.

9.8 Consideration of Resolution No. 86-727, for the Purpose of Expressing Appreciation to John Frewing for Services Rendered to the Region

Presiding Officer Waker announced that Councilor Frewing's term expired at the end of December. He then introduced and read a Resolution citing the numerous contributions John Frewing had made to Metro and regional government.

Motion: Councilor DeJardin moved the Resolution be adopted and Councilor Ragsdale seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, DeJardin, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Ragsdale, Van Bergen and Waker

Absent: Councilors Cooper

The motion carried and Resolution No. 86-727 was adopted.



Metro Council  
December 18, 1986  
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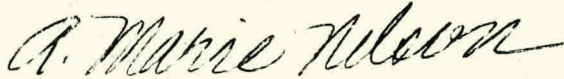
Councilors and staff then applauded Councilor Frewing's contributions.

10. COMMITTEE REPORTS

None.

There being no further business, Presiding Officer Waker adjourned the meeting at 10:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "A. Marie Nelson".

A. Marie Nelson  
Clerk of the Council

amn  
6812C/313-2  
01/13/87

## STATE OF METRO MESSAGE

by

**RICK GUSTAFSON,  
EXECUTIVE OFFICER**

**December 18, 1986**

Metro is a very young organization -- only eight years old. As my tenure as Metro's first Executive Officer comes to an end, I thought it would be useful to reflect on those first eight years. This organization has struggled through some difficult times in establishing itself and in handling unpopular issues. We have all had our personal ups and downs in dealing with these issues and have sometimes felt ours was the job no one wanted to talk about. Despite all the difficulties and struggles, it is important to remember how far Metro has come in the past 8 years. With the commitment of the Council, staff and numerous supporters, the groundwork has been laid and Metro is poised to handle the challenges that lay ahead.

What have we accomplished in those eight years?

### **1. Establishment of an effective Council/Executive Officer**

**relationship.** There is always an adjustment period under the best of circumstances, but because Metro was a new organization, no tradition had been established and there was a longer period of "trial and error". (Corky, in particular, as the remaining original member of the Council, shares a full understanding of our efforts) While the relationship has gone through several phases, the Council and Executive Officer now work closely together in carrying out their respective roles of setting policy and carrying out policy. Developing a mission for Metro and establishing the annual goal-setting workshop four years ago, has



been effective in arriving at common goals and using them as a guideline in monitoring program progress. I would urge Council to continue this practice.

**2. Increase of support for the Zoo to enable it to carry out its reconstruction program.** Not only were we successful in the passage of two zoo levy measures, but in its first year in 1979, the Council increased the amount of the levy, laying the groundwork for a nationally recognized zoo with excellent natural habitat and educational exhibits. Enterprise activity at the zoo has been strongly encouraged and we have seen significant improvements in food services, jazz and bluegrass concerts, picnics and other special events. The Council reinstated the annual free pass to the Friends of the Washington Park Zoo, allowing that organization opportunity for greater growth. In turn, the Friends have enhanced the zoo's exhibits and activities with their support. The levy before you will fully fund the remaining renovations.

**3. Expansion of our capacity and responsibilities in the handling of solid waste disposal.** Solid waste has been a much more complex and controversial issue for Metro, but I believe we have made tremendous progress in the development of a regional disposal system and one that includes public/private cooperation. In 1979, Metro was not in the business of solid waste disposal; Metro had only planning responsibilities. Today, Metro handles 70% of the region's waste. We are successfully operating two facilities -- the St. Johns Landfill under contract with the City of Portland and the Clackamas Transfer and Recycling Center which we built. Metro has been involved in a major landfill siting process which certainly paved the way for the current DEQ process, developed an alternative technology process and contract only to be defeated by the voters in Oregon City, sited a transfer and recycling center in Washington County, has begun a major waste reduction program including a thorough review of alternative technologies, and has helped implement yard debris recycling programs.

#### **4. Acknowledgment and maintenance of the Urban Growth**

**Boundary.** In 1979 Metro received the first major land use acknowledgment in the state of Oregon for the UGB. That acknowledgment was sustained after seven years of court cases. In the past eight years, we have established a fair and equitable process for handling requests for amendments.

