

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF CONFIRMING THE) RESOLUTION NO. 84-472
APPOINTMENT OF GENERAL COUNSEL AND)
RATIFYING VARIANCES TO METRO'S) Introduced by the
PERSONNEL RULES) Executive Officer

WHEREAS, The Personnel Rules adopted by the Council require that the Council confirm the appointment of a candidate to the position of General Counsel; and

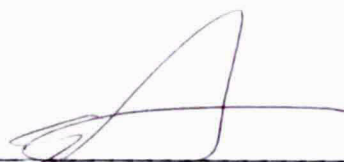
WHEREAS, The Personnel Rules also require Council ratification of variances to the Personnel Rules approved by the Executive Officer; now, therefore,

BE IT RESOLVED,

1. That the appointment of Eleanore Baxendale to the position of General Counsel is confirmed by a majority of the Metro Council; and

2. That the variances to the Personnel Rules approved by the Executive Officer are hereby ratified.

ADOPTED by the Council of the Metropolitan Service District this 24th day of May, 1984.



Deputy Presiding Officer

SR/gl
1236C/377
05/11/84

CONSIDERATION OF THE APPOINTMENT OF GENERAL
COUNSEL AND RATIFICATION OF VARIANCE TO THE
PERSONNEL RULES

Date: May 11, 1984

Presented by: Rick Gustafson

FACTUAL BACKGROUND AND ANALYSIS

The Executive Officer has appointed Eleanore Baxendale, Assistant City Attorney for the city of Beaverton, to the position of General Counsel, subject to Council confirmation.¹ Section 8(e) of the Metro Personnel Rules requires such confirmation by a majority of the Council prior to the effective date of such appointment.

Process

A Council Legal Committee comprised of Councilors Banzer, Van Bergen, Williamson and the Executive Officer determined that an in-house counsel was needed to provide full service to the organization.

Upon the recommendation of CPA, the pay and classification consultants for Metro, and with the concurrence of the Council Legal Committee, the Executive Officer proceeded to recruit applicants for two positions--Legal Counsel and General Counsel--with the objective of hiring only one person who best suited Metro's needs for in-house counsel. The primary difference in the two positions is one of experience, knowledge and the complexity of issues which can be handled in-house.

Approximately 67 applications were screened and evaluated. The top 11 candidates, consisting of six General Counsel and five Legal Counsel applicants, were initially interviewed over the telephone by the Executive Officer. The interview committee, consisting of Councilors Williamson and Van Bergen, Don Carlson and Rick Gustafson, selected and interviewed the five finalists. Reference checks were completed on three of the finalists and Ms. Eleanore Baxendale was determined to be the best match for Metro's needs.

¹A memo addressed to the Council under date of May 4, 1984, sets forth information regarding the appointment, and included a copy of the offer of employment and Ms. Baxendale's application.

Ms. Baxendale has an excellent background in municipal law with five years experience as the Assistant City Attorney for the city of Beaverton. She is familiar with Metro through her work with the city of Beaverton, as well as her three years with the firm of McEwen, Newman, Hanna & Gisvold where she assisted Dean Gisvold in providing legal services to Metro. She has extensive experience in contract administration, trial and appellate court proceedings, land use law and solid waste issues. Ms. Baxendale's knowledge and experience will be very helpful in the upcoming legislative session.

Subject to Council confirmation, Ms. Baxendale has accepted the position at a salary of \$40,000, which is commensurate with her background and experience. This position was budgeted at \$34,166 for FY 1984-85 and an adjustment of \$5,834 to the General Counsel position will be required prior to Council adoption.

The Executive Officer, in his letter of employment to Ms. Baxendale, has committed to conduct an evaluation of the position in six months, with an appropriate merit increase (January 1, 1985), and to allow the accrual of three weeks vacation during her second year of employment. Both of these matters are variances from the Metro Personnel Rules which state:

"Section 32(d)(1):

"(1) Employees hired or promoted at the beginning step of a salary range or between the beginning step and the entry merit rate are eligible to receive a salary increase to the entry merit rate after successful completion of six (6) continuous months of probationary service. When an employee is appointed above the entry merit rate he/she is not eligible for a salary increase for one year, unless the Executive Officer approves an extra meritorious salary increase."

"Section 37:

"The vacation credit and accrual schedules for regular and regular part-time employees are as follows:

| <u>Total Years of Continuous Service</u> | <u>Accrual Rate Per Pay Period</u> | <u>Equivalent Annual Hours for Full-Time Employment</u> |
|---|------------------------------------|---|
| Date of Hire through completion of 3 yrs. | 3.33 | 80 hours |
| 4 yrs. through completion of 9 years | 5.00 | 120 hours |
| 9 plus years | 6.66 | 160 hours" |

Such variances are subject to Council ratification.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends confirmation of the appointment of Ms. Eleanore Baxendale for the position of Metro General Counsel, and ratification of the variances as set forth in Resolution No. 84-472.

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