



**METRO**

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

# Agenda

Meeting: Special Council Meeting

REVISED

Date: January 29, 1987

Day: Thursday

Time: 7:00 p.m.

Place: Council Chamber

Approx.  
Time

Presented By

7:00	CALL TO ORDER ROLL CALL	
7:05 (5 min.)	1. Consideration of Authorizing Execution of an Amended Intergovernmental Agreement to Preserve the Southern Pacific Railroad Right-of-way (Jefferson Street Branch) Between Portland and Lake Oswego (Action Requested: Motion to Authorize Execution of an Amended Agreement)	Cotugno
7:10 (30 min.)	2. EXECUTIVE SESSION (Held Under the Authority of ORS 192.660(1)(f))	Harnish
7:40 (5 min.)	3. Report on Status of Legislative Liaison Functions (No Action Requested)	Waker
7:45	4. Discussion of Metro Personnel Rules and Specific Changes Thereto (No Action Requested)	Waker
8:45	Adjourn	

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

STAFF REPORT

Agenda Item No. 1

Meeting Date Jan. 29, 1987

CONSIDERATION OF AUTHORIZING EXECUTION OF AN AMENDED  
INTERGOVERNMENTAL AGREEMENT TO PRESERVE THE SOUTHERN  
PACIFIC RAILROAD RIGHT-OF-WAY

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Date: January 26, 1987

Presented by: Andrew Cotugno

FACTUAL BACKGROUND AND ANALYSIS

On December 18, 1986, the Metro Council authorized the Executive Officer to enter into an agreement with Portland (and other local governments) to provide funds in support of purchase of an option and lease for Southern Pacific's Jefferson Street Branch railroad line. One of the terms of the agreement requires Portland to complete the option and lease transaction by December 31, 1986 or to promptly return the funds to the contributing jurisdictions. Due to complications during negotiations with Southern Pacific, it is necessary to extend that date to late February 1987. All other terms of the agreement remain unchanged.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends Council adopt a motion authorizing execution of an amended agreement with Portland to reflect a deadline of February 28, 1987 to complete the option and lease transaction.

ACC:lmk  
1-26-87

## METRO DISCUSSION

COUNCIL GIVENS

1. Council reaffirms the need to adhere to the Metro Code as it is currently adopted.
  - Contract Rules must be followed
  - Personnel Rules must be followed
  - Confirmation Rules must be followed

Code Items of Specific Concern

- a. Temporary employees are required to complete a competitive process (temporaries are for specific tasks -- term not to exceed six months).
  - b. Provisional appointments can be made in emergency and can compete for permanent position (provisional appointments cannot exceed 90 days).
  - c. Positions subject to Council confirmation must be confirmed prior to effective date of appointment.
  - d. Variances to Metro Code to be granted by Executive Officer and ratified by Council.
2. Only Metro employees can represent Metro.

COUNCIL UNDERSTANDINGS

1. All appointments are sole responsibility of Executive Officer.
2. Requests by Council for staff work should be channeled thru Executive Officer or designee.
3. Prior temporaries (to this date) are accepted as transition-related assistance to new Executive Officer.
4. Executive Aide and Administrative Aide are positions which are exempt from certain provisions of the Code.
5. Confirmation of key positions in general not at issue.
6. Secretary to Executive Officer to be exempt. (Ordinance change needed.)
7. Deputy position currently vacant. (1-8-87 meeting)
8. Executive Officer to continue support of Council and Committees.
9. Lobbyist executes Council adopted policies only.

## COUNCIL DISCUSSION ITEMS

1. Change Code to eliminate "for cause" provision for dismissal of "Key" employees as vacancies occur.
2. Executive Officer has requested Council to approve waiver of recruitment rules (if vacancies occur) for Legal Counsel, Government Affairs Manager and Deputy Executive Officer position.
  - a. Legal Counsel?
  - b. Government Affairs Manager?
  - c. Deputy Executive Officer?
3. Executive Officer has requested Council to approve deletion of confirmation for Legal Counsel, Government Affairs Manager and Deputy Executive Officer positions.
  - a. Legal Counsel?
  - b. Governmental Affairs Manager?
  - c. Deputy Executive Officer?
4. Executive Officer has requested Council to approve deletion of "just cause" for Legal Counsel, Government Affairs Manager, Deputy Executive Officer positions, and all department heads.

## NOTES

1. Executive Officer to organize annual Goal Setting Session at earliest convenience.
  - a. Update annual goals.
  - b. Discuss Organizational Legislative Issues.
  - c. Discuss Internal Organizational Issues.
  - d. Develop Budget Priorities.

RW/gl  
6883C/390  
01/22/87



**METRO**

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

# Memorandum

Date: January 27, 1987

To: Metro Council

From: Marie Nelson, Clerk of the Council

*amm*

Regarding: Agenda Item 4  
Discussion of Metro Personnel Rules

The Executive Officer's suggested legislative program and changes to the Personnel Rules will be distributed at the January 29 Council meeting.