#### **5. Development of an effective resource for intergovernmental**

**coordination.** Metro assumed several planning departments from CRAG -- criminal justice, planning, environmental services and transportation. Elimination of federal support in 1981 required elimination of two departments and over 30 employees. The eventual result of these changes was the formation of the Intergovernmental Resource Center which has effectively coordinated issues involving regional cooperation. The Joint Policy Committee on Transportation (JPACT) continues its success in the setting of regional priorities and the allocation of Federal dollars. Metro assumed leadership with the state, Tri-Met and the City of Portland to contract with a federal lobbyist to preserve federal commitments to this region. Metro has conducted transportation and land analyses, including the westside light rail and corridor studies and industrial lands study, which have significantly impacted decisions in this region.

**6. Approval by the voters of a \$65 million General Obligation bond for construction of a regional convention and trade facility.** Metro has participated in a convention center effort since 1979. A study under both Mayors McCready and Ivancie was shelved, but was reactivated by Mayor Clark. Metro staffed and participated in an 18 month study conducted by the Convention, Trade and Spectator Facilities Committee resulting in the decision that the convention facility should be built on



a regional basis. Metro submitted a \$65 million general obligation bond to the voters for funding of the facility which was approved.

**7. Formation of a public affairs department unifying public involvement, government relations, graphics and communications.** The formation of a centralized public affairs department was an issue of concern because of the need to provide consistent communication for our dissimilar functions. This has finally been accomplished and public affairs has developed regular reports on Metro activities, established a speakers' bureau, developed good public relations and public involvement techniques and provides our organization with excellent writing and graphics support.

**8. Increase in Metro's financial capabilities and adoption of long-term financial policies.** Following Metro's financial difficulties in 1981, our budget, financial management and data processing functions were reorganized in the Finance and Administration department. Significant improvements were made in our financial system and today, we have the ability to receive good bond ratings because of our sound fiscal management and good financial position. We carried our responsibilities a step further and developed general financial principals and policies which provide a basis for seeking financial stability for Metro.

### **Metro is Poised for the future**

We have come a long way in the past eight years. Overall they have been rich and rewarding ones for me. Metro is now in a major transition from the learning period to the doing period. My leaving can help mark that turning point. At this point, Metro is poised to take on several projects:

- The convention Center has been approved and your job is to build it.

- The Zoo renovations are nearly complete and a new mission for the Zoo is in order.
- The landfill permit will be issued this year and your effort will be to develop it.
- The west transfer and recycling center has been sited, the permit application accepted and this project will also be built.
- Alternative technology bids will be received in January and a decision will be made on resource recovery facilities.
- The UGB is acknowledged and you will maintain it.

I would leave you with several issues requiring your attention in the next six months that will have long term ramifications for Metro.

- **Landfill mitigation policies** for the DEQ siting process.
- **Formation of the Regional Commission on Convention, Trade and Spectator**

**Facilities** which will be the first commission formed by Metro under the new authority granted last session.

- The **proposed state gas tax** will set the construction program for this region for the next ten years.

Finally, some personal observations.

**Keep the long term perspective.** The Metro concept was first started in the early '60s. We now have a regional government with elected representation -- the first in the nation. We have made slow but steady improvements. These improvements, along with recognition, will continue as the community needs Metro's services. We should all be proud of the opportunity we have been given to contribute.



STAFF REPORT

Agenda Item No. 7.1

Meeting Date Jan. 22, 1987

CONSIDERATION OF ORDINANCE NO. 87-217 FOR THE  
PURPOSE OF AMENDING SECTION 5.01.030 OF THE  
METROPOLITAN SERVICE DISTRICT CODE (REGARDING THE  
TRANSPORT OF SOLID WASTE)

Date: December 10, 1986

Presented by: Councilor Waker

FACTUAL BACKGROUND AND ANALYSIS

Council adoption of Ordinance No. 87-217 will give the Council a role in the authorization to transport and dispose of the region's waste at facilities which are not franchised by the District and which may be located outside of the region's boundaries. Council action on the issuance of a franchise is currently required before a solid waste facility can be developed within the region to accept waste. However, the current Metro Code does not allow for the involvement of the Council in decisions to authorize the flow of regional waste to non-franchised facilities which are outside of the region. The subject Ordinance would modify Section 5.01.030(c) of the Metro Code to shift the authority for this authorization from the Executive Officer to the Council.

Since the authorization to dispose at facilities outside of the region can have significant impacts on waste flows, waste diversion, system costs and other factors related to the coordinated regional disposal system identified in the Metro Solid Waste Management Plan, a review and approval by the agency's policy-setting Council should be required prior to any action. The agency's staff and Executive Officer correctly have a role in providing a technical analysis and recommendation on proposal to take waste to a non-franchised site, however, the actual authorization should be through a resolution of the Council as it is for waste going to a franchised site within the District.

srs  
6676C/485-3  
12/30/86

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING SECTION )  
5.01.030 OF THE METROPOLITAN SERVICE ) ORDINANCE NO. 87-217  
DISTRICT CODE )

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Section 5.01.030, Prohibited Activities,  
is amended to read as follows:

"5.01.030 Prohibited Activities: Except as provided in this  
chapter, it shall be unlawful:

"(a) For any person to establish, operate, maintain or  
expand a disposal site, processing facility, transfer station or  
resource recovery facility unless such person is a franchisee or  
exempted by Section 5.01.040 of this chapter.

"(b) For a franchisee to receive, process or dispose of  
any solid waste not specified in the franchise agreement.

"(c) For any person to take, transport or dispose of  
solid waste at any place other than a disposal site, processing  
facility, transfer station or resource recovery facility operated by  
a franchisee or exempted by Section 5.01.040 of this chapter except  
by written authority of the [Executive Officer] Council.

"(d) For a franchisee to charge any rate not established  
by the Council or Executive Officer under this chapter. (Ordinance  
No. 81-111, Sec. 4)"

Section 2. Authorizations or agreements under Metro Code  
Section 5.01.030(c) to transport or dispose of solid waste outside  
of the District which have been made by the Executive Officer prior



to adoption of this ordinance shall continue in effect unless  
rescinded or modified by the Council.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of the Council

gl  
6676C/485-3  
12/30/86

STAFF REPORT

Agenda Item No. 7.2

Meeting Date Jan. 22, 1987

CONSIDERATION OF ORDINANCE NO. 87-218, FOR THE  
PURPOSE OF AMENDING THE METROPOLITAN SERVICE  
DISTRICT'S CODE, SECTION 2.02.040 REGARDING  
PERSONNEL RULES FOR APPOINTMENTS

---

Date: December 30, 1986

Presented by: Randy Boose

FACTUAL BACKGROUND AND ANALYSIS

One section of the Personnel Rules is amended by this Ordinance.

The amendment to Section 2.02.040, Appointment, adds the Finance & Administration Director and the Convention Center Project Director to the list of appointments which must be confirmed by Council. These are new classifications that were approved by Resolution Nos. 86-722 and 86-646 respectively. The classification of Convention Center Project Director was initially approved as CTS Director. This change in title was approved by the Executive Officer per the attached memo. As part of approving these Resolutions, the Council requested that these positions be added to the list of appointments which must be confirmed by Council. It also corrects the ORS citation to read 268.180(5) instead of 668.180. This amendment gives the Council the authority to approve hiring the Finance & Administration Director and Convention Center Project Director.

RB/gl  
6752C/491-3  
01/13/87





**METRO**

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

# Memorandum

Date: January 13, 1987

To: Rena Cusma, Executive Officer

From: *R.B.* Randy Boose, Personnel Officer

Regarding: CTS DIRECTOR TITLE CHANGE

The Executive Officer must approve any classification title change pursuant to Metro Code 2.02.120 (c). I am requesting you approve a change in the title of CTS Director to Convention Center Project Director. This change makes it clear what the position is responsible for directing. It also makes it clear that the person is there to complete the project and not to manage the convention itself. These issues were raised when I introduced the ordinance requiring Council confirmation of this position. Initially, CTS was used because it was an abbreviation of Convention, Trade and Spectator Facilities. This was the working title for the project. It is not meaningful and should be changed.