**METRO**

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

# Memorandum

Date: January 30, 1987

To: Metro Councilors  
Executive Officer  
Interested Staff

From: Marie Nelson, Clerk of the Council *MN*

Regarding: COUNCIL ACTIONS OF JANUARY 29, 1987

Agenda Item

Action Taken

Consideration of Authorizing Execution of an Amended Inter-governmental Agreement to Preserve the Southern Pacific Railroad Right-of-way (Jefferson Street Branch) Between Portland and Lake Oswego

Motion carried to authorize execution of an amended agreement

Executive Session (Held Under the Authority of ORS 192.660 (1)(f))

No action taken

Consideration of Dan Durig's Employment Contract

Motion carried to grant Mr. Durig, with his attorney if he chooses, an audience before the Council, either at the meeting of February 12 or at an earlier special meeting called at the pleasure of Mr. Durig, for the purpose of granting Mr. Durig the opportunity to make a statement to the Council before the Council considers further action.

Report on Status of Legislative Liaison Functions

Motion carried to approve Kim Duncan's temporary appointment to undertake the additional duties of all the District's legislative liaison functions.

Motion carried to direct the Executive Officer that Marc Madden not be employed to lobby the Executive's position before the Oregon Legislature.

(continued)

Agenda Item

Discussion of Metro Personnel  
Rules and Specific Changes  
Thereeto

Action Taken

Motion carried for the Council to hold public hearings on the changes to the Personnel Rules submitted by the Executive Officer in the form of a draft ordinance and on the legislation the Executive Officer has requested to be introduced before the Oregon Legislature; the Council additionally requested the Oregon Legislature defer their hearings on the above matter until the Council's public process is concluded.

Motion carried to request the Council Management Committee to review the recent hirings and firings, including contract personnel, so the Council can be assured the provisions of the Code (Metro's law) regarding personnel policies is being followed. The Management Committee is instructed to determine the amount of money being spent for transition and work with the Executive Officer on a plan outlining any continued expenditure of funds.

Motion carried to request the Executive Officer immediately submit qualifications and requests for confirmations of appropriate staff or an outline of the process for filling vacancies to the Council's Management Committee via the Personnel Officer.

Motion carried to request the Executive Officer share her legislative proposal with the Council in order for the Council to conduct public hearings and an open discussion on the issue; to request the Executive Officer submit an organizational plan to the Council, including a budget, that outlines the proposed staff for Executive Management and Council before any testimony is presented in Salem on a bill that would clarify rules of the two arms of government.

Address before the Metro Council

January 29, 1987

Delivered by Debbie Allmeyer, President,  
Metro Employees' Association

The Employees' Association is interested in the recent changes in our working environment. In keeping with the Personnel Rules, the EA respectfully requests the opportunity to review and to make comment on any amendments proposed to the Rules. Written summaries of any such proposals (per the Rules) are needed with adequate time to afford employees the chance to discuss the issue or issues at hand, prior to decision making. A personnel subcommittee of the EA will assure expedient turnaround. Recognizing the standing the EA has in consideration of potential amendments to the Rules, it is the expectation of the Association that all existing Rules be followed prior to formulation of any amendments. Finally, the EA wishes to express hope that the Council and the Executive Officer are able to reach mutually satisfying agreements quickly, expressing too, that there is full faith that positive resolutions are soon to be reached.



## Statement to the Council

Rena Cusma

January 29, 1987

Members of the Council, I regret I will be unable to attend this evening's important deliberations. As I informed you, I have a number of unbreakable appointments which will keep me busy during the meeting.

I have sent in my stead acting Deputy Director Richard Engstrom and John Leahy. They represent my views on the crucial matters you will be discussing.

However, let me provide you with a summary of what I am recommending and why:

I have asked for your consent to my request with regard to the termination of Daniel Durig's contract. I discussed the reasons for this request with you last week in executive session and repeat this request. I believe the facts merit this termination and the District will be best served by it.

I am also informing you that I have expanded the duties of the convention center legislative liason, Kim Duncan, to include the legislative priorities of the District.

Finally, I repeat my request that you consider for action my proposed amendments to the personnel rules of the District. I strongly believe that the changes I am recommending are necessary to begin to clarify the authority of the Executive Officer and the role of the Council. They are necessary if I am to make the changes at this government that I was elected to make.

In summary, the changes I am proposing will make executive management at will employees and will make the heads of the operating agencies (the Zoo, Solid Waste, Public Affairs and The Intergovernmental Resource Center) subject to confirmation of the Council.

I also want to ensure that you understand I cannot support any amendments to the personnel rules which continue or expand the legislative body's involvement in the business of hiring, firing and administering employees. That should be the executive's prerogative and must be if I am to fulfill my commitment to the people of this District to make Metro work.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING )  
SECTIONS 2.02.040, 2.02.105 AND )  
2.02.235 OF THE METROPOLITAN )  
SERVICE DISTRICT CODE RELATING TO )  
THE APPOINTMENT OF PERSONNEL )

ORDINANCE NO.