*Rena Cusma*  
\_\_\_\_\_  
Rena Cusma, Executive Officer

*1/14/87*  
\_\_\_\_\_  
Date

RBLktr

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING THE ) ORDINANCE NO. 87-218  
METROPOLITAN SERVICE DISTRICT'S )  
CODE, SECTION 2.02.040 REGARDING )  
PERSONNEL RULES FOR APPOINTMENTS )

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Section 2.02.040(e) is amended to read:

2.02.040 Appointment:

\*\*\*\*\*

(e) Pursuant to the terms and intent of ORS [668.180] 268.180(5) 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



(7) Finance and Administration Director

(8) [CTS] Convention Center Project Director

\*\*\*\*\*

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

\_\_\_\_\_  
Richard Waker, Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of the Council

RB/gl  
6752C/491  
01/13/87

STAFF REPORT

Agenda Item No. 7.3, 8.1

Meeting Date Jan. 22, 1987

CONSIDERATION OF ORDINANCE NO. 87-215 AND  
RESOLUTION NO. 87-717, FOR THE PURPOSE OF  
ESTABLISHING A ONE PERCENT FOR ART PROGRAM  
AND GUIDELINES

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Date: January 14, 1987

Presented By: Phillip Fell

FACTUAL BACKGROUND AND ANALYSIS

The Presiding Officer has recommended this issue be set over to a later date to allow the Council's Management Committee to develop a recommendation for full Council consideration.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer concurs with the Presiding Officer's recommendation.

PF:amn



STAFF REPORT

Agenda Item No. 9

Meeting Date Jan. 22, 1987

CONSIDERATION OF AN INTERGOVERNMENTAL AGREEMENT  
WITH TRI-MET FOR THE RECEIPT OF SECTION 9  
PLANNING FUNDS

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Date: January 9, 1987

Presented by: Andrew Cotugno

FACTUAL BACKGROUND AND ANALYSIS

Proposed Action

This action will allow the Metro Executive Officer to enter into an agreement with Tri-Met for receipt of \$62,800 federal Section 9 funds.

Background

These federal funds and the required match were programmed in the FY 1987 Unified Work Program which was approved by Council on April 22, 1986.

Metro has been authorized to apply for up to \$100,000 Section 9 funds per year for four years; however, only \$62,800 was requested for FY 1987 for use on two projects: RTP Update and Travel Model Refinement.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of this Agreement.

KT/gl  
6815C/491-2  
01/09/87

TRI-COUNTY METROPOLITAN TRANSPORTATION

DISTRICT OF OREGON

INTER-GOVERNMENTAL AGREEMENT

THIS AGREEMENT, made and entered into as of this 1st day of December, 1986 by and between Tri-County Metropolitan Transportation District of Oregon (hereinafter referred to as "Tri-Met"), and the Metropolitan Service District (hereinafter referred to as "Metro").

W I T N E S S E T H:

WHEREAS, it would be in the public interest for Metro and Tri-Met to cooperate and work together in a Unified Work Program; and

WHEREAS, Tri-Met is able and prepared to contribute the funds hereinafter required, under those terms and conditions set forth.

NOW, THEREFORE, in consideration of those mutual promises and the terms and conditions set forth hereafter, the parties agree as follows:

1. Term

The term of this Agreement shall continue from year to year until sooner terminated under the provisions hereof.

2. Scope of Services

a. Tri-Met

Tri-Met shall provide reimbursement of 80% of Metro billing up to a total reimbursement of \$62,800 for Metro fiscal year 1987 Unified Work Program projects. The Unified Work Program is incorporated herein by reference and made a part of this Agreement.

b. Metro

Metro shall provide Tri-Met with quarterly reports and all products of the studies performed pursuant to the Unified Work Program.



3. Compensation

a. Tri-Met agrees to reimburse 80% of Metro billing up to a total reimbursement of \$62,800, for performance of those services provided hereunder. Payment shall be made on a quarterly basis for expenses actually incurred.

b. Metro shall submit quarterly invoices with the quarterly reports provided for in paragraph 2(b) above. Tri-Met shall make payment for all approved invoices within 30 days of Tri-Met's receipt of such invoices.

c. Tri-Met certifies that sufficient funds are available and authorized for expenditure to finance costs of this Agreement.