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metropolitan Service District Code Section

2.02.040(e) is amended to read:

"Pursuant to ORS 268.180 [~~and 268.210 all~~] the appointment[s], removal and discipline of [employees] all personnel of the District except those persons directly employed by the Council pursuant to ORS 268.210 shall be the sole responsibility of the Executive Officer subject to this chapter. All personnel, except staff employed directly by the Council, shall be directed solely by the Executive Officer or the designee of the Executive Officer. [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~~"

Appointment of all Department Directors shall be subject to confirmation by a majority of the Council. However, a Department Director appointee may serve for a period of 90 days from date of appointment without Council confirmation.

Section 2. Metropolitan Service District Code Section

2.02.040(f) is repealed.

Section 3. Metropolitan Service District Code Section 2.02.235

is amended to read:

"The exemptions designated in Section 2.02.230 shall apply to:

- a. Executive Aide to Executive Officer;
- b. Administrative Assistant to Executive Officer;
- c. Deputy Executive Officer;
- d. General Counsel;
- e. Legislative Liaison;
- f. Department Directors;
- g. Employees of the Council."

Section 5. Metropolitan Service District Code Section 2.02.105(g) is amended to read:

"(g) Except as provided in Section 2.02.045(e), the Executive Officer shall give an employee whose dismissal is sought at least fourteen (14) days written notice in person or by mailing to the employee's last known address of:

- (1) The proposed dismissal;
- (2) Any and all reasons, specifically and in detail, for the proposed dismissal; and
- (3) The employee's right to file a grievance pursuant to Section 2.01.110 of this chapter.

~~[(4) The employee's right to a hearing pursuant to contested case rules.]~~

This notice becomes a permanent part of the employee's personnel record. If the employee wishes to file a grievance, such grievance shall be submitted pursuant to Section 2.02.110. ~~[If the employee wishes to request a contested case hearing, such request shall be submitted pursuant to District rules on contested cases. If an employee requests a contested case hearing, the employee's right to file a~~

~~grievance shall be deemed waived and any pending  
grievance for dismissal shall be terminated.]"~~

ADOPTED by the Council of the Metropolitan Service District

this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

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

ATTEST:

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

CS/gl  
6864C/491-4  
01/22/87

Statutory Amendments

268.020(1)

"Council" means the legislative body of the district.

268.020(1A)

"Executive Officer" means the executive authority of the district.

268.180(5)

The executive officer may appoint or remove any personnel or contract with any person or governmental agency to assist in carrying out the duties and power given the district under this chapter in accordance with the personnel system and compensation plan established by ORS 268.185.

268.185

The personnel system is divided into the following categories:

- (1) The exempt service comprising the executive officer and councilors.
- (2) The unclassified service comprising employees in the office of the executive officer, department directors and their principal assistant or deputy, and staff employed by council.
- (3) The classified service comprising all other full-time or part-time employees.

The personnel employed by the district shall be compensated in accordance with the following priorities:

- (1) the district's financial condition and policies;
- (2) prevailing rates of pay and benefits for services performed; and
- (3) organizational and individual performance.

268.190(3)

Delete.

268.190(4)

The executive officer shall have power to veto any ordinance passed by council. Council may override the veto of the executive officer when at least ten (10) of the twelve (12) councilors reconsider and approve that ordinance.

268.210

The council may employ whatever administrative, clerical, technical or other assistance which is necessary for the proper functioning of the legislative powers of the district.

## Transition Discussion Items

From: Corky  
To: Council

Negotiations have apparently not worked to try to solve the problems of establishing a working relationship with the Metro Council, Executive and Staff. I'd like to have a good discussion of the following proposals:

1. Ask the management committee to review the recent hirings and firings, including contract personnel so we are assured the provisions of the Code (our law) regarding personnel policies are being followed. Have the committee determine the amount of money being spent for transition and work with the executive officer on a plan outlining any continued expenditure of funds.
2. Ask the executive officer to immediately submit qualifications and request for confirmation of appropriate staff or outline the process for filling vacancies.
3. Ask the executive officer to share her legislative proposal so the council can have public hearings and an open discussion of the issue. Request an organizational plan, including budget, that outlines the proposed staff for executive management and council before any testimony is presented in Salem on a bill that would clarify roles of the two arms of government.
4. Direct Ray Barker to get contractual estimates for a study on governmental models on separation of powers. The study would outline council staff needs and projected expense for this staffing.
5. Immediately move department functions under Council direction so work can continue. Ask that staff report to a central person responsible for reporting to the Council in the interim until this situation is solved.

## METRO DISCUSSION

January 22, 1987

### COUNCIL GIVENS

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