4. Metro is Independent Contractor

Metro's services shall be provided in cooperation with Tri-Met, but Metro shall be an independent contractor for all purposes and shall be entitled to no compensation other than the compensation provided for under Paragraph 3 of this Agreement.

5. Tri-Met's Project Officer

Tri-Met's Project Officer is Lee Hames. Tri-Met shall give Contractor prompt written notice of any redesignation of its Project Officer.

6. Project Information

Tri-Met shall provide full information regarding its requirements for the Project. Contractor agrees to share all Project information, to fully cooperate with all corporations, firms, contractors, governmental entities, and persons involved in or associated with the Project.

7. Early Termination

a. This Agreement may be terminated prior to the expiration of the agreed-upon time:

1. By mutual written consent of the parties;

2. By either party, effective upon delivery of written notice to the other by mail or in person.

b. Payment to Metro shall be for actual expenses to include the day of termination and shall be in full satisfaction of all claims by Metro against Tri-Met under this Agreement.

c. Termination under any provision of this paragraph shall not affect any right, obligation or liability of Metro or Tri-Met which accrued prior to termination.

8. Subcontractors and Assignments

Unless expressly authorized in Paragraph 2 of this Agreement, Metro shall neither subcontract with others for any of the work prescribed herein, nor assign any of Metro's rights acquired hereunder without obtaining prior written approval from Tri-Met. Tri-Met by this Agreement incurs no liability to third persons for payment of any compensation provided herein to Metro.

9. Access to Records

Tri-Met shall have access to such books, documents, receipts, papers, and records of Metro that are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts.

10. Work is Property of Tri-Met and Metro

All work performed by Contractor under this Agreement shall be the property of Tri-Met and Metro.

11. Law of Oregon

The Agreement shall be governed by the laws of the State of Oregon. The contract provisions required by ORS Chapter 279 to be included in public contracts are hereby incorporated by reference and shall become a part of this Agreement as if fully set forth herein.

12. Adherence to Law

a. Metro shall adhere to all applicable laws governing its relationship with its employees, including but not limited to laws, rules, regulations and policies concerning workers' compensation, and minimum and prevailing wage requirements.

b. Metro shall adhere to all applicable federal, state, and local laws, regulations and policies including but not limited to OMB Circular A-102 and all attachments thereto, all applicable provisions of the Contract Work Hours and Safety Standards Act, equal employment opportunity, nondiscrimination in services and affirmative action, including all regulations implementing Executive Order No. 11246 of the President of the United States, Section 402 of the Vietnam Readjustment Act of 1974, Section 503 of the Rehabilitation Act of 1973, and all applicable terms and conditions prescribed for third party contracts by the U.S. Department of Transportation.

13. Minority Business Enterprise

In connection with the performance of this Agreement, Metro shall cooperate with Tri-Met in meeting its commitments and goals with regard to the maximum utilization of minority business



enterprise and will use its best efforts to ensure that minority business enterprise shall have the maximum practicable opportunity to compete for subcontract work under this Agreement, if any.

14. Prohibited Interest

No member, officer, or employee of Tri-Met or Metro during his tenure or one (1) year thereafter shall have any interest, direct or indirect, in this contract or the proceeds thereof.

15. Interest of Members of Congress

No member of or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or to any benefit arising therefrom.

16. Modification

Any modification of the provisions of this Agreement shall be reduced to writing and signed by the parties.

17. Integration

This Agreement contains the entire agreement between the parties and supersedes all prior written or oral discussions or agreements.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers the date first written above.

METROPOLITAN SERVICE DISTRICT

TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark A. Wehrly  
Contracts and Legal Services

CONSIDERATION OF RESOLUTION NO. 87-731, FOR THE  
PURPOSE OF ESTABLISHING METRO COUNCIL SUPPORT FOR  
THE LEGISLATIVE TECHNICAL COMMITTEE OF THE  
COMMITTEE ON REGIONAL CONVENTION, TRADE AND  
SPECTATOR FACILITIES

---

Date: January 6, 1987

Presented by: Tuck Wilson

FACTUAL BACKGROUND AND ANALYSIS

The bond measure approved by voters on November 4, 1986, will provide \$65 million toward construction of the Oregon Convention Center. An additional \$20 million is needed to cover the \$85 million total estimated construction cost.

The financing plan set forth in the Master Plan for Regional Convention, Trade and Spectator Facilities, adopted by Metro Council in May 1986 identifies the State of Oregon as the source of \$15 million. (The remaining \$5 million is to come through a local improvement district affecting commercial properties near the convention center and downtown.)

Robert Ridgley, chairman of the Committee on Regional Convention, Trade and Spectator Facilities (CTS), has appointed a Legislative Technical Committee to oversee procurement of the state's \$15 million. The Committee's creation is predicated on the need for broad-based support from citizens, government and business leaders to secure funding participation from the state. The Legislative Technical Committee will coordinate efforts of legislative specialists from private and public organizations throughout the region who wish to help in this cause.

Councilor Mike Ragsdale is a member of the Legislative Technical Committee representing Metro. Other members include Mike Hereford (United Food and Commercial Workers), Craig Honeyman (Northwest Natural Gas), Ed Lindquist (Clackamas County Commissioner), Steve Morris (Greater Portland Convention and Visitors Association), and Bill Robertson (Pacific Power & Light). Chairman is Norm Smith (AT&T).

At its meeting on December 18, the Metro Council Convention Center Committee, chaired by Mike Ragsdale, moved unanimously to request Metro Council endorsement of the CTS Legislative Technical Committee. The Council committee has drafted the attached Resolution for this purpose.



COUNCIL CONVENTION CENTER COMMITTEE'S RECOMMENDATION

The Council Convention Center Committee recommends adoption of Resolution No. 87-731.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 87-731.

KD/gl  
6796C/491-2  
01/12/87

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING	)	RESOLUTION NO. 87-731
METRO COUNCIL SUPPORT FOR THE	)	
LEGISLATIVE TECHNICAL COMMITTEE	)	Introduced by
OF THE COMMITTEE ON REGIONAL	)	Councilor Mike Ragsdale
CONVENTION, TRADE AND SPECTATOR	)	
FACILITIES	)	

WHEREAS, The Metropolitan Service District (Metro) is the managing governmental agency for the development and construction of the Oregon Convention Center; and

WHEREAS, Metro received tri-county voter approval on November 4, 1986, to issue \$65 million in General Obligation bonds for the development and construction of the Oregon Convention Center; and

WHEREAS, The complete funding formula for the Oregon Convention Center has been predicated on a grant of \$15 million from the State of Oregon; and

WHEREAS, The community-based Committee on Regional Convention, Trade and Spectator Facilities (CTS) has provided important, nonpartisan leadership for the Oregon Convention Center project, in conjunction with Metro; and

WHEREAS, CTS has established a Legislative Technical Committee to coordinate efforts of public and private organizations throughout the region to secure the state's participation; and

WHEREAS, Councilor Mike Ragsdale is a member of the CTS Legislative Technical Committee; now, therefore,



BE IT RESOLVED,

1. That the Council of the Metropolitan Service District fully supports and encourages the efforts of the CTS Legislative Technical Committee to secure the state's financial participation in the Oregon Convention Center.

2. That the Council receive periodic reports from the CTS Legislative Technical Committee through committee members and Metro Councilor Mike Ragsdale.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

\_\_\_\_\_  
Presiding Officer

KD/gl  
6796C/491-1  
01/06/87




**METRO**

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

# *Memorandum*

Date: January 21, 1987

To: Metro Council

From: Jennifer Sims,  Director of Management Services

Regarding: BUDGET ADVISORY COMMITTEE MEMBERSHIP

As described in the attached letter, John Michelet has resigned from the Budget Advisory Committee. Councilor Waker intends to nominate Bernie Bottomly as his replacement at the January 22, 1987 Council meeting. Mr. Bottomly's letter of interest is attached.

JS:ktr

Attachments



# Morton·Cole & Weber

January 14, 1987

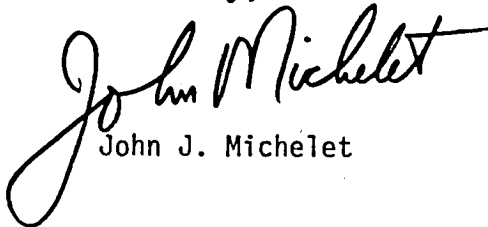
Jennifer Sims  
Director of Management Services  
METRO  
2000 S.W. First Avenue  
Portland, OR 97201-5398

Dear Jennifer:

This is to advise you that I will be unable to complete my appointment to the METRO Budget Committee. I just learned that I am being moved to our Seattle office, and that this will occur in the next couple of weeks.

Thank you very much for this appointment. I'm sorry that I cannot fulfill this obligation, and wish all of you well.

Sincerely,



John J. Michelet

October 13, 1986

Mr. Ray Barker  
METRO  
2000 S.W. First Ave.  
Portland, OR 97201

Dear Mr. Barker:

I am writing to let you know of my interest in serving on the Metro budget review committee.

I am a resident of Southwest Portland and I work out of an office in the downtown area. I travel a good deal in the Portland and Washington County areas as part of my work as a Field Representative for U.S. Congressman Les AuCOIN. As Field Representative I have responsibility for keeping in contact with communities throughout Washington and Yamhill counties and with the City of Portland.

I am a member of the City of Portland, Transportation Budget Advisory Committee as well as an ex officio member of the Washington County Transportation Advisory and Liaison Committee. Through my work for Congressman AuCOIN I have become familiar with the role Metro plays in the tri-county area. I've participated in a number of Metro sponsored programs including the annual federal budget presentation to community leaders.

I would like very much to be considered for one of the Metro budget review committee positions.

With warm regards,

Sincerely,

A handwritten signature in dark ink, appearing to read "Bernie Bottomly", with a stylized, flowing script.

Bernie Bottomly

1705 S.W. Clay  
Portland 97201



KENNETH M. MITCHELL, MAYOR  
1001 MOLALLA AVENUE, SUITE 201  
OREGON CITY, OREGON 97045

January 22, 1987

Metropolitan Service District  
Portland, Oregon

Executive Officer: Rena Cusma  
Metropolitan Service District Councilors

Dear Councilors and Mrs. Cusma:

It has lately come to my attention that the north end of the Clackamas Transfer and Recycling Waste site is under consideration by METRO for additional heavy industrial development relating to solid waste disposal.

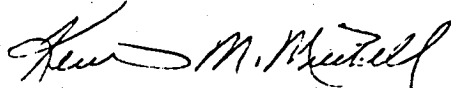
Oregon City and Clackamas County has a long history of "firsts", as can be seen in the attached booklet. In keeping with its unsurpassed record of "firsts", we accommodated the first (and so far only) solid waste transfer station in the State. This transfer station is at the entrance of a major gateway to Oregon City. In recognition of our successful efforts to meet your needs, we now ask you to recognize Oregon City's needs as we move forward to developing the tourism industry in our historic area.

I therefore formally request that the use of the site under discussion for development be compatible with our tourism plan. I think METRO has a unique opportunity to make a positive statement on behalf of our community, and, incidentally perhaps show other potential sites METRO'S sensitivity to local plans.

While we are proud of our "firsts", with your help we anticipate not being the first in future solid waste disposal projects. I believe we can, with your active participation, utilize the past for the benefit of the future of the region.

I look forward to your prompt reply.

Sincerely,

  
Kenneth M. Mitchell, Mayor  
City of Oregon City

P.S. I would appreciate your sending copies of this letter to each of the District Councilors. Thank you.

KMM/dmj

Cusma Speech

To the Council

January 22, 1987

The State of Metro

Presiding Officer Waker, members of the Council, ladies and gentlemen, I want to use my time this evening to talk about keeping promises.

During the campaign, I promised the citizens of this District that I would change Metro. And I meant it. I said I believed in regional government. And I meant it. I said Metro needed new leadership. And I meant it.

The voters elected me to execute that change. And they meant it.

After almost two months of review by seven transition teams, and after three weeks of being the elected Executive Officer, one thing is certain: there is no clear separation of power and no clear delineation of authority between the executive and the council.

That flaw works its way into everything that happens at the agency. And it leaves unanswered the question of "Who is in Charge."



Metro has one executive -- elected by the entire District. And it has 12 councilors, elected by area. In this arrangement, when only one person -- the executive director -- is elected at large, it is logical to assume that the legislative council sets policy and the executive carries it out. That is what was intended when Metro was proposed.

But that is not what we have.

In fact, some executive authority is vested in the hands of the council as a matter of statute. And some of the prerogatives of the council had been assumed by the former executive. We now have a situation where the majority of the power to administer this agency -- not just set policy -- lies with the council. And that is not a result of malice on anyone's part. It is just part of the code. And the resulting confusion over who has authority to do what is also not a result of ill-will. It is just part of the code. Therefore, good intentions on my part and on the part of the council will not solve this problem. It will take a change in the statute.

What the Tri-County Commission actually proposed was a council with authority to "adopt motions, adopt ordinances, pass resolutions . . . adopt a budget and perform legislative oversight." They intended the executive to have authority to "administer, execute and enforce the policy of that council."

The model is a fundamental separation of power -- a doctrine of American government embodied in our Constitution. The commission said its proposal was "In keeping with the American system of distinguishing between the policy-makers who frame the laws and the chief executive who enforces the laws."

The citizens of our District, I assure you after having campaigned for this office, firmly believe that the executive officer has the authority to administer the Metropolitan Service District -- just like the governor of our state.

And they firmly believed that voting to change the executive director meant voting to change the way the agency operates. That is what the campaign was all about. But, what nobody told them was that the executive of the agency, held up as the officer responsible for its performance, doesn't even have the statutory authority to furnish his or her office.

However, none of the tools of a strong executive are present. The executive has no veto. The executive has no latitude in appointment of staff. The executive does not even have the clear authority to direct the staff of the agency ,and in point of fact is often countermanded by councilors.

The result: staff here at metro don't have one boss to answer to. They have potentially 13 -- 12 councilors and one executive. They don't have one direction, they have several. And the agency doesn't



speaking with one voice -- it speaks with many , adding to the confusion of the public as to what it is this government is supposed to do.

And that is simply no way to run a public agency with a \$52 million budget, authority to build an \$85 million convention center, and the responsibility to construct an alternative solid waste technology.

It is, instead, a blueprint for disaster.

There is no way to ensure quality. There is no way to be accountable to the public and there is no way to make sure the public is getting their money's worth. In short, there is no way I can deliver on a promise to the citizens of the region that Metro will be the strong, decisive regional government they want and deserve.

The choice then is to forgo that promise or try to change the structure of the agency. And that is really no choice at all.

That is why I will be asking the Oregon State Legislature to make changes in Metro's enabling statutes which will clarify the power of the executive and the role of the council.

I will be going to Salem tomorrow with a simple package to ensure that the executive of this agency has the tools to actually run it. I will be asking legislators to help me keep a promise to citizens

who fund this government and have entrusted it with vitally important work. I will be going to the legislature with the simple request of making this government work.

And I will ask you here tonight to help me down that path. I am submitting to you an amendment to the personnel rules that will in the future establish the proper separation of executive and legislative authority with the appropriate checks and balances. Specifically, this amendment enables the executive officer to appoint -- subject to confirmation of the council -- executive management to serve at her pleasure. These positions include the operating department directors -- the zoo, solid waste, intergovernmental relations and the convention center.

Making Metro work will not be an easy task. And, like running for this office, I do not take the decision to go to the legislature lightly. But there is too much at stake not to undertake this project. The public's funds are at stake. The ability to prove the effectiveness of regional government is at stake. And my own self-respect is at stake. It would be a breach of the public's faith not to try and change Metro's structure.

It is broke, and I think we ought to fix it. I hope I can look forward to your cooperation in this effort.



Cusma Speech

